

## STATE OF MINNESOTA

## EIGHTY-SECOND SESSION — 2002

## SEVENTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 6, 2002

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

Prayer was offered by the Reverend Frank Wilson, St. John the Evangelist Episcopal Church, St. Paul, 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	Dibble	Hilstrom	Leighton	Osskopp	Smith
Abrams	Dorman	Hilty	Lenczewski	Osthoff	Solberg
Anderson, B.	Dorn	Holberg	Leppik	Otremba	Stanek
Anderson, I.	Eastlund	Howes	Lieder	Ozment	Stang
Bakk	Entenza	Huntley	Lindner	Paulsen	Swapinski
Bernardy	Erhardt	Jacobson	Lipman	Pawlenty	Swenson
Biernat	Erickson	Jaros	Mahoney	Paymar	Sykora
Bishop	Evans	Jennings	Mares	Pelowski	Thompson
Blaine	Finseth	Johnson, J.	Mariani	Penas	Tingelstad
Boudreau	Folliard	Johnson, R.	Marko	Peterson	Tuma
Bradley	Fuller	Johnson, S.	Marquart	Pugh	Vandever
Buesgens	Gerlach	Juhnke	McElroy	Rhodes	Wagenius
Carlson	Gleason	Kahn	McGuire	Rifenberg	Walker
Cassell	Goodno	Kalis	Milbert	Rukavina	Walz
Clark, J.	Goodwin	Kelliher	Molnau	Ruth	Wasiluk
Clark, K.	Gray	Kielkucki	Mulder	Schumacher	Westerberg
Daggett	Greiling	Knoblach	Mullery	Seagren	Westrom
Davids	Gunther	Koskinen	Murphy	Seifert	Wilkin
Davnie	Haas	Krinkie	Ness	Sertich	Winter
Dawkins	Hackbarth	Kubly	Nornes	Skoe	Wolf
Dehler	Harder	Kuisle	Olson	Skoglund	Workman
Dempsey	Hausman	Larson	Opatz	Slawik	Spk. Sviggum

A quorum was present.

Holsten was excused.

The Chief Clerk proceeded to read the Journals of the preceding days. Goodwin moved that further reading of the Journals be suspended and that the Journals be approved as corrected by the Chief Clerk. The motion prevailed.

**PETITIONS AND COMMUNICATIONS**

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Don Samuelson  
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2002 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2002</i>	<i>Date Filed 2002</i>
3019		222	11:42 a.m. February 28	February 28

Sincerely,

MARY KIFFMEYER  
Secretary of State

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Don Samuelson  
President of the Senate

I have the honor to inform you that the following veto of H. F. No. 351, Chapter No. 220 of the 2002 Session of the State Legislature, having been reconsidered and repassed by the House of Representatives and the Senate, the objections of the Governor notwithstanding, is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2002</i>	<i>Date Filed 2002</i>
	351***	220		February 28

Sincerely,

MARY KIFFMEYER  
Secretary of State

[NOTE: \*\*\*H. F. No. 351, Chapter No. 220, was reconsidered and repassed by the House of Representatives and the Senate, the objections of the Governor notwithstanding.]

### REPORTS OF STANDING COMMITTEES

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

H. F. No. 1524, A bill for an act relating to agriculture; regulating the use on turf of certain fertilizers containing phosphorus; limiting a penalty; limiting amounts of certain plant nutrients; amending Minnesota Statutes 2000, section 18C.211, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 18C.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 18C.005, is amended by adding a subdivision to read:

Subd. 18a. [LOCAL UNIT OF GOVERNMENT.] "Local unit of government" has the meaning given in section 18B.01, subdivision 14a.

Sec. 2. [18C.110] [PREEMPTION OF OTHER LAW.]

Except as otherwise specifically provided in this chapter, this chapter preempts a local ordinance that prohibits or regulates the registration, labeling, distribution, sale, handling, use, application, or disposal of turf fertilizer containing phosphorus. This section does not preempt local authority or responsibility for zoning, fire codes, or hazardous waste disposal. This section does not prohibit a local ordinance that restricts the sale of turf phosphorus fertilizer that was in effect on August 1, 2002.

Sec. 3. Minnesota Statutes 2000, section 18C.211, subdivision 2, is amended to read:

Subd. 2. [GUARANTEES OF THE NUTRIENTS.] (a) A person may guarantee plant nutrients other than nitrogen, phosphorus, and potassium only if allowed or required by commissioner's rule.

(b) The guarantees for the plant nutrients must be expressed in the elemental form.

(c) The sources of other elements, oxides, salt, and chelates, may be required to be stated on the application for registration and may be included as a parenthetical statement on the label. Other beneficial substances or compounds, determinable by laboratory methods, also may be guaranteed by permission of the commissioner and with the advice of the director of the agricultural experiment station.

(d) If plant nutrients or other substances or compounds are guaranteed, the plant nutrients are subject to inspection and analyses in accord with the methods and rules prescribed by the commissioner.

(e) The commissioner may, by rule, require the potential basicity or acidity expressed in terms of calcium carbonate equivalent in multiples of 100 pounds per ton.

(f) The plant nutrients in a specialty fertilizer must not be below or exceed the guaranteed analysis by more than the investigational allowances established by rule.

Sec. 4. [18C.60] [PHOSPHORUS TURF FERTILIZER USE RESTRICTIONS.]

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

(b) "Metropolitan county" means any one of the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.

(c) "Turf" means noncrop land planted in closely mowed, managed grasses including, but not limited to, residential and commercial residential property, private golf courses, and property owned by federal, state, or local units of government, including parks, recreation areas, and public golf courses. Turf does not mean pasture, hayland, hay, turf grown on turf farms, or any other form of agricultural production.

Subd. 2. [PHOSPHORUS USE RESTRICTIONS.] (a) A person may not apply a fertilizer containing the plant nutrient phosphorus to turf in a metropolitan county, except under conditions listed in paragraph (d).

(b) A person may not apply granular fertilizer containing greater than three percent phosphate ( $P_2O_5$ ) by weight, or liquid fertilizer at a rate greater than 0.3 pounds phosphate ( $P_2O_5$ ) per 1,000 square feet, to turf in counties other than a metropolitan county, except under conditions listed in paragraph (d).

(c) A local unit of government in a county other than a metropolitan county may adopt paragraph (a) in place of paragraph (b). The local unit of government must notify the commissioner of the adoption of paragraph (a) within 30 days of its adoption. The commissioner shall maintain a list of local units of government in counties other than metropolitan counties that have adopted paragraph (a).

(d) Paragraphs (a) and (b) do not apply when:

(1) a tissue, soil, or other test by a laboratory or method approved by the commissioner and performed within the last three years indicates that the levels of available phosphorus in the soil are insufficient to support healthy turf growth;

(2) the property owner or an agent of the property owner is first establishing turf via seed or sod procedures, and only during the first growing season; or

(3) the fertilizer containing the plant food phosphorus is used on a golf course under the direction of a person licensed, certified, or approved by an organization with an ongoing training program approved by the commissioner.

(e) Applications of phosphorus fertilizer authorized under paragraph (d), clause (1) or (2), must not exceed rates currently recommended by the University of Minnesota and approved by the commissioner.

Subd. 3. [CONSUMER INFORMATION.] The commissioner, in consultation with the University of Minnesota extension service, fertilizer industry representatives, lakes groups, and other interested or affected parties, must produce consumer information in a format and of a content suitable for posting and distribution at retail points of sale of fertilizer that contains phosphorus and is for use on turf.

Subd. 4. [RESEARCH EVALUATION; REPORT.] The commissioner, in cooperation with the University of Minnesota and the University of Minnesota extension service, and, after consultation with representatives of the fertilizer industry, lakes groups, and other interested or affected parties, shall evaluate research needs and encourage targeted research opportunities to investigate the effects of phosphorus fertilization of turf on urban stormwater quality. The commissioner must evaluate the effectiveness of the restrictions on phosphorus fertilizers under this section and report to the legislature by January 1, 2007.

Subd. 5. [ENFORCEMENT.] This section is enforced by the commissioner under chapter 18D or by local units of government under their existing authority. Violation of this section is a petty misdemeanor.

Sec. 5. [18C.61] [FERTILIZER APPLICATION TO AN IMPERVIOUS SURFACE; PROHIBITION.]

(a) A person may not apply a fertilizer to an impervious surface. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.

(b) For the purposes of this section, "impervious surface" means a highway, street, sidewalk, parking lot, driveway, or other material that prevents infiltration of water into the soil.

Sec. 6. [EFFECTIVE DATE.]

Section 4 is effective January 1, 2004."

Delete the title and insert:

"A bill for an act relating to agriculture; regulating certain uses of fertilizers containing phosphorus; imposing a penalty; limiting amounts of certain plant nutrients; amending Minnesota Statutes 2000, sections 18C.005, by adding a subdivision; 18C.211, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 18C."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1868, A bill for an act relating to public employees; establishing a statewide health insurance plan for school district employees; providing for postretirement health insurance coverage; establishing a labor-management team to design the insurance plan; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 43A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [43A.3175] [SCHOOL EMPLOYEE INSURANCE PLAN PILOT PROJECT.]

Subdivision 1. [DEFINITIONS.] For purposes of this section:

(1) "eligible employee" means a person who is insurance eligible and is employed by an eligible employer, so long as the plan meets the requirements of a governmental plan under United States Code, title 29, section 1002(32); and

(2) "eligible employer" means a school district as defined in section 120A.05, a service cooperative as defined in section 123A.21, an intermediate district as defined in section 136D.01, a cooperative center for vocational education as defined in section 123A.22, a regional management information center as defined in section 123A.23, an education unit organized under section 471.59, or an exclusive representative of employees of an eligible employer or statewide affiliate.

Subd. 2. [INSURANCE PLAN PILOT PROJECT.] (a) The school employee insurance plan is a three-year pilot project, open to participation by eligible employers, subject to the limits provided in subdivision 5. The plan must begin providing coverage on a date selected by the interim labor-management committee, which must be no earlier than July 1, 2003, or later than July 1, 2004.

(b) All eligible employers may apply under subdivision 5 to participate in the school employee insurance plan pilot project. The plan provides health insurance coverage for all eligible employees of eligible employers that are accepted for participation under subdivision 5.

(c) The plan may provide coverage to eligible employees who are retired, to the extent that the eligible employer provides retiree coverage.

(d) The relative contributions of eligible employers and their eligible employees to the premiums charged under the plan are determined solely under the eligible employer's employee benefits program, subject to collective bargaining.

(e) In addition to health coverage permitted under this section, the plan may provide services to eligible employers that wish to establish and maintain health care savings accounts for eligible employees and retirees, to be used for health coverage and health care expenses, funded through contributions made while the account owner is or was an active eligible employee, in accordance with the Internal Revenue Code and related federal regulations. Contributions made by the employer or employee, if any, must be determined under the employer's employee benefits program.

Subd. 3. [PLAN PROVIDER.] (a) The school employee insurance plan pilot project is provided through a multiple employer welfare arrangement established under chapter 62H, and in full compliance with that chapter, including the requirement of stop-loss coverage, except as otherwise provided in this section.

(b) Authority to participate in this multiple employer welfare arrangement is granted to eligible employers notwithstanding section 62H.01.

(c) Participating employers must, upon enrollment, contribute one month's premium to the reserves required under chapter 62H and related rules. Premiums must be calculated so as to accumulate the full amount of reserves required by the end of the three-year period, and must include administrative costs of the multiple employer welfare arrangement and of the labor-management board.

(d) Additional financial stability for the multiple employer welfare arrangement is as provided in section 144.395, subdivision 1.

Subd. 4. [LABOR-MANAGEMENT BOARD.] (a) The plan is governed by a labor-management board that makes determinations regarding plan specifications, structure, benefits, premiums, and admission of eligible employers. Statewide affiliates of exclusive representatives of eligible employees with at least 1,500 employees participating in the plan are entitled to appoint members to the board, provided that the total number of such members must be five. These five board positions must be allocated among statewide affiliates proportionally based upon their relative numbers of employees enrolled in the plan. The Minnesota school boards association is entitled to appoint five members representing eligible employers to the board.

(b) The labor-management board is a state agency, within the executive branch. The board may contract to obtain services from another state agency or any other entity.

(c) The board may terminate the plan if in the judgment of the board the plan is no longer financially viable.

Subd. 5. [EMPLOYER PARTICIPATION.] (a) No more than 50 school districts may participate in the pilot project at any one time. In addition, an unlimited number of eligible employers, as defined in subdivision 1, that are not school districts may participate.

(b) The labor-management board is responsible for admission of eligible employers to the pilot project. The board must administer an application process and, if more than 50 school districts apply, must determine which applicants to admit to the pilot project.

(c) The labor-management board must require that eligible employers participating in the pilot project remain in the school employee insurance plan for at least three consecutive years, provided that the plan continues in existence for that three-year period. Exit prior to that time may be permitted only upon payment of a penalty equal to at least the amount the eligible employer contributed to the plan's reserves, as determined under Minnesota Rules, part 2765.1200.

Subd. 6. [PLAN CREATION.] (a) The plan specifications, structure, benefits, premiums, and admissions procedures and criteria must be determined by an interim labor-management committee created under subdivision 7. The plan specifications must include the following:

(1) requirement that all eligible employees covered by the plan be in a single pool for purposes of coverage and premiums;

(2) provisions allowing eligible employers and the exclusive representatives of eligible employees to collectively bargain provision of health coverage and benefits in addition to the base benefits provided under the plan; and

(3) a mechanism for retired employees to be eligible for coverage provided by the school employees insurance plan.

(b) The final determination regarding plan specifications, structure, benefits, premiums, and admissions procedures and criteria must be completed by a date allowing implementation no later than the date selected under subdivision 2, paragraph (a).

Subd. 7. [CREATION OF INTERIM LABOR-MANAGEMENT COMMITTEE.] (a) Eligible statewide affiliates of exclusive representatives of eligible employees, as defined in subdivision 1, with at least 1,500 members statewide are entitled to appoint members to serve on the interim labor-management committee, provided that the total number of such members must be five. These five board positions must be allocated among statewide affiliates proportionally based upon the relative numbers of eligible employees whom they represent.

(b) The Minnesota school boards association is entitled to appoint five members representing eligible employers as defined in subdivision 1.

(c) All appointments must be made no later than 30 days after final enactment of this section.

(d) The committee expires upon appointment of a labor-management board, under subdivision 4.

(e) The committee may contract to receive administrative or other services from a state agency or any other entity.

Subd. 8. [ANNUAL REPORTS.] The labor-management board must, no later than February 1, of each year of the pilot project, report to the legislature in writing regarding the status, cost, experience, financial stability, and future prospects of the pilot project.

Subd. 9. [COOPERATION OF SERVICES COOPERATIVES.] Service cooperatives established under section 123A.21 must permit eligible employers that terminate enrollment in a plan sponsored by a service cooperative, upon termination of this pilot project, to re-enroll in coverage provided by service cooperatives, notwithstanding any policy or contractual provision to the contrary.

Sec. 2. Minnesota Statutes 2000, section 144.395, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] The tobacco use prevention and local public health endowment fund is created in the state treasury. The state board of investment shall invest the fund under section 11A.24. All earnings of the fund must be credited to the fund. The principal of the fund must be maintained inviolate, except that the principal may be used to make expenditures from the fund for the purposes specified in this section when the market value of the fund falls below 105 percent of the cumulative total of the tobacco settlement payments received by the state and credited to the tobacco settlement fund under section 16A.87, subdivision 2. In addition, beginning July 1, 2003, an amount of the principal specified by the commissioner of commerce shall be made available to the labor-management board created in section 43A.3175, subdivision 4, if necessary to meet the obligations of the plan created in section 43A.3175, provided that any amount made available for that purpose must be repaid by the labor-management board as soon as financially feasible. For purposes of this section, "principal" means an amount equal to the cumulative total of the tobacco settlement payments received by the state and credited to the tobacco settlement fund under section 16A.87, subdivision 2.

Sec. 3. [FUNDING MECHANISM.]

Each school district that participates in the school employee insurance plan pilot project shall receive \$..... per pupil unit to be applied to the costs of providing employee health insurance. No school district shall require employees to pay premium costs that exceed an amount equal to the total premium cost less the pro rata amount of state aid under this section applicable to the employee. This section does not affect health coverage of retirees or premiums paid by retirees.

Sec. 4. [EFFECTIVE DATES.]

Section 1 is effective the day following final enactment. Sections 2 and 3 are effective July 1, 2003."

Delete the title and insert:

"A bill for an act relating to school employees; establishing a pilot project for statewide health insurance plan for school district employees; permitting it to provide postretirement health insurance coverage; establishing a labor-management team to design the insurance plan; amending Minnesota Statutes 2000, section 144.395, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 43A."

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

The report was adopted.



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

H. F. No. 1934, A bill for an act relating to government data; providing for a National Crime Prevention and Privacy Compact; providing for an electronic information sharing system between the federal government and the state to access criminal history data; proposing coding for new law in Minnesota Statutes, chapter 299C.

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. 2604, A bill for an act relating to game and fish; providing for a lifetime firearms and archery deer hunting license; amending Minnesota Statutes 2000, sections 97A.421, subdivision 4; 97A.473, subdivisions 1, 4; 97A.4742, subdivision 1.

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

The report was adopted.

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

H. F. No. 2613, A bill for an act relating to firearms; providing that a person who is convicted of a crime of violence is prohibited from possessing, receiving, shipping, or transporting a firearm for the remainder of the person's lifetime unless permitted by court order; establishing procedures for certain convicted felons to obtain court orders to possess firearms; amending Minnesota Statutes 2000, sections 242.31, subdivision 2a; 260B.245, subdivision 1; 609.165, subdivisions 1a, 1b, by adding a subdivision; 624.713, subdivisions 1, 3; 638.02, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 242.31, subdivision 2a, is amended to read:

Subd. 2a. [CRIMES OF VIOLENCE; INELIGIBILITY TO POSSESS FIREARMS.] The order of discharge must provide that a person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm:

(1) for the remainder of the person's lifetime if the offense was a felony-level crime, unless permitted by a court order obtained under section 609.165, subdivision 4; or

(2) until ten years have elapsed since the person was restored to civil rights and during that time the person was not convicted of any other crime of violence, if the offense was a non-felony-level crime.

Any person who has received such a discharge and who thereafter has received a relief of disability under United States Code, title 18, section 925, shall not be subject to the restrictions of this subdivision.

Sec. 2. Minnesota Statutes 2000, section 260B.245, subdivision 1, is amended to read:

Subdivision 1. [EFFECT.] (a) No adjudication upon the status of any child in the jurisdiction of the juvenile court shall operate to impose any of the civil disabilities imposed by conviction, nor shall any child be deemed a criminal by reason of this adjudication, nor shall this adjudication be deemed a conviction of crime, except as otherwise provided in this section or section 260B.255. An extended jurisdiction juvenile conviction shall be treated in the same manner as an adult felony criminal conviction for purposes of the sentencing guidelines. The disposition of the child or any evidence given by the child in the juvenile court shall not be admissible as evidence against the child in any case or proceeding in any other court, except that an adjudication may later be used to determine a proper sentence, nor shall the disposition or evidence disqualify the child in any future civil service examination, appointment, or application.

(b) A person who was adjudicated delinquent for, or convicted as an extended jurisdiction juvenile of, a crime of violence as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm:

(1) for the remainder of the person's lifetime if the offense was felony-level, unless permitted by a court order obtained under section 609.165, subdivision 4; or

(2) until ten years have elapsed since the person was discharged and during that time the person was not convicted of any other crime of violence, if the offense was non-felony-level.

A person who has received a relief of disability under United States Code, title 18, section 925, is not subject to the restrictions of this subdivision.

Sec. 3. Minnesota Statutes 2000, section 609.165, subdivision 1a, is amended to read:

Subd. 1a. [CERTAIN CONVICTED FELONS INELIGIBLE TO POSSESS FIREARMS.] The order of discharge must provide that a person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm:

(1) for the remainder of the person's lifetime if the offense was a felony-level crime, unless permitted by a court order obtained under section 609.165, subdivision 4; or

(2) until ten years have elapsed since the person was restored to civil rights and during that time the person was not convicted of any other crime of violence, if the offense was a non-felony-level crime.

Any person who has received such a discharge and who thereafter has received a relief of disability under United States Code, title 18, section 925, shall not be subject to the restrictions of this subdivision.

Sec. 4. Minnesota Statutes 2000, section 609.165, subdivision 1b, is amended to read:

Subd. 1b. [VIOLATION AND PENALTY.] (a) Any person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, and who ships, transports, possesses, or receives a firearm:

(1) at any time if the offense was a felony-level crime, unless permitted by a court order obtained under section 609.165, subdivision 4; or

(2) before ten years have elapsed since the person was restored to civil rights, if the offense was a non-felony-level crime;

commits a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

(b) Nothing in this section shall be construed to bar a conviction and sentencing for a violation of section 624.713, subdivision 2.

Sec. 5. Minnesota Statutes 2000, section 609.165, is amended by adding a subdivision to read:

Subd. 4. [COURT ORDER PERMITTING POSSESSION OF FIREARMS.] (a) A person who is prohibited from shipping, transporting, possessing, or receiving a firearm under subdivision 1a may petition the court to remove or modify the restrictions relating to firearms after ten years have elapsed since the person was otherwise restored to civil rights. The court must schedule a hearing. The person must notify the prosecuting authorities in all jurisdictions that prosecuted the person for a crime of violence. The person must also notify the county attorney in the county of the person's current residence. The notice to the prosecuting authorities must be made at least 30 days prior to the hearing.

(b) In evaluating the petition, the court must consider the nature and circumstances of the crime of violence committed, the character and mental condition of the person, the person's complete criminal history, the person's subsequent contributions to the community, the length of time that has passed, the person's efforts at rehabilitation, and the testimony of any person supporting or opposing the petition. The court may also consider other factors it deems relevant.

(c) The court may deny the petition, order a full restoration of rights to possess firearms, or order a partial restoration of rights to possess firearms. If the court orders a partial restoration of rights to possess firearms, the court may impose any restrictions or limitations that help protect public safety.

Sec. 6. Minnesota Statutes 2000, section 609A.03, subdivision 5a, is amended to read:

Subd. 5a. [ORDER CONCERNING CRIMES OF VIOLENCE.] An order expunging the record of a conviction for a crime of violence as defined in section 624.712, subdivision 5, must provide that the person is not entitled to ship, transport, possess, or receive a firearm:

(1) for the remainder of the person's lifetime if the offense was a felony-level crime, unless permitted by a court order obtained under section 609.165, subdivision 4; or

(2) until ten years have elapsed since the order was entered and during that time the person was not convicted of any other crime of violence, if the offense was a non-felony-level crime.

Any person whose record of conviction is expunged under this section and who thereafter receives a relief of disability under United States Code, title 18, section 925, is not subject to the restriction in this subdivision.

Sec. 7. Minnesota Statutes 2000, section 624.713, subdivision 1, is amended to read:

Subdivision 1. [INELIGIBLE PERSONS.] The following persons shall not be entitled to possess a pistol or semiautomatic military-style assault weapon or, except for clause (a), any other firearm:

(a) a person under the age of 18 years except that a person under 18 may carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual presence or under the direct supervision of the person's parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition, or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol or semiautomatic military-style assault weapon and approved by the commissioner of natural resources;

(b) except as otherwise provided in clause (i), a person who has been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere, a crime of violence;

(1) for the remainder of the person's lifetime if the offense was a felony-level crime, unless permitted by a court order obtained under section 609.165, subdivision 4; or

(2) unless ten years have elapsed since the person has been restored to civil rights or the sentence or disposition has expired, whichever occurs first, and during that time the person has not been convicted of or adjudicated for any other crime of violence, if the offense was a non-felony-level crime.

For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(c) a person who is or has ever been confined in Minnesota or elsewhere as a "mentally ill," "mentally retarded," or "mentally ill and dangerous to the public" person as defined in section 253B.02, to a treatment facility, or who has ever been found incompetent to stand trial or not guilty by reason of mental illness, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that the person is no longer suffering from this disability;

(d) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or gross misdemeanor violation of chapter 152, or a person who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person has not abused a controlled substance or marijuana during the previous two years;

(e) a person who has been confined or committed to a treatment facility in Minnesota or elsewhere as "chemically dependent" as defined in section 253B.02, unless the person has completed treatment. Property rights may not be abated but access may be restricted by the courts;

(f) a peace officer who is informally admitted to a treatment facility pursuant to section 253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility. Property rights may not be abated but access may be restricted by the courts;

(g) a person, including a person under the jurisdiction of the juvenile court, who has been charged with committing a crime of violence and has been placed in a pretrial diversion program by the court before disposition, until the person has completed the diversion program and the charge of committing the crime of violence has been dismissed;

(h) except as otherwise provided in clause (i), a person who has been convicted in another state of committing an offense similar to the offense described in section 609.224, subdivision 3, against a family or household member or section 609.2242, subdivision 3, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of section 609.224, subdivision 3, or 609.2242, subdivision 3, or a similar law of another state;

(i) a person who has been convicted in this state or elsewhere of assaulting a family or household member and who was found by the court to have used a firearm in any way during commission of the assault is prohibited from possessing any type of firearm for the period determined by the sentencing court; or

(j) a person who:

(1) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(2) is a fugitive from justice as a result of having fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding;

- (3) is an unlawful user of any controlled substance as defined in chapter 152;
- (4) has been judicially committed to a treatment facility in Minnesota or elsewhere as a "mentally ill," "mentally retarded," or "mentally ill and dangerous to the public" person as defined in section 253B.02;
- (5) is an alien who is illegally or unlawfully in the United States;
- (6) has been discharged from the armed forces of the United States under dishonorable conditions; or
- (7) has renounced the person's citizenship having been a citizen of the United States.

A person who issues a certificate pursuant to this subdivision in good faith is not liable for damages resulting or arising from the actions or misconduct with a firearm committed by the individual who is the subject of the certificate.

The prohibition in this subdivision relating to the possession of firearms other than pistols and semiautomatic military-style assault weapons does not apply retroactively to persons who are prohibited from possessing a pistol or semiautomatic military-style assault weapon under this subdivision before August 1, 1994.

Sec. 8. Minnesota Statutes 2000, section 624.713, subdivision 3, is amended to read:

Subd. 3. [NOTICE.] (a) When a person is convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, a crime of violence as defined in section 624.712, subdivision 5, the court shall inform the defendant that the defendant is prohibited from possessing a pistol or semiautomatic military-style assault weapon:

(1) for the remainder of the person's lifetime if the offense was a felony-level crime, unless permitted by a court order obtained under section 609.165, subdivision 4; or

(2) for a period of ten years after the person was restored to civil rights or since the sentence or disposition has expired, whichever occurs first, if the offense is a non-felony-level crime, and that it is a felony offense to violate this prohibition.

The failure of the court to provide this information to a defendant does not affect the applicability of the pistol or semiautomatic military-style assault weapon possession prohibition or the felony penalty to that defendant.

(b) When a person, including a person under the jurisdiction of the juvenile court, is charged with committing a crime of violence and is placed in a pretrial diversion program by the court before disposition, the court shall inform the defendant that: (1) the defendant is prohibited from possessing a pistol or semiautomatic military-style assault weapon until the person has completed the diversion program and the charge of committing a crime of violence has been dismissed; (2) it is a gross misdemeanor offense to violate this prohibition; and (3) if the defendant violates this condition of participation in the diversion program, the charge of committing a crime of violence may be prosecuted. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol or semiautomatic military-style assault weapon possession prohibition or the gross misdemeanor penalty to that defendant.

Sec. 9. Minnesota Statutes 2000, section 638.02, subdivision 2, is amended to read:

Subd. 2. Any person, convicted of a crime in any court of this state, who has served the sentence imposed by the court and has been discharged of the sentence either by order of court or by operation of law, may petition the board of pardons for the granting of a pardon extraordinary. Unless the board of pardons expressly provides otherwise in writing by unanimous vote, the application for a pardon extraordinary may not be filed until the applicable time period in clause (1) or (2) has elapsed:

(1) if the person was convicted of a crime of violence as defined in section 624.712, subdivision 5, ten years must have elapsed since the sentence was discharged and during that time the person must not have been convicted of any other crime; and

(2) if the person was convicted of any crime not included within the definition of crime of violence under section 624.712, subdivision 5, five years must have elapsed since the sentence was discharged and during that time the person must not have been convicted of any other crime.

If the board of pardons determines that the person is of good character and reputation, the board may, in its discretion, grant the person a pardon extraordinary. The pardon extraordinary, when granted, has the effect of setting aside and nullifying the conviction and of purging the person of it, and the person shall never after that be required to disclose the conviction at any time or place other than in a judicial proceeding or as part of the licensing process for peace officers.

The application for a pardon extraordinary, the proceedings to review an application, and the notice requirements are governed by the statutes and the rules of the board in respect to other proceedings before the board. The application shall contain any further information that the board may require.

Unless the board of pardons expressly provides otherwise in writing by unanimous vote, if the person was convicted of a crime of violence, as defined in section 624.712, subdivision 5, the pardon extraordinary must expressly provide that the pardon does not entitle the person to ship, transport, possess, or receive a firearm:

(1) for the remainder of the person's lifetime if the offense was a felony-level crime, unless permitted by a court order obtained under section 609.165, subdivision 4; or

(2) until ten years have elapsed since the sentence was discharged and during that time the person was not convicted of any other crime of violence, if the offense is for a non-felony-level crime.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective August 1, 2002. However, if the application of sections 1 to 9 to offenders for crimes of violence committed before August 1, 2002, is held unconstitutional under the ex post facto provisions of the Minnesota or United States constitutions, sections 1 to 9 apply only to offenders who commit crimes of violence on or after August 1, 2002."

Amend the title as follows:

Page 1, line 11, after the first semicolon, insert "609A.03, subdivision 5a;"

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

The report was adopted.

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

H. F. No. 2678, A bill for an act relating to human services; changing provisions in the medical assistance demonstration project; adding requirements for the prepaid medical assistance and prepaid general assistance medical programs; amending Minnesota Statutes 2000, section 256B.69, subdivision 2; Minnesota Statutes 2001 Supplement, section 256B.692, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 256B.69, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given.

(a) "Commissioner" means the commissioner of human services. For the remainder of this section, the commissioner's responsibilities for methods and policies for implementing the project will be proposed by the project advisory committees and approved by the commissioner.

(b) "Demonstration provider" means a health maintenance organization, community integrated service network, or accountable provider network authorized and operating under chapter 62D, 62N, or 62T that participates in the demonstration project according to criteria, standards, methods, and other requirements established for the project and approved by the commissioner. For purposes of this section, a county board, or group of county boards operating under a joint powers agreement, is considered a demonstration provider if the county or group of county boards meets the requirements of section 256B.692. Notwithstanding the above, Itasca county may continue to participate as a demonstration provider until July 1, ~~2002~~ 2004.

(c) "Eligible individuals" means those persons eligible for medical assistance benefits as defined in sections 256B.055, 256B.056, and 256B.06.

(d) "Limitation of choice" means suspending freedom of choice while allowing eligible individuals to choose among the demonstration providers.

(e) This paragraph supersedes paragraph (c) as long as the Minnesota health care reform waiver remains in effect. When the waiver expires, this paragraph expires and the commissioner of human services shall publish a notice in the State Register and notify the revisor of statutes. "Eligible individuals" means those persons eligible for medical assistance benefits as defined in sections 256B.055, 256B.056, and 256B.06. Notwithstanding sections 256B.055, 256B.056, and 256B.06, an individual who becomes ineligible for the program because of failure to submit income reports or recertification forms in a timely manner, shall remain enrolled in the prepaid health plan and shall remain eligible to receive medical assistance coverage through the last day of the month following the month in which the enrollee became ineligible for the medical assistance program."

Delete the title and insert:

"A bill for an act relating to human services; changing provisions in the medical assistance demonstration project; amending Minnesota Statutes 2000, section 256B.69, 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. 2761, A bill for an act relating to state government; transferring duties of the state treasurer to the .....; amending Minnesota Statutes 2000, sections 276.11, subdivision 1; 299D.03, subdivision 5; and 354.52, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [7.015] [OFFICE OF STATE TREASURER.]

The office of state treasurer is created, under direction of a state treasurer appointed by the governor, with advice and consent of the senate. The treasurer serves in the unclassified service. Section 15.06, subdivisions 2 to 6, apply to the state treasurer.

Sec. 2. Minnesota Statutes 2000, section 43A.18, subdivision 4, is amended to read:

Subd. 4. [PLANS NOT ESTABLISHED BUT APPROVED BY COMMISSIONER.] (a) Notwithstanding any other law to the contrary, terms and conditions of employment for employees listed in this subdivision must be set by appointing authorities within the limits of compensation plans that have been approved by the commissioner before becoming effective. Compensation plans established under paragraph (c) must be reviewed and approved, modified, or rejected by the legislature and the legislative coordinating commission under section 3.855, subdivisions 2 and 3, before becoming effective.

(b) Total compensation for employees who are not covered by a collective bargaining agreement in the offices of the governor, lieutenant governor, attorney general, secretary of state, and state auditor, ~~and state treasurer~~ must be determined by the governor, lieutenant governor, attorney general, secretary of state, and state auditor, ~~and state treasurer~~, respectively.

(c) Total compensation for unclassified positions not covered by a collective bargaining agreement in the higher education services office must be determined by the higher education services office.

Sec. 3. [TRANSFER.]

All statutory powers, responsibilities, and duties of the constitutional office of state treasurer are transferred to the statutory office of state treasurer, under Minnesota Statutes, section 15.039, except as otherwise provided in Laws 1998, chapter 387, and except that Minnesota Statutes, section 15.039, subdivision 7, does not apply to the elected state treasurer.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective January 6, 2003."

Delete the title and insert:

"A bill for an act relating to state government; creating the office of state treasurer; amending Minnesota Statutes 2000, section 43A.18, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 7."

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.

Krinkie from the Committee on State Government Finance to which was referred:

H. F. No. 2764, A bill for an act proposing an amendment to the Minnesota Constitution to provide for a unicameral legislature; changing article IV; article V, sections 3 and 5; article VIII, section 1; article IX, sections 1 and 2; and article XI, section 5; providing by law for a unicameral legislature of 134 members; requiring a voter guide; amending Minnesota Statutes 2000, sections 2.021; and 2.031, subdivision 1.

Reported the same back with the following amendments:



Page 1, after line 10, insert:

"ARTICLE 1

UNICAMERAL LEGISLATURE"

Page 2, line 5, strike "four" and insert "two" and strike "and"

Page 2, lines 6 to 8, delete the new language and strike the old language

Page 2, line 9, strike "article"

Page 10, after line 15, insert:

"ARTICLE 2

INITIATIVE AND REFERENDUM

Section 1. [CONSTITUTIONAL AMENDMENT.]

An amendment to the Minnesota Constitution, adding a section to article IV, is proposed to the people. If the amendment is adopted the section will read as follows:

Sec. 27. The enactment of a law may be initiated by the petition of registered voters. A referendum of the people to repeal existing law may be proposed by petition of registered voters.

An initiative of the people that proposes a law shall be placed on the ballot at the state general election if petitions for it are signed by registered voters in each of three-quarters of the congressional districts of the state, and of the state as a whole, in a number equal to or greater than five percent of the number of persons who voted for governor at the last election of a governor in each of such districts respectively and in the state as a whole.

A referendum of the people whose purpose is only to repeal existing law shall be placed on the ballot at the state general election if petitions for it are signed by registered voters in each of three-quarters of the congressional districts of the state, and of the state as a whole, in a number not less than five percent of the number of persons who voted for governor at the last election of a governor. If the law whose repeal is proposed has not gone into effect at the time that completed petitions are filed, the law shall remain suspended until the question is voted on.

An initiated law or the repeal of a law by referendum of the people shall be enacted 30 days after the affirmative vote of a majority of those voting on the question. An initiated law may not be amended or repealed nor may a law repealed by referendum be enacted again, either under this section or by enactment by the legislature, before the next state general election after the vote on the initiated or referred law. The governor may not veto an initiated law or a referendum of the people. If a law that is similar to a pending initiated law is enacted by the legislature, the sponsor of the initiative may abandon it. The similar law may provide that, if the sponsor of the initiative declines to abandon it, the similar law will also be placed on the ballot to be voted on like the initiated law. If both receive the affirmative vote of a majority, only that which has the greater vote shall take effect.

An amendment to the constitution may be initiated by a petition signed by registered voters in each of three-quarters of the congressional districts of the state, and of the state as a whole, in a number not less than eight percent of the number of persons who voted for governor at the last election of a governor in each of such districts respectively and in the state as a whole. The amendment shall be placed on the ballot at the state general election and becomes part of this constitution 30 days after the affirmative vote of a majority of those voting at the election.

The legislature may, by a law enacted under the other provisions of article IV, refer a law to a vote of the people. No more than three laws may be referred by the legislature to a vote of the people at the same state general election. A law referred by the legislature shall be enacted 30 days after the affirmative vote of a majority of those voting on the question. The governor may not veto a law referred by the legislature.

No proposal for an initiated law, a referendum of the people to repeal existing law, an amendment to the constitution initiated by petition, or a law referred by the legislature to a vote of the people may embrace more than one general subject.

The legislature shall, by law, provide procedures to facilitate this section.

Sec. 2. [QUESTION.]

The amendment must be submitted to the people at the 2002 general election. The question proposed must be:

"Shall the Minnesota Constitution be amended to provide for initiative and referendum?"

Yes .....  
No ....."

Sec. 3. [3B.31] [CITATION.]

Sections 3B.31 to 3B.57 may be cited as the "Initiative and Referendum Implementation Act."

Sec. 4. [3B.32] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definitions in this section apply to sections 3B.31 to 3B.57.

Subd. 2. [BALLOT MEASURE.] "Ballot measure" means a law proposed by an initiative or a referendum of the people.

Ballot measure also includes a law referred by the legislature for purposes of sections 3B.43, 3B.44, 3B.45, 3B.48, 3B.50, 3B.51, subdivision 1, clause (2), 3B.52, 3B.53, subdivision 1, clauses (2), (3), and (7), and subdivision 2, 3B.55, 3B.56, and 3B.57.

Subd. 3. [PETITION DRIVE.] "Petition drive" means the organized process by which the sponsor and the authorized agents solicit registered voters to sign ballot measure petitions.

Subd. 4. [SPONSOR.] "Sponsor" means a political committee as defined by section 10A.01, subdivision 27, whose major purpose is to promote or defeat a ballot measure.

Sec. 5. [3B.33] [PREPARATION FOR PETITIONING.]

Subdivision 1. [FILING OF DECLARATION.] Before circulating petitions to have a ballot measure placed on the ballot at the state general election, the sponsor shall file a declaration with the secretary of state not earlier than January 1 of an odd-numbered year.

Subd. 2. [CONTENTS.] The declaration must:

(1) state the name, mailing address, chair, and treasurer of the sponsor;

(2) give a description of the intent or purpose of the ballot measure;

(3) state a short title by which the sponsor wants the ballot measure to be identified; and

(4) state the name, address, and telephone number of the person who is designated by the sponsor to work on the final form and wording of the ballot measure and is authorized to approve its final form and wording.

Subd. 3. [CHANGES.] Upon notification by the sponsor, the secretary of state shall amend information listed in the declaration.

Subd. 4. [SAMPLE.] The secretary of state shall provide a sample declaration form.

Subd. 5. [FILING FEE.] The sponsor shall pay to the secretary of state a filing fee of \$100.

Sec. 6. [3B.34] [ADVICE BY REVISOR OF STATUTES.]

Subdivision 1. [SECRETARY OF STATE'S DUTIES.] The secretary of state shall immediately forward one copy of each declaration to the revisor of statutes. The secretary of state shall also advise the sponsor to consult with the revisor.

Subd. 2. [REVISOR'S DUTIES.] The revisor of statutes shall, within 14 days of the filing of a declaration, prepare a final draft of a ballot measure. The intent and purpose may be amplified or refined by the person authorized by the declaration to approve the form and wording of the measure. The revisor shall advise the sponsor as to the measure's constitutionality, and the best form of the measure to accomplish the sponsor's intent and purpose. However, if the revisor and the sponsor disagree as to the best form and content of the measure to accomplish the sponsor's intent and purpose, or disagree as to constitutionality, the directions of the sponsor must prevail. All discussions by the revisor with the sponsor must be treated by the revisor as confidential. If, after consulting the revisor, the sponsor does not desire the revisor's assistance, the chair shall sign a written waiver of assistance. The waiver must then be filed with the secretary of state and the revisor, together with a final draft of the ballot measure prepared by the sponsor. Together with the final draft prepared by the revisor, or within seven days after receiving the waiver and final draft prepared by the sponsor, the revisor shall furnish the sponsor and the secretary of state with a summary of the measure to be proposed to the people.

Subd. 3. [FORM.] The form of ballot measures must conform to the form of bills considered by the legislature. The enacting clause must be "BE IT ENACTED BY THE PEOPLE OF THE STATE OF MINNESOTA:" No ballot measure may embrace more than one general subject. The ballot measure may not provide for the form of the ballot question by which it would be submitted to the voters.

Within 14 days after receiving the final draft of the ballot measure and the revisor's summary, the secretary of state must state the wording of the question to be placed on the ballot. The ballot question must be a true and impartial statement of the intent and purpose of the measure. It must be in similar form as a ballot question for a legislative proposal of a constitutional amendment.

Sec. 7. [3B.35] [PETITIONS FOR BALLOT MEASURE.]

Subdivision 1. [CONTENTS.] Each official ballot measure petition form must be printed on only one side of a sheet of paper and contain the following:

(1) in not less than 24-point bold type at the top of the front page, the printed words "OFFICIAL BALLOT MEASURE PETITION";

(2) the ballot question prepared by the secretary of state and the name of the sponsor;

(3) the summary of the ballot measure prepared by the revisor;

(4) a statement that a verbatim copy of the ballot measure is available for public examination at the office of the secretary of state or any county auditor and on the secretary of state's Web site;

(5) space for registered voters to sign the petition including space for the signature, printed name, telephone number, mailing address, county of residence, and an indication of status as a registered voter; and

(6) a statement that some of the circulators of the petition may have been paid to circulate it.

Subd. 2. [SECRETARY OF STATE TO PREPARE.] The secretary of state shall prepare the official ballot measure petition form as required by subdivision 1 and shall provide a copy to the sponsor to duplicate and circulate within 14 days after receiving the final draft of the ballot measure and the revisor's summary.

Subd. 3. [COPY TO COUNTY AUDITOR.] The secretary of state shall, within seven calendar days after completing the official ballot measure petition form, send to the county auditor in each county a verbatim copy of the ballot measure as on file in the secretary of state's office.

Sec. 8. [3B.36] [INTERNET SITE.]

Upon preparing ballot measure petition forms under section 3B.35, the secretary of state shall maintain a Web site containing information about the proposed ballot measure.

Sec. 9. [3B.37] [TIME AND PLACE OF CIRCULATION OF PETITIONS; VOLUNTARY ABANDONMENT.]

Subdivision 1. [CIRCULATION DATES.] Ballot measure petitions may be circulated upon receipt of the official ballot measure petition form from the secretary of state.

Subd. 2. [CIRCULATING PROHIBITED NEAR POLLING PLACE.] Ballot measure petitions must not be circulated within a polling place or within 100 feet of the building in which a polling place is situated, or anywhere on public property on which a polling place is situated, on primary or election day.

Subd. 3. [ABANDONMENT OF PETITION DRIVE.] The sponsor may abandon the petition drive at any time before the petition is certified by the secretary of state as provided in section 3B.41. To abandon the drive, a declaration to that effect must be filed with the secretary of state. The filing of the declaration does not prevent another sponsor from beginning a similar or identical petition drive. All petitions signed before the declaration are void upon the filing of the declaration and may not subsequently be used by a new sponsor.

Subd. 4. [VOID PETITIONS.] Petitions that are signed but never filed or that are filed but have a number of signatures that is later determined to be insufficient are void after the deadline in section 3B.39, subdivision 4. The petitions may not be used for similar or identical petition circulation efforts in subsequent years.

Sec. 10. [3B.38] [PETITION FILING DEADLINE.]

The sponsor shall file the signed petitions with the secretary of state not later than July 1 of an even-numbered year.

Sec. 11. [3B.39] [VERIFICATION OF PETITIONS.]

Subdivision 1. [DEADLINE; METHODS; CHALLENGES.] Within 30 days after a petition is filed under section 3B.38 but not later than July 31 of an even-numbered year, the secretary of state shall determine whether a sufficient number of valid signatures has been obtained. The secretary of state may verify signatures by the random sampling method provided in section 3B.40. County auditors, at the secretary of state's request, shall assist the secretary of state in verifying signatures.

Subd. 2. [VALIDITY.] A signature is valid if:

- (1) it is voluntarily signed by the person named;
- (2) the signatory is a registered voter; and
- (3) the signature is identifiable.

Subd. 3. [PROTEST; CONTEST.] Any eligible voter may challenge the number or validity of signatures on the petition. The secretary of state shall determine the contest of the number or validity of signatures by an eligible voter. An eligible voter contesting the sufficiency or validity of signatures shall file a protest within the time provided in subdivision 1 for the secretary of state to verify the petitions or within seven days of the determination of the secretary of state under subdivision 1, whichever occurs earlier. The protest must include a brief statement of the evidence of insufficiency or invalidity. If an eligible voter contests the sufficiency or validity of signatures in bad faith, the voter may be assessed costs of the contest up to a maximum of \$2,000. The secretary of state shall hear evidence and determine contests within 14 days after the protest is filed.

Subd. 4. [INSUFFICIENT SIGNATURES.] If the secretary of state determines that the number of valid signatures is fewer than the number required, the secretary shall so notify the sponsor, and petitions for additional signatures may be circulated for an additional period of 14 days in the case of a determination of an actual or estimated number deficiency, commencing from the date of notification. The secretary shall verify a random sample of the additional signatures within ten days of receiving them. If the verification from the random sample of the additional signatures does not show that the total number of valid signatures on the additional petitions is 100 percent or more of the deficiency, the secretary shall notify the sponsor. No further action shall then be taken on the petitions, and the petitions may not be used for similar or identical petition circulation efforts in subsequent years.

Sec. 12. [3B.40] [DETERMINATION OF SUFFICIENT VALID SIGNATURES.]

Subdivision 1. [RANDOM SAMPLING METHOD OF SIGNATURE VERIFICATION.] A sample of signatures to be verified must be drawn in such a manner that every signature filed with the secretary of state is given an equal opportunity to be included in the sample. The sample must include five percent of the signatures. The number of valid signatures must be determined by taking the total number of signatures filed and multiplying it by the percentage of signatures in the statistical sample which were found to be valid. In calculating the number of valid signatures, any fractions must be rounded up to one.

Subd. 2. [SUFFICIENT VALID SIGNATURES.] If the verification from the statistical sample shows that the total number of valid signatures on all the petitions is 100 percent or more of the minimum number of signatures needed to declare the number of petition signatures to be sufficient, the secretary of state shall certify the sufficiency of the petitions under section 3B.41.

Subd. 3. [INSUFFICIENT VALID SIGNATURES.] If the verification from the statistical sample shows that the number of valid signatures is less than 100 percent of the minimum number of signatures needed to declare the number of petition signatures to be sufficient, the secretary of state shall determine that the number of petition signatures is insufficient. The secretary shall give the sponsor written notice of what percentage of the signatures is valid.

Sec. 13. [3B.41] [CERTIFICATION BY SECRETARY OF STATE.]

If the number of petition signatures meets the minimum number required, the secretary of state shall promptly certify the sufficiency of the petitions to the sponsor and all county auditors. The question of adoption or repeal of the law proposed by a ballot measure proposed by the petition must then be placed on the ballot for the state general election.

Sec. 14. [3B.42] [PLACEMENT OF LAW ON BALLOT.]

If a petition has been certified so that a ballot measure will appear on the ballot at the next state general election and the legislature enacts a law with a scope and purpose similar to that of the ballot measure during its regular session in that state general election year, the legislature may place that law on the ballot as well.

Sec. 15. [3B.43] [NUMBERING OF BALLOT MEASURES.]

The secretary of state shall number in consecutive order each initiative or referendum ballot measure with the wording "INITIATIVE NUMBER ...." or "REFERENDUM NUMBER ...." After the effective date of this section, initiatives and referenda must be numbered starting with the number one. In subsequent years, ballot measures must be numbered beginning with the first number after the number of the last initiative or referendum at the last state general election. Their order on the ballot must be assigned by the secretary of state.

Sec. 16. [3B.44] [BALLOTS, VOTING, AND CANVASSING.]

For all ballot measures, the ballots must be prepared, voting conducted, results canvassed, contests conducted, and results certified as provided by chapters 200 to 211B.

Sec. 17. [3B.45] [TIME OF VOTING.]

Ballot measures must be placed on the ballot only at a state general election.

Sec. 18. [3B.46] [SIMULTANEOUS PETITIONS FOR BALLOT MEASURES.]

Nothing prevents multiple simultaneous petition drives involving identical ballot measures by the same or a different sponsor. However, certification by the secretary of state of the sufficiency of the signatures for one such measure constitutes abandonment of the identical petition drives as of the date of the secretary's certification.

Sec. 19. [3B.47] [RESOLUTION OF CONFLICTS BETWEEN MEASURES.]

Subdivision 1. [CONFLICTING PETITIONS.] Nothing prevents petitioning for measures which are apparently in substantial conflict.

Subd. 2. [NUMBER OF AFFIRMATIVE VOTES.] If two ballot measures which substantially conflict are adopted by a vote of the people, the one receiving the larger number of affirmative votes is effective. If it is finally determined that the measures received an equal number of affirmative votes, neither becomes effective, but they must again be placed on the ballot at the next state general election. Two or more measures substantially conflict when any material provision in one measure is irreconcilable with a material provision in another measure. The secretary of state shall determine whether two or more measures substantially conflict.

Sec. 20. [3B.48] [PUBLICATION.]

Ballot measures adopted by the people must be published by the revisor of statutes in Laws of Minnesota and codified in the same way as other laws.

Sec. 21. [3B.49] [ORGANIZING GUIDE.]

The secretary of state shall prepare a comprehensive guide to be made available to persons wishing to conduct an initiative or referendum campaign.

## Sec. 22. [3B.50] [LITERATURE MUST INCLUDE NAMES.]

(a) Any person or committee who causes to be published, issued, posted, or circulated, other than in a newspaper as provided in section 3B.53, any literature, campaign material, or publication, including cards, pamphlets, flyers, signs, banners, leaflets, announcements, or other material tending to influence persons to sign or refuse to sign a ballot measure petition or to influence the voting at an election on a ballot measure, that fails to prominently display the name and mailing address of the person or committee causing the material to be published, issued, posted, circulated, or broadcast, is guilty of a misdemeanor.

(b) This section does not apply to an individual who acts independently of an association, political committee, political fund, or sponsor of a ballot measure and spends only from the individual's own resources a sum that is less than \$300 in the aggregate to produce or distribute material described in this section at least 14 days before the election at which the proposed ballot measure would be voted on.

## Sec. 23. [3B.51] [PAID ADVERTISEMENTS IN NEWS.]

Subdivision 1. [REQUIRED DISCLAIMER.] No publisher of a newspaper, periodical, or magazine shall insert in that newspaper, periodical, or magazine, and no radio or television station shall broadcast, any matter paid or to be paid for which tends or is intended to influence directly or indirectly:

(1) persons to sign or refuse to sign a ballot measure petition; or

(2) voting at an election on a ballot issue unless it is prominently indicated that it is a paid advertisement.

Subd. 2. [CHARGES ALLOWED.] To the extent that any person sells either advertising space or broadcast time used on behalf of any measure, the charges made must not exceed the charges made for any other comparable purpose or use according to the seller's rate schedule.

## Sec. 24. [3B.52] [CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD.]

The following are political committees for purposes of chapter 10A:

(1) the sponsor of a ballot measure; and

(2) an association whose major purpose is to promote or defeat a ballot measure.

## Sec. 25. [3B.53] [PROHIBITIONS.]

Subdivision 1. [ACTS PROHIBITED.] No person may:

(1) be paid compensation for signing a ballot measure petition;

(2) publish any literature, campaign material, or publication including cards, pamphlets, flyers, signs, banners, leaflets, announcements, or other material or any radio or television broadcast regarding a ballot measure that does not bear the identification required by law;

(3) publish in any newspaper, periodical, or magazine any paid advertising matter relating to a ballot measure that does not contain the identification required by law;

(4) file a petition for a ballot measure with the secretary of state without the written authorization of the sponsor;

(5) induce a person to sign a petition by fraud, force, or the threat of force;

(6) pay compensation for signing a ballot measure petition;

(7) publish or broadcast any information regarding a ballot measure with knowledge that it is false and which tends to substantially affect adoption or rejection of the measure when the publication or broadcast is undertaken primarily for the purpose of influencing adoption or rejection;

(8) sign a petition with a name other than the person's own name; or

(9) intentionally sign the same petition more than once.

Subd. 2. [PENALTY.] Any person violating any provision of subdivision 1, clauses (1) to (4), is guilty of a misdemeanor. Any person violating any provision of subdivision 1, clauses (5) to (9), is guilty of a gross misdemeanor.

Sec. 26. [3B.54] [ACTION BY AND NOTIFICATIONS TO SPONSORS.]

Subdivision 1. [AUTHORIZED FILERS.] Only the sponsor, or those authorized by the sponsor in writing, may file any required document or statement regarding ballot measure petitions, measures, or campaigns including election contests or petition signature count or validity contests.

Subd. 2. [SUFFICIENCY OF AUTHORIZATION.] The signature of the chair or a person authorized in writing by the chair is sufficient to authorize the filing of any statement or document required by law. If the chair authorizes another person to file any statement or document, a copy of the authorization must be attached to the filed statement or document.

Subd. 3. [RECIPIENTS OF NOTICE.] A notice required to be given to the sponsor must be given to those persons in subdivision 2 who may authorize any filing.

Sec. 27. [3B.55] [JUDICIAL REVIEW.]

Subdivision 1. [JURISDICTION.] The district court has original jurisdiction of any suit involving:

(1) the sufficiency of the number or the validity of signatures on petitions after the administrative determinations by the secretary of state have been exhausted;

(2) resolution of conflicts between ballot measures as provided by section 3B.49; or

(3) any suit alleging the unconstitutionality of an adopted ballot measure.

Subd. 2. [VENUE.] Venue for all suits and criminal prosecutions involving ballot measures is in the district court in Ramsey county.

Sec. 28. [3B.56] [COPIES.]

The secretary of state shall provide the election officials in each county with copies of each measure proposed by initiative or referendum which must be made available to the public.

Sec. 29. [3B.57] [INTERNET VOTER GUIDE.]

Not later than 60 days before a state general election at which a ballot measure will be voted on, the secretary of state must publish on the secretary of state's official Web site an electronic voter guide to each ballot measure. The voter guide must contain:



(1) the text and the ballot question for each ballot measure certified under section 3.41 or referred by the legislature under the Minnesota Constitution, article IV, section 27; and

(2) the mailing address for the sponsor of each ballot measure.

Upon the written request of a sponsor or of the chair of a political committee registered under chapter 10A whose major purpose is to promote or defeat a ballot measure that will be voted on at the state general election, the voter guide also must include links to Web sites maintained by the sponsor or by such political committee.

Sec. 30. Minnesota Statutes 2000, section 204C.33, subdivision 1, is amended to read:

Subdivision 1. [COUNTY CANVASS.] The county canvassing board shall meet at the county auditor's office on or before the seventh day following the state general election. After taking the oath of office, the board shall promptly and publicly canvass the general election returns delivered to the county auditor. Upon completion of the canvass, the board shall promptly prepare and file with the county auditor a report which states:

~~(a)~~ (1) the number of individuals voting at the election in the county and in each precinct;

~~(b)~~ (2) the number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;

~~(c)~~ (3) the names of the candidates for each office and the number of votes received by each candidate in the county and in each precinct;

~~(d)~~ (4) the number of votes counted for and against a proposed change of county lines or county seat; ~~and~~

~~(e)~~ (5) the number of votes counted for and against a constitutional amendment or other question in the county and in each precinct; and

(6) the number of votes counted for and against each initiative and referendum.

The result of write-in votes cast on the general election ballots must be compiled by the county auditor before the county canvass, except that write-in votes for a candidate for state or federal office must not be counted unless the candidate has timely filed a request under section 204B.09, subdivision 3. The county auditor shall arrange for each municipality to provide an adequate number of election judges to perform this duty or the county auditor may appoint additional election judges for this purpose. The county auditor may open the envelopes or containers in which the voted ballots have been sealed in order to count and record the write-in votes and must reseal the voted ballots at the conclusion of this process.

Upon completion of the canvass, the county canvassing board shall declare the candidate duly elected who received the highest number of votes for each county and state office voted for only within the county. The county auditor shall transmit one of the certified copies of the county canvassing board report for state and federal offices to the secretary of state by express mail or similar service immediately upon conclusion of the county canvass.

Sec. 31. Minnesota Statutes 2000, section 204C.33, subdivision 3, is amended to read:

Subd. 3. [STATE CANVASS.] The state canvassing board shall meet at the secretary of state's office on the second Tuesday following the state general election to canvass the certified copies of the county canvassing board reports received from the county auditors and shall prepare a report that states:

~~(a)~~ (1) the number of individuals voting in the state and in each county;

~~(b)~~ (2) the number of votes received by each of the candidates, specifying the counties in which they were cast; ~~and~~

~~(c)~~ (3) the number of votes counted for and against each constitutional amendment, specifying the counties in which they were cast; and

(4) the number of votes counted for and against each initiative and referendum.

All members of the state canvassing board shall sign the report and certify its correctness. The state canvassing board shall declare the result within three days after completing the canvass.

Sec. 32. Minnesota Statutes 2000, section 204D.11, is amended by adding a subdivision to read:

Subd. 3a. [INITIATIVE AND REFERENDUM BALLOT.] All initiative or referendum ballot questions must be on the pink ballot. The order of the questions must be the order assigned under section 3B.44.

Sec. 33. [EFFECTIVE DATE.]

Sections 3 to 32 take effect the day after approval by the people of the constitutional amendment proposed by section 1."

Delete the title and insert:

"A bill for an act proposing an amendment to the Minnesota Constitution to provide for a unicameral legislature; changing article IV; article V, sections 3, 5; article VIII, section 1; article IX, sections 1, 2; article XI, section 5; providing by law for a unicameral legislature of 134 members; requiring a voter guide; proposing an amendment to the Minnesota Constitution; adding a section to article IV to provide for initiative and referendum; providing procedures for initiative and referendum; providing penalties; amending Minnesota Statutes 2000, sections 2.021; 2.031, subdivision 1; 204C.33, subdivisions 1, 3; 204D.11, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 3B."

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.

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

H. F. No. 2815, A bill for an act relating to waste management; providing for product stewardship of waste electronic products; proposing coding for new law in Minnesota Statutes, chapter 115A.

Reported the same back with the following amendments:

Page 1, after line 5, insert:

"Section 1. [115A.0725] [ENVIRONMENTAL SUSTAINABILITY.]

Subdivision 1. [POLICY.] The environmental sustainability policy of the state is to:

(1) pursue the sustainable management, use, and protection of resources to achieve the state's economic, environmental, and social goals;

(2) promote using, developing, and protecting resources at a rate and in a manner that enables people to meet their current needs without compromising the ability of future generations to meet their own needs;

(3) encourage cooperation and collaboration between public and private sectors in the development of sustainable environmental and economic products and practices; and

(4) pursue policies that will attain sustainability in Minnesota within one generation or by 2025.

Subd. 2. [DEFINITION.] For the purpose of this section, "sustainability" means the use, development, and protection of resources at a rate and in a manner that enables people to meet their current needs and also provides that future generations can meet their own needs. Sustainability requires simultaneously meeting environmental, economic, and community needs."

Page 1, line 6, delete "Section 1." and insert "Sec. 2."

Delete page 1, line 16 to page 3, line 12

Amend the title as follows:

Page 1, line 2, delete "waste management;" and insert "the environment; adopting an environmental sustainability policy;"

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. 2904, A bill for an act relating to motor vehicles; requiring motor vehicle collision repair to include air bag replacement under certain conditions; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

The report was adopted.

Stanek from the Committee on Judiciary Finance to which was referred:

H. F. No. 2958, A bill for an act relating to taxation; providing an income tax checkoff to fund benefits for survivors of law enforcement officers, firefighters, and ambulance personnel and providing for maintenance of peace officer, firefighter, and ambulance personnel memorials; proposing coding for new law in Minnesota Statutes, chapter 290.

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

The report was adopted.

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

H. F. No. 2989, A bill for an act relating to commerce; providing certain cosmetology definitions; regulating continuing education and licensing requirements for certain licensees; regulating the contractor's recovery fund; providing for the adoption and amendment of uniform conveyancing forms; amending Minnesota Statutes 2000, sections 82.20, subdivision 13; 82.22, subdivision 6; 82B.19, subdivision 1; 82B.21; 155A.03, by adding subdivisions; 155A.07, by adding a subdivision; 326.975, by adding subdivisions; 507.09; Minnesota Statutes 2001 Supplement, section 82.22, subdivision 13.

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:

H. F. No. 2993, A bill for an act relating to employment; providing limits on overtime for nurses; proposing coding for new law in Minnesota Statutes, chapter 181.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 148.211, is amended by adding a subdivision to read:

Subd. 2a. [LICENSE RECOGNITION FOR NURSES FROM BORDER STATES; RECIPROCITY.] (a) The board shall recognize a nursing license issued by Wisconsin, North Dakota, South Dakota, or Iowa as valid to practice nursing in Minnesota, provided that the licensure standards in those states remain substantially the same as Minnesota licensure standards. A nurse licensed in a border state who wishes to practice nursing in Minnesota shall notify the board of the nurse's intent to practice in Minnesota and shall be subject to the laws and rules of Minnesota and the regulatory authority of the board. The board shall maintain a list of the nurses practicing in Minnesota under this paragraph.

(b) The board shall actively seek reciprocity of nurse licensure with Wisconsin, North Dakota, South Dakota, and Iowa for Minnesota-licensed nurses who wish to practice in one or more of those states. The failure to secure reciprocity shall not limit the board's recognition of nurse licenses from border states.

Sec. 2. [181.275] [REGULATING NURSES' OVERTIME.]

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

(1) "emergency" means a period when replacement staff are not able to report for duty for the next shift or increased patient need, because of unusual, unpredictable, or unforeseen circumstances such as, but not limited to, an act of terrorism, a disease outbreak, adverse weather conditions, or natural disasters which impact continuity of patient care;

(2) "normal work period" means 12 or fewer consecutive hours consistent with a predetermined work shift;

(3) "nurse" has the meaning given in section 148.171, subdivision 9; and

(4) "taking action against" means discharging; disciplining; threatening; reporting to the board of nursing; discriminating against; or penalizing regarding compensation, terms, conditions, location, or privileges of employment.

Subd. 2. [PROHIBITED ACTIONS.] Except as provided in subdivision 3, a hospital or other entity licensed under sections 144.50 to 144.58, and its agent, or another health care facility licensed by the commissioner of health, and the facility's agent, is prohibited from taking action against a nurse solely on the grounds that the nurse fails to accept an assignment of additional consecutive hours at the facility in excess of a normal work period, if the nurse declines to work additional hours because doing so may, in the nurse's judgment, jeopardize patient safety. This subdivision does not apply to a nursing facility, an intermediate care facility for persons with mental retardation, a licensed boarding care facility, or a housing with services establishment.

Subd. 3. [EMERGENCY.] Notwithstanding subdivision 2, a nurse may be scheduled for duty or required to continue on duty for more than one normal work period in an emergency.

Subd. 4. [EXCEPTION.] Section 645.241 does not apply to violations of this section."

Delete the title and insert:

"A bill for an act relating to employment; regulating overtime for nurses; providing reciprocity for nurses licensed in certain states; amending Minnesota Statutes 2000, section 148.211, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 181."

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. 3031, A bill for an act relating to public health; establishing the Minnesota Emergency Health Powers Act; modifying provisions for declaring national security and peacetime emergencies; providing for declaration and termination of emergencies due to bioterrorism; granting certain emergency powers; providing for the isolation and quarantine of persons; requiring a study; amending Minnesota Statutes 2000, sections 12.03, by adding subdivisions; 12.31, subdivision 2; 12.32; 12.46; 13.3806, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 12.31, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 12; 144.

Reported the same back with the following amendments:

Page 1, line 17, delete "17" and insert "14"

Page 2, delete sections 4 to 6

Page 3, line 34, delete the new language

Page 4, line 1, after "security" insert "emergency"

Page 4, line 2, after "peacetime" insert "emergency due to a bioterrorism incident"

Page 4, lines 11 and 21, after "security" insert "emergency due to a bioterrorism incident"

Page 4, line 30, after "security" insert "emergency declared due to a bioterrorism incident"

Page 4, line 32, delete "as" and insert "using the procedure specified in"

Page 4, line 33, delete "provided by"

Page 5, line 2, after "security" insert "emergency declared due to a bioterrorism incident"

Page 5, line 9, after "149A" insert "and Minnesota Rules, chapter 4610"

Page 5, line 10, after "incident" insert "and during a national security emergency declared due to a bioterrorism incident or peacetime emergency declared due to a bioterrorism incident"

Page 5, line 29, delete "response" and insert "management purposes"

Page 6, line 8, after "9" insert ", or private data on individuals according to section 13.02, subdivision 12"

Page 6, delete section 13

Page 6, line 35, after "section" insert "and section 144.1207"

Page 6, after line 35, insert:

"(1) "communicable disease" means an infectious disease that can be transmitted from person to person;

(2) "infectious disease" means a disease caused by a living organism or virus. An infectious disease may or may not be transmissible from person to person, animal to person, or insect to person;"

Page 6, line 36, delete "(1)" and insert "(3)"

Page 7, line 4, delete "(2)" and insert "(4)"

Page 8, after line 4, insert:

"Sec. 12. [144.1207] [DUE PROCESS FOR ISOLATION OR QUARANTINE OF PERSONS.]

Subdivision 1. [ORDER FOR ISOLATION OR QUARANTINE.] (a) Before isolating or quarantining a person or group of persons, the commissioner of health shall obtain a written, ex parte order authorizing the isolation or quarantine from a district court. The court shall grant the order upon a finding that probable cause exists to believe isolation or quarantine is warranted.

(b) The order must recite the facts justifying isolation or quarantine. The commissioner of health shall provide a copy of the authorizing order to each person isolated or quarantined, the commissioner of public safety, and other peace officers known to the commissioner to have jurisdiction over the site of the isolation or quarantine. With the order, the commissioner of health shall give each person notice that the person has a right to a hearing under this section and, if feasible, an estimate of the expected period of isolation or quarantine.

(c) One order shall suffice to isolate or quarantine a group of persons believed to have been commonly infected or exposed to a communicable disease. If it is impracticable to provide individual copies to large groups isolated or quarantined, a copy of the order and notice may be posted in a conspicuous place:

(1) in the isolation or quarantine premises, but only if the persons to be isolated or quarantined are already at the isolation or quarantine premises and have adequate access to the order posted there; or

(2) in another location where the group of persons to be isolated or quarantined is located, such that the persons have adequate access to the order posted there.

Subd. 2. [TEMPORARY HOLD UPON COMMISSIONER'S ORDER.] Notwithstanding subdivision 1, the commissioner of health may by order isolate or quarantine a person or group of persons without first obtaining a written, ex parte order from the court if a delay in imposing the isolation or quarantine of the person or group of

persons would significantly jeopardize the commissioner of health's ability to prevent or limit the transmission of a communicable or potentially communicable disease to others. Following the imposition of isolation or quarantine under this subdivision, the commissioner of health shall within 72 hours apply for a written, ex parte order from the court authorizing the isolation or quarantine.

Subd. 3. [COURT HEARING.] A person isolated or quarantined under subdivision 1 or 2, or the person's representative, may request in writing a court hearing to contest the ex parte order. If the person, or the person's representative, requests a hearing, the hearing shall be held within 72 hours of receipt of the request, excluding Saturdays, Sundays, and legal holidays. A request for a hearing does not stay the order of isolation or quarantine. At the hearing, the commissioner of health must show that the isolation or quarantine is warranted.

Subd. 4. [HEARING ON CONTINUATION OF ISOLATION OR QUARANTINE.] On or after the 30th day following a hearing under subdivision 3, or the 30th day following imposition of isolation or quarantine if no hearing is requested under subdivision 3, a person isolated or quarantined may request in writing a court hearing to contest continued isolation or quarantine. The hearing shall be held within 72 hours of receipt of the request, excluding Saturdays, Sundays, and legal holidays. A request for a hearing does not alter the order of isolation or quarantine. At the hearing, the commissioner of health must show that continuation of the isolation or quarantine is warranted. If, upon a hearing, the court finds that isolation or quarantine of the individual is not warranted, the person shall be released from isolation or quarantine.

Subd. 5. [HEARING ON CONDITIONS OF ISOLATION OR QUARANTINE.] A person isolated or quarantined may request a hearing in district court for remedies regarding the treatment during and the terms and conditions of isolation or quarantine. Upon receiving a request for a hearing under this subdivision, the court shall fix a date for a hearing that is within ten days of the receipt of the request by the court. The request for a hearing does not alter the order of isolation or quarantine. If the court finds that the isolation or quarantine of the individual is not in compliance with section 144.1206, the court may fashion remedies appropriate to the circumstances of the emergency and in keeping with this chapter.

Subd. 6. [JUDICIAL DECISIONS.] Judicial decisions on confinement under subdivision 3, 4, or 5 shall be based upon clear and convincing evidence and a written record of the disposition of the case shall be made and retained. The petitioner has the right to be represented by counsel or other lawful representative. The manner in which the request for a hearing is filed and acted upon shall be in accordance with the existing laws and rules of the courts of this state or, if the isolation or quarantine occurs during a national security or peacetime emergency, any rules that are developed by the courts for use during a national security or peacetime emergency."

Page 8, line 8, delete "145" and insert "144"

Page 8, line 10, before the period, insert "; while protecting the constitutional and other rights of citizens"

Page 8, line 14, after "immunity" insert "from liability"

Page 8, line 25, delete "and"

Page 8, line 28, before the period, insert "; and

(6) the impact of each recommendation on the constitutional and other rights of citizens"

Page 8, line 33, after the period, insert "The commissioner shall delineate and describe the impact of each recommendation on the constitutional and other rights of citizens."

Page 8, line 35, delete "15" and insert "12"

Page 9, line 1, delete "17" and insert "14"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, delete "12.46;"

With the recommendation that when so amended the bill be re-referred to the Committee on Health and Human Services Finance without further recommendation.

The report was adopted.

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

H. F. No. 3047, A bill for an act relating to transportation; abolishing provisions related to joint county state-aid highway and municipal state-aid street status; deleting requirement for department of transportation to send copies of certain rules to county auditors; abolishing requirement that department of transportation maintain a list of highway engineers; abolishing obsolete statute related to highway jurisdiction studies; repealing authority of commissioner of transportation over pipeline carriers; repealing rules governing design standards of driveways next to highways; amending Minnesota Statutes 2000, sections 162.02, subdivisions 1, 2, 4; 162.09, subdivision 1; 163.07, subdivision 2; Minnesota Statutes 2001 Supplement, section 174.64, subdivision 4; repealing Minnesota Statutes 2000, sections 162.09, subdivision 5; 174.031; 221.54; Minnesota Statutes 2001 Supplement, section 221.55; Minnesota Rules, parts 8810.4200; 8810.4500; 8810.4600; 8810.4700; 8810.4800; 8810.4900; 8810.5000; 8810.5100; 8810.5500; 8810.9920; 8810.9921.

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. 3048, A bill for an act relating to crimes; providing criminal penalties for persons who promote, advocate, and take responsibility for criminal acts under certain circumstances; amending Minnesota Statutes 2001 Supplement, section 609.495, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. [604.13] [DESTRUCTION OF FIELD CROP PRODUCTS, ANIMALS, ORGANISMS, OR CELLS; CIVIL LIABILITY.]

Subdivision 1. [LIABILITY.] No person, other than the owner, may willfully and knowingly damage or destroy any field crop, animal, organism, or cell that is grown for testing or research purposes, in the context of a product development program in conjunction or coordination with a private research facility or a university or a federal, state, or local government agency. A person who violates this provision is liable for three times the value of the crop, animal, organism, or cell damaged or destroyed, as provided in subdivisions 2 and 3. This section does not apply to crops, animals, organisms, or cells damaged or destroyed by emergency vehicles and personnel acting in a reasonable and prudent manner.



Subd. 2. [DAMAGES; FACTORS TO CONSIDER.] In awarding damages under this section, the court shall consider the market value of the crop, animal, organism, or cell prior to damage or destruction, and production, research, testing, replacement, and development costs directly related to the crop, animal, organism, or cell that has been damaged or destroyed as part of the value.

Subd. 3. [DAMAGES; LIMIT.] Damages available under this section are limited to:

(1) three times the market value of the crop, animal, organism, or cell prior to damage or destruction plus three times the actual damages involving production, research, testing, replacement, and development costs directly related to the crop, animal, organism, or cell that has been damaged or destroyed; and

(2) an amount up to \$100,000 to compensate for delays in completing testing or research resulting from a violation of subdivision 1."

Page 1, line 8, delete "Section 1." and insert "Sec. 2."

Page 1, line 15, after "person" insert "or entity"

Page 1, line 23, delete "2" and insert "3"

Page 1, line 24, after the first "1" insert "is effective July 1, 2002, and applies to causes of action arising on or after that date. Section 2"

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing for civil liability against persons who destroy field crops and organisms grown for research purposes;"

Page 1, line 6, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 604"

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

The report was adopted.

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

H. F. No. 3076, A bill for an act relating to traffic regulations; authorizing private vehicle escorting funeral procession to use flashing red lights and to access traffic control signal override system; amending Minnesota Statutes 2000, sections 169.04; 169.06, by adding a subdivision; 169.64, subdivision 3.

Reported the same back with the following amendments:

Page 2, line 17, after "motorcycles" insert "or vehicles"

Page 2, line 18, reinstate the stricken language

Page 2, line 23, delete "escorting" and insert "leading"

Page 2, line 27, delete "shall" and insert "may"

Page 2, line 31, delete "escorting" and insert "leading"

Amend the title as follows:

Page 1, line 3, delete "escorting" and insert "leading"

With the recommendation that when so amended the bill pass.

The report was adopted.

Krinkie from the Committee on State Government Finance to which was referred:

H. F. No. 3127, A bill for an act relating to retirement; various retirement plans; clarifying the laws applicable to the remaining local police and paid firefighter pension plans; repealing obsolete local police and paid firefighter pension plan laws; providing public employee pension coverage for certain foreign citizens; clarifying membership eligibility and allowable service credit for the public employees retirement association; requiring membership for charter school teachers in the teachers retirement association; providing for the payment of unpaid closed charter school retirement contributions from charter school lease aid; eliminating contribution rate increases in the local government correctional service retirement plan; establishing provisions relating to employees of the Kanabec hospital if the hospital is privatized; extending the expiration date for certain prior service credit purchase authorizations; recodifying social security coverage provisions; implementing recommended changes in salary actuarial assumptions; clarifying the restrictions on supplemental and local pension plans for plans funded from accumulated sick and vacation leave; reorganizing the revising various general retirement provisions; instructing the revisor of statutes; authorizing the commissioner of administration to lease pension fund facilities to deferred compensation service providers; authorizing certain volunteer firefighters to receive service pensions or disability benefits without terminating active service; authorizing a study of the creation of a voluntary statewide volunteer firefighter retirement plan; amending Minnesota Statutes 2000, sections 69.77; 69.80; 353.01, by adding a subdivision; 353.64, subdivision 7a; 353A.08, subdivision 6a; 353E.02, subdivision 1, by adding a subdivision; 353E.03; 353F.02, subdivision 4; 354A.011, subdivision 27; 355.01, subdivisions 1, 3, 6, 8, by adding subdivisions; 355.02; 355.03; 355.05; 355.07; 355.08; 356.001; 356.20, subdivisions 1, 2, 3, 4, 4a; 356.215, as amended; 356.216; 356.217; 356.219; 356.22; 356.23; 356.24, subdivisions 1b, 1c, 2; 356.245; 356.25; 356.30; 356.302; 356.303; 356.32; 356.40; 356.41; 356.50; 356.55, as amended; 356.551; 356.611; 356.65, subdivision 2; 356.87; 356.89, subdivision 3; 423A.17; 423A.171; 424A.02, subdivision 1; 424A.09; Minnesota Statutes 2001 Supplement, sections 353.01, subdivisions 2a, 2b, 11b, 16; 353.27, subdivisions 4, 11; 354.05, subdivision 2; 356.24, subdivision 1; 356.555; 356.62; 356.65, subdivision 1; 356.866; Laws 1999, chapter 222, article 16, section 16; Laws 2000, chapter 461, article 10, section 3, as amended; Laws 2000, chapter 461, article 12, section 20; Laws 2001, First Special Session chapter 10, article 6, section 21; proposing coding for new law in Minnesota Statutes, chapters 355; 356; proposing coding for new law as Minnesota Statutes, chapter 356B; repealing Minnesota Statutes 2000, sections 69.25; 69.26; 69.27; 69.28; 69.29; 69.30; 69.32; 69.361; 69.37; 69.38; 69.39; 69.40; 69.41; 69.42; 69.43; 69.44; 69.45; 69.46; 69.47; 69.48; 69.49; 69.50; 69.51; 69.52; 69.53; 69.62; 69.78; 297I.10, subdivision 2; 355.01, subdivisions 2, 4, 5, 9, 10; 355.11; 355.12; 355.13; 355.14; 355.15; 355.16; 355.17; 355.201; 355.202; 355.203; 355.204; 355.205; 355.206; 355.207; 355.208; 355.209; 355.21; 355.22; 355.23; 355.24; 355.25; 355.26; 355.27; 355.28; 355.281; 355.282; 355.283; 355.284; 355.285; 355.286; 355.287; 355.288; 355.29; 355.291; 355.292; 355.293; 355.294; 355.295; 355.296; 355.297; 355.298; 355.299; 355.30; 355.311; 355.391; 355.392; 355.393; 355.41; 355.42; 355.43; 355.44; 355.45; 355.46; 355.48; 355.49; 355.50; 355.51; 355.52; 355.54; 355.55; 355.56; 355.57; 355.58; 355.59; 355.60; 355.61; 355.621; 355.622; 355.623; 355.624; 355.625; 355.626; 355.627; 355.628; 355.71; 355.72; 355.73; 355.74; 355.75; 355.76; 355.77; 355.78; 355.79; 355.80; 355.81; 355.90; 356.19; 356.305; 356.306; 356.31; 356.325; 356.35; 356.36; 356.37; 356.371, subdivisions 2, 3; 356.372; 356.38; 356.39; 356.45; 356.451; 356.452; 356.453; 356.454; 356.455; 356.615; 356.71; 356.80; 356.81; 356.86; 356.865; 356.88; 356.89; 423.37; 423.371; 423.372; 423.373; 423.374; 423.375; 423.377; 423.378; 423.379; 423.38; 423.381; 423.382; 423.383; 423.384; 423.385; 423.386; 423.387; 423.388; 423.389; 423.39; 423.391; 423.392; 423.801; 423.802; 423.803; 423.804; 423.805; 423.806; 423.808; 423.809; 423.810; 423.812; 423.813; 423.814; 423.90; 423A.03; 424.01; 424.02; 424.03; 424.04; 424.05; 424.06; 424.08; 424.14; 424.15; 424.16; 424.165; 424.17; 424.18; 424.19; 424.20; 424.21; 424.22; 424.23; 424.24; 424.25; 424.27; 424.28; 424.29; Minnesota Statutes 2001 Supplement,

sections 353.01, subdivision 39; 356.371, subdivision 1; 356.866; Special Session Laws 1889, chapter 425; Special Session Laws 1891, chapter 11; Laws 1897, chapters 389; 390; Laws 1915, chapter 68; Laws 1917, chapter 196; Laws 1919, chapters 68, 515; Laws 1921, chapter 118; Laws 1923, chapter 54; Laws 1925, chapter 197; Laws 1931, chapter 48; Laws 1933, chapter 122; Laws 1935, chapters 92; 192; 208; 259; Laws 1937, chapters 132; 197; 253; Laws 1939, chapters 124; 304; Laws 1941, chapters 74; 182; 196; Laws 1943, chapters 170; 267; 397; 413; 432; Laws 1945, chapters 74; 182; 277; 300; Laws 1947, chapters 40; 43; 101; 274; 329; Laws 1949, chapters 87; 144; 153; 154; 164; 191; 235; 281; 378; Laws 1951, chapters 43; 45; 48; 144; 233; 243; 420; 435; 499; Laws 1953, chapters 37; 44; 91; 235; 253; 348; 391; 401; 406; Laws 1955, chapters 42; 49; 75; 151; 187; 188; 293; 294; 348; 375; 827; Laws 1957, chapters 10; 16; 36; 127; 144; 164; 256; 257; 455; 630; 793; Laws 1959, chapters 108; 131; 191; 207; 208; 211; 437; Laws 1961, chapters 186; 290; 295; 300; 343; 376; 399; 434; 435, section 2; 443; 620; 631; 747; Extra Session Laws 1961, chapters 28; 80; Laws 1963, chapters 36; 208; 221; 271; 443; 453; 454; 464; 619; 636; 643; 670; 715; Laws 1965, chapters 174; 179; 190; 418; 457; 458; 465; 498; 536; 540; 594; 604; 605; 636; 790; Laws 1967, chapters 644; 678; 702; 708; 730; 732; 736; 751; 775; 783; 798; 807; 816; 848; Laws 1969, chapters 138; 442; 443; 552; 576; 594; 614; 641; 668; 669; 670; 671; 672; 686; 694; 716; 849; 1087; Laws 1971, chapters 51; 178; 407; 549; 614; 807; 809; 810; Extra Session Laws 1971, chapter 41; Laws 1973, chapters 286; 287; 346; 359; 432; 433; 587; Laws 1974, chapters 251; 382; Laws 1975, chapters 120; 121; 127; 254, sections 1, 2, 3, 4, 5, 6; 368, section 54; 389; 408; 423; 424; 425; Laws 1976, chapters 36; 78, section 4; 85; 99; 247; Laws 1977, chapters 83; 164, sections 1, 3; 169; 270; 275; 374, sections 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60; 429, section 62; Laws 1978, chapters 563, sections 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30; 579; 648; 690, sections 9, 10; 793, section 96; Laws 1979, chapters 131, section 3; 216, sections 27, 28, 29, 30, 31, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44; Laws 1980, chapters 341, sections 2, 3, 4, 5, 6, 9, 10; 600, sections 11, 12, 13, 14, 15, 16, 17, 18, 22; 607, article XV, section 23; Laws 1981, chapter 68, sections 31, 32, 33, 34, 35, 36, 37, 41, 42, 43; Laws 1981, chapter 224, sections 236, 237, 239, 240, 243, 244, 247, 248, 252, 253, 258, 259, 260, 261, 263, 264, 265, 266, 267, 268, 270, 272, 273; Laws 1981, chapter 297, sections 1, 2; Laws 1982, chapters 402; 443; 574, sections 3, 4, 5, 6, 8; 578, article II, section 1, subdivision 8, article III, section 18; 610, sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20; Laws 1983, chapters 47; 74; 84, section 1; 291, sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 17; Laws 1984, chapter 574, sections 18, 19, 20, 22, 23, 24, 25, 26, 33; Laws 1985, chapters 259, sections 5, 6; 261, sections 14, 15, 16, 18, 20, 32, 33, 34, 35, 36; Laws 1985, First Special Session chapter 16, article 2, section 6; Laws 1986, chapters 359, sections 22, 23, 24, 25; 458, sections 23, 34; Laws 1987, chapter 372, article 2, sections 7, 8, 9, 10, 12; Laws 1988, chapter 709, articles 8, section 5; 9, section 5; Laws 1989, chapter 319, article 11, sections 2, 3, 4, 12; Laws 1990, chapter 589, article 1, section 7; Laws 1991, chapters 96; 269, article 2, sections 12, 13; Laws 1992, chapters 392, section 1; 393, section 1; 422; 431, section 1; 448, section 1; 455; 563, sections 3, 4, 5; 586, section 1; Laws 1993, chapters 72; 110; 112, section 2; 126; 202, article 1; Laws 1994, chapters 409; 410; 474; 490; 541, section 3; Laws 1995, chapter 262, article 10, section 4; Laws 1996, chapter 448, article 2, section 1; Laws 1997, chapter 233, article 1, section 58; Laws 1997, chapter 241, article 2, sections 2, 3, 4, 5, 6, 9, 10, 11, 13, 14, 15, 20; Laws 1999, chapter 222, article 3, section 6; Laws 2000, chapter 461, article 10, section 2.

Reported the same back with the following amendments:

Page 48, line 5, after the period, insert "The forecasted amount of charter school lease aid must not be adjusted to reflect the amount remitted under this section; rather, charter school lease aid must be prorated by the amount remitted."

Page 133, line 19, before "For" insert "(a) Unless the person elects otherwise under paragraph (b)."

Page 133, after line 26, insert:

"(b) A person may elect to continue to receive the payment in a lump sum annually in each December. The election must be made before September 1, 2002. For the December 2002 lump-sum payment, the amount must be the total of the monthly amounts remaining unpaid after the election under this paragraph."

Page 133, line 28, before "Public" insert "(a)"

Page 133, after line 32, insert:

"(b) For a person who elects a lump-sum payment under subdivision 1, paragraph (a), any required reserves for the converted payment must be transferred back to the applicable public employee retirement fund."

Pages 170 to 172, delete article 13

Page 172, line 15, delete "14" and insert "13"

Page 175, after line 6, insert:

"ARTICLE 14

COORDINATED PROGRAM OF LEGISLATORS RETIREMENT PLAN;  
SOCIAL SECURITY REFERENDUM

Section 1. [3A.15] [COORDINATED PROGRAM OF LEGISLATORS RETIREMENT PLAN.]

The coordinated program of the legislators retirement plan is created. The provisions of sections 3A.01 to 3A.13 apply to the coordinated program.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment.

Sec. 2. [355.629] [SECOND SOCIAL SECURITY REFERENDUM.]

Subdivision 1. [ELECTION OF SOCIAL SECURITY COVERAGE.] Any member of the legislators retirement plan established under chapter 3A who did not elect coverage under an agreement under section 218(d) of the Social Security Act as provided for in section 355.624 is entitled to elect future social security coverage and retroactive coverage for the period consistent with applicable federal law, in a second social security referendum. Any member who so elects shall become a member of the coordinated program of the legislators retirement plan under section 3A.15. The governor shall set a date for the referendum and shall undertake any duties to amend the state's Social Security Act, section 218 agreement, with the secretary of health and human services.

Subd. 2. [PAYMENT OF RETROACTIVE SOCIAL SECURITY TAXES.] For any service by a legislator who is in office on the date of the agreement or modification of the agreement with the secretary of health and human services, the executive director of the Minnesota state retirement system shall cause to be paid an amount for each legislator, including an amount for retroactive coverage, equal to the taxes which would have been imposed on the legislator and state of Minnesota by the Federal Insurance Contributions Act had the service been covered at the time performed. This payment shall be computed from the date of retroactive coverage to the date that deductions are first taken from the wages of each legislator for social security coverage. Before making a payment on behalf of a legislator, the executive director must receive from the legislator the funds necessary to make the payment. Nothing in this section shall require a legislator to elect retroactive social security coverage.

Subd. 3. [DEDUCTION FROM WAGES.] A legislator who elects social security coverage under this section shall have a deduction taken from wages in an amount equal to the employer contribution required by this section.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment.

## ARTICLE 15

## MINNEAPOLIS POLICE OPTIONAL ANNUITIES

Section 1. Minnesota Statutes 2000, section 423B.09, subdivision 6, is amended to read:

Subd. 6. [OPTIONAL ANNUITIES.] A member who is retired or disabled on the effective date of Laws 1997, chapter 233, article 4, section 6, may elect an optional retirement annuity within 60 days of the effective date of Laws 1997, chapter 233, article 4, section 6, instead of the normal retirement annuity. A member who retires or becomes disabled after the effective date of Laws 1997, chapter 233, article 4, section 6, may elect an optional retirement annuity prior to the receipt of any benefits. The optional retirement annuity may be a 50 percent, a 75 percent, or a 100 percent joint and survivor annuity without reinstatement in the event of the designated beneficiary predeceasing the member or a 50 percent, a 75 percent, or a 100 percent joint and survivor annuity with reinstatement in the event of the designated beneficiary predeceasing the member. Optional retirement annuity forms must be actuarially equivalent to the service pension and automatic survivor coverage otherwise payable to the retiring member and the member's beneficiaries. A member may only designate the member's spouse as the recipient of a joint and survivor annuity and no benefit or annuity may be paid to a person who does not meet the definition of a surviving spouse member under section 423B.01, subdivision 17. Once selected, the optional annuity is irrevocable.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment and applies to all joint annuity options selected by members of the Minneapolis police relief association."

Amend the title as follows:

Page 1, line 31, delete everything after the semicolon and insert "creating the coordinated program of the legislators retirement plan; providing a second social security referendum for legislators; modifying Minneapolis police optional annuity provision;"

Page 1, delete line 32

Page 1, line 33, delete "plan;"

Page 1, line 46, after the first semicolon, insert "423B.09, subdivision 6;"

Page 2, line 10, after "chapters" insert "3A;"

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.

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

H. F. No. 3128, A bill for an act relating to game and fish; modifying ammunition provisions for taking big game; amending Minnesota Statutes 2000, section 97B.031, subdivision 1.

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

The report was adopted.

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

H. F. No. 3143, A bill for an act relating to economic development; repealing obsolete provisions relating to the Minnesota export finance authority and a business migration report; modifying conference and service center use in the Minnesota world trade center; modifying the urban initiative program; coordinating funding for wastewater and drinking water funding; extending availability of funding for travel information centers; increasing bonding authority for the public facilities authority; reinstating a repealed law; amending Minnesota Statutes 2000, sections 48.24, subdivision 5; 116J.58, subdivision 1; 116J.9665, subdivisions 1, 4, 6; 116M.14, subdivision 4; 116M.18, subdivisions 2, 3, 4, 5, 8, by adding a subdivision; 446A.07, subdivisions 4, 11; 446A.12, subdivision 1; 462A.04, subdivisions 1, 4; Minnesota Statutes 2001 Supplement, section 116C.03, subdivision 2; Laws 2001, First Special Session chapter 4, article 1, section 2, subdivision 5; repealing Minnesota Statutes 2000, sections 116J.9672; 116J.9673.

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.

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

H. F. No. 3199, A bill for an act relating to transportation; establishing conditions for closing highway right-of-way to all-terrain vehicles; modifying motor carrier provisions to reduce certain regulatory obligations; modifying budget reduction of department of transportation construction district 1; making clarifying changes; amending Minnesota Statutes 2000, sections 84.928, by adding a subdivision; 221.0252, subdivision 3; 221.0314, by adding a subdivision; 221.221, subdivision 4; 221.605, subdivision 1; Minnesota Statutes 2001 Supplement, section 221.221, subdivision 2; Laws 2001, First Special Session chapter 8, article 1, section 8; repealing Minnesota Statutes 2000, section 221.0313.

Reported the same back with the following amendments:

Pages 1 and 2, delete section 1

Page 3, after line 6, insert:

"Sec. 3. Minnesota Statutes 2000, section 221.0355, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For purposes of this section, the following words and phrases have the meanings given them in this subdivision:

(a) "Base state" means the state selected by a carrier according to the procedures established by the uniform program.

(b) "Base state agreement" means the agreement between participating states electing to register or permit carriers of hazardous material or hazardous waste.

(c) "Carrier" means a person who operates a motor vehicle used to transport hazardous material or hazardous waste.

(d) "Designated hazardous material" means a hazardous material described in Code of Federal Regulations, title 49, section 107.601, which is incorporated by reference.

(e) "Hazardous material" means:

(1) a hazardous material when the hazardous material is of a type or in a quantity that requires the transport vehicle to be placarded in accordance with Code of Federal Regulations, title 49, part 172; or

(2) a hazardous substance or marine pollutant when transported in bulk packaging as defined in Code of Federal Regulations, title 49, section 171.8, which is incorporated by reference.

(f) "Hazardous material transportation" means the transportation of hazardous material or hazardous waste, or both, on the public highways.

(g) "Hazardous waste" means hazardous waste of a type and amount that requires the shipment to be accompanied by a uniform hazardous waste manifest described in Code of Federal Regulations, title 40, part 262, including state-designated hazardous wastes when a list of state-designated hazardous wastes has been filed by the state with the national repository under the uniform program.

(h) "Participating state" means a state electing to participate in the uniform program by entering a base state agreement.

(i) "Person" means an individual, firm, copartnership, cooperative, company, association, limited liability company, corporation, or public entity.

(j) "Public entity" means a carrier who is a federal or state agency or political subdivision.

(k) "Shipper" means a person who offers a designated hazardous material to another person for shipment or who causes a designated hazardous material to be transported or shipped by another person.

(l) "Uniform application" means the uniform motor carrier registration and permit application form established under the uniform program.

(m) "Uniform program" means the Uniform State Hazardous Materials Transportation Motor Carrier Registration and Permit Program established in the report submitted to the secretary of transportation pursuant to the "Hazardous Materials Transportation Uniform Safety Act of 1990," United States Code, title 49 appendix, section 1819, subsection (c).

Sec. 4. Minnesota Statutes 2000, section 221.0355, subdivision 3, is amended to read:

Subd. 3. [GENERAL REQUIREMENTS.] Except as provided in subdivision 17, after October 1, 1994:

(a) No carrier, other than a public entity, may transport a hazardous material by motor vehicle in Minnesota unless it has complied with subdivision 4.

(b) No carrier, other than a public entity, may transport a hazardous waste in Minnesota unless it has complied with subdivisions 4 and 5.

(c) No shipper may offer a designated hazardous material for shipment or cause a designated hazardous material to be transported or shipped in Minnesota unless it has complied with subdivision 7.

(d) No carrier, other than a public entity, may transport a designated hazardous material by rail or water in Minnesota unless it has complied with subdivision 7a.

(e) No public entity may transport a hazardous material or hazardous waste by motor vehicle in Minnesota unless it has complied with subdivision 8.

(f) A carrier registered under this section, who exclusively offers designated materials for shipment only in vehicles controlled or operated by that carrier and who does not offer hazardous materials to other private or for-hire carriers, is not required to register as a shipper under subdivision 7."

Page 5, after line 2, insert:

"Sec. 9. [LIMITATION ON LAND USE VARIANCE ON STATE-AID ROAD.]

Neither a county nor a statutory or home rule charter city located in the metropolitan area under Minnesota Statutes, section 473.121, subdivision 2, may grant a variance from its zoning or other land use management plans, ordinances, or regulations to permit or authorize, or otherwise approve any other land use to permit or authorize, the establishment of a loading zone on or in the easement or right-of-way of any state-aid street or highway on the behalf of any housing or other building project receiving a building permit after December 31, 2001.

**[EFFECTIVE DATE.]** This section is effective retroactively from January 1, 2002.

Sec. 10. [DAN PATCH COMMUTER RAIL LINE; PROHIBITIONS.]

Subdivision 1. [DEFINITION.] For purposes of this section, "Dan Patch commuter rail line" means the commuter rail line between Northfield and Minneapolis identified in the metropolitan council's transit 2020 master plan as the Dan Patch line.

Subd. 2. [METROPOLITAN COUNCIL; PROHIBITIONS.] The metropolitan council may not take any action or spend any federal, state, or local money for study, planning, preliminary engineering, final design, or construction for the Dan Patch commuter rail line. The council shall remove all references, other than references for historical purposes, to the Dan Patch commuter rail line from any future revisions to the council's transportation policy plan and the council's regional transit master plan.

Subd. 3. [COMMISSIONER OF TRANSPORTATION.] The commissioner of transportation may not take any action or expend any federal, state, or local money for study, planning, preliminary engineering, final design, or construction for the Dan Patch commuter rail line. The commissioner shall remove all references, other than references for historical purposes, to the Dan Patch commuter rail line from any future revisions to the state transportation plan and the commissioner's commuter rail system plan.

Subd. 4. [REGIONAL RAIL AUTHORITIES.] No county or regional rail authority may expend any federal, state, or local money for study, planning, preliminary engineering, final design, or construction for the Dan Patch commuter rail line.

**[EFFECTIVE DATE.]** This section is effective July 1, 2002."

Page 5, line 4, before "Minnesota" insert "(a)"

Page 5, after line 4, insert:

"(b) Laws 2001, chapter 101, section 1, is repealed.

**[EFFECTIVE DATE.]** Paragraph (b) is effective the day following final enactment."

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "establishing conditions"

Page 1, delete line 3

Page 1, line 4, delete "vehicles;"

Page 1, line 7, after the first semicolon, insert "prohibiting zoning variance allowing loading zone in state-aid street or highway in metropolitan area; prohibiting action and spending on Dan Patch commuter rail line; abolishing law that prohibits action that may affect water flow to or from Camp Coldwater Springs;"



Page 1, line 8, delete everything after "sections"

Page 1, line 9, delete "subdivision;"

Page 1, line 10, after the first semicolon, insert "221.0355, subdivisions 2, 3;"

Page 1, line 14, before the period, insert "; Laws 2001, chapter 101, section 1"

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. 3203, A bill for an act relating to public safety; modifying vehicle registration provisions; regulating certain motor vehicle dealer transactions; allowing certain transactions with department of public safety to be conducted electronically; setting vehicle title fees; modifying bicycle registration provisions; modifying certain traffic regulations; requiring certain young males to be registered with selective service system upon applying for driver's license, instruction permit, or identification card; requiring proof of legal presence in this country to obtain driver's license, permit, or identification card; modifying, clarifying, and reorganizing motor carrier fuel tax provisions; modifying certain license plate display requirements; modifying commercial driver's license exemption for snowplow drivers; providing for a driver's license to be issued to legally emancipated minor; modifying commercial driver's license disqualification and violation provisions to conform to federal law; authorizing rules; making technical and clarifying changes; amending Minnesota Statutes 2000, sections 168.011, subdivisions 4, 34; 168.013, subdivision 3; 168.09, subdivisions 1, 3; 168.10, subdivision 1c; 168.187, subdivision 26; 168.27, as amended; 168.31, subdivision 4; 168.33, subdivision 6, by adding a subdivision; 168A.01, subdivisions 2, 24, by adding a subdivision; 168A.04, subdivision 5; 168A.05, subdivision 5a; 168A.09, subdivision 1; 168A.11, subdivision 2; 168A.12, subdivisions 1, 2; 168A.154; 168A.18; 168A.19, subdivision 2; 168A.20, subdivisions 2, 3, 4; 168A.24, subdivision 1; 168A.29, subdivision 1; 168C.02, subdivisions 1, 5; 168C.03; 168C.04, subdivision 1; 168C.05; 168C.06; 168C.07; 168C.08; 168C.09; 168C.11; 168C.12; 168C.13, subdivision 1; 169.26, subdivision 1; 169.28, subdivision 1; 171.02, subdivisions 1, 5; 171.04, subdivision 1, by adding a subdivision; 171.05, subdivision 2; 171.055, subdivision 1; 171.06, subdivisions 1, 3; 171.07, subdivision 3; 171.13, subdivision 2; 171.165; 296A.23, subdivision 7; Minnesota Statutes 2001 Supplement, sections 168.012, subdivision 1; 169.781, subdivision 2; 169.79, subdivisions 3, 8, by adding a subdivision; 171.07, subdivision 1; 221.221, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 168D; repealing Minnesota Statutes 2000, sections 115A.908, subdivision 2; 171.30, subdivision 3; 296A.27; 296A.28; Minnesota Statutes 2001 Supplement, section 115A.908, subdivision 1.

Reported the same back with the following amendments:

Page 54, delete section 50 and insert:

"Sec. 50. Minnesota Statutes 2000, section 171.04, is amended by adding a subdivision to read:

Subd. 3. [COMPLIANCE WITH SELECTIVE SERVICE ACT.] In order to ensure that an applicant for an original, duplicate, or renewal instruction permit, provisional license, driver's license, commercial driver's license, or Minnesota identification card is in compliance with section 3 of the Military Selective Service Act, United States Code, title 50 appendix, sections 451, et seq., the department of public safety shall forward to the United States Selective Service System in an electronic format the necessary personal information required to register an applicant who is a male under 26 years of age. The applicant's submission of the application constitutes authorization to the department to forward to the United States Selective Service System the necessary information for registration. The department shall notify the applicant on the application that submission of the application constitutes consent to be

registered with the United States Selective Service System, if required by federal law. The commissioner shall take no action under this subdivision unless the federal government agrees to reimburse the department for costs incurred in administering this section."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3209, A bill for an act relating to the environment; modifying provisions relating to petrofund contractors and consultants; modifying application requirements for certain petrofund reimbursements; amending Minnesota Statutes 2000, sections 115C.02, subdivisions 5a, 5b; 115C.11.

Reported the same back with the following amendments:

Page 3, after line 32, insert:

"Subd. 3. [PREREMOVAL SITE ASSESSMENT.] In response to an application submitted during the period beginning July 1, 2002, and ending June 30, 2003, the board may reimburse costs that met the requirements of Minnesota Statutes 2000, section 115C.092, to an eligible applicant who met the requirements of that section."

Page 3, line 33, delete "3" and insert "4"

Page 3, line 34, delete "either"

Page 3, line 35, delete "or"

Page 3, line 36, after the comma, insert "or Minnesota Statutes 2000, section 115C.092,"

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

The report was adopted.

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

H. F. No. 3221, A bill for an act relating to the military; revising the Minnesota code of military justice; amending Minnesota Statutes 2000, sections 192A.015; 192A.02, subdivision 3, by adding a subdivision; 192A.025; 192A.045, subdivisions 2, 3; 192A.05; 192A.055; 192A.07; 192A.08, subdivision 1; 192A.085, subdivisions 1, 3, 5, 7; 192A.09; 192A.095; 192A.10; 192A.105; 192A.11, subdivisions 1, 3; 192A.115; 192A.13; 192A.135; 192A.14; 192A.15, subdivisions 3, 5; 192A.155; 192A.16; 192A.205; 192A.235, subdivision 3; 192A.25, subdivision 3; 192A.28; 192A.31, subdivision 1; 192A.384; 192A.385; 192A.39; 192A.415; 192A.43, subdivisions 1, 2; 192A.46; 192A.47; 192A.48; 192A.485; 192A.50; 192A.51; 192A.525; 192A.54; 192A.55; 192A.555; 192A.56; 192A.57; 192A.585; 192A.59; 192A.60; 192A.605; 192A.61, subdivision 3; 192A.612; 192A.615, subdivisions 1, 2; 192A.62; 192A.635; 192A.64, subdivisions 1, 2; 192A.645; 192A.65; 192A.66; 192A.665; proposing coding for new law in Minnesota Statutes, chapter 192A; repealing Minnesota Statutes 2000, sections 192A.045, subdivision 1; 192A.06; 192A.075; 192A.145; 192A.165; 192A.17; 192A.175; 192A.18; 192A.185; 192A.19; 192A.195; 192A.21; 192A.215; 192A.22; 192A.225; 192A.23; 192A.235, subdivision 2; 192A.245; 192A.265; 192A.27;

192A.275;192A.285; 192A.29; 192A.295; 192A.305; 192A.31, subdivision 2; 192A.315; 192A.32; 192A.325; 192A.33; 192A.335; 192A.34; 192A.345; 192A.35; 192A.355; 192A.36; 192A.365; 192A.37; 192A.375; 192A.38; 192A.43, subdivision 3; 192A.505; 192A.52; 192A.53; 192A.58; 192A.611; 192A.655.

Reported the same back with the following amendments:

Page 4, line 22, delete "a hostile group or body" and insert "the enemy"

Page 4, line 23, delete the second "a"

Page 4, line 24, delete "hostile group or body" and insert "the enemy"

Page 20, line 12, strike "A HOSTILE GROUP OR BODY" and insert "THE ENEMY"

Page 20, line 15, reinstate the stricken language and delete the new language

Page 22, line 14, reinstate the stricken language and delete the new language

Page 22, line 15, delete "BODY"

Page 22, line 17, reinstate the stricken language and delete the new language

Page 22, line 32, reinstate the stricken language and delete the new language

Page 22, line 33, delete "or body"

Page 23, line 9, delete "a hostile"

Page 23, line 10, delete "group or body" and insert "the enemy"

Page 23, line 19, reinstate the stricken language and delete the new language

Page 23, line 21, reinstate the stricken language and delete the new language

Page 23, line 22, delete "body"

Page 23, line 25, reinstate the stricken "the enemy" and delete "a hostile group or body"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3236, A bill for an act relating to human services; making changes to continuing care programs; amending Minnesota Statutes 2000, sections 245.462, subdivision 4; 245.4871, subdivision 4; Minnesota Statutes 2001 Supplement, sections 256B.0627, subdivision 10; 256B.0911, subdivisions 4b, 4d; 256B.0913, subdivision 5; 256B.0915, subdivision 3; 256B.0924, subdivision 6; 256B.0951, subdivisions 7, 8; 256B.437, subdivision 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

CONTINUING CARE

Section 1. Minnesota Statutes 2000, section 245.462, subdivision 4, is amended to read:

Subd. 4. [CASE MANAGEMENT SERVICE PROVIDER.] (a) "Case management service provider" means a case manager or case manager associate employed by the county or other entity authorized by the county board to provide case management services specified in section 245.4711.

(b) A case manager must:

(1) be skilled in the process of identifying and assessing a wide range of client needs;

(2) be knowledgeable about local community resources and how to use those resources for the benefit of the client;

(3) have a bachelor's degree in one of the behavioral sciences or related fields including, but not limited to, social work, psychology, or nursing from an accredited college or university or meet the requirements of paragraph (c); and

(4) meet the supervision and continuing education requirements described in paragraphs (d), (e), and (f), as applicable.

(c) Case managers without a bachelor's degree must meet one of the requirements in clauses (1) to (3):

(1) have three or four years of experience as a case manager associate as defined in this section;

(2) be a registered nurse without a bachelor's degree and have a combination of specialized training in psychiatry and work experience consisting of community interaction and involvement or community discharge planning in a mental health setting totaling three years; or

(3) be a person who qualified as a case manager under the 1998 department of human service waiver provision and meet the continuing education and mentoring requirements in this section.

(d) A case manager with at least 2,000 hours of supervised experience in the delivery of services to adults with mental illness must receive regular ongoing supervision and clinical supervision totaling 38 hours per year of which at least one hour per month must be clinical supervision regarding individual service delivery with a case management supervisor. The remaining 26 hours of supervision may be provided by a case manager with two years of experience. Group supervision may not constitute more than one-half of the required supervision hours. Clinical supervision must be documented in the client record.

(e) A case manager without 2,000 hours of supervised experience in the delivery of services to adults with mental illness must:

(1) receive clinical supervision regarding individual service delivery from a mental health professional at least one hour per week until the requirement of 2,000 hours of experience is met; and

(2) complete 40 hours of training approved by the commissioner in case management skills and the characteristics and needs of adults with serious and persistent mental illness.

(f) A case manager who is not licensed, registered, or certified by a health-related licensing board must receive 30 hours of continuing education and training in mental illness and mental health services ~~annually~~ every two years.

(g) A case manager associate (CMA) must:

(1) work under the direction of a case manager or case management supervisor;

(2) be at least 21 years of age;

(3) have at least a high school diploma or its equivalent; and

(4) meet one of the following criteria:

(i) have an associate of arts degree in one of the behavioral sciences or human services;

(ii) be a registered nurse without a bachelor's degree;

(iii) within the previous ten years, have three years of life experience with serious and persistent mental illness as defined in section 245.462, subdivision 20; or as a child had severe emotional disturbance as defined in section 245.4871, subdivision 6; or have three years life experience as a primary caregiver to an adult with serious and persistent mental illness within the previous ten years;

(iv) have 6,000 hours work experience as a nondegreed state hospital technician; or

(v) be a mental health practitioner as defined in section 245.462, subdivision 17, clause (2).

Individuals meeting one of the criteria in items (i) to (iv), may qualify as a case manager after four years of supervised work experience as a case manager associate. Individuals meeting the criteria in item (v), may qualify as a case manager after three years of supervised experience as a case manager associate.

(h) A case management associate must meet the following supervision, mentoring, and continuing education requirements:

(1) have 40 hours of preservice training described under paragraph (e), clause (2);

(2) receive at least 40 hours of continuing education in mental illness and mental health services annually; and

(3) receive at least five hours of mentoring per week from a case management mentor.

A "case management mentor" means a qualified, practicing case manager or case management supervisor who teaches or advises and provides intensive training and clinical supervision to one or more case manager associates. Mentoring may occur while providing direct services to consumers in the office or in the field and may be provided to individuals or groups of case manager associates. At least two mentoring hours per week must be individual and face-to-face.

(i) A case management supervisor must meet the criteria for mental health professionals, as specified in section 245.462, subdivision 18.

(j) An immigrant who does not have the qualifications specified in this subdivision may provide case management services to adult immigrants with serious and persistent mental illness who are members of the same ethnic group as the case manager if the person:

(1) is currently enrolled in and is actively pursuing credits toward the completion of a bachelor's degree in one of the behavioral sciences or a related field including, but not limited to, social work, psychology, or nursing from an accredited college or university;

- (2) completes 40 hours of training as specified in this subdivision; and
- (3) receives clinical supervision at least once a week until the requirements of this subdivision are met.

Sec. 2. Minnesota Statutes 2000, section 245.4871, subdivision 4, is amended to read:

Subd. 4. [CASE MANAGEMENT SERVICE PROVIDER.] (a) "Case management service provider" means a case manager or case manager associate employed by the county or other entity authorized by the county board to provide case management services specified in subdivision 3 for the child with severe emotional disturbance and the child's family.

(b) A case manager must:

- (1) have experience and training in working with children;
- (2) have at least a bachelor's degree in one of the behavioral sciences or a related field including, but not limited to, social work, psychology, or nursing from an accredited college or university or meet the requirements of paragraph (d);
- (3) have experience and training in identifying and assessing a wide range of children's needs;
- (4) be knowledgeable about local community resources and how to use those resources for the benefit of children and their families; and
- (5) meet the supervision and continuing education requirements of paragraphs (e), (f), and (g), as applicable.

(c) A case manager may be a member of any professional discipline that is part of the local system of care for children established by the county board.

(d) A case manager without a bachelor's degree must meet one of the requirements in clauses (1) to (3):

- (1) have three or four years of experience as a case manager associate;
- (2) be a registered nurse without a bachelor's degree who has a combination of specialized training in psychiatry and work experience consisting of community interaction and involvement or community discharge planning in a mental health setting totaling three years; or
- (3) be a person who qualified as a case manager under the 1998 department of human services waiver provision and meets the continuing education, supervision, and mentoring requirements in this section.

(e) A case manager with at least 2,000 hours of supervised experience in the delivery of mental health services to children must receive regular ongoing supervision and clinical supervision totaling 38 hours per year, of which at least one hour per month must be clinical supervision regarding individual service delivery with a case management supervisor. The other 26 hours of supervision may be provided by a case manager with two years of experience. Group supervision may not constitute more than one-half of the required supervision hours.

(f) A case manager without 2,000 hours of supervised experience in the delivery of mental health services to children with emotional disturbance must:

- (1) begin 40 hours of training approved by the commissioner of human services in case management skills and in the characteristics and needs of children with severe emotional disturbance before beginning to provide case management services; and
- (2) receive clinical supervision regarding individual service delivery from a mental health professional at least one hour each week until the requirement of 2,000 hours of experience is met.

(g) A case manager who is not licensed, registered, or certified by a health-related licensing board must receive 30 hours of continuing education and training in severe emotional disturbance and mental health services annually every two years.

(h) Clinical supervision must be documented in the child's record. When the case manager is not a mental health professional, the county board must provide or contract for needed clinical supervision.

(i) The county board must ensure that the case manager has the freedom to access and coordinate the services within the local system of care that are needed by the child.

(j) A case manager associate (CMA) must:

(1) work under the direction of a case manager or case management supervisor;

(2) be at least 21 years of age;

(3) have at least a high school diploma or its equivalent; and

(4) meet one of the following criteria:

(i) have an associate of arts degree in one of the behavioral sciences or human services;

(ii) be a registered nurse without a bachelor's degree;

(iii) have three years of life experience as a primary caregiver to a child with serious emotional disturbance as defined in section 245.4871, subdivision 6, within the previous ten years;

(iv) have 6,000 hours work experience as a nondegreed state hospital technician; or

(v) be a mental health practitioner as defined in subdivision 26, clause (2).

Individuals meeting one of the criteria in items (i) to (iv) may qualify as a case manager after four years of supervised work experience as a case manager associate. Individuals meeting the criteria in item (v) may qualify as a case manager after three years of supervised experience as a case manager associate.

(k) Case manager associates must meet the following supervision, mentoring, and continuing education requirements;

(1) have 40 hours of preservice training described under paragraph (f), clause (1);

(2) receive at least 40 hours of continuing education in severe emotional disturbance and mental health service annually; and

(3) receive at least five hours of mentoring per week from a case management mentor. A "case management mentor" means a qualified, practicing case manager or case management supervisor who teaches or advises and provides intensive training and clinical supervision to one or more case manager associates. Mentoring may occur while providing direct services to consumers in the office or in the field and may be provided to individuals or groups of case manager associates. At least two mentoring hours per week must be individual and face-to-face.

(l) A case management supervisor must meet the criteria for a mental health professional as specified in section 245.4871, subdivision 27.

(m) An immigrant who does not have the qualifications specified in this subdivision may provide case management services to child immigrants with severe emotional disturbance of the same ethnic group as the immigrant if the person:

(1) is currently enrolled in and is actively pursuing credits toward the completion of a bachelor's degree in one of the behavioral sciences or related fields at an accredited college or university;

(2) completes 40 hours of training as specified in this subdivision; and

(3) receives clinical supervision at least once a week until the requirements of obtaining a bachelor's degree and 2,000 hours of supervised experience are met.

Sec. 3. Minnesota Statutes 2000, section 245.50, subdivision 1, is amended to read:

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

(a) "Bordering state" means Iowa, North Dakota, South Dakota, or Wisconsin.

(b) "Receiving agency or facility" means a public or private hospital, mental health center, or other person or organization authorized by a state to provide which provides mental health services under this section to individuals from a state other than the state in which the agency is located.

(c) "Receiving state" means the state in which a receiving agency is located.

(d) "Sending agency" means a state or county agency which sends an individual to a bordering state for treatment under this section.

(e) "Sending state" means the state in which the sending agency is located.

Sec. 4. Minnesota Statutes 2000, section 245.50, subdivision 2, is amended to read:

Subd. 2. [PURPOSE AND AUTHORITY.] (a) The purpose of this section is to enable appropriate treatment to be provided to individuals, across state lines from the individual's state of residence, in qualified facilities that are closer to the homes of individuals than are facilities available in the individual's home state.

(b) Unless prohibited by another law and subject to the exceptions listed in subdivision 3, a county board or the commissioner of human services may contract with an agency or facility in a bordering state for mental health services for residents of Minnesota, and a Minnesota mental health agency or facility may contract to provide services to residents of bordering states. Except as provided in subdivision 5, a person who receives services in another state under this section is subject to the laws of the state in which services are provided. A person who will receive services in another state under this section must be informed of the consequences of receiving services in another state, including the implications of the differences in state laws, to the extent the individual will be subject to the laws of the receiving state.

Sec. 5. Minnesota Statutes 2000, section 245.50, subdivision 5, is amended to read:

Subd. 5. [SPECIAL CONTRACTS; WISCONSIN BORDERING STATES.] ~~The commissioner of the Minnesota department of human services must enter into negotiations with appropriate personnel at the Wisconsin department of health and social services and must develop an agreement that conforms to the requirements of subdivision 4, to enable the placement in Minnesota of patients who are on emergency holds or who have been involuntarily committed as mentally ill or chemically dependent in Wisconsin and to enable the temporary placement in Wisconsin of patients who are on emergency holds in Minnesota under section 253B.05, provided that the Minnesota courts retain jurisdiction over Minnesota patients, and the state of Wisconsin affords to Minnesota patients the rights under Minnesota law. Persons committed by the Wisconsin courts and placed in Minnesota facilities shall continue to be~~



~~in the legal custody of Wisconsin and Wisconsin's laws governing length of commitment, reexaminations, and extension of commitment shall continue to apply to these residents. In all other respects, Wisconsin residents placed in Minnesota facilities are subject to Minnesota laws. The agreement must specify that responsibility for payment for the cost of care of Wisconsin residents shall remain with the state of Wisconsin and the cost of care of Minnesota residents shall remain with the state of Minnesota. The commissioner shall be assisted by attorneys from the Minnesota attorney general's office in negotiating and finalizing this agreement. The agreement shall be completed so as to permit placement of Wisconsin residents in Minnesota facilities and Minnesota residents in Wisconsin facilities beginning July 1, 1994. (a) An individual who is detained, committed, or placed on an involuntary basis under chapter 253B may be confined or treated in a bordering state pursuant to a contract under this section. An individual who is detained, committed, or placed on an involuntary basis under the civil law of a bordering state may be confined or treated in Minnesota pursuant to a contract under this section. A peace or health officer who is acting under the authority of the sending state may transport an individual to a receiving agency that provides services pursuant to a contract under this section, and may transport the individual back to the sending state under the laws of the sending state. Court orders valid under the law of the sending state are granted recognition and reciprocity in the receiving state for individuals covered by a contract under this section to the extent that the court orders relate to confinement for treatment or care of mental illness. Such treatment or care may address other conditions that may be cooccurring with the mental illness. These court orders are not subject to legal challenge in the courts of the receiving state. Individuals who are detained, committed, or placed under the law of a sending state and who are transferred to a receiving state under this section continue to be in the legal custody of the authority responsible for them under the law of the sending state. Except in emergencies, those individuals may not be transferred, removed, or furloughed from a receiving agency without the specific approval of the authority responsible for them under the law of the sending state.~~

(b) While in the receiving state pursuant to a contract under this section, an individual shall be subject to the sending state's laws and rules relating to length of confinement, reexaminations, and extensions of confinement. No individual may be sent to another state pursuant to a contract under this section until the receiving state has enacted a law recognizing the validity and applicability of this section.

(c) If an individual receiving services pursuant to a contract under this section leaves the receiving agency without permission and the individual is subject to involuntary confinement under the law of the sending state, the receiving agency shall use all reasonable means to return the individual to the receiving agency. The receiving agency shall immediately report the absence to the sending agency. The receiving state has the primary responsibility for, and the authority to direct, the return of these individuals within its borders and is liable for the cost of the action to the extent that it would be liable for costs of its own resident.

(d) Responsibility for payment for the cost of care remains with the sending agency.

(e) This subdivision also applies to county contracts under subdivision 2 which include emergency care and treatment provided to a county resident in a bordering state.

Sec. 6. Minnesota Statutes 2001 Supplement, section 256B.0627, subdivision 10, is amended to read:

Subd. 10. [FISCAL INTERMEDIARY OPTION AVAILABLE FOR PERSONAL CARE ASSISTANT SERVICES.] (a) The commissioner may allow a recipient of personal care assistant services to use a fiscal intermediary to assist the recipient in paying and accounting for medically necessary covered personal care assistant services authorized in subdivision 4 and within the payment parameters of subdivision 5. Unless otherwise provided in this subdivision, all other statutory and regulatory provisions relating to personal care assistant services apply to a recipient using the fiscal intermediary option.

(b) The recipient or responsible party shall:

(1) recruit, hire, and terminate a qualified professional, if a qualified professional is requested by the recipient or responsible party;

(2) verify and document the credentials of the qualified professional, if a qualified professional is requested by the recipient or responsible party;

(3) develop a service plan based on physician orders and public health nurse assessment with the assistance of a qualified professional, if a qualified professional is requested by the recipient or responsible party, that addresses the health and safety of the recipient;

(4) recruit, hire, and terminate the personal care assistant;

(5) orient and train the personal care assistant with assistance as needed from the qualified professional;

(6) supervise and evaluate the personal care assistant with assistance as needed from the recipient's physician or the qualified professional;

(7) monitor and verify in writing and report to the fiscal intermediary the number of hours worked by the personal care assistant and the qualified professional; and

(8) enter into a written agreement, as specified in paragraph (f).

(c) The duties of the fiscal intermediary shall be to:

(1) bill the medical assistance program for personal care assistant and qualified professional services;

(2) request and secure background checks on personal care assistants and qualified professionals according to section 245A.04;

(3) pay the personal care assistant and qualified professional based on actual hours of services provided;

(4) withhold and pay all applicable federal and state taxes;

(5) verify and keep records of hours worked by the personal care assistant and qualified professional;

(6) make the arrangements and pay unemployment insurance, taxes, workers' compensation, liability insurance, and other benefits, if any;

(7) enroll in the medical assistance program as a fiscal intermediary; and

(8) enter into a written agreement as specified in paragraph (f) before services are provided.

(d) The fiscal intermediary:

(1) may not be related to the recipient, qualified professional, or the personal care assistant;

(2) must ensure arm's length transactions with the recipient and personal care assistant; and

(3) shall be considered a joint employer of the personal care assistant and qualified professional to the extent specified in this section.

The fiscal intermediary or owners of the entity that provides fiscal intermediary services under this subdivision must pass a criminal background check as required in section 256B.0627, subdivision 1, paragraph (e).

(e) If the recipient or responsible party requests a qualified professional, the qualified professional providing assistance to the recipient shall meet the qualifications specified in section 256B.0625, subdivision 19c. The qualified professional shall assist the recipient in developing and revising a plan to meet the recipient's needs, as assessed by the public health nurse. In performing this function, the qualified professional must visit the recipient in the recipient's home at least once annually. The qualified professional must report any suspected abuse, neglect, or financial exploitation of the recipient to the appropriate authorities.

(f) The fiscal intermediary, recipient or responsible party, personal care assistant, and qualified professional shall enter into a written agreement before services are started. The agreement shall include:

(1) the duties of the recipient, qualified professional, personal care assistant, and fiscal agent based on paragraphs (a) to (e);

(2) the salary and benefits for the personal care assistant and the qualified professional;

(3) the administrative fee of the fiscal intermediary and services paid for with that fee, including background check fees;

(4) procedures to respond to billing or payment complaints; and

(5) procedures for hiring and terminating the personal care assistant and the qualified professional.

(g) The rates paid for personal care assistant services, shared care services, qualified professional services, and fiscal intermediary services under this subdivision shall be the same rates paid for personal care assistant services and qualified professional services under subdivision 2 respectively. Except for the administrative fee of the fiscal intermediary specified in paragraph (f), the remainder of the rates paid to the fiscal intermediary must be used to pay for the salary and benefits for the personal care assistant or the qualified professional.

(h) As part of the assessment defined in subdivision 1, the following conditions must be met to use or continue use of a fiscal intermediary:

(1) the recipient must be able to direct the recipient's own care, or the responsible party for the recipient must be readily available to direct the care of the personal care assistant;

(2) the recipient or responsible party must be knowledgeable of the health care needs of the recipient and be able to effectively communicate those needs;

(3) a face-to-face assessment must be conducted by the local county public health nurse at least annually, or when there is a significant change in the recipient's condition or change in the need for personal care assistant services;

(4) recipients who choose to use the shared care option as specified in subdivision 8 must utilize the same fiscal intermediary; and

~~the recipient cannot select the shared services option as specified in subdivision 8; and~~

(5) parties must be in compliance with the written agreement specified in paragraph (f).

(i) The commissioner shall deny, revoke, or suspend the authorization to use the fiscal intermediary option if:

(1) it has been determined by the qualified professional or local county public health nurse that the use of this option jeopardizes the recipient's health and safety;

(2) the parties have failed to comply with the written agreement specified in paragraph (f); or

(3) the use of the option has led to abusive or fraudulent billing for personal care assistant services.

The recipient or responsible party may appeal the commissioner's action according to section 256.045. The denial, revocation, or suspension to use the fiscal intermediary option shall not affect the recipient's authorized level of personal care assistant services as determined in subdivision 5.

Sec. 7. Minnesota Statutes 2001 Supplement, section 256B.0911, subdivision 4b, is amended to read:

Subd. 4b. [EXEMPTIONS AND EMERGENCY ADMISSIONS.] (a) Exemptions from the federal screening requirements outlined in subdivision 4a, paragraphs (b) and (c), are limited to:

(1) a person who, having entered an acute care facility from a certified nursing facility, is returning to a certified nursing facility; ~~and~~

(2) a person transferring from one certified nursing facility in Minnesota to another certified nursing facility in Minnesota; and

(3) a person, 21 years of age or older, who satisfies the following criteria, as specified in Code of Federal Regulations, title 42, section 483.106(b)(2):

(i) the person is admitted to a nursing facility directly from a hospital after receiving acute inpatient care at the hospital;

(ii) the person requires nursing facility services for the same condition for which care was provided in the hospital; and

(iii) the attending physician has certified before the nursing facility admission that the person is likely to receive less than 30 days of nursing facility services.

(b) Persons who are exempt from preadmission screening for purposes of level of care determination include:

(1) persons described in paragraph (a);

(2) an individual who has a contractual right to have nursing facility care paid for indefinitely by the veterans' administration;

(3) an individual enrolled in a demonstration project under section 256B.69, subdivision 8, at the time of application to a nursing facility;

(4) an individual currently being served under the alternative care program or under a home and community-based services waiver authorized under section 1915(c) of the federal Social Security Act; and

(5) individuals admitted to a certified nursing facility for a short-term stay, which is expected to be 14 days or less in duration based upon a physician's certification, and who have been assessed and approved for nursing facility admission within the previous six months. This exemption applies only if the consultation team member determines at the time of the initial assessment of the six-month period that it is appropriate to use the nursing facility for short-term stays and that there is an adequate plan of care for return to the home or community-based setting. If a stay exceeds 14 days, the individual must be referred no later than the first county working day following the 14th resident day for a screening, which must be completed within five working days of the referral. The payment limitations in subdivision 7 apply to an individual found at screening to not meet the level of care criteria for admission to a certified nursing facility.

(c) Persons admitted to a Medicaid-certified nursing facility from the community on an emergency basis as described in paragraph (d) or from an acute care facility on a nonworking day must be screened the first working day after admission.

(d) Emergency admission to a nursing facility prior to screening is permitted when all of the following conditions are met:

(1) a person is admitted from the community to a certified nursing or certified boarding care facility during county nonworking hours;

(2) a physician has determined that delaying admission until preadmission screening is completed would adversely affect the person's health and safety;

(3) there is a recent precipitating event that precludes the client from living safely in the community, such as sustaining an injury, sudden onset of acute illness, or a caregiver's inability to continue to provide care;

(4) the attending physician has authorized the emergency placement and has documented the reason that the emergency placement is recommended; and

(5) the county is contacted on the first working day following the emergency admission.

Transfer of a patient from an acute care hospital to a nursing facility is not considered an emergency except for a person who has received hospital services in the following situations: hospital admission for observation, care in an emergency room without hospital admission, or following hospital 24-hour bed care.

(e) A nursing facility must provide a written notice to persons who satisfy the criteria in paragraph (a), clause (3), regarding the person's right to request and receive long-term care consultation services as defined in subdivision 1a. The notice must be provided prior to the person's discharge from the facility and in a format specified by the commissioner.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment.

Sec. 8. Minnesota Statutes 2001 Supplement, section 256B.0911, subdivision 4d, is amended to read:

Subd. 4d. [PREADMISSION SCREENING OF INDIVIDUALS UNDER 65 YEARS OF AGE.] (a) It is the policy of the state of Minnesota to ensure that individuals with disabilities or chronic illness are served in the most integrated setting appropriate to their needs and have the necessary information to make informed choices about home and community-based service options.

(b) Individuals under 65 years of age who are admitted to a nursing facility from a hospital must be screened prior to admission as outlined in subdivisions 4a through 4c.

(c) Individuals under 65 years of age who are admitted to nursing facilities with only a telephone screening must receive a face-to-face assessment from the long-term care consultation team member of the county in which the facility is located or from the recipient's county case manager within 20 working days of admission.

(d) Individuals under 65 years of age who are admitted to a nursing facility without preadmission screening according to the exemption described in subdivision 4b, paragraph (a), clause (3), and who remain in the facility longer than 30 days must receive a face-to-face assessment within 40 days of admission.

(e) At the face-to-face assessment, the long-term care consultation team member or county case manager must perform the activities required under subdivision 3b.

~~(e)~~ (f) For individuals under 21 years of age, a screening interview which recommends nursing facility admission must be face-to-face and approved by the commissioner before the individual is admitted to the nursing facility.

~~(f)~~ (g) In the event that an individual under 65 years of age is admitted to a nursing facility on an emergency basis, the county must be notified of the admission on the next working day, and a face-to-face assessment as described in paragraph (c) must be conducted within 20 working days of admission.

~~(g)~~ (h) At the face-to-face assessment, the long-term care consultation team member or the case manager must present information about home and community-based options so the individual can make informed choices. If the individual chooses home and community-based services, the long-term care consultation team member or case manager must complete a written relocation plan within 20 working days of the visit. The plan shall describe the services needed to move out of the facility and a time line for the move which is designed to ensure a smooth transition to the individual's home and community.

~~(h)~~ (i) An individual under 65 years of age residing in a nursing facility shall receive a face-to-face assessment at least every 12 months to review the person's service choices and available alternatives unless the individual indicates, in writing, that annual visits are not desired. In this case, the individual must receive a face-to-face assessment at least once every 36 months for the same purposes.

~~(i)~~ (j) Notwithstanding the provisions of subdivision 6, the commissioner may pay county agencies directly for face-to-face assessments for individuals under 65 years of age who are being considered for placement or residing in a nursing facility.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment.

Sec. 9. Minnesota Statutes 2001 Supplement, section 256B.0913, subdivision 5, is amended to read:

Subd. 5. [SERVICES COVERED UNDER ALTERNATIVE CARE.] (a) Alternative care funding may be used for payment of costs of:

- (1) adult foster care;
- (2) adult day care;
- (3) home health aide;
- (4) homemaker services;
- (5) personal care;
- (6) case management;
- (7) respite care;
- (8) assisted living;
- (9) residential care services;
- (10) care-related supplies and equipment;
- (11) meals delivered to the home;
- (12) transportation;
- (13) skilled nursing;

- (14) chore services;
  - (15) companion services;
  - (16) nutrition services;
  - (17) training for direct informal caregivers;
  - (18) telemedicine devices to monitor recipients in their own homes as an alternative to hospital care, nursing home care, or home visits;
  - (19) other services which includes discretionary funds and direct cash payments to clients, following approval by the commissioner, subject to the provisions of paragraph (j). Total annual payments for "other services" for all clients within a county may not exceed ~~either ten~~ 25 percent of that county's annual alternative care program base allocation ~~or \$5,000, whichever is greater. In no case shall this amount exceed the county's total annual alternative care program base allocation;~~ and
  - (20) environmental modifications.
- (b) The county agency must ensure that the funds are not used to supplant services available through other public assistance or services programs.
- (c) Unless specified in statute, the service definitions and standards for alternative care services shall be the same as the service definitions and standards specified in the federally approved elderly waiver plan. Except for the county agencies' approval of direct cash payments to clients as described in paragraph (j) or for a provider of supplies and equipment when the monthly cost of the supplies and equipment is less than \$250, persons or agencies must be employed by or under a contract with the county agency or the public health nursing agency of the local board of health in order to receive funding under the alternative care program. Supplies and equipment may be purchased from a vendor not certified to participate in the Medicaid program if the cost for the item is less than that of a Medicaid vendor.
- (d) The adult foster care rate shall be considered a difficulty of care payment and shall not include room and board. The adult foster care rate shall be negotiated between the county agency and the foster care provider. The alternative care payment for the foster care service in combination with the payment for other alternative care services, including case management, must not exceed the limit specified in subdivision 4, paragraph (a), clause (6).
- (e) Personal care services must meet the service standards defined in the federally approved elderly waiver plan, except that a county agency may contract with a client's relative who meets the relative hardship waiver requirement as defined in section 256B.0627, subdivision 4, paragraph (b), clause (10), to provide personal care services if the county agency ensures supervision of this service by a registered nurse or mental health practitioner.
- (f) For purposes of this section, residential care services are services which are provided to individuals living in residential care homes. Residential care homes are currently licensed as board and lodging establishments and are registered with the department of health as providing special services under section 157.17 and are not subject to registration under chapter 144D. Residential care services are defined as "supportive services" and "health-related services." "Supportive services" means the provision of up to 24-hour supervision and oversight. Supportive services includes: (1) transportation, when provided by the residential care home only; (2) socialization, when socialization is part of the plan of care, has specific goals and outcomes established, and is not diversional or recreational in nature; (3) assisting clients in setting up meetings and appointments; (4) assisting clients in setting up medical and social services; (5) providing assistance with personal laundry, such as carrying the client's laundry to the laundry room. Assistance with personal laundry does not include any laundry, such as bed linen, that is included in the room and board rate. "Health-related services" are limited to minimal assistance with dressing, grooming, and bathing and providing reminders to residents to take medications that are self-administered or providing storage for medications, if requested. Individuals receiving residential care services cannot receive homemaking services funded under this section.

(g) For the purposes of this section, "assisted living" refers to supportive services provided by a single vendor to clients who reside in the same apartment building of three or more units which are not subject to registration under chapter 144D and are licensed by the department of health as a class A home care provider or a class E home care provider. Assisted living services are defined as up to 24-hour supervision, and oversight, supportive services as defined in clause (1), individualized home care aide tasks as defined in clause (2), and individualized home management tasks as defined in clause (3) provided to residents of a residential center living in their units or apartments with a full kitchen and bathroom. A full kitchen includes a stove, oven, refrigerator, food preparation counter space, and a kitchen utensil storage compartment. Assisted living services must be provided by the management of the residential center or by providers under contract with the management or with the county.

(1) Supportive services include:

(i) socialization, when socialization is part of the plan of care, has specific goals and outcomes established, and is not diversional or recreational in nature;

(ii) assisting clients in setting up meetings and appointments; and

(iii) providing transportation, when provided by the residential center only.

(2) Home care aide tasks means:

(i) preparing modified diets, such as diabetic or low sodium diets;

(ii) reminding residents to take regularly scheduled medications or to perform exercises;

(iii) household chores in the presence of technically sophisticated medical equipment or episodes of acute illness or infectious disease;

(iv) household chores when the resident's care requires the prevention of exposure to infectious disease or containment of infectious disease; and

(v) assisting with dressing, oral hygiene, hair care, grooming, and bathing, if the resident is ambulatory, and if the resident has no serious acute illness or infectious disease. Oral hygiene means care of teeth, gums, and oral prosthetic devices.

(3) Home management tasks means:

(i) housekeeping;

(ii) laundry;

(iii) preparation of regular snacks and meals; and

(iv) shopping.

Individuals receiving assisted living services shall not receive both assisted living services and homemaking services. Individualized means services are chosen and designed specifically for each resident's needs, rather than provided or offered to all residents regardless of their illnesses, disabilities, or physical conditions. Assisted living services as defined in this section shall not be authorized in boarding and lodging establishments licensed according to sections 157.011 and 157.15 to 157.22.



(h) For establishments registered under chapter 144D, assisted living services under this section means either the services described in paragraph (g) and delivered by a class E home care provider licensed by the department of health or the services described under section 144A.4605 and delivered by an assisted living home care provider or a class A home care provider licensed by the commissioner of health.

(i) Payment for assisted living services and residential care services shall be a monthly rate negotiated and authorized by the county agency based on an individualized service plan for each resident and may not cover direct rent or food costs.

(1) The individualized monthly negotiated payment for assisted living services as described in paragraph (g) or (h), and residential care services as described in paragraph (f), shall not exceed the nonfederal share in effect on July 1 of the state fiscal year for which the rate limit is being calculated of the greater of either the statewide or any of the geographic groups' weighted average monthly nursing facility payment rate of the case mix resident class to which the alternative care eligible client would be assigned under Minnesota Rules, parts 9549.0050 to 9549.0059, less the maintenance needs allowance as described in section 256B.0915, subdivision 1d, paragraph (a), until the first day of the state fiscal year in which a resident assessment system, under section 256B.437, of nursing home rate determination is implemented. Effective on the first day of the state fiscal year in which a resident assessment system, under section 256B.437, of nursing home rate determination is implemented and the first day of each subsequent state fiscal year, the individualized monthly negotiated payment for the services described in this clause shall not exceed the limit described in this clause which was in effect on the last day of the previous state fiscal year and which has been adjusted by the greater of any legislatively adopted home and community-based services cost-of-living percentage increase or any legislatively adopted statewide percent rate increase for nursing facilities.

(2) The individualized monthly negotiated payment for assisted living services described under section 144A.4605 and delivered by a provider licensed by the department of health as a class A home care provider or an assisted living home care provider and provided in a building that is registered as a housing with services establishment under chapter 144D and that provides 24-hour supervision in combination with the payment for other alternative care services, including case management, must not exceed the limit specified in subdivision 4, paragraph (a), clause (6).

(j) A county agency may make payment from their alternative care program allocation for "other services" which include use of "discretionary funds" for services that are not otherwise defined in this section and direct cash payments to the client for the purpose of purchasing the services. The following provisions apply to payments under this paragraph:

(1) a cash payment to a client under this provision cannot exceed ~~80 percent~~ of the monthly payment limit for that client as specified in subdivision 4, paragraph (a), clause (6);

(2) a county may not approve any cash payment for a client who meets either of the following:

(i) has been assessed as having a dependency in orientation, unless the client has an authorized representative. An "authorized representative" means an individual who is at least 18 years of age and is designated by the person or the person's legal representative to act on the person's behalf. This individual may be a family member, guardian, representative payee, or other individual designated by the person or the person's legal representative, if any, to assist in purchasing and arranging for supports; or

(ii) is concurrently receiving adult foster care, residential care, or assisted living services;

(3) cash payments to a person or a person's family will be provided through a monthly payment and be in the form of cash, voucher, or direct county payment to a vendor. Fees or premiums assessed to the person for eligibility for health and human services are not reimbursable through this service option. Services and goods purchased through cash payments must be identified in the person's individualized care plan and must meet all of the following criteria:

(i) they must be over and above the normal cost of caring for the person if the person did not have functional limitations;

- (ii) they must be directly attributable to the person's functional limitations;
  - (iii) they must have the potential to be effective at meeting the goals of the program;
  - (iv) they must be consistent with the needs identified in the individualized service plan. The service plan shall specify the needs of the person and family, the form and amount of payment, the items and services to be reimbursed, and the arrangements for management of the individual grant; and
  - (v) the person, the person's family, or the legal representative shall be provided sufficient information to ensure an informed choice of alternatives. The local agency shall document this information in the person's care plan, including the type and level of expenditures to be reimbursed;
- (4) the county, lead agency under contract, or tribal government under contract to administer the alternative care program shall not be liable for damages, injuries, or liabilities sustained through the purchase of direct supports or goods by the person, the person's family, or the authorized representative with funds received through the cash payments under this section. Liabilities include, but are not limited to, workers' compensation, the Federal Insurance Contributions Act (FICA), or the Federal Unemployment Tax Act (FUTA);
- (5) persons receiving grants under this section shall have the following responsibilities:
- (i) spend the grant money in a manner consistent with their individualized service plan with the local agency;
  - (ii) notify the local agency of any necessary changes in the grant expenditures;
  - (iii) arrange and pay for supports; and
  - (iv) inform the local agency of areas where they have experienced difficulty securing or maintaining supports; and
- (6) the county shall report client outcomes, services, and costs under this paragraph in a manner prescribed by the commissioner.
- (k) Upon implementation of direct cash payments to clients under this section, any person determined eligible for the alternative care program who chooses a cash payment approved by the county agency shall receive the cash payment under this section and not under section 256.476 unless the person was receiving a consumer support grant under section 256.476 before implementation of direct cash payments under this section.

Sec. 10. Minnesota Statutes 2001 Supplement, section 256B.0915, subdivision 3, is amended to read:

Subd. 3. [LIMITS OF CASES, RATES, PAYMENTS, AND FORECASTING.] (a) The number of medical assistance waiver recipients that a county may serve must be allocated according to the number of medical assistance waiver cases open on July 1 of each fiscal year. Additional recipients may be served with the approval of the commissioner.

(b) The monthly limit for the cost of waived services to an individual elderly waiver client shall be the weighted average monthly nursing facility rate of the case mix resident class to which the elderly waiver client would be assigned under Minnesota Rules, parts 9549.0050 to 9549.0059, less the recipient's maintenance needs allowance as described in subdivision 1d, paragraph (a), until the first day of the state fiscal year in which the resident assessment system as described in section 256B.437 for nursing home rate determination is implemented. Effective on the first day of the state fiscal year in which the resident assessment system as described in section 256B.437 for nursing home rate determination is implemented and the first day of each subsequent state fiscal year, the monthly limit for the cost of waived services to an individual elderly waiver client shall be the rate of the case mix resident class to which the waiver client would be assigned under Minnesota Rules, parts 9549.0050 to 9549.0059, in effect on the last day of the previous state fiscal year, adjusted by the greater of any legislatively adopted home and community-based services cost-of-living percentage increase or any legislatively adopted statewide percent rate increase for nursing facilities.

(c) If extended medical supplies and equipment or environmental modifications are or will be purchased for an elderly waiver client, the costs may be prorated for up to 12 consecutive months beginning with the month of purchase. If the monthly cost of a recipient's waived services exceeds the monthly limit established in paragraph (b), the annual cost of all waived services shall be determined. In this event, the annual cost of all waived services shall not exceed 12 times the monthly limit of waived services as described in paragraph (b).

(d) For a person who is a nursing facility resident at the time of requesting a determination of eligibility for elderly waived services, a monthly conversion limit for the cost of elderly waived services may be requested. The monthly conversion limit for the cost of elderly waiver services shall be the resident class assigned under Minnesota Rules, parts 9549.0050 to 9549.0059, for that resident in the nursing facility where the resident currently resides until July 1 of the state fiscal year in which the resident assessment system as described in section 256B.437 for nursing home rate determination is implemented. Effective on July 1 of the state fiscal year in which the resident assessment system as described in section 256B.437 for nursing home rate determination is implemented, the monthly conversion limit for the cost of elderly waiver services shall be the per diem nursing facility rate as determined by the resident assessment system as described in section 256B.437 for that resident in the nursing facility where the resident currently resides multiplied by 365 and divided by 12, less the recipient's maintenance needs allowance as described in subdivision 1d. The initially approved conversion rate may be adjusted by the greater of any subsequent legislatively adopted home and community-based services cost-of-living percentage increase or any subsequent legislatively adopted statewide percentage rate increase for nursing facilities. The limit under this clause only applies to persons discharged from a nursing facility after a minimum 30-day stay and found eligible for waived services on or after July 1, 1997. The following costs must be included in determining the total monthly costs for the waiver client:

(1) cost of all waived services, including extended medical supplies and equipment and environmental modifications; and

(2) cost of skilled nursing, home health aide, and personal care services reimbursable by medical assistance.

(e) Medical assistance funding for skilled nursing services, private duty nursing, home health aide, and personal care services for waiver recipients must be approved by the case manager and included in the individual care plan.

(f) A county is not required to contract with a provider of supplies and equipment if the monthly cost of the supplies and equipment is less than \$250.

(g) The adult foster care rate shall be considered a difficulty of care payment and shall not include room and board. The adult foster care service rate shall be negotiated between the county agency and the foster care provider. The elderly waiver payment for the foster care service in combination with the payment for all other elderly waiver services, including case management, must not exceed the limit specified in paragraph (b).

(h) Payment for assisted living service shall be a monthly rate negotiated and authorized by the county agency based on an individualized service plan for each resident and may not cover direct rent or food costs.

(1) The individualized monthly negotiated payment for assisted living services as described in section 256B.0913, subdivision 5, paragraph (g) or (h), and residential care services as described in section 256B.0913, subdivision 5, paragraph (f), shall not exceed the nonfederal share, in effect on July 1 of the state fiscal year for which the rate limit is being calculated, of the greater of either the statewide or any of the geographic groups' weighted average monthly nursing facility rate of the case mix resident class to which the elderly waiver eligible client would be assigned under Minnesota Rules, parts 9549.0050 to 9549.0059, less the maintenance needs allowance as described in subdivision 1d, paragraph (a), until the July 1 of the state fiscal year in which the resident assessment system as described in section 256B.437 for nursing home rate determination is implemented. Effective on July 1 of the state fiscal year in which the resident assessment system as described in section 256B.437 for nursing home rate determination is implemented and July 1 of each subsequent state fiscal year, the individualized monthly negotiated payment for the services described in this clause shall not exceed the limit described in this clause which was in effect on June 30 of the previous state fiscal year and which has been adjusted by the greater of any legislatively adopted home and community-based services cost-of-living percentage increase or any legislatively adopted statewide percent rate increase for nursing facilities.

(2) The individualized monthly negotiated payment for assisted living services described in section 144A.4605 and delivered by a provider licensed by the department of health as a class A home care provider or an assisted living home care provider and provided in a building that is registered as a housing with services establishment under chapter 144D and that provides 24-hour supervision in combination with the payment for other elderly waiver services, including case management, must not exceed the limit specified in paragraph (b).

(i) The county shall negotiate individual service rates with vendors and may authorize payment for actual costs up to the county's current approved rate. Persons or agencies must be employed by or under a contract with the county agency or the public health nursing agency of the local board of health in order to receive funding under the elderly waiver program, except as a provider of supplies and equipment when the monthly cost of the supplies and equipment is less than \$250.

(j) Reimbursement for the medical assistance recipients under the approved waiver shall be made from the medical assistance account through the invoice processing procedures of the department's Medicaid Management Information System (MMIS), only with the approval of the client's case manager. The budget for the state share of the Medicaid expenditures shall be forecasted with the medical assistance budget, and shall be consistent with the approved waiver.

(k) To improve access to community services and eliminate payment disparities between the alternative care program and the elderly waiver, the commissioner shall establish statewide maximum service rate limits and eliminate county-specific service rate limits.

(1) Effective July 1, 2001, for service rate limits, except those described or defined in paragraphs (g) and (h), the rate limit for each service shall be the greater of the alternative care statewide maximum rate or the elderly waiver statewide maximum rate.

(2) Counties may negotiate individual service rates with vendors for actual costs up to the statewide maximum service rate limit.

(1) Beginning July 1, 1991, the state shall reimburse counties according to the payment schedule in section 256.025 for the county share of costs incurred under this subdivision on or after January 1, 1991, for individuals who are receiving medical assistance.

Sec. 11. Minnesota Statutes 2001 Supplement, section 256B.0924, subdivision 6, is amended to read:

Subd. 6. [PAYMENT FOR TARGETED CASE MANAGEMENT.] (a) Medical assistance and MinnesotaCare payment for targeted case management shall be made on a monthly basis. In order to receive payment for an eligible adult, the provider must document at least one contact per month and not more than two consecutive months without a face-to-face contact with the adult or the adult's legal representative, family, primary caregiver, or other relevant persons identified as necessary to the development or implementation of the goals of the personal service plan.

(b) Payment for targeted case management provided by county staff under this subdivision shall be based on the monthly rate methodology under section 256B.094, subdivision 6, paragraph (b), calculated as one combined average rate together with adult mental health case management under section 256B.0625, subdivision 20, except for calendar year 2002. In calendar year 2002, the rate for case management under this section shall be the same as the rate for adult mental health case management in effect as of December 31, 2001. Billing and payment must identify the recipient's primary population group to allow tracking of revenues.

(c) Payment for targeted case management provided by county-contracted vendors shall be based on a monthly rate negotiated by the host county. The negotiated rate must not exceed the rate charged by the vendor for the same service to other payers. If the service is provided by a team of contracted vendors, the county may negotiate a team rate with a vendor who is a member of the team. The team shall determine how to distribute the rate among its members. No reimbursement received by contracted vendors shall be returned to the county, except to reimburse the county for advance funding provided by the county to the vendor.

(d) If the service is provided by a team that includes contracted vendors and county staff, the costs for county staff participation on the team shall be included in the rate for county-provided services. In this case, the contracted vendor and the county may each receive separate payment for services provided by each entity in the same month. In order to prevent duplication of services, the county must document, in the recipient's file, the need for team targeted case management and a description of the different roles of the team members.

(e) Notwithstanding section 256B.19, subdivision 1, the nonfederal share of costs for targeted case management shall be provided by the recipient's county of responsibility, as defined in sections 256G.01 to 256G.12, from sources other than federal funds or funds used to match other federal funds.

(f) The commissioner may suspend, reduce, or terminate reimbursement to a provider that does not meet the reporting or other requirements of this section. The county of responsibility, as defined in sections 256G.01 to 256G.12, is responsible for any federal disallowances. The county may share this responsibility with its contracted vendors.

(g) The commissioner shall set aside five percent of the federal funds received under this section for use in reimbursing the state for costs of developing and implementing this section.

(h) Notwithstanding section 256.025, subdivision 2, payments to counties for targeted case management expenditures under this section shall only be made from federal earnings from services provided under this section. Payments to contracted vendors shall include both the federal earnings and the county share.

(i) Notwithstanding section 256B.041, county payments for the cost of case management services provided by county staff shall not be made to the state treasurer. For the purposes of targeted case management services provided by county staff under this section, the centralized disbursement of payments to counties under section 256B.041 consists only of federal earnings from services provided under this section.

(j) If the recipient is a resident of a nursing facility, intermediate care facility, or hospital, and the recipient's institutional care is paid by medical assistance, payment for targeted case management services under this subdivision is limited to the last 180 days of the recipient's residency in that facility and may not exceed more than six months in a calendar year.

(k) Payment for targeted case management services under this subdivision shall not duplicate payments made under other program authorities for the same purpose.

(l) Any growth in targeted case management services and cost increases under this section shall be the responsibility of the counties.

Sec. 12. Minnesota Statutes 2001 Supplement, section 256B.0951, subdivision 7, is amended to read:

Subd. 7. [WAIVER OF RULES.] If a federal waiver is approved under subdivision 8, the commissioner of health may exempt residents of intermediate care facilities for persons with mental retardation (ICFs/MR) who participate in the ~~three-year~~ alternative quality assurance pilot project established in section 256B.095 from the requirements of Minnesota Rules, chapter 4665, ~~upon approval by the federal government of a waiver of federal certification requirements for ICFs/MR.~~

Sec. 13. Minnesota Statutes 2001 Supplement, section 256B.0951, subdivision 8, is amended to read:

Subd. 8. [FEDERAL WAIVER.] ~~The commissioner of human services shall seek federal authority to waive provisions of intermediate care facilities for persons with mental retardation (ICFs/MR) regulations to enable the demonstration and evaluation of the alternative quality assurance system for ICFs/MR under the project. The commissioner of human services shall apply for any necessary waivers as soon as practicable: a federal waiver to allow intermediate care facilities for persons with mental retardation (ICFs/MR) in Region 10 of Minnesota to participate in the alternative licensing system. If it is necessary for purposes of participation in this alternative~~

licensing system for a facility to be decertified as an ICF/MR facility according to the terms of the federal waiver, when the facility seeks recertification under the provisions of ICF/MR regulations at the end of the demonstration project, it will not be considered a new ICF/MR as defined under section 252.291 provided the licensed capacity of the facility did not increase during its participation in the alternative licensing system. The provisions of sections 252.82, 252.292, and 256B.5011 to 256B.5015 will remain applicable for counties in Region 10 of Minnesota and the ICFs/MR located within those counties notwithstanding a county's participation in the alternative licensing system.

Sec. 14. Minnesota Statutes 2001 Supplement, section 256B.437, subdivision 6, is amended to read:

Subd. 6. [PLANNED CLOSURE RATE ADJUSTMENT.] (a) The commissioner of human services shall calculate the amount of the planned closure rate adjustment available under subdivision 3, paragraph (b), for up to 5,140 beds according to clauses (1) to (4):

(1) the amount available is the net reduction of nursing facility beds multiplied by \$2,080;

(2) the total number of beds in the nursing facility or facilities receiving the planned closure rate adjustment must be identified;

(3) capacity days are determined by multiplying the number determined under clause (2) by 365; and

(4) the planned closure rate adjustment is the amount available in clause (1), divided by capacity days determined under clause (3).

(b) A planned closure rate adjustment under this section is effective on the first day of the month following completion of closure of the facility designated for closure in the application and becomes part of the nursing facility's total operating payment rate.

(c) Applicants may use the planned closure rate adjustment to allow for a property payment for a new nursing facility or an addition to an existing nursing facility or as an operating payment rate adjustment. Applications approved under this subdivision are exempt from other requirements for moratorium exceptions under section 144A.073, subdivisions 2 and 3.

(d) Upon the request of a closing facility, the commissioner must allow the facility a closure rate adjustment as provided under section 144A.161, subdivision 10.

(e) A facility that has received a planned closure rate adjustment may reassign it to another facility that is under the same ownership at any time within three years of its effective date. The amount of the adjustment shall be computed according to paragraph (a).

Sec. 15. [CASE MANAGEMENT STUDY.]

The commissioner of human services shall study case management services for persons with disabilities, in consultation with consumers, consumer advocates, and local social service agencies. The commissioner shall report to the chairs and ranking minority members of the house and senate committees having jurisdiction over health and human services policy and funding, by January 15, 2003, on strategies that:

(1) streamline administration;

(2) improve case management service availability across the state;

(3) enhance consumer access to needed services and supports;

(4) improve accountability and the use of performance measures;

(5) provide for consumer choice of vendor; and

(6) improve the financing of case management services.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment.

## ARTICLE 2

### LICENSING

Section 1. Minnesota Statutes 2001 Supplement, section 245A.04, subdivision 3b, is amended to read:

Subd. 3b. [RECONSIDERATION OF DISQUALIFICATION.] (a) The individual who is the subject of the disqualification may request a reconsideration of the disqualification.

The individual must submit the request for reconsideration to the commissioner in writing. A request for reconsideration for an individual who has been sent a notice of disqualification under subdivision 3a, paragraph (b), clause (1) or (2), must be submitted within 30 calendar days of the disqualified individual's receipt of the notice of disqualification. Upon showing that the information in clause (1) or (2) cannot be obtained within 30 days, the disqualified individual may request additional time, not to exceed 30 days, to obtain that information. A request for reconsideration for an individual who has been sent a notice of disqualification under subdivision 3a, paragraph (b), clause (3), must be submitted within 15 calendar days of the disqualified individual's receipt of the notice of disqualification. An individual who was determined to have maltreated a child under section 626.556 or a vulnerable adult under section 626.557, and who was disqualified under this section on the basis of serious or recurring maltreatment, may request reconsideration of both the maltreatment and the disqualification determinations. The request for reconsideration of the maltreatment determination and the disqualification must be submitted within 30 calendar days of the individual's receipt of the notice of disqualification. Removal of a disqualified individual from direct contact shall be ordered if the individual does not request reconsideration within the prescribed time, and for an individual who submits a timely request for reconsideration, if the disqualification is not set aside. The individual must present information showing that:

(1) the information the commissioner relied upon is incorrect or inaccurate. If the basis of a reconsideration request is that a maltreatment determination or disposition under section 626.556 or 626.557 is incorrect, and the commissioner has issued a final order in an appeal of that determination or disposition under section 256.045 or 245A.08, subdivision 5, the commissioner's order is conclusive on the issue of maltreatment. If the individual did not request reconsideration of the maltreatment determination, the maltreatment determination is deemed conclusive; or

(2) the subject of the study does not pose a risk of harm to any person served by the applicant, license holder, or registrant under section 144A.71, subdivision 1.

(b) The commissioner shall rescind the disqualification if the commissioner finds that the information relied on to disqualify the subject is incorrect. The commissioner may set aside the disqualification under this section if the commissioner finds that the individual does not pose a risk of harm to any person served by the applicant, license holder, or registrant under section 144A.71, subdivision 1. In determining that an individual does not pose a risk of harm, the commissioner shall consider the nature, severity, and consequences of the event or events that lead to disqualification, whether there is more than one disqualifying event, the age and vulnerability of the victim at the time of the event, the harm suffered by the victim, the similarity between the victim and persons served by the program, the time elapsed without a repeat of the same or similar event, documentation of successful completion by the individual studied of training or rehabilitation pertinent to the event, and any other information relevant to reconsideration. In reviewing a disqualification under this section, the commissioner shall give preeminent weight to the safety of each person to be served by the license holder, applicant, or registrant under section 144A.71, subdivision 1, over the interests of the license holder, applicant, or registrant under section 144A.71, subdivision 1.

(c) Unless the information the commissioner relied on in disqualifying an individual is incorrect, the commissioner may not set aside the disqualification of an individual ~~in connection with a license to provide family day care for children, foster care for children in the provider's own home, or foster care or day care services for adults in the provider's own home if:~~

(1) less than ten years have passed since the discharge of the sentence imposed for the offense; and the individual has been convicted of a violation of any offense listed in sections ~~609.20 (manslaughter in the first degree), 609.205 (manslaughter in the second degree), criminal vehicular homicide under 609.21 (criminal vehicular homicide and injury), 609.215 (aiding suicide or aiding attempted suicide), felony violations under 609.221 to 609.2231 (assault in the first, second, third, or fourth degree), 609.713 (terroristic threats), 609.235 (use of drugs to injure or to facilitate crime), 609.24 (simple robbery), 609.245 (aggravated robbery), 609.25 (kidnapping), 609.255 (false imprisonment), 609.561 or 609.562 (arson in the first or second degree), 609.71 (riot), burglary in the first or second degree under 609.582 (burglary), 609.66 (dangerous weapon), 609.665 (spring guns), 609.67 (machine guns and short-barreled shotguns), 609.749 (harassment; stalking), 152.021 or 152.022 (controlled substance crime in the first or second degree), 152.023, subdivision 1, clause (3) or (4), or subdivision 2, clause (4) (controlled substance crime in the third degree), 152.024, subdivision 1, clause (2), (3), or (4) (controlled substance crime in the fourth degree), 152.024 or 152.025 (controlled substance crime in the fourth or fifth degree), 609.224, subdivision 2, paragraph (c) (fifth-degree assault by a caregiver against a vulnerable adult), 609.228 (great bodily harm caused by distribution of drugs), 609.23 (mistreatment of persons confined), 609.231 (mistreatment of residents or patients), 609.2325 (criminal abuse of a vulnerable adult), 609.233 (criminal neglect of a vulnerable adult), 609.2335 (financial exploitation of a vulnerable adult), 609.234 (failure to report), 609.265 (abduction), 609.2664 to 609.2665 (manslaughter of an unborn child in the first or second degree), 609.267 to 609.2672 (assault of an unborn child in the first, second, or third degree), 609.268 (injury or death of an unborn child in the commission of a crime), 617.293 (disseminating or displaying harmful material to minors), a felony level conviction involving alcohol or drug use, a gross misdemeanor offense under 609.324, subdivision 1 (other prohibited acts), a gross misdemeanor offense under 609.378 (neglect or endangerment of a child), a gross misdemeanor offense under 609.377 (malicious punishment of a child), 609.72, subdivision 3 (disorderly conduct against a vulnerable adult); or an attempt or conspiracy to commit any of these offenses, as each of these offenses is defined in Minnesota Statutes; or an offense in any other state, the elements of which are substantially similar to the elements of any of the foregoing offenses;~~

(2) regardless of how much time has passed since the involuntary termination of parental rights under section 260C.301 or the discharge of the sentence imposed for the offense, the individual was convicted of a violation of any offense listed in sections 609.185 to 609.195 (murder in the first, second, or third degree), 609.20 (manslaughter in the first degree), 609.205 (manslaughter in the second degree), criminal vehicular homicide under 609.21 (criminal vehicular homicide and injury), 609.235 (use of drugs to injure or to facilitate crime), 609.24 (simple robbery), 609.245 (aggravated robbery), 609.25 (kidnapping), 609.255 (false imprisonment), 609.561 or 609.562 (arson in the first or second degree), 609.749 (harassment; stalking), 609.228 (great bodily harm caused by distribution of drugs), 609.2664 to 609.2665 (manslaughter of an unborn child in the first or second degree), 609.267 or 609.2671 (assault of an unborn child in the first or second degree), 609.268 (injury or death of an unborn child in the commission of a crime), 609.221 to 609.223 (assault in the first, second, or third degree), 609.582 (burglary in the first degree), 609.66, subdivision 1e (drive-by shooting), 609.165 (felon ineligible to possess firearm), 609.498, subdivision 1 (tampering with a witness), 609.687 (adulteration), 609.855, subdivision 5 (shooting in or at a public transit vehicle or facility), 609.229 (crime committed for benefit of a gang), 609.2661 to 609.2663 (murder of an unborn child in the first, second, or third degree), a felony offense under 609.377 (malicious punishment of a child), a felony offense under 609.324, subdivision 1 (other prohibited acts), a felony offense under 609.378 (neglect or endangerment of a child), 609.322 (solicitation, inducement, and promotion of prostitution), 609.342 to 609.345 (criminal sexual conduct in the first, second, third, or fourth degree), 609.352 (solicitation of children to engage in sexual conduct), 617.246 (use of minors in a sexual performance), 617.247 (possession of pictorial representations of a minor), 609.365 (incest), a felony offense under sections 609.2242 and 609.2243 (domestic assault), a felony offense under 624.713 (certain persons not to possess pistols), 152.021, 152.022, or 152.023 (controlled substance crime in the first, second, or third degree), a felony offense of spousal abuse, a felony offense of child abuse or neglect, a felony offense of a crime against children, or an attempt or conspiracy to commit any of these offenses as defined in Minnesota Statutes, or an offense in any other state, the elements of which are substantially similar to any of the foregoing offenses;



(3) within the seven years preceding the study, the individual committed an act that constitutes maltreatment of a child under section 626.556, subdivision 10e, and that resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by competent psychological or psychiatric evidence; or

(4) within the seven years preceding the study, the individual was determined under section 626.557 to be the perpetrator of a substantiated incident of maltreatment of a vulnerable adult that resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by competent psychological or psychiatric evidence.

In the case of any ground for disqualification under clauses (1) to (4), if the act was committed by an individual other than the applicant, license holder, or registrant under section 144A.71, subdivision 1, residing in the applicant's or license holder's home, or the home of a registrant under section 144A.71, subdivision 1, the applicant, license holder, or registrant under section 144A.71, subdivision 1, may seek reconsideration when the individual who committed the act no longer resides in the home.

The disqualification periods provided under clauses (1), (3), and (4) are the minimum applicable disqualification periods. The commissioner may determine that an individual should continue to be disqualified from licensure or registration under section 144A.71, subdivision 1, because the license holder, applicant, or registrant under section 144A.71, subdivision 1, poses a risk of harm to a person served by that individual after the minimum disqualification period has passed.

(d) The commissioner shall respond in writing or by electronic transmission to all reconsideration requests for which the basis for the request is that the information relied upon by the commissioner to disqualify is incorrect or inaccurate within 30 working days of receipt of a request and all relevant information. If the basis for the request is that the individual does not pose a risk of harm, the commissioner shall respond to the request within 15 working days after receiving the request for reconsideration and all relevant information. If the request is based on both the correctness or accuracy of the information relied on to disqualify the individual and the risk of harm, the commissioner shall respond to the request within 45 working days after receiving the request for reconsideration and all relevant information. If the disqualification is set aside, the commissioner shall notify the applicant or license holder in writing or by electronic transmission of the decision.

(e) Except as provided in subdivision 3c, if a disqualification is not set aside or is not rescinded, an individual who was disqualified on the basis of a preponderance of evidence that the individual committed an act or acts that meet the definition of any of the crimes lists in subdivision 3d, paragraph (a), clauses (1) to (4); or for failure to make required reports under section 626.556, subdivision 3, or 626.557, subdivision 3, pursuant to subdivision 3d, paragraph (a), clause (4), may request a fair hearing under section 256.045. Except as provided under subdivision 3c, the commissioner's final order for an individual under this paragraph is conclusive on the issue of maltreatment and disqualification, including for purposes of subsequent studies conducted under subdivision 3, and is the only administrative appeal of the final agency determination, specifically, including a challenge to the accuracy and completeness of data under section 13.04.

(f) Except as provided under subdivision 3c, if an individual was disqualified on the basis of a determination of maltreatment under section 626.556 or 626.557, which was serious or recurring, and the individual has requested reconsideration of the maltreatment determination under section 626.556, subdivision 10i, or 626.557, subdivision 9d, and also requested reconsideration of the disqualification under this subdivision, reconsideration of the maltreatment determination and reconsideration of the disqualification shall be consolidated into a single reconsideration. For maltreatment and disqualification determinations made by county agencies, the consolidated reconsideration shall be conducted by the county agency. Except as provided under subdivision 3c, if an individual who was disqualified on the basis of serious or recurring maltreatment requests a fair hearing on the maltreatment determination under section 626.556, subdivision 10i, or 626.557, subdivision 9d, the scope of the fair hearing under section 256.045 shall include the maltreatment determination and the disqualification. Except as provided under subdivision 3c, the commissioner's final order for an individual under this paragraph is conclusive on the issue of maltreatment and disqualification, including for purposes of subsequent studies conducted under subdivision 3, and is the only administrative appeal of the final agency determination, specifically, including a challenge to the accuracy and completeness of data under section 13.04.

Sec. 2. Minnesota Statutes 2001 Supplement, section 245A.04, subdivision 3d, is amended to read:

Subd. 3d. [DISQUALIFICATION.] (a) Upon receipt of information showing, or when a background study completed under subdivision 3 shows any of the following: a conviction of one or more crimes listed in clauses (1) to (4); the individual has admitted to or a preponderance of the evidence indicates the individual has committed an act or acts that meet the definition of any of the crimes listed in clauses (1) to (4); or an investigation results in an administrative determination listed under clause (4), the individual shall be disqualified from any position allowing direct contact with persons receiving services from the license holder, entity identified in subdivision 3, paragraph (a), or registrant under section 144A.71, subdivision 1, and for individuals studied under section 245A.04, subdivision 3, paragraph (c), clauses (2), (6), and (7), the individual shall also be disqualified from access to a person receiving services from the license holder:

(1) regardless of how much time has passed since the involuntary termination of parental rights under section 260C.301 or the discharge of the sentence imposed for the offense, and unless otherwise specified, regardless of the level of the conviction, the individual was convicted of any of the following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.2661 (murder of an unborn child in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663 (murder of an unborn child in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.21 (criminal vehicular homicide and injury); 609.221 to 609.223 (assault in the first, second, or third degree); 609.228 (great bodily harm caused by distribution of drugs); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.268 (injury or death of an unborn child in the commission of a crime); 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.582 (burglary); 609.749 (harassment; stalking; penalties); 609.165 (felon ineligible to possess firearm); 609.66, subdivision 1e (drive-by shooting); 609.687 (adulteration); 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility); felony offense under 624.713 (certain persons not to possess pistols); 609.229 (crime committed for benefit of a gang); 609.498, subdivision 1 (tampering with a witness); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second degree); 152.021, 152.022, or 152.023 (controlled substance crime in the first, second, or third degree); 609.322 (solicitation, inducement, and promotion of prostitution); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.352 (solicitation of children to engage in sexual conduct); 609.365 (incest); ~~felony offense under~~ 609.377 (malicious punishment of a child); ~~a felony offense under~~ 609.378 (neglect or endangerment of a child); a felony offense under 609.324, subdivision 1 (other prohibited acts); 617.246 (use of minors in sexual performance prohibited); 617.247 (possession of pictorial representations of minors); a felony offense under sections 609.2242 and 609.2243 (domestic assault), a felony offense of spousal abuse, a felony offense of child abuse or neglect, a felony offense of a crime against children; or attempt or conspiracy to commit any of these offenses as defined in Minnesota Statutes, or an offense in any other state or country, where the elements are substantially similar to any of the offenses listed in this clause;

(2) if less than 15 years have passed since the discharge of the sentence imposed for the offense; and the individual has received a felony conviction for a violation of any of these offenses: sections ~~609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.21 (criminal vehicular homicide and injury); 609.215 (suicide); 609.221 to 609.2231 (assault in the first, second, third, or fourth degree); repeat offenses under 609.224 (assault in the fifth degree); repeat offenses under 609.3451 (criminal sexual conduct in the fifth degree); 609.713 (terroristic threats); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.563 (arson in the third degree); repeat offenses under 617.23 (indecent exposure; penalties); repeat offenses under 617.241 (obscene materials and performances; distribution and exhibition prohibited; penalty); 609.71 (riot); 609.66 (dangerous weapons); 609.67 (machine guns and short-barreled shotguns); 609.749 (harassment; stalking; penalties); 609.228 (great bodily harm caused by distribution of drugs); 609.2325 (criminal abuse of a vulnerable adult); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.268 (injury or death of an unborn child in the~~

~~commission of a crime~~); 609.52 (theft); 609.2335 (financial exploitation of a vulnerable adult); 609.521 (possession of shoplifting gear); ~~609.582 (burglary)~~; 609.625 (aggravated forgery); 609.63 (forgery); 609.631 (check forgery; offering a forged check); 609.635 (obtaining signature by false pretense); 609.27 (coercion); 609.275 (attempt to coerce); 609.687 (adulteration); 260C.301 (grounds for termination of parental rights); ~~chapter 152 (drugs; controlled substance)~~; 152.024 or 152.025 (controlled substance crime in the fourth or fifth degree); and a felony level conviction involving alcohol or drug use. An attempt or conspiracy to commit any of these offenses, as each of these offenses is defined in Minnesota Statutes; or an offense in any other state or country, the elements of which are substantially similar to the elements of the offenses in this clause. If the individual studied is convicted of one of the felonies listed in this clause, but the sentence is a gross misdemeanor or misdemeanor disposition, the lookback period for the conviction is the period applicable to the disposition, that is the period for gross misdemeanors or misdemeanors;

(3) if less than ten years have passed since the discharge of the sentence imposed for the offense; and the individual has received a gross misdemeanor conviction for a violation of any of the following offenses: sections 609.224 (assault in the fifth degree); 609.2242 and 609.2243 (domestic assault); violation of an order for protection under 518B.01, subdivision 14; 609.3451 (criminal sexual conduct in the fifth degree); repeat offenses under 609.746 (interference with privacy); repeat offenses under 617.23 (indecent exposure); 617.241 (obscene materials and performances); 617.243 (indecent literature, distribution); 617.293 (harmful materials; dissemination and display to minors prohibited); 609.71 (riot); 609.66 (dangerous weapons); ~~609.749 (harassment; stalking; penalties)~~; 609.224, subdivision 2, paragraph (c) (assault in the fifth degree by a caregiver against a vulnerable adult); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or patients); 609.2325 (criminal abuse of a vulnerable adult); 609.233 (criminal neglect of a vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure to report maltreatment of a vulnerable adult); 609.72, subdivision 3 (disorderly conduct against a vulnerable adult); 609.265 (abduction); ~~609.378 (neglect or endangerment of a child)~~; ~~609.377 (malicious punishment of a child)~~; 609.324, subdivision 1a (other prohibited acts; minor engaged in prostitution); 609.33 (disorderly house); 609.52 (theft); ~~609.582 (burglary)~~; 609.631 (check forgery; offering a forged check); 609.275 (attempt to coerce); or an attempt or conspiracy to commit any of these offenses, as each of these offenses is defined in Minnesota Statutes; or an offense in any other state or country, the elements of which are substantially similar to the elements of any of the offenses listed in this clause. If the defendant is convicted of one of the gross misdemeanors listed in this clause, but the sentence is a misdemeanor disposition, the lookback period for the conviction is the period applicable to misdemeanors; or

(4) if less than seven years have passed since the discharge of the sentence imposed for the offense; and the individual has received a misdemeanor conviction for a violation of any of the following offenses: sections 609.224 (assault in the fifth degree); 609.2242 (domestic assault); violation of an order for protection under 518B.01 (Domestic Abuse Act); violation of an order for protection under 609.3232 (protective order authorized; procedures; penalties); 609.746 (interference with privacy); 609.79 (obscene or harassing phone calls); 609.795 (letter, telegram, or package; opening; harassment); 617.23 (indecent exposure; penalties); 609.2672 (assault of an unborn child in the third degree); 617.293 (harmful materials; dissemination and display to minors prohibited); 609.66 (dangerous weapons); 609.665 (spring guns); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure to report maltreatment of a vulnerable adult); 609.52 (theft); 609.27 (coercion); or an attempt or conspiracy to commit any of these offenses, as each of these offenses is defined in Minnesota Statutes; or an offense in any other state or country, the elements of which are substantially similar to the elements of any of the offenses listed in this clause; a determination or disposition of failure to make required reports under section 626.556, subdivision 3, or 626.557, subdivision 3, for incidents in which: (i) the final disposition under section 626.556 or 626.557 was substantiated maltreatment, and (ii) the maltreatment was recurring or serious; or a determination or disposition of substantiated serious or recurring maltreatment of a minor under section 626.556 or of a vulnerable adult under section 626.557 for which there is a preponderance of evidence that the maltreatment occurred, and that the subject was responsible for the maltreatment.

For the purposes of this section, "serious maltreatment" means sexual abuse; maltreatment resulting in death; or maltreatment resulting in serious injury which reasonably requires the care of a physician whether or not the care of a physician was sought; or abuse resulting in serious injury. For purposes of this section, "abuse resulting in serious injury" means: bruises, bites, skin laceration or tissue damage; fractures; dislocations; evidence of internal

injuries; head injuries with loss of consciousness; extensive second-degree or third-degree burns and other burns for which complications are present; extensive second-degree or third-degree frostbite, and others for which complications are present; irreversible mobility or avulsion of teeth; injuries to the eyeball; ingestion of foreign substances and objects that are harmful; near drowning; and heat exhaustion or sunstroke. For purposes of this section, "care of a physician" is treatment received or ordered by a physician, but does not include diagnostic testing, assessment, or observation. For the purposes of this section, "recurring maltreatment" means more than one incident of maltreatment for which there is a preponderance of evidence that the maltreatment occurred, and that the subject was responsible for the maltreatment. For purposes of this section, "access" means physical access to an individual receiving services or the individual's personal property without continuous, direct supervision as defined in section 245A.04, subdivision 3.

(b) Except for background studies related to child foster care, adult foster care, or family child care licensure, when the subject of a background study is regulated by a health-related licensing board as defined in chapter 214, and the regulated person has been determined to have been responsible for substantiated maltreatment under section 626.556 or 626.557, instead of the commissioner making a decision regarding disqualification, the board shall make a determination whether to impose disciplinary or corrective action under chapter 214.

(1) The commissioner shall notify the health-related licensing board:

(i) upon completion of a background study that produces a record showing that the individual was determined to have been responsible for substantiated maltreatment;

(ii) upon the commissioner's completion of an investigation that determined the individual was responsible for substantiated maltreatment; or

(iii) upon receipt from another agency of a finding of substantiated maltreatment for which the individual was responsible.

(2) The commissioner's notice shall indicate whether the individual would have been disqualified by the commissioner for the substantiated maltreatment if the individual were not regulated by the board. The commissioner shall concurrently send this notice to the individual.

(3) Notwithstanding the exclusion from this subdivision for individuals who provide child foster care, adult foster care, or family child care, when the commissioner or a local agency has reason to believe that the direct contact services provided by the individual may fall within the jurisdiction of a health-related licensing board, a referral shall be made to the board as provided in this section.

(4) If, upon review of the information provided by the commissioner, a health-related licensing board informs the commissioner that the board does not have jurisdiction to take disciplinary or corrective action, the commissioner shall make the appropriate disqualification decision regarding the individual as otherwise provided in this chapter.

(5) The commissioner has the authority to monitor the facility's compliance with any requirements that the health-related licensing board places on regulated persons practicing in a facility either during the period pending a final decision on a disciplinary or corrective action or as a result of a disciplinary or corrective action. The commissioner has the authority to order the immediate removal of a regulated person from direct contact or access when a board issues an order of temporary suspension based on a determination that the regulated person poses an immediate risk of harm to persons receiving services in a licensed facility.

(6) A facility that allows a regulated person to provide direct contact services while not complying with the requirements imposed by the health-related licensing board is subject to action by the commissioner as specified under sections 245A.06 and 245A.07.

(7) The commissioner shall notify a health-related licensing board immediately upon receipt of knowledge of noncompliance with requirements placed on a facility or upon a person regulated by the board.

Sec. 3. Minnesota Statutes 2000, section 245B.02, subdivision 10, is amended to read:

Subd. 10. [INCIDENT.] "Incident" means any of the following:

~~(1) serious injury as determined by section 245.91, subdivision 6; accident; reports of a child or vulnerable adult maltreatment; circumstances that involve a law enforcement agency; or~~

~~(2) a consumer's death;~~

~~(3) any medical emergencies, unexpected serious illnesses, or accidents that require physician treatment or hospitalization;~~

~~(4) a consumer's unauthorized absence;~~

~~(5) any fires or other circumstances involving a law enforcement agency;~~

~~(6) physical aggression by a consumer against another consumer that causes physical pain, injury, or persistent emotional distress, including, but not limited to, hitting, slapping, kicking, scratching, pinching, biting, pushing, and spitting;~~

~~(7) any sexual activity between consumers involving force or coercion as defined under section 609.341, subdivisions 3 and 14; or~~

~~(8) a report of child or vulnerable adult maltreatment under section 626.556 or 626.557.~~

Sec. 4. Minnesota Statutes 2000, section 245B.05, subdivision 7, is amended to read:

Subd. 7. [REPORTING INCIDENTS ~~AND EMERGENCIES.~~] (a) The license holder must maintain information about and report the following incidents under section 245B.02, subdivision 10, clauses (1) to (7), to the consumer's legal representative, other licensed caregiver, if any, and case manager within 24 hours of the occurrence, or within 24 hours of receipt of the information:

~~(1) the death of a consumer;~~

~~(2) any medical emergencies, unexpected serious illnesses, or accidents that require physician treatment or hospitalization;~~

~~(3) a consumer's unauthorized absence; or~~

~~(4) any fires and incidents involving a law enforcement agency unless the incident has been reported by another license holder. An incident under section 245B.02, subdivision 10, clause (8), must be reported as required under paragraph (c) unless the incident has been reported by another license holder.~~

~~(b) When the incident involves more than one consumer, the license holder must not disclose personally identifiable information about any other consumer when making the report to each consumer's legal representative, other licensed caregiver, if any, and case manager unless the license holder has the consent of a consumer or a consumer's legal representative.~~

~~(c) Within 24 hours of reporting maltreatment as required under section 626.556 or 626.557, the license holder must inform the consumer's legal representative and case manager of the report unless there is reason to believe that the legal representative or case manager is involved in the suspected maltreatment. The information the license holder must disclose is the nature of the activity or occurrence reported, the agency that receives the report, and the telephone number of the department of human services licensing division.~~

~~(d)~~ Death or serious injury of the consumer must also be reported to the department of human services licensing division and the ombudsman, as required under sections 245.91 and 245.94, subdivision 2a.

Sec. 5. Minnesota Statutes 2000, section 245B.07, subdivision 1, is amended to read:

Subdivision 1. [CONSUMER DATA FILE.] The license holder must maintain the following information for each consumer:

(1) identifying information that includes date of birth, medications, legal representative, history, medical, and other individual-specific information, and names and telephone numbers of contacts;

(2) consumer health information, including individual medication administration and monitoring information;

(3) the consumer's individual service plan. When a consumer's case manager does not provide a current individual service plan, the license holder shall make a written request to the case manager to provide a copy of the individual service plan and inform the consumer or the consumer's legal representative of the right to an individual service plan and the right to appeal under section 256.045;

(4) copies of assessments, analyses, summaries, and recommendations;

(5) progress review reports;

(6) ~~incident and emergency reports~~ incidents involving the consumer;

(7) reports required under section 245B.05, subdivision 7;

(8) discharge summary, when applicable;

~~(8)~~ (9) record of other license holders serving the consumer that includes a contact person and telephone numbers, services being provided, services that require coordination between two license holders, and name of staff responsible for coordination; ~~and~~

~~(9) incidents involving~~ (10) information about verbal and physical aggression between consumers directed at the consumer by another consumer; and

(11) information about self-abuse affecting the consumer.

Sec. 6. Minnesota Statutes 2000, section 626.557, subdivision 14, is amended to read:

Subd. 14. [ABUSE PREVENTION PLANS.] (a) Each facility, except home health agencies and personal care attendant services providers, shall establish and enforce an ongoing written abuse prevention plan. The plan shall contain an assessment of the physical plant, its environment, and its population identifying factors which may encourage or permit abuse, and a statement of specific measures to be taken to minimize the risk of abuse. The plan shall comply with any rules governing the plan promulgated by the licensing agency.

(b) Each facility, including a home health care agency and personal care attendant services providers, shall develop an individual abuse prevention plan for each vulnerable adult residing there or receiving services from them. The plan shall contain an individualized assessment of the person's susceptibility to abuse by other individuals, including other vulnerable adults, and a statement of the specific measures to be taken to minimize the risk of abuse to that person. For the purposes of this clause, the term "abuse" includes self-abuse.

## ARTICLE 3

## MISCELLANEOUS

Section 1. Minnesota Statutes 2000, section 144.05, is amended by adding a subdivision to read:

Subd. 4. [IDENTIFICATION OF DECEASED INDIVIDUALS.] Upon receiving notice under section 149A.90, subdivision 1, of the death of an individual who cannot be identified, the commissioner must post on the department's Web site information regarding the individual for purposes of obtaining information that may aid in identifying the individual and for purposes of notifying relatives who may be seeking the individual. The information must remain on the Web site continuously until the person's identity is determined.

Sec. 2. Minnesota Statutes 2001 Supplement, section 149A.90, subdivision 1, is amended to read:

Subdivision 1. [DEATH RECORD.] (a) Except as provided in this section, a death record must be completed and filed for every known death by the mortician, funeral director, or other person lawfully in charge of the disposition of the body.

(b) If the body is that of an individual whose identity is unknown, the person in charge of the disposition of the body must notify the commissioner for purposes of compliance with section 144.05, subdivision 4.

Sec. 3. Minnesota Statutes 2000, section 150A.06, is amended by adding a subdivision to read:

Subd. 2c. [GUEST LICENSE OR REGISTRATION.] (a) The board shall grant a guest license to practice as a dentist or dental hygienist or a guest registration to practice as a dental assistant if the following conditions are met:

(1) the dentist, dental hygienist, or dental assistant is currently licensed or registered in good standing in North Dakota, South Dakota, Iowa, or Wisconsin;

(2) the dentist, dental hygienist, or dental assistant is currently engaged in the practice of that person's respective profession in North Dakota, South Dakota, Iowa, or Wisconsin;

(3) the dentist, dental hygienist, or dental assistant is seeking to practice in a public health setting in Minnesota that (i) is approved by the board; (ii) was established by a nonprofit organization that is tax exempt under chapter 501(c)(3) of the Internal Revenue Code of 1986; and (iii) provides dental care to patients who have difficulty accessing dental care;

(4) the dentist, dental hygienist, or dental assistant agrees to treat indigent patients who meet the eligibility criteria established by the clinic; and

(5) the dentist, dental hygienist, or dental assistant has applied to the board for a guest license or registration, providing evidence of being currently licensed or registered in good standing in North Dakota, South Dakota, Iowa, or Wisconsin, and has paid a nonrefundable license fee to the board of \$50.

(b) A dentist, dental hygienist, or dental assistant practicing under a guest license or registration may only practice at a single, specific location in Minnesota. A guest license or registration must be renewed annually with the board and an annual renewal fee of \$50 must be paid to the board. If the clinic in Minnesota at which a dentist, dental hygienist, or dental assistant seeks to practice permanently ceases operation, the guest license or registration issued under this subdivision is automatically revoked.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 4. Minnesota Statutes 2001 Supplement, section 256B.69, subdivision 5b, is amended to read:

Subd. 5b. [PROSPECTIVE REIMBURSEMENT RATES.] (a) For prepaid medical assistance and general assistance medical care program contract rates set by the commissioner under subdivision 5 and effective on or after January 1, 1998, capitation rates for nonmetropolitan counties shall on a weighted average be no less than 88 percent of the capitation rates for metropolitan counties, excluding Hennepin county. The commissioner shall make a pro rata adjustment in capitation rates paid to counties other than nonmetropolitan counties in order to make this provision budget neutral. The commissioner, in consultation with a health care actuary, shall evaluate the regional rate relationships based on actual health plan costs for Minnesota health care programs. The commissioner may establish, based on the actuary's recommendation, new rate regions that recognize metropolitan areas outside of the seven-county metropolitan area.

(b) For prepaid medical assistance program contract rates set by the commissioner under subdivision 5 and effective on or after January 1, 2001, capitation rates for nonmetropolitan counties shall, on a weighted average, be no less than 89 percent of the capitation rates for metropolitan counties, excluding Hennepin county.

(c) This subdivision shall not affect the nongeographically based risk adjusted rates established under section 62Q.03, subdivision 5a.

Sec. 5. Minnesota Statutes 2000, section 261.063, is amended to read:

261.063 [TAX LEVY FOR SOCIAL SERVICES; BOARD DUTY; PENALTY.]

(a) The board of county commissioners of each county shall annually levy taxes and fix a rate sufficient to produce the full amount required for poor relief, general assistance, Minnesota family investment program, county share of county and state supplemental aid to supplemental security income applicants or recipients, and any other social security measures wherein there is now or may hereafter be county participation, sufficient to produce the full amount necessary for each such item, including administrative expenses, for the ensuing year, within the time fixed by law in addition to all other tax levies and tax rates, however fixed or determined, and any commissioner who shall fail to comply herewith shall be guilty of a gross misdemeanor and shall be immediately removed from office by the governor. For the purposes of this paragraph, "poor relief" means county services provided under sections 261.035, 261.04, and 261.21 to 261.231.

(b) Nothing within the provisions of this section shall be construed as requiring a county agency to provide income support or cash assistance to needy persons when they are no longer eligible for assistance under general assistance, the Minnesota family investment program, or Minnesota supplemental aid."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to human services; making changes to licensing programs and continuing care programs; requiring certain activity for identification of a deceased person; establishing a guest license category for dentists, dental hygienists, and dental assistants; changing provisions for prospective reimbursement rates; clarifying county duties related to poor relief; amending Minnesota Statutes 2000, sections 144.05, by adding a subdivision; 150A.06, by adding a subdivision; 245.462, subdivision 4; 245.4871, subdivision 4; 245.50, subdivisions 1, 2, 5; 245B.02, subdivision 10; 245B.05, subdivision 7; 245B.07, subdivision 1; 261.063; 626.557, subdivision 14; Minnesota Statutes 2001 Supplement, sections 149A.90, subdivision 1; 245A.04, subdivisions 3b, 3d; 256B.0627, subdivision 10; 256B.0911, subdivisions 4b, 4d; 256B.0913, subdivision 5; 256B.0915, subdivision 3; 256B.0924, subdivision 6; 256B.0951, subdivisions 7, 8; 256B.437, subdivision 6; 256B.69, subdivision 5b."

With the recommendation that when so amended the bill pass.

The report was adopted.



Krinkie from the Committee on State Government Finance to which was referred:

H. F. No. 3238, A bill for an act relating to state government; modifying provisions relating to energy efficiency installment contracts; amending Minnesota Statutes 2000, section 16C.14.

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:

H. F. No. 3245, A bill for an act relating to human services; making technical changes in health care programs; amending Minnesota Statutes 2000, sections 13.05, subdivision 4; 245.4932, subdivision 3; 245.50, subdivisions 1, 2, 5; 253B.045, subdivision 2; 256.01, subdivision 11; 256.023; 256.9685, subdivision 1; 256.9866; 256B.041, subdivision 5; 256B.0575; 256B.0629, subdivision 2; 256B.0915, subdivision 1c; 256B.0945, subdivision 4; 256B.19, subdivisions 1, 1d, 2b; 256B.692, subdivision 3; 256F.10, subdivision 9; 256F.13, subdivision 1; 256L.05, subdivision 3; 256L.07, subdivision 3; Minnesota Statutes 2001 Supplement, sections 245.474, subdivision 4; 256B.0623, subdivision 14; 256B.0625, subdivision 20; 256B.0915, subdivision 3; 256B.0924, subdivision 6; 256L.06, subdivision 3; Laws 2001, First Special Session chapter 9, article 2, section 76; repealing Minnesota Statutes 2000, sections 256.025; 256B.0635, subdivision 3; 256B.19, subdivision 1a; 256B.77, subdivision 24.

Reported the same back with the following amendments:

Pages 3 to 7, delete sections 4 to 7 and insert:

"Sec. 4. Minnesota Statutes 2000, section 253B.045, subdivision 2, is amended to read:

Subd. 2. [FACILITIES.] Each county or a group of counties shall maintain or provide by contract a facility for confinement of persons held temporarily for observation, evaluation, diagnosis, treatment, and care. When the temporary confinement is provided at a regional center, the commissioner shall charge the county of financial responsibility for the costs of confinement of persons hospitalized under section 253B.05, subdivisions 1 and 2, and section 253B.07, subdivision 2b, except that the commissioner shall bill the responsible ~~prepaid plan for medically necessary hospitalizations for individuals enrolled in a prepaid plan under contract to provide medical assistance, general assistance medical care, or MinnesotaCare services. If the prepaid plan determines under the terms of the medical assistance, general assistance medical care, or MinnesotaCare contract that a hospitalization was not medically necessary health plan first. If the person has health plan coverage, but the hospitalization does not meet the criteria in subdivision 6 or section 62M.07, 62Q.53, or 62Q.535,~~ the county is responsible. "County of financial responsibility" means the county in which the person resides at the time of confinement or, if the person has no residence in this state, the county which initiated the confinement. The charge shall be based on the commissioner's determination of the cost of care pursuant to section 246.50, subdivision 5. When there is a dispute as to which county is the county of financial responsibility, the county charged for the costs of confinement shall pay for them pending final determination of the dispute over financial responsibility. Disputes about the county of financial responsibility shall be submitted to the commissioner to be settled in the manner prescribed in section 256G.09."

Page 12, after line 19, insert:

"Sec. 12. Minnesota Statutes 2001 Supplement, section 256B.0625, subdivision 13, is amended to read:

Subd. 13. [DRUGS.] (a) Medical assistance covers drugs, except for fertility drugs when specifically used to enhance fertility, if prescribed by a licensed practitioner and dispensed by a licensed pharmacist, by a physician enrolled in the medical assistance program as a dispensing physician, or by a physician or a nurse practitioner employed by or under contract with a community health board as defined in section 145A.02, subdivision 5, for the purposes of communicable disease control. The commissioner, after receiving recommendations from professional

medical associations and professional pharmacist associations, shall designate a formulary committee to advise the commissioner on the names of drugs for which payment is made, recommend a system for reimbursing providers on a set fee or charge basis rather than the present system, and develop methods encouraging use of generic drugs when they are less expensive and equally effective as trademark drugs. The formulary committee shall consist of nine members, four of whom shall be physicians who are not employed by the department of human services, and a majority of whose practice is for persons paying privately or through health insurance, three of whom shall be pharmacists who are not employed by the department of human services, and a majority of whose practice is for persons paying privately or through health insurance, a consumer representative, and a nursing home representative. Committee members shall serve three-year terms and shall serve without compensation. Members may be reappointed once.

(b) The commissioner shall establish a drug formulary. Its establishment and publication shall not be subject to the requirements of the Administrative Procedure Act, but the formulary committee shall review and comment on the formulary contents. The formulary committee shall review and recommend drugs which require prior authorization. The formulary committee may recommend drugs for prior authorization directly to the commissioner, as long as opportunity for public input is provided. Prior authorization may be requested by the commissioner based on medical and clinical criteria before certain drugs are eligible for payment. Before a drug may be considered for prior authorization at the request of the commissioner:

(1) the drug formulary committee must develop criteria to be used for identifying drugs; the development of these criteria is not subject to the requirements of chapter 14, but the formulary committee shall provide opportunity for public input in developing criteria;

(2) the drug formulary committee must hold a public forum and receive public comment for an additional 15 days; and

(3) the commissioner must provide information to the formulary committee on the impact that placing the drug on prior authorization will have on the quality of patient care and information regarding whether the drug is subject to clinical abuse or misuse. Prior authorization may be required by the commissioner before certain formulary drugs are eligible for payment. The formulary shall not include:

(i) drugs or products for which there is no federal funding;

(ii) over-the-counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, products for the treatment of lice, vitamins for adults with documented vitamin deficiencies, vitamins for children under the age of seven and pregnant or nursing women, and any other over-the-counter drug identified by the commissioner, in consultation with the drug formulary committee, as necessary, appropriate, and cost-effective for the treatment of certain specified chronic diseases, conditions or disorders, and this determination shall not be subject to the requirements of chapter 14;

(iii) anorectics, except that medically necessary anorectics shall be covered for a recipient previously diagnosed as having pickwickian syndrome and currently diagnosed as having diabetes and being morbidly obese;

(iv) drugs for which medical value has not been established; and

(v) drugs from manufacturers who have not signed a rebate agreement with the Department of Health and Human Services pursuant to section 1927 of title XIX of the Social Security Act.

The commissioner shall publish conditions for prohibiting payment for specific drugs after considering the formulary committee's recommendations. An honorarium of \$100 per meeting and reimbursement for mileage shall be paid to each committee member in attendance.

(c) The basis for determining the amount of payment shall be the lower of the actual acquisition costs of the drugs plus a fixed dispensing fee; the maximum allowable cost set by the federal government or by the commissioner plus the fixed dispensing fee; or the usual and customary price charged to the public. The amount of payment basis must be reduced to reflect all discount amounts applied to the charge by any provider or insurer agreement or contract for submitted charges to medical assistance programs. The net submitted charge may not be greater than the patient liability for the service. The pharmacy dispensing fee shall be \$3.65, except that the dispensing fee for intravenous solutions which must be compounded by the pharmacist shall be \$8 per bag, \$14 per bag for cancer chemotherapy products, and \$30 per bag for total parenteral nutritional products dispensed in one liter quantities, or \$44 per bag for total parenteral nutritional products dispensed in quantities greater than one liter. Actual acquisition cost includes quantity and other special discounts except time and cash discounts. The actual acquisition cost of a drug shall be estimated by the commissioner, at average wholesale price minus nine percent, except that where a drug has had its wholesale price reduced as a result of the actions of the National Association of Medicaid Fraud Control Units, the estimated actual acquisition cost shall be the reduced average wholesale price, without the nine percent deduction. The maximum allowable cost of a multisource drug may be set by the commissioner and it shall be comparable to, but no higher than, the maximum amount paid by other third-party payors in this state who have maximum allowable cost programs. The commissioner shall set maximum allowable costs for multisource drugs that are not on the federal upper limit list as described in United States Code, title 42, chapter 7, section 1396r-8(e), the Social Security Act, and Code of Federal Regulations, title 42, part 447, section 447.332. Establishment of the amount of payment for drugs shall not be subject to the requirements of the Administrative Procedure Act. An additional dispensing fee of \$.30 may be added to the dispensing fee paid to pharmacists for legend drug prescriptions dispensed to residents of long-term care facilities when a unit dose blister card system, approved by the department, is used. Under this type of dispensing system, the pharmacist must dispense a 30-day supply of drug. The National Drug Code (NDC) from the drug container used to fill the blister card must be identified on the claim to the department. The unit dose blister card containing the drug must meet the packaging standards set forth in Minnesota Rules, part 6800.2700, that govern the return of unused drugs to the pharmacy for reuse. The pharmacy provider will be required to credit the department for the actual acquisition cost of all unused drugs that are eligible for reuse. Over-the-counter medications must be dispensed in the manufacturer's unopened package. The commissioner may permit the drug clozapine to be dispensed in a quantity that is less than a 30-day supply. Whenever a generically equivalent product is available, payment shall be on the basis of the actual acquisition cost of the generic drug, unless the prescriber specifically indicates "dispense as written - brand necessary" on the prescription as required by section 151.21, subdivision 2.

(d) For purposes of this subdivision, "multisource drugs" means covered outpatient drugs, excluding innovator multisource drugs for which there are two or more drug products, which:

- (1) are related as therapeutically equivalent under the Food and Drug Administration's most recent publication of "Approved Drug Products with Therapeutic Equivalence Evaluations";
- (2) are pharmaceutically equivalent and bioequivalent as determined by the Food and Drug Administration; and
- (3) are sold or marketed in Minnesota.

"Innovator multisource drug" means a multisource drug that was originally marketed under an original new drug application approved by the Food and Drug Administration.

(e) The basis for determining the amount of payment for drugs administered in an outpatient setting shall be the lower of the usual and customary cost submitted by the provider; the average wholesale price minus five percent; or the maximum allowable cost set by the federal government under United States Code, title 42, chapter 7, section 1396r-8(e), and Code of Federal Regulations, title 42, section 447.332, or by the commissioner under paragraph (c)."

Page 16, after line 36, insert:

"Sec. 14. Minnesota Statutes 2000, section 256B.0625, subdivision 27, is amended to read:

Subd. 27. [ORGAN AND TISSUE TRANSPLANTS.] Medical assistance coverage for organ and tissue transplant procedures is limited to those procedures covered by the Medicare program; ~~heart-lung transplants for persons with primary pulmonary hypertension and~~ or approved by the advisory committee on organ and tissue transplants. All

organ transplants must be performed at Minnesota transplant centers meeting united network for organ sharing criteria to perform heart-lung transplants; lung transplants using cadaveric donors and performed at Minnesota transplant centers meeting united network for organ sharing criteria to perform lung transplants; pancreas transplants for uremic diabetic recipients of kidney transplants and performed at Minnesota facilities meeting united network for organ sharing criteria to perform pancreas transplants; and allogenic bone marrow transplants for persons with stage III or IV Hodgkin's disease or at Medicare-approved organ transplant centers. Stem cell or bone marrow transplant centers must meet the foundation for the accreditation of hematopoietic cell therapy or be approved by the advisory committee on organ and tissue transplants. Transplant procedures must comply with all applicable laws, rules, and regulations governing (1) coverage by the Medicare program, (2) federal financial participation by the Medicaid program, and (3) coverage by the Minnesota medical assistance program. Transplant centers must meet american society of hematology and clinical oncology criteria for bone marrow transplants and be located in Minnesota to receive reimbursement for bone marrow transplants. Transplants performed out of Minnesota or the local trade area must have prior authorization."

Page 25, after line 36, insert:

"Sec. 21. Minnesota Statutes 2001 Supplement, section 256B.19, subdivision 1c, is amended to read:

Subd. 1c. [ADDITIONAL PORTION OF NONFEDERAL SHARE.] (a) Hennepin county shall be responsible for a monthly transfer payment of \$1,500,000, due before noon on the 15th of each month and the University of Minnesota shall be responsible for a monthly transfer payment of \$500,000 due before noon on the 15th of each month, beginning July 15, 1995. These sums shall be part of the designated governmental unit's portion of the nonfederal share of medical assistance costs, ~~but shall not be subject to payback provisions of section 256.025.~~

(b) Beginning July 1, 2001, Hennepin county's payment under paragraph (a) shall be \$2,066,000 each month.

(c) Beginning July 1, 2001, the commissioner shall increase annual capitation payments to the metropolitan health plan under section 256B.69 for the prepaid medical assistance program by approximately \$3,400,000, plus any available federal matching funds, to recognize higher than average medical education costs."

Page 26, after line 29, insert:

"Sec. 24. Minnesota Statutes 2000, section 256B.37, subdivision 5a, is amended to read:

Subd. 5a. [SUPPLEMENTAL PAYMENT BY MEDICAL ASSISTANCE.] Medical assistance payment will not be made when either covered charges are paid in full by a third party or the provider has an agreement to accept payment for less than charges as payment in full. Payment for patients that are simultaneously covered by medical assistance and a liable third party other than Medicare will be determined as the lesser of clauses (1) to (3):

- (1) the patient liability according to the provider/insurer agreement;
- (2) covered charges minus the third party payment amount; or
- (3) the medical assistance rate minus the third party payment amount.

A negative difference will not be implemented.

All providers must reduce their submitted charge to medical assistance programs to reflect all discount amounts applied to the charge by any provider or insurer agreement or contract. The net submitted charge may not be greater than the patient liability for the service."

Page 34, after line 33, insert:

"Sec. 32. [REPEALER WITHOUT EFFECT.]

The repeal of Minnesota Statutes 2000, section 256B.0635, subdivision 3, by Laws 2001, First Special Session chapter 9, article 2, section 76, with an effective date of July 1, 2001, is without effect and section 256B.0635, subdivision 3, remains in effect after June 30, 2001."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "245.50, subdivisions 1, 2, 5;"

Page 1, line 8, after the second semicolon, insert "256B.0625, subdivision 27;"

Page 1, line 10, after "2b;" insert "256B.37, subdivision 5a;"

Page 1, line 15, delete "subdivision 20" and insert "subdivisions 13, 20"

Page 1, line 16, after "subdivision 6;" insert "256B.19, subdivision 1c;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3276, A bill for an act relating to human services; establishing approved tribal health professionals as medical assistance providers; reimbursement for certain health services; American Indian contracting provisions; amending Minnesota Statutes 2000, sections 254B.09, subdivision 2; 256B.02, subdivision 7; 256B.32; Minnesota Statutes 2001 Supplement, sections 256B.0644; 256B.75; proposing coding for new law in Minnesota Statutes, chapter 256B.

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. 3283, A bill for an act relating to elections; authorizing the appointment of election judges who are not affiliated with a major political party; amending Minnesota Statutes 2000, section 204B.21, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 23, strike "appointing authority"

Page 1, strike line 24

Page 1, line 25, delete the new language and strike the old language

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. 3305, A bill for an act relating to traffic regulations; modifying provisions governing road inspections, first hauls, and weight allowances for commercial motor vehicles; transferring certain authority relating to weight restrictions on county routes to county road authorities; reallocating proceeds of fines for violations occurring on county roads; reducing an appropriation; making technical and clarifying changes; amending Minnesota Statutes 2000, sections 168.011, subdivision 17; 168.013, subdivision 3; 169.771, subdivisions 2, 3; 169.832, subdivision 11; 169.85, subdivisions 1, 2; 169.851, subdivision 3; 169.86, subdivision 5; Minnesota Statutes 2001 Supplement, sections 169.825, subdivision 11; 299D.03, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 168.011, subdivision 17, is amended to read:

Subd. 17. [FARM TRUCK.] (a) "Farm truck" means all single unit trucks, truck-tractors, tractors, semitrailers, and trailers used by the owner thereof to transport agricultural, horticultural, dairy, and other farm products, including livestock, produced or finished by the owner of the truck, and any other personal property owned by the farmer to whom the license for the truck is issued, from the farm to market, and to transport property and supplies to the farm of the owner. Trucks, truck-tractors, tractors, semitrailers, and trailers registered as "farm trucks" may be used by the owner thereof to occasionally transport unprocessed and raw farm products, not produced by the owner of the truck, from the place of production to market when the transportation constitutes the first haul of the products, and may be used by the owner thereof, either farmer or logger who harvests and hauls forest products only, to transport logs, pulpwood, lumber, chips, railroad ties and other raw and unfinished forest products from the place of production to an intermediate or final assembly point or transfer yard or railhead when the transportation constitutes, which transportation may be continued by another farm truck to a place for final processing or manufacture located within 200 miles of the place of production and all of which is deemed to constitute the first haul thereof, of unfinished wood products; provided that the owner and operator of the vehicle transporting planed lumber shall have in immediate possession a statement signed by the producer of the lumber designating the governmental subdivision, section, and township where the lumber was produced and that this haul, indicating the date, is the first haul thereof. The licensed vehicles may also be used by the owner thereof to transport, to and from timber-harvesting areas, equipment and appurtenances incidental to timber harvesting, and gravel and other road-building materials for timber haul roads.

(b) "Farm trucks" shall also include only single unit trucks, ~~which that~~, because of their construction, cannot be used for any other purpose and are used exclusively to transport milk and cream en route from a farm to an assembly point or place for final manufacture, and for transporting milk and cream from an assembly point to a place for final processing or manufacture. This section shall not be construed to mean that the owner or operator of the truck cannot carry on usual accommodation services for patrons on regular return trips, such as butter, cream, cheese, and other dairy supplies.

Sec. 2. Minnesota Statutes 2000, section 168.013, subdivision 3, is amended to read:

Subd. 3. [APPLICATION; CANCELLATION; EXCESSIVE GROSS WEIGHT FORBIDDEN.] (a) The applicant for all licenses based on gross weight shall state the unloaded weight of the motor vehicle, trailer, or semitrailer and the maximum load the applicant proposes to carry thereon, the sum of which shall constitute the gross weight upon which the license tax shall be paid, but in no case shall the declared gross weight upon which the tax is paid be less than 1-1/4 times the declared unloaded weight of the motor vehicle, trailer, or semitrailer to be registered, except recreational vehicles taxed under subdivision 1g, school buses taxed under subdivision 18, and tow trucks or towing vehicles defined in section 169.01, subdivision 52. The gross weight of a tow truck or towing vehicle is the actual weight of the tow truck or towing vehicle fully equipped, but does not include the weight of a wrecked or disabled vehicle towed or drawn by the tow truck or towing vehicle.

(b) The gross weight of ~~no~~ a motor vehicle, trailer, or semitrailer shall not exceed the gross weight upon which the license tax has been paid by more than four percent or 1,000 pounds, whichever is greater; provided that, a vehicle transporting unfinished forest products in accordance with paragraph (d)(3) shall not exceed its gross vehicle weight upon which the license tax has been paid, or gross axle weight on any axle, by more than five percent and, notwithstanding other law to the contrary, is not subject to any fee, fine, or other assessment or penalty for exceeding a gross vehicle or axle weight by up to five percent.

(c) The gross weight of the motor vehicle, trailer, or semitrailer for which the license tax is paid shall be indicated by a distinctive character on the license plate or plates except as provided in subdivision 12 and the plate or plates shall be kept clean and clearly visible at all times.

(d) The owner, driver, or user of a motor vehicle, trailer, or semitrailer, upon conviction for transporting a gross weight in excess of the gross weight for which it was registered or for operating a vehicle with an axle weight exceeding the maximum lawful axle load weight, shall be guilty of a misdemeanor and be subject to increased registration or reregistration according to the following schedule:

(1) The owner, driver, or user of a motor vehicle, trailer, or semitrailer, upon conviction for transporting a gross weight in excess of the gross weight for which it is registered by more than ~~four percent or 1,000 pounds, whichever is greater,~~ the allowance set forth in paragraph (b) but less than 25 percent or for operating or using a motor vehicle, trailer, or semitrailer with an axle weight exceeding the maximum lawful axle load as provided in section 169.825 by more than ~~four percent or 1,000 pounds, whichever is greater,~~ the allowance set forth in paragraph (b) but less than 25 percent, in addition to any penalty imposed for the misdemeanor shall apply to the registrar to increase the authorized gross weight to be carried on the vehicle to a weight equal to or greater than the gross weight the owner, driver, or user was convicted of carrying, the increase computed for the balance of the calendar year on the basis of 1/12 of the annual tax for each month remaining in the calendar year beginning with the first day of the month in which the violation occurred. If the additional registration tax computed upon that weight, plus the tax already paid, amounts to more than the regular tax for the maximum gross weight permitted for the vehicle under section 169.825, that additional amount shall nevertheless be paid into the highway fund, but the additional tax thus paid shall not permit the vehicle to be operated with a gross weight in excess of the maximum legal weight as provided by section 169.825. Unless the owner within 30 days after a conviction shall apply to increase the authorized weight and pay the additional tax as provided in this section, the registrar shall revoke the registration on the vehicle and demand the return of the registration card and plates issued on that registration.

(2) The owner or driver or user of a motor vehicle, trailer, or semitrailer upon conviction for transporting a gross weight in excess of the gross weight for which the motor vehicle, trailer, or semitrailer was registered by 25 percent or more, or for operating or using a vehicle or trailer with an axle weight exceeding the maximum lawful axle load as provided in section 169.825 by 25 percent or more, in addition to any penalty imposed for the misdemeanor, shall have the reciprocity privileges on the vehicle involved if the vehicle is being operated under reciprocity canceled by the registrar, or if the vehicle is not being operated under reciprocity, the certificate of registration on the vehicle operated shall be canceled by the registrar and the registrar shall demand the return of the registration certificate and registration plates. The registrar may not cancel the registration or reciprocity privileges for any vehicle found in violation of seasonal load restrictions imposed under section 169.87 unless the axle weight exceeds the year-round weight limit for the highway on which the violation occurred. The registrar may investigate any allegation of gross weight violations and demand that the operator show cause why all future operating privileges in the state should not be revoked unless the additional tax assessed is paid.

(3) Clause (1) does not apply to the first haul of unprocessed or raw farm products or unfinished forest products, when the registered gross weight is not exceeded by more than ten percent. For purposes of this clause, "first haul" means (i) the first, continuous transportation of unprocessed or raw farm products from the place of production or on-farm storage site to any other location within 50 miles of the place of production or on-farm storage site, or (ii) the ~~first~~, continuous or noncontinuous transportation of unfinished forest products from the place of production to the place of ~~first unloading~~ final processing or manufacture located within 200 miles of the place of production.

(4) When the registration on a motor vehicle, trailer, or semitrailer is revoked by the registrar according to provisions of this section, the vehicle shall not be operated on the highways of the state until it is registered or reregistered, as the case may be, and new plates issued, and the registration fee shall be the annual tax for the total gross weight of the vehicle at the time of violation. The reregistration pursuant to this subdivision of any vehicle operating under reciprocity agreements pursuant to section 168.181 or 168.187 shall be at the full annual registration fee without regard to the percentage of vehicle miles traveled in this state.

Sec. 3. Minnesota Statutes 2000, section 169.771, subdivision 2, is amended to read:

Subd. 2. [INSPECTION BY STATE TROOPER.] (a) The commissioner of public safety is directed to accelerate spot check inspections for unsafe motor vehicles and motor vehicle equipment. Such inspections shall be conducted by the personnel of the state patrol who shall give the operator of a commercial motor vehicle a signed and dated document as evidence of the inspection.

(b) However, personnel of the state patrol may not conduct another spot inspection of a commercial motor vehicle if (1) the operator of the vehicle can show evidence of an inspection, which is free of critical defects, conducted in Minnesota according to this section or section 169.781 within the previous 90 days and (2) a state trooper does not have probable cause to believe the vehicle or its equipment is unsafe or that the operator has engaged in illegal activity. In addition, if the operator shows the state trooper evidence that the commercial motor vehicle has been inspected within the previous 90 days, but the officer has probable cause to believe the vehicle or its equipment is unsafe or to suspect illegal activity, then the vehicle may be inspected to confirm the existence or absence of an unsafe condition or of the suspected illegal activity.

Sec. 4. Minnesota Statutes 2000, section 169.771, subdivision 3, is amended to read:

Subd. 3. [RULES.] The commissioner of public safety may establish such reasonable rules as are necessary to carry out the provisions of this section, but all spot check inspections shall be held in compliance with subdivision 2 and in such a manner that the motor vehicle operators, either private or commercial, shall not be unnecessarily inconvenienced either by extended detours, unnecessary delays, or any other unreasonable cause.

Sec. 5. Minnesota Statutes 2000, section 169.85, subdivision 1, is amended to read:

Subdivision 1. [DRIVER TO STOP FOR WEIGHING.] (a) The driver of a vehicle ~~which~~ that has been lawfully stopped may be required by an officer to submit the vehicle and load to a weighing by means of portable or stationary scales; ~~and~~

(b) In addition, the officer may require that the vehicle be driven to the nearest available scales, but only if:

(1) the distance to the scales is no further than five miles, or if the distance from the point where the vehicle is stopped to the vehicle's destination is not increased by more than ten miles as a result of proceeding to the nearest available scales; and

(2) if the vehicle is a commercial motor vehicle, no more than two other commercial motor vehicles are waiting to be inspected at the scale.

(c) Official traffic control devices as authorized by section 169.06 may be used to direct the driver to the nearest scale.

(d) When a truck weight enforcement operation is conducted by means of portable or stationary scales and signs giving notice of the operation are posted within the highway right-of-way and adjacent to the roadway within two miles of the operation, the driver of a truck or combination of vehicles registered for or weighing in excess of 12,000 pounds shall proceed to the scale site and submit the vehicle to weighing and inspection.



Sec. 6. Minnesota Statutes 2000, section 169.85, subdivision 2, is amended to read:

Subd. 2. [UNLOADING.] (a) Upon weighing a vehicle and load, as provided in this section, an officer may require the driver to stop the vehicle in a suitable place and remain standing until a portion of the load is removed that is sufficient to reduce the gross weight of the vehicle to the limit permitted under either section 168.013, subdivision 3, paragraph (b), or 169.825, whichever is the lesser violation, if any. A suitable place is a location where loading or tampering with the load is not prohibited by federal, state, or local law, rule, or ordinance.

(b) Except as provided in paragraph (c), a driver may be required to unload a vehicle only if the weighing officer determines that ~~(a) (1)~~ on routes subject to the provisions of section 169.825, the weight on an axle exceeds the lawful gross weight prescribed by section 169.825, by 2,000 pounds or more, or the weight on a group of two or more consecutive axles in cases where the distance between the centers of the first and last axles of the group under consideration is ten feet or less exceeds the lawful gross weight prescribed by section 169.825, by 4,000 pounds or more; or ~~(b) (2)~~ on routes designated by the commissioner in section 169.832, subdivision 11, the overall weight of the vehicle or the weight on an axle or group of consecutive axles exceeds the maximum lawful gross weights prescribed by section 169.825; or ~~(c) (3)~~ the weight is unlawful on an axle or group of consecutive axles on a road restricted in accordance with section 169.87. Material unloaded must be cared for by the owner or driver of the vehicle at the risk of the owner or driver.

(c) If the gross weight of the vehicle does not exceed the vehicle's registered gross weight plus the weight allowance set forth in section 168.013, subdivision 3, paragraph (b), then the driver is not required to unload under paragraph (b).

Sec. 7. Minnesota Statutes 2000, section 169.851, subdivision 3, is amended to read:

Subd. 3. [FIRST HAUL.] "First haul" ~~means the first, continuous transportation from the place of production or on farm storage site to any other location within 50 miles of the place of production or on farm storage site~~ has the meaning given it in section 168.013, subdivision 3, paragraph (d)(3).

Sec. 8. Minnesota Statutes 2000, section 169.86, subdivision 5, is amended to read:

Subd. 5. [FEE; PROCEEDS TO TRUNK HIGHWAY FUND.] The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

(a) \$15 for each single trip permit.

(b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight, and dimension.

(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

(2) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;

(3) motor vehicles operating with gross weights authorized under section 169.825, subdivision 11, paragraph (a), clause (3);

(4) special pulpwood vehicles described in section 169.863; and

(5) motor vehicles bearing snowplow blades not exceeding ten feet in width.

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

- (1) mobile cranes;
- (2) construction equipment, machinery, and supplies;
- (3) manufactured homes;
- (4) implements of husbandry when the movement is not made according to the provisions of paragraph (i);
- (5) double-deck buses;
- (6) commercial boat hauling.

(e) For vehicles which have axle weights exceeding the weight limitations of section 169.825, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

#### Overweight Axle Group Cost Factors

Weight (pounds)	Cost Per Mile For Each Group Of:		
exceeding weight limitations on axles	Two consecutive axles spaced within 8 feet or less	Three consecutive axles spaced within 9 feet or less	Four consecutive axles spaced within 14 feet or less
0 - 2,000	.12	.05	.04
2,001 - 4,000	.14	.06	.05
4,001 - 6,000	.18	.07	.06
6,001 - 8,000	.21	.09	.07
8,001-10,000	.26	.10	.08
10,001-12,000	.30	.12	.09
12,001-14,000	Not permitted	.14	.11
14,001-16,000	Not permitted	.17	.12
16,001-18,000	Not permitted	.19	.15
18,001-20,000	Not permitted	Not permitted	.16
20,001-22,000	Not permitted	Not permitted	.20

The amounts added are rounded to the nearest cent for each axle or axle group. The additional cost does not apply to paragraph (c), clauses (1) and (3).

For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed in addition to the normal permit fee. Miles must be calculated based on the distance already traveled in the state plus the distance from the point of detection to a transportation loading site or unloading site within the state or to the point of exit from the state.

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, construction equipment, machinery, and supplies. The fees for the permit are as follows:

Gross Weight (pounds) of Vehicle	Annual Permit Fee
90,000 or less	\$200
90,001 - 100,000	\$300
100,001 - 110,000	\$400
110,001 - 120,000	\$500
120,001 - 130,000	\$600
130,001 - 140,000	\$700
140,001 - 145,000	\$800

If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined under paragraph (e).

(g) For vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for refuse compactor vehicles that carry a gross weight of not more than: 22,000 pounds on a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.825, subdivision 14, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

(i) For vehicles exclusively transporting implements of husbandry, an annual permit fee of \$24. A vehicle operated under a permit authorized by this paragraph may be moved at the discretion of the permit holder without prior route approval by the commissioner if:

- (1) the total width of the transporting vehicle, including load, does not exceed 14 feet;
- (2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is not operated at any time after 12:00 noon on Sundays or holidays;
- (3) the vehicle is not operated when visibility is impaired by weather, fog, or other conditions that render persons and other vehicles not clearly visible at 500 feet;
- (4) the vehicle displays at the front and rear of the load or vehicle a pair of flashing amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of the vehicle exceeds 126 inches; and
- (5) the vehicle is not operated on a trunk highway with a surfaced roadway width of less than 24 feet unless such operation is authorized by the permit.

A permit under this paragraph authorizes movements of the permitted vehicle on an interstate highway, and movements of 75 miles or more on other highways.

#### Sec. 9. [NORTHERN ZONE LOAD RESTRICTION STUDY.]

The commissioner of transportation shall conduct a study of load restrictions and seasonal load increases in the northern zone of Minnesota and make recommendations regarding the establishment of one or more new zones given the varying climate in the northern area of the state. The commissioner shall report findings back to the committees of the senate and house of representatives with jurisdiction over transportation policy by December 15, 2002.

#### Sec. 10. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to traffic regulations; modifying provisions governing road inspections, first hauls, and weight allowances for commercial motor vehicles; requiring study of load restrictions and increases; making technical and clarifying changes; amending Minnesota Statutes 2000, sections 168.011, subdivision 17; 168.013, subdivision 3; 169.771, subdivisions 2, 3; 169.85, subdivisions 1, 2; 169.851, subdivision 3; 169.86, subdivision 5."

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

The report was adopted.

Mares from the Committee on Education Policy to which was referred:

H. F. No. 3317, A bill for an act relating to education; amending and repealing unneeded and obsolete education provisions; amending Minnesota Statutes 2000, sections 120B.11, subdivision 5; 121A.15, as amended; 121A.55; 122A.09, subdivision 6; 122A.15; 122A.22; 122A.40, subdivisions 5, 8; 122A.58, subdivision 1; 122A.60, subdivision 1; 122A.68, subdivisions 1, 7; 122A.69; 122A.70, subdivision 2; 122A.91; 122A.92; 123A.06, subdivision 1; 123B.02, subdivision 1; 123B.04, subdivision 5; 123B.147; 123B.43; 123B.49, subdivision 1; 123B.51, subdivisions 1, 5; 123B.83, subdivision 1; 123B.90, subdivision 2; 124D.02, subdivision 1; 124D.09, subdivisions 5, 6; 124D.10, subdivisions 1, 6; 124D.115, subdivision 3; 124D.118, subdivisions 2, 3; 124D.37; 124D.40, subdivision 2; 124D.41; 124D.42, subdivision 7; 124D.46, subdivision 1; 124D.47, subdivision 2; 124D.50, subdivisions 2, 3; 124D.65, subdivision 6; 124D.892, as amended; 124D.94, subdivision 4; 125B.05, subdivisions 1, 2; 127A.05, subdivision 3; 127A.06; 127A.41, subdivision 7; Minnesota Statutes 2001 Supplement, sections 123B.36, subdivision 1; 129C.10, subdivision 3; repealing Minnesota Statutes 2000, sections 121A.03, subdivision 3; 121A.16; 122A.19, subdivision 2; 122A.32; 122A.40, subdivision 6; 122A.52; 122A.53; 122A.71; 122A.72; 122A.75; 123A.15, subdivision 1; 123A.35; 123A.36; 123A.37; 123A.38; 123A.39, subdivisions 1, 2, 4; 123A.40; 123A.41, subdivisions 1, 4; 123A.43; 123B.02, subdivisions 5, 9, 10, 13; 123B.15; 123B.16; 123B.17; 123B.18; 123B.19; 123B.744; 123B.93; 123B.95, subdivision 3; 124D.02, subdivision 4; 124D.06; 124D.081, subdivision 1; 124D.118, subdivision 1; 124D.124; 124D.47; 124D.91; 124D.92; 124D.93, subdivisions 2, 3, 6; 125B.02; 127A.41, subdivision 4; Minnesota Rules, parts 3505.4300; 3520.0400; 3545.0600; 3545.0700; 3545.0800; 3545.0900; 3550.0100.

Reported the same back with the following amendments:

Page 19, after line 12, insert:

"Sec. 14. [TEACHER AND INSTRUCTOR PREPARATION; TEACHER PERSISTENCE.]

Subdivision 1. [EVALUATION.] The independent office of educational accountability under Minnesota Statutes, section 120B.31, must design and implement a data collection effort to evaluate the persistence of students in teacher preparation and teacher education programs and in the teaching profession and the qualifications of instructors teaching in those programs. Data collection must be done in cooperation with post-secondary institutions, Minnesota state colleges and universities, and the board of teaching. The University of Minnesota and private four-year post-secondary institutions are requested to cooperate and participate in the data collection effort.

Subd. 2. [DATA COLLECTION.] (a) For all students who enroll in a post-secondary teacher preparation program, the following information must be collected annually for each institution:

(1) the number of students enrolled in a teacher preparation program;

(2) a comparison of admission measures including the scores of students in teacher preparation programs and the scores of the student body on the institution's admission criteria including class rank, ACT or SAT score, and other measures used in the admission decision; and

(3) the number of students who complete the teacher preparation program.

(b) For students who graduate from a teacher preparation program at a Minnesota institution, data must be collected annually on the persistence of graduates in the teaching profession by year of graduation and institution including:

(1) the number of students who become licensed teachers in Minnesota; and

(2) the number of Minnesota graduate licensed teachers by length of employment in Minnesota measured from the year of graduation.

(c) For instructors teaching in teacher preparation or teacher education programs, data must be collected annually to determine:

(1) whether the instructors hold current K-12 Minnesota teaching licenses; and

(2) the extent to which the instructors have had K-12 classroom experience and the time period during which the experience occurred.

The office must summarize and report the information gathered through the data collection as part of its regular reporting cycle."

Pages 21 to 23, delete section 4

Page 24, line 1, strike everything after "(b)"

Page 24, strike lines 2 and 3

Page 24, line 4, strike "(c)"

Page 24, line 13, strike "(d)"

Page 24, line 26, after "(e)" insert "(c)"

Page 28, line 21, delete "123B.93;"

Page 44, line 6, delete "124D.124;" and after "124D.47" insert ", subdivision 1"

Page 44, line 17, strike "computerized"

Page 45, line 7, before the period, insert "serving elementary or secondary students"

Page 48, delete article 10

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 22, delete "sections 123B.36, subdivision 1;" and insert "section"

Page 1, line 31, delete "123B.93;"

Page 1, line 33, delete "124D.124;" and after "124D.47" insert ", subdivision 1"

Page 1, line 35, delete everything after "4" and insert a period

Page 1, delete lines 36 and 37

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. 3328, A bill for an act relating to drivers' licenses; requiring commissioner of public safety to adopt rules requiring education in organ donation as part of driver education programs; requiring commissioner to include information on organ and tissue donation in the driver's manual; amending Minnesota Statutes 2000, section 171.13, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 171.

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

The report was adopted.

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

H. F. No. 3342, A bill for an act relating to housing; manufactured homes; prohibiting certain action based on age of resident's home; proposing coding for new law in Minnesota Statutes, chapter 327C.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 327C.10, is amended by adding a subdivision to read:

Subd. 5. [AGE OF HOME.] In any action to recover possession it shall be a defense that the action is substantially motivated by the age of the resident's home and not the condition of the home.

Sec. 2. [327C.121] [TERMINATION; AGE OF HOME.]

A park owner may not seek to recover possession because of the age of a resident's home. This section does not abrogate any other provisions of chapters 327C and 504B."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "amending Minnesota Statutes 2000, section 327C.10, by adding a subdivision;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3346, A bill for an act relating to health; regulating the provision of interstate telemedicine services; amending Minnesota Statutes 2000, sections 147.081, subdivision 1; 147.091, subdivision 1; 147.141; Minnesota Statutes 2001 Supplement, section 144.335, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 147.

Reported the same back with the following amendments:

Page 3, delete lines 8 to 10 and insert:

"(3) pay a registration fee of \$75 annually and an initial application fee of \$100."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3350, A bill for an act relating to human services; establishing a donated dental services program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256B.

Reported the same back with the following amendments:

Page 1, line 13, after the period, insert "As part of the contract, the commissioner shall include specific performance and outcome measures that the contracting organization must meet."

Page 2, line 1, delete "and"

Page 2, line 3, before the period, insert "; and provides data on meeting the specific performance and outcome measures identified by the commissioner"

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

The report was adopted.

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

H. F. No. 3359, A bill for an act relating to professions; modifying certain protocols for nurses; amending Minnesota Statutes 2000, sections 148.235, by adding subdivisions; 148.281, subdivision 1; 151.37, subdivision 2.

Reported the same back with the following amendments:

Pages 2 and 3, delete section 3

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, line 5, delete "1;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mares from the Committee on Education Policy to which was referred:

H. F. No. 3400, A bill for an act relating to education; authorizing city sponsorship of a performing arts charter school.

Reported the same back with the following amendments:

Page 1, line 7, delete everything after "school"

Page 1, line 8, delete everything before "with"

Page 1, line 10, delete the colon

Page 1, line 11, delete:

"(1)"

Page 1, line 12, delete "as" and insert a period

Page 1, delete lines 13 to 18

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. 3434, A bill for an act relating to financial institutions; enacting restrictions on certain home loans; proposing coding for new law as Minnesota Statutes, chapter 58A.

Reported the same back with the following amendments:

Page 2, line 8, after "person" insert "licensed, regulated, or"

Page 2, line 9, after "58" insert ", or regulated by the federal comptroller of the currency, the federal office of thrift supervision, or the national credit union administration"

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. 3443, A bill for an act relating to civil actions; providing that a nonprofit organization operating an environmental learning center is a municipality for purposes of tort claims; amending Minnesota Statutes 2000, section 84.0875.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 84.0875, is amended to read:

84.0875 [ENVIRONMENTAL LEARNING CENTERS.]

The commissioner may acquire and better, or make grants to counties, home rule charter or statutory cities, or school districts to acquire and better, residential environmental learning centers where students may learn how to use, preserve, and renew the natural resources of this state. A facility and reasonable access to it must be owned by the state or a political subdivision but may be leased to or managed by a nonprofit organization to carry out an environmental learning program established by the commissioner. The lease or management agreement must comply with the requirements of section 16A.695 and must provide for the procurement of liability insurance by the nonprofit organization. A nonprofit organization that is operating an environmental learning center under this section is a municipality for purposes of the liability limitations of section 466.04 while acting within the scope of these activities.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to natural resources; regulating insurance coverages and liability limitations for certain environmental learning centers; amending Minnesota Statutes 2000, section 84.0875."

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. 3506, A bill for an act relating to auditing; modifying certain state and local auditing procedures and reporting practices; amending Minnesota Statutes 2000, sections 115A.929; 609.5315, subdivision 6; repealing Minnesota Statutes 2000, section 6.77.

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

The report was adopted.

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

H. F. No. 3525, A bill for an act relating to highways; requiring all highways in national highway system be subject to same final construction plan procedures as interstate highways; amending Minnesota Statutes 2001 Supplement, section 161.165, subdivision 1.

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

The report was adopted.

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

H. F. No. 3558, A bill for an act relating to veteran's affairs; making residents who are awarded the Congressional Medal of Honor eligible for state-paid life, hospital, medical, and dental insurance; amending Minnesota Statutes 2000, section 43A.24, subdivision 2.

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

The report was adopted.

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

H. F. No. 3575, A bill for an act relating to public employment; eliminating a requirement that collective bargaining agreements with state employees be approved by the legislature; amending Minnesota Statutes 2000, sections 3.855, subdivision 2; 43A.18, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [43A.241] [CONDITIONS FOR SAME-SEX DOMESTIC PARTNER BENEFITS.]

Subdivision 1. [COMPLIANCE WITH THIS SECTION.] A collective bargaining agreement or compensation plan providing insurance benefits to a same-sex domestic partner of a state employee must require compliance with the terms and conditions of this section.

Subd. 2. [CRITERIA.] The state employee and the same-sex domestic partner must certify that they:

- (1) are of the same gender;
- (2) are at least 18 years old and are mentally competent to enter into legally binding contracts;
- (3) are not related by blood or adoption in a manner that would prohibit marriage and are neither married nor in another domestic partnership;
- (4) have a committed interdependent relationship which they intend to continue indefinitely;
- (5) agree to assume all the legal spousal obligations to each other that would apply if they were legally married;

(6) are jointly responsible for each other's basic common welfare and well-being, including food, shelter, and health care, and will demonstrate this, upon request of the employer, by showing two of the following: (i) a joint obligation on a commercial loan; (ii) a mutually granted power of attorney; (iii) a joint bank account; (iv) a federal income tax return which claimed the partner as a dependent; (v) a designation as beneficiary under the other's life insurance policy, retirement benefits, or will; or (vi) joint ownership or holding of real property or investments;

(7) share a common domicile and principal residence with each other on a permanent basis, and intend to do so indefinitely, and will demonstrate this, upon request of the employer, by showing one of the following: (i) driver's licenses with the same principal residence; (ii) lease of principal residence bearing the name of both partners; (iii) home title to principal residence bearing the name of both partners; or (iv) other documentation satisfactory to the employer.

(8) will promptly inform the employer if they become aware that a statement made in the certification has ceased to be true or was inaccurate when made, and will submit a certificate of termination of domestic partnership if the conditions necessary to qualify for domestic partnership benefits no longer are met;

(9) acknowledge that false statements or failure to timely inform the employer as required in clause (8) are grounds for disciplinary action of the state employee; and

(10) agree that in the event of a false declaration, the employer may recover damages for all losses related to the false declaration and reasonable attorney fees incurred by the employer to recover these damages.

Subd. 3. [FORM OF CERTIFICATION.] The certification required by this section must be in a form required by the commissioner of employee relations. The certification must be notarized and be attested to by two witnesses.

## Sec. 2. [RATIFICATIONS.]

Subdivision 1. [ENGINEERS.] The labor agreement between the state of Minnesota and the Minnesota government engineers council, approved by the legislative coordinating commission subcommittee on employee relations on December 11, 2001, is ratified.

Subd. 2. [COUNCIL 6.] The labor agreement between the state of Minnesota and the American federation of state, county, and municipal employees, units 2, 3, 4, 6, and 7, submitted to the legislative coordinating commission subcommittee on employee relations on November 21, 2001, and implemented after 30 days on December 21, 2001, as provided in Minnesota Statutes, section 3.855, subdivision 2, paragraph (c), is ratified.

Subd. 3. [PROFESSIONAL EMPLOYEES.] The labor agreement between the state of Minnesota and the Minnesota association of professional employees, submitted to the legislative coordinating commission subcommittee on employee relations on November 21, 2001, and implemented after 30 days on December 21, 2001, as provided in Minnesota Statutes, section 3.855, subdivision 2, paragraph (c), is ratified.

Subd. 4. [UNREPRESENTED MANAGERS; MINNESOTA STATE COLLEGES AND UNIVERSITIES.] The amendments to the compensation plan for administrators of the Minnesota state colleges and universities, approved by the legislative coordinating commission subcommittee on employee relations on December 11, 2001, are ratified.

Subd. 5. [MANAGERIAL PLAN.] The amendments to the managerial plan, approved by the legislative coordinating commission subcommittee on employee relations on December 11, 2001, are ratified.

Subd. 6. [COMMISSIONER'S PLAN.] The amendments to the commissioner's plan, approved by the legislative coordinating commission subcommittee on employee relations on December 11, 2001, are ratified.

Subd. 7. [SUPERVISORS.] The labor agreement between the state of Minnesota and the middle management association, submitted to the legislative coordinating commission subcommittee on employee relations on December 21, 2001, and implemented after 30 days on January 20, 2002, as provided in Minnesota Statutes, section 3.855, subdivision 2, paragraph (c), is ratified.

Subd. 8. [RESIDENTIAL SCHOOLS TEACHERS.] The labor agreement between the state of Minnesota and the state residential schools education association, submitted to the legislative coordinating commission subcommittee on employee relations on December 21, 2001, and implemented after 30 days on January 20, 2002, as provided in Minnesota Statutes, section 3.855, subdivision 2, paragraph (c), is ratified.

Subd. 9. [ADMINISTRATIVE AND SERVICE FACULTY.] The labor agreement between the state of Minnesota and the Minnesota state university association of administrative and service faculty, submitted to the legislative coordinating commission subcommittee on employee relations on December 28, 2001, and implemented after 30 days on January 27, 2002, as provided in Minnesota Statutes, section 3.855, subdivision 2, paragraph (c), is ratified.

Subd. 10. [UNREPRESENTED MANAGERS; MINNESOTA STATE COLLEGES AND UNIVERSITIES.] The compensation plan for administrators of the Minnesota state colleges and universities, as modified and approved by the legislative coordinating commission subcommittee on employee relations on February 1, 2002, is ratified.

Subd. 11. [SALARY FOR THE DIRECTOR OF THE STATE BOARD OF INVESTMENT.] The proposal to increase the salary of the executive director of the state board of investment, as modified and approved by the legislative coordinating commission subcommittee on employee relations on February 1, 2002, is ratified.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment. Section 1 applies to any collective bargaining agreement or compensation plan submitted to the legislative coordinating commission or its subcommittee on employee relations on or after that date, and to any plan initially implemented in the legislative or judicial branch after that date."

Delete the title and insert:

"A bill for an act relating to public employment; providing criteria for state employees to qualify for same-sex domestic partner benefits; ratifying labor agreements and amendments to certain plans; ratifying a salary increase; proposing coding for new law in Minnesota Statutes, chapter 43A."

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.

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

H. F. No. 3579, A bill for an act relating to domestic abuse; clarifying the standard for a misdemeanor violation of an order for protection or no contact order; amending Minnesota Statutes 2000, section 518B.01, subdivision 22; Minnesota Statutes 2001 Supplement, section 518B.01, subdivision 14.

Reported the same back with the following amendments:

Page 3, line 10, after "whenever" insert "reasonably safe and" and after "possible" insert "to do so"

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. 3587, A bill for an act relating to real property; providing for the electronic recording and authentication of certain documents as part of a pilot project; delaying the expiration date of the electronic real estate filing task force; amending Minnesota Statutes 2000, section 507.093; Minnesota Statutes 2001 Supplement, section 507.24, subdivision 2; Laws 2000, chapter 391, section 1, subdivision 2.

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

The report was adopted.

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

H. F. No. 3613, A bill for an act relating to crimes; requiring a ten-year conditional release period when a person has a previous sex offense conviction regardless of the state in which it occurred; making it a ten-year felony when a person commits certain prohibited acts when the act is committed with sexual or aggressive intent; defining aggravated harassing conduct to include acts of criminal sexual conduct as predicate offenses for a pattern of harassing conduct; prescribing penalties; amending Minnesota Statutes 2000, sections 609.109, subdivision 7; 609.749, subdivision 3; Minnesota Statutes 2001 Supplement, section 609.749, subdivisions 4, 5.

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

The report was adopted.

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

H. F. No. 3625, A bill for an act relating to data privacy; regulating electronic mail solicitations; protecting privacy of Internet consumers; regulating use of information about Internet users; providing penalties; proposing coding for new law in Minnesota Statutes, chapters 325F; 325M.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

#### "ARTICLE 1

#### INTERNET PRIVACY

Section 1. [325M.01] [DEFINITIONS.]

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

Subd. 2. [CONSUMER.] "Consumer" means a person who agrees to pay a fee for access to an interactive services provider for personal, family, or household purposes.

Subd. 3. [INTERACTIVE SERVICES PROVIDER.] "Interactive services provider" means a person in the primary business of offering access to online or Internet information directly to or for a consumer via telecommunications. "Interactive services" includes electronic publishing but does not include:

(1) service provided to business, professional, or commercial users;

(2) use of the capability for managing, controlling, or operating a telecommunications system or managing a telecommunications service; or

(3) service provided by a governmental entity.

Subd. 4. [ORDINARY COURSE OF BUSINESS.] "Ordinary course of business" means debt-collection activities, order fulfillment, request processing, or the transfer of ownership.

Subd. 5. [PERSONALLY IDENTIFIABLE INFORMATION.] "Personally identifiable information" means information that identifies:

(1) a person by physical or electronic address or telephone number;

(2) a person as having requested or obtained specific materials or services from an interactive services provider;

(3) Internet or online sites visited by a person; or

(4) any of the contents of a person's data-storage devices.

Subd. 6. [TELECOMMUNICATIONS SERVICE.] "Telecommunications service" means the offering, on a common carrier basis, of telecommunications facilities or of telecommunications by means of these facilities. It does not include services offered by an interactive services provider.

Sec. 2. [325M.02] [WHEN DISCLOSURE OF PERSONAL INFORMATION PROHIBITED.]

Except as provided in sections 325M.03 and 325M.04, an interactive services provider may not knowingly disclose personally identifiable information concerning a consumer of the interactive services provider.

Sec. 3. [325M.03] [WHEN DISCLOSURE OF PERSONAL INFORMATION REQUIRED.]

An interactive services provider shall disclose personally identifiable information concerning a consumer:

(1) to a grand jury pursuant to a grand jury subpoena;

(2) to an investigative or law enforcement officer as defined in section 626A.01, subdivision 7, while carrying out conduct authorized by chapter 626A or United States Code, title 18, sections 2510 to 2521;

(3) pursuant to a court order in a civil proceeding upon a showing of compelling need for the information that cannot be accommodated by other means;

(4) to a court in a civil action for conversion commenced by the interactive services provider or in a civil action to enforce collection of unpaid subscription fees or purchase amounts, and then only to the extent necessary to establish the fact of the subscription delinquency or purchase agreement, and with appropriate safeguards against unauthorized disclosure; or

(5) to the consumer who is the subject of the information, upon written request.

Sec. 4. [325M.04] [WHEN DISCLOSURE OF PERSONAL INFORMATION PERMITTED; AUTHORIZATION.]

Subdivision 1. [CONDITIONS OF DISCLOSURE.] An interactive services provider may disclose personally identifiable information concerning a consumer to:

(1) any person if the disclosure is incident to the ordinary course of business of the interactive services provider;  
or

(2) any person with the authorization of the consumer.

Subd. 2. [AUTHORIZATION.] The interactive services provider may obtain the consumer's authorization of the disclosure of personally identifiable information in writing or by electronic means. The request for authorization must reasonably describe the types of persons to whom personally identifiable information may be disclosed and the anticipated uses of the information and must notify the consumer that failure to object to disclosure constitutes an authorization of disclosure. An authorization may be obtained in a manner consistent with self-regulating guidelines issued by representatives of the interactive services provider industry or other representatives of the marketing or online industries, or in any other manner reasonably designed to comply with this subdivision.

Sec. 5. [325M.05] [SECURED ACCOUNT.]

The interactive services provider shall provide the consumer with a secured, verifiable account. The interactive services provider shall maintain the security and privacy of a consumer's personally identifiable information concerning this account. The interactive services provider is not liable for actions that would constitute a violation of section 609.87, 609.89, or 609.891, if the interactive services provider does not participate in, authorize, or approve such actions.

Sec. 6. [325M.06] [EXCLUSION FROM EVIDENCE.]

Personally identifiable information obtained in any manner other than as provided in this chapter may not be received in evidence in any trial, hearing, arbitration, or other proceeding before any court, grand jury, officer, agency, regulatory body, legislative committee, or other authority of the state or any political subdivision.

Sec. 7. [325M.07] [ENFORCEMENT; CIVIL LIABILITY.]

A consumer who prevails or substantially prevails in an action brought under sections 325M.01 to 325M.08 is entitled to the greater of \$500 or actual damages, plus costs, disbursements, and reasonable attorney fees.

Sec. 8. [325M.08] [OTHER LAW.]

This chapter does not limit any greater protection of the privacy of information under other law.

Sec. 9. [325M.09] [APPLICATION.]

This chapter applies to interactive services providers in the provision of services to consumers in this state.

## ARTICLE 2

### COMMERCIAL ELECTRONIC MAIL SOLICITATION

Section 1. [325F.694] [FALSE OR MISLEADING COMMERCIAL ELECTRONIC MAIL MESSAGES.]

Subdivision 1. [DEFINITIONS.] (a) The terms used in this section have the meanings given them in this subdivision.

(b) "Commercial electronic mail message" means an electronic mail (e-mail) message sent through an interactive computer service provider's facilities located in this state to a resident of this state for promoting goods or services for sale or lease.

(c) "Electronic mail address" or "e-mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.

(d) "Initiate the transmission" refers to the action by the original sender of an electronic mail message, not to the action by an intervening interactive computer service that may handle or retransmit the message.

(e) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the Internet and these systems operated or services offered by libraries or educational institutions.

(f) "Internet domain name" refers to a globally unique, hierarchical reference to an Internet host or service, assigned through centralized Internet naming authorities, comprising a series of character strings separated by periods, with the rightmost string specifying the top of the hierarchy.

Subd. 2. [FALSE OR MISLEADING MESSAGES PROHIBITED.] No person may initiate the transmission of a commercial electronic mail message that:

(1) uses a third party's Internet domain name without permission of the third party, or otherwise misrepresents any information in identifying the point of origin or the transmission path of a commercial electronic mail message; or

(2) contains false or misleading information in the subject line.

Subd. 3. [SUBJECT DISCLOSURE.] The subject line of a commercial electronic mail message must include "ADV" as the first characters. If the message contains information that consists of material that may only be viewed by an individual 18 years of age and older, the subject line of the message must include "ADV-ADULT" as the first characters. This subdivision applies to messages to a recipient who did not request the document or with whom the initiator did not have a prior or current business or personal relationship.

Subd. 4. [TOLL-FREE NUMBER.] (a) A sender initiating the transmission of a commercial electronic mail message must establish a toll-free telephone number or valid sender-operated return e-mail address that the recipient of the documents may call or access by e-mail to notify the sender not to transmit by e-mail any further unsolicited documents.

(b) A commercial electronic mail message must include a statement informing the recipient of the toll-free telephone number that the recipient may call, or a valid return address to which the recipient may write or access by e-mail, notifying the sender not to transmit to the recipient by e-mail any further unsolicited documents to the e-mail address, or addresses, specified by the recipient.

Subd. 5. [BLOCKING RECEIPT OR TRANSMISSION.] (a) An interactive computer service, upon its own initiative, may block the receipt or transmission through its service of any commercial electronic mail that it reasonably believes is, or will be, sent in violation of this section.

(b) No interactive computer service may be held liable for any action voluntarily taken in good faith to block the receipt or transmission through its service of any commercial electronic mail that it reasonably believes is, or will be, sent in violation of this section.

Subd. 6. [DAMAGES.] In addition to remedies available under section 8.31, 325F.70, or other law:

(1) a recipient of a commercial electronic mail message sent in violation of this section is entitled to damages of \$500, or actual damages, whichever is greater; and

(2) an interactive computer service that is injured by a violation of this section is entitled to damages of \$1,000, or actual damages, whichever is greater."

Amend the title as follows:

Page 1, line 6, delete "chapters" and insert "chapter" and after the semicolon, insert "proposing coding for new law as Minnesota Statutes, chapter"

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:

House Resolution No. 28, A house resolution honoring the Minnesota Office of Citizenship and Volunteer Services and Minnesota's volunteers.

Reported the same back with the following amendments:

Page 2, delete line 18 and insert:

"*Whereas*, because of projected budget shortfalls, the Governor eliminated the MOCVS"

With the recommendation that when so amended the resolution be adopted and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 1524, 1934, 2678, 2815, 2989, 2993, 3047, 3076, 3199, 3203, 3221, 3236, 3238, 3245, 3276, 3283, 3317, 3342, 3346, 3359, 3400, 3434, 3443, 3506, 3579 and 3625 were read for the second time.

## **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Davnie, Walker and Swapinski introduced:

H. F. No. 3661, A bill for an act relating to civil actions; graffiti; allowing certain individuals and associations to recover damages for graffiti; proposing coding for new law in Minnesota Statutes, chapter 617.

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

Osthoff introduced:

H. F. No. 3662, A bill for an act relating to Ramsey county; expanding the offices that are appointive; amending Minnesota Statutes 2000, sections 383A.20, subdivision 2.

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

Seifert introduced:

H. F. No. 3663, A bill for an act relating to energy; directing commissioner of transportation to conserve energy in transportation building; proposing coding for new law in Minnesota Statutes, chapter 174.

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

Abrams introduced:

H. F. No. 3664, A bill for an act relating to local governments; restricting the authority to issue bonds for projects outside of the corporate boundaries of the issuer; proposing coding for new law in Minnesota Statutes, chapter 475.

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

Bernardy and Koskinen introduced:

H. F. No. 3665, A bill for an act relating to education; increasing referendum equalization aid; amending Minnesota Statutes 2001 Supplement, section 126C.17, subdivision 5.

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

Smith introduced:

H. F. No. 3666, A bill for an act relating to housing warranties; adding attorney fees to damages for breach of new home and home improvement warranties; amending Minnesota Statutes 2000, section 327A.05, subdivisions 1, 2.

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

Murphy and Mares introduced:

H. F. No. 3667, A bill for an act relating to retirement; providing retirement coverage under the local correctional employee plan or state correctional employee plan for certain parole and probation officers; amending Minnesota Statutes 2000, sections 352.91, by adding a subdivision; 353E.02, subdivision 1, by adding a subdivision; 353E.03.

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. 3668, A bill for an act relating to taxes; sales and use taxes; imposing the sales tax on certain installation charges; amending Minnesota Statutes 2001 Supplement, section 297A.61, subdivision 3.

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

### **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. 3062, A bill for an act relating to the courts; repealing limitations on the term of service for judges in Hennepin and Ramsey county juvenile courts; repealing Minnesota Statutes 2000, section 260.019, subdivisions 2, 3, 4.

H. F. No. 2992, A bill for an act relating to professions; modifying terms of temporary licensure for occupational therapists; amending Minnesota Statutes 2000, section 148.6418, subdivision 5.

H. F. No. 3148, A bill for an act relating to health occupations; modifying registration requirements for speech-language pathologists and audiologists whose registrations have lapsed for more than three years; amending Minnesota Statutes 2000, section 148.518, subdivision 2.

H. F. No. 2624, A bill for an act relating to the city of Shakopee; increasing its public utilities commission from three to five members.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 3116, A bill for an act relating to natural resources; modifying certain responsibilities of the advisory committee and the legislative commission on Minnesota resources regarding the environmental and natural resources trust fund; modifying availability of funds for disbursement; providing a penalty for failure to comply with restrictions on certain state-funded acquisitions of land; requiring recipients of certain state funding for acquisitions of interests in land to record a notice of funding agreement regarding the interests; amending Minnesota Statutes 2000, sections 116P.06, subdivision 2; 116P.07; 116P.11; Minnesota Statutes 2001 Supplement, section 116P.15.

H. F. No. 2642, A bill for an act relating to mines; modifying a reporting requirement for the inspector of mines; amending Minnesota Statutes 2000, section 180.11.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 2445, 2590, 2631, 3162, 2900, 3278, 2814 and 1000.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 3208, 2945, 2828, 2573, 2834 and 3045.

PATRICK E. FLAHAVEN, Secretary of the Senate

### **FIRST READING OF SENATE BILLS**

S. F. No. 2445, A bill for an act relating to crimes; modifying the school trespass law; prescribing penalties; amending Minnesota Statutes 2000, section 609.605, subdivision 4.

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

S. F. No. 2590, A bill for an act relating to Carlton and Pine counties; permitting the appointment of the county recorder.

The bill was read for the first time.

Hilty moved that S. F. No. 2590 and H. F. No. 2753, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2631, A bill for an act relating to game and fish; restricting the taking of fish on certain waters; amending Minnesota Statutes 2000, section 97C.025.

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

S. F. No. 3162, A bill for an act relating to Murray county; permitting the appointment of the county recorder.

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

S. F. No. 2900, A bill for an act relating to local government; allowing a city to establish cartways; amending Minnesota Statutes 2000, section 415.01.

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

S. F. No. 3278, A bill for an act relating to drivers' licenses; requiring commissioner of public safety to adopt rules requiring education in organ donation as part of driver education programs; requiring commissioner to include information on organ and tissue donation in the driver's manual; amending Minnesota Statutes 2000, section 171.13, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 171.

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

S. F. No. 2814, A bill for an act relating to cooperatives; authorizing electronic voting; amending Minnesota Statutes 2000, sections 308A.311, subdivisions 4, 5; 308A.635, subdivisions 4, 6.

The bill was read for the first time.

Clark, J., moved that S. F. No. 2814 and H. F. No. 3240, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1000, A bill for an act relating to eminent domain; modifying provisions governing appointment of commissioners; providing for hearing and notice requirements; amending Minnesota Statutes 2000, sections 117.075; 469.012, subdivision 1.

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

S. F. No. 3208, A bill for an act relating to public employment; modifying procedures for legislative approval or disapproval of collective bargaining agreements and arbitration awards; amending Minnesota Statutes 2000, section 3.855, subdivision 2.

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

S. F. No. 2945, A bill for an act relating to Nobles county; permitting the appointment of the auditor-treasurer and recorder.

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

S. F. No. 2828, A bill for an act relating to education finance; modifying a limitation on the ability of the board of trustees of the Minnesota state colleges and universities and intermediate school districts to enter into certain property agreements; amending Minnesota Statutes 2000, section 136F.68.

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

S. F. No. 2573, A bill for an act relating to education; allowing independent school district No. 801, Browns Valley, to begin the school year as early as August 27 to accommodate Browns Valley high school students enrolled in school in Sisseton, South Dakota and Sisseton, South Dakota elementary students enrolled in school in Browns Valley; making this authorization applicable to the 2001-2002 school year and later.

The bill was read for the first time.

Westrom moved that S. F. No. 2573 and H. F. No. 2748, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2834, A bill for an act relating to Steele county; permitting the appointment of the county recorder.

The bill was read for the first time.

Ruth moved that S. F. No. 2834 and H. F. No. 3074, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3045, A bill for an act relating to domestic abuse; authorizing extension of the domestic fatality review team pilot project in the fourth judicial district.

The bill was read for the first time.

Stanek moved that S. F. No. 3045 and H. F. No. 3373, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

### CONSENT CALENDAR

H. F. No. 3584, A bill for an act relating to judgments; changing the formula for certain calculations; amending Minnesota Statutes 2000, section 549.09, subdivision 1.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Biernat	Boudreau	Carlson	Clark, K.
Abrams	Bakk	Bishop	Bradley	Cassell	Daggett
Anderson, B.	Bernardy	Blaine	Buesgens	Clark, J.	Dauids

Davnie	Gray	Kahn	Marko	Paymar	Stang
Dawkins	Greiling	Kalis	Marquart	Pelowski	Swapinski
Dehler	Gunther	Kelliher	McElroy	Penas	Swenson
Dempsey	Haas	Kielkucki	McGuire	Peterson	Sykora
Dibble	Hackbarth	Knoblach	Milbert	Pugh	Thompson
Dorman	Harder	Koskinen	Molnau	Rhodes	Tingelstad
Dorn	Hausman	Krinkie	Mulder	Rifenberg	Tuma
Eastlund	Hilstrom	Kubly	Mullery	Rukavina	Vandever
Entenza	Hilty	Kuisle	Murphy	Ruth	Wagenius
Erhardt	Holberg	Larson	Ness	Schumacher	Walker
Erickson	Howes	Leighton	Nornes	Seagren	Walz
Evans	Huntley	Lenczewski	Olson	Seifert	Wasiluk
Finseth	Jacobson	Leppik	Opatz	Sertich	Westerberg
Folliard	Jaros	Lieder	Osskopp	Skoe	Westrom
Fuller	Jennings	Lindner	Osthoff	Skoglund	Wilkin
Gerlach	Johnson, J.	Lipman	Otremba	Slawik	Winter
Gleason	Johnson, R.	Mahoney	Ozment	Smith	Wolf
Goodno	Johnson, S.	Mares	Paulsen	Solberg	Workman
Goodwin	Juhnke	Mariani	Pawlenty	Stanek	Spk. Sviggum

The bill was passed and its title agreed to.

### MOTIONS AND RESOLUTIONS

Paulsen moved that the name of Johnson, J., be added as an author on H. F. No. 643. The motion prevailed.

Ozment moved that the name of Abeler be added as an author on H. F. No. 2815. The motion prevailed.

Bernardy moved that the name of Westerberg be added as an author on H. F. No. 3242. The motion prevailed.

Rhodes moved that the name of Dibble be added as an author on H. F. No. 3434. The motion prevailed.

Tingelstad moved that the names of Lenczewski and Clark, K., be added as authors on H. F. No. 3508. The motion prevailed.

Abeler moved that the name of Westerberg be added as an author on H. F. No. 3609. The motion prevailed.

Anderson, B., moved that the names of Erickson and Westerberg be added as authors on H. F. No. 3654. The motion prevailed.

Hackbarth moved that H. F. No. 2528 be recalled from the Committee on Taxes and be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy. The motion prevailed.

Goodno moved that H. F. No. 3200, now on the General Register, be re-referred to the Committee on Health and Human Services Finance. The motion prevailed.

Mulder moved that H. F. No. 3346, now on the General Register, be re-referred to the Committee on Health and Human Services Finance. The motion prevailed.

Anderson, B., moved that H. F. No. 3558 be returned to its author. The motion prevailed.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 3:00 p.m., Thursday, March 7, 2002. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Thursday, March 7, 2002.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

