

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-FIRST LEGISLATURE

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EIGHTY-SECOND DAY

St. Paul, Minnesota, Friday, March 3, 2000

The Senate met at 12:00 noon and was called to order by the President.

## CALL OF THE SENATE

Senator Knutson imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Lonnie E. Titus.

The roll was called, and the following Senators answered to their names:

Anderson	Higgins	Knutson	Olson	Scheid
Belanger	Hottinger	Krentz	Ourada	Solon
Berg	Janezich	Laidig	Pappas	Spear
Berglin	Johnson, D.E.	Langseth	Pariseau	Stevens
Betzold	Johnson, D.H.	Lesewski	Piper	Stumpf
Cohen	Johnson, D.J.	Lessard	Pogemiller	Terwilliger
Day	Junge	Limmer	Price	Vickerman
Dille	Kelley, S.P.	Lourey	Ranum	Wiener
Fischbach	Kelly, R.C.	Marty	Ring	Wiger
Flynn	Kierlin	Metzen	Robling	Ziegler
Foley	Kinkel	Murphy	Runbeck	
Frederickson	Kiscaden	Neuville	Samuelson	
Hanson	Kleis	Novak	Scheevel	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

## MEMBERS EXCUSED

Senators Larson, Oliver, Robertson and Sams were excused from the Session of today.

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

March 1, 2000

The Honorable Allan H. Spear  
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 2411 and 2320.

Sincerely,  
Jesse Ventura, Governor

March 3, 2000

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2000 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2000	Date Filed 2000
2411		252	11:00 a.m. March 1	March 1
2320		253	11:00 a.m. March 1	March 1

Sincerely,  
Mary Kiffmeyer  
Secretary of State

#### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3633.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 2, 2000

#### FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

**H.F. No. 3633:** A bill for an act relating to state observances; designating Mighty Eighth Air Force Week; proposing coding for new law in Minnesota Statutes, chapter 10.

Referred to the Committee on Governmental Operations and Veterans.

#### REPORTS OF COMMITTEES

Senator Junge moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

#### Senator Marty from the Committee on Election Laws, to which was referred

**S.F. No. 3075:** A bill for an act proposing an amendment to the Minnesota Constitution, article VIII, by adding a section; providing for removal and replacement of elected officials who move from their districts.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 351.02, is amended to read:

351.02 [VACANCIES.]

Subdivision 1. [EVENTS CAUSING.] Every office shall become vacant on the happening of either any of the following events, before the expiration of the term of such office:

- (1) The death of the incumbent;
- (2) The incumbent's resignation;
- (3) The incumbent's removal;
- (4) The incumbent's ceasing to be ~~an inhabitant~~ a resident of the state, or, if the office is ~~local~~ not statewide, of the district, county or city ~~for~~ from which the incumbent was elected or appointed, or within which the duties of the office are required to be discharged;
- (5) The incumbent's conviction of ~~any infamous crime~~ a felony, or of any offense involving a violation of the official oath;
- (6) The incumbent's refusal or neglect to take the oath of office, or to give or renew the official bond, or to deposit or file ~~such~~ the oath or bond within the time prescribed;
- (7) The decision of a competent tribunal declaring the incumbent's election or appointment void;
- (8) The death of the person elected or appointed to fill a vacancy, or for a full term, before the person qualifies, or before the time when by law the person should enter upon the duties of the office, in which case the vacancy shall be deemed to take place at the time when the term of office would have begun had the person lived.

Subd. 2. [DISPUTES.] When there is a dispute over whether an office has become vacant, an individual who is eligible to vote for the office may bring an action for a declaratory judgment under chapter 555. If the dispute concerns an alleged vacancy in the office of state senator or representative, the trial court shall forward the record of the proceedings, including the court's findings of fact and conclusions of law, to the secretary of the senate or chief clerk of the house of representatives, as appropriate, for final disposition. This subdivision does not limit the constitutional power of the senate or house of representatives to judge the eligibility of its own members.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to public officials; providing for resolution of disputes over whether an office has become vacant; amending Minnesota Statutes 1998, section 351.02."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Ranum from the Committee on Judiciary, to which was referred**

**S.F. No. 2627:** A bill for an act relating to taxes; establishing time limit for certain revenue recapture claims; amending Minnesota Statutes 1999, section 270A.03, subdivision 7.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 8, before "shall" insert "shall notify a spouse of the spouse's rights under this subdivision and"

Page 2, line 10, delete everything after "debt"

Page 2, delete line 11

Page 2, line 12, delete everything before the period

Amend the title as follows:

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

And when so amended the bill do pass. Amendments adopted. Report adopted.

### **Senator Ranum from the Committee on Judiciary, to which was referred**

**S.F. No. 2929:** A bill for an act relating to human rights; making technical changes to chapter 363; amending Minnesota Statutes 1998, sections 363.03, subdivision 8; and 363.05, subdivision 1; repealing Minnesota Statutes 1998, section 363.03, subdivision 8b.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, after "discriminate" insert "in the extension of personal or commercial credit, or in the requirements for obtaining credit,"

And when so amended the bill do pass. Amendments adopted. Report adopted.

### **Senator Ranum from the Committee on Judiciary, to which was re-referred**

**S.F. No. 3005:** A bill for an act relating to health and human services; establishing the right to seek licensure for excluded adult foster care providers; changing requirements to background studies for licensed programs; establishing tribal licensing agency access to criminal history data; clarifying tort liability licensing exception for county agencies; amending Minnesota Statutes 1998, sections 245A.03, subdivision 2, and by adding a subdivision; 245A.04, subdivisions 3 and 3b; and 466.03, subdivision 6d; Minnesota Statutes 1999 Supplement, section 245A.04, subdivision 3d.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, after line 19, insert:

"Sec. 3. [245A.033] [NOTICE TO CAREGIVERS USING LEGAL NONLICENSED CHILD CARE.]

Each county that is reimbursing legal nonlicensed child care arrangements shall send a notice to a caregiver of a child using legal nonlicensed child care arrangements. The notice must inform the caregiver that the child care arrangement is not licensed by the commissioner of human services and as a result, has not been inspected to ensure that the child care safety standards are being met."

Page 12, line 13, after the comma, insert "after obtaining consent of the background study subject"

Page 12, line 14, delete "the same"

Page 12, line 15, delete everything after "data" and insert a period

Page 12, delete line 16

Pages 21 and 22, delete section 6

Page 22, line 10, delete "5 and 7" and insert "6"

Page 22, delete lines 12 and 13

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete line 7

Page 1, line 8, delete everything before "amending"

Page 1, line 10, after the first semicolon, insert "and" and after the second semicolon, delete "and"

Page 1, line 11, delete everything before "Minnesota"

Page 1, line 12, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 245A"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Spear from the Committee on Crime Prevention, to which was referred**

**S.F. No. 3330:** A bill for an act relating to corrections; authorizing the commissioner of corrections to establish and operate alternative residential programs for juveniles; deleting a reference to a closed correctional facility; changing the data collection date for the Interstate Compact for Supervision of Parolees and Probationers Report; requiring an offender in phase II of the challenge incarceration program to report to an agent or program staff; requiring that pretrial diversion reports prepared by county attorneys be submitted to the state court administrator; appropriating money; amending Minnesota Statutes 1998, sections 242.32, by adding a subdivision; 242.55; 243.162, subdivision 3; 244.172, subdivision 2; and 401.065, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 26, delete "programming" and insert "program"

Page 1, line 27, delete "programming" and insert "the program"

Page 2, line 1, delete "programming" and insert "program"

Page 3, after line 6, insert:

"Sec. 6. Laws 1999, chapter 216, article 1, section 13, subdivision 4, is amended to read:

Subd. 4. Community Services

	Summary	by Fund	
General	95,327,000		97,416,000
Special Revenue	90,000		90,000

All money received by the commissioner of corrections pursuant to the domestic abuse investigation fee under Minnesota Statutes, section 609.2244, is available for use by the commissioner and is appropriated annually to the commissioner of corrections for costs related to conducting the investigations.

\$500,000 the first year and \$500,000 the second year are for increased funding for intensive community supervision.

\$1,500,000 the first year and \$3,500,000 the

second year are for a statewide probation and supervised release caseload and workload reduction grant program. Counties that deliver correctional services through Minnesota Statutes, chapter 244, and that qualify for new probation officers under this program shall receive full reimbursement for the officers' salaries and reimbursement for the officers' benefits and support as set forth in the probations standards task force report, not to exceed \$70,000 per officer annually. Positions funded by this appropriation may not supplant existing services. Position control numbers for these positions must be annually reported to the commissioner of corrections.

The commissioner shall distribute money appropriated for state and county probation officer caseload and workload reduction, increased supervised release and probation services, and county probation officer reimbursement according to the formula contained in Minnesota Statutes, section 401.10. These appropriations may not be used to supplant existing state or county probation officer positions or existing correctional services or programs. The money appropriated under this provision is intended to reduce state and county probation officer caseload and workload overcrowding and to increase supervision of individuals sentenced to probation at the county level. This increased supervision may be accomplished through a variety of methods, including, but not limited to:

- (1) innovative technology services, such as automated probation reporting systems and electronic monitoring;
- (2) prevention and diversion programs;
- (3) intergovernmental cooperation agreements between local governments and appropriate community resources; and
- (4) traditional probation program services.

By January 15, 2001, the commissioner of corrections shall report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice funding on the outcomes achieved through the use of state probation caseload reduction appropriations made since 1995. The commissioner shall, to the extent possible, include an analysis of the ongoing results relating to the measures described in the

uniform statewide probation outcome measures workgroup's 1998 report to the legislature.

\$150,000 each year is for a grant to the Dodge-Fillmore-Olmsted community corrections agency for a pilot project to increase supervision of sex offenders who are on probation, intensive community supervision, supervised release, or intensive supervised release by means of caseload reduction. The grant shall be used to reduce the number of offenders supervised by officers with specialized caseloads to an average of 35 offenders. This is a one-time appropriation. The grant recipient shall report by January 15, 2002, to the House and Senate committees and divisions with jurisdiction over criminal justice policy and funding on the outcomes of the pilot project.

\$175,000 the first year and \$175,000 the second year are for county probation officer reimbursements.

\$50,000 the first year and \$50,000 the second year are for the emergency housing initiative. The commissioner of corrections may enter into rental agreements per industry standards for emergency housing.

\$150,000 the first year and \$150,000 the second year are for probation and supervised release services.

\$250,000 the first year and \$250,000 the second year are for increased funding of the sentencing to service program and for a housing coordinator for the institution work crews in the sentencing to serve program.

\$25,000 the first year and \$25,000 the second year are for sex offender transition programming.

\$250,000 each year is for increased bed capacity for work release offenders.

\$50,000 each year is for programming for adult female offenders.

The following amounts are one-time appropriations for the statewide productive day initiative program defined in Minnesota Statutes, section 241.275:

\$472,000 to the Hennepin county community corrections agency;

\$472,000 to the Ramsey county community corrections agency;

\$590,000 to the Arrowhead regional community corrections agency;

\$425,000 to the Dodge-Fillmore-Olmsted community corrections agency;

\$283,000 to the Anoka county community corrections agency; and

\$118,000 to the Tri-county (Polk, Norman, and Red Lake) community corrections agency.

\$250,000 the first year and \$250,000 the second year are for grants to Dakota county for the community justice zone pilot project described in article 2, section 24. This is a one-time appropriation.

\$230,000 the first year is for grants related to restorative justice programs. The commissioner may make grants to fund new as well as existing programs. This is a one-time appropriation.

The money appropriated for restorative justice program grants under this subdivision may be used to fund the use of restorative justice in domestic abuse cases, except in cases where the restorative justice process that is used includes a meeting at which the offender and victim are both present at the same time. "Domestic abuse" has the meaning given in Minnesota Statutes, section 518B.01, subdivision 2.

\$25,000 each year is for the juvenile mentoring project. This is a one-time appropriation."

Amend the title as follows:

Page 1, line 12, after the first semicolon, insert "authorizing the commissioner of corrections to enter into rental agreements for emergency housing;"

Page 1, line 15, before the period, insert "; Laws 1999, chapter 216, article 1, section 13, subdivision 4"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Flynn from the Committee on Transportation, to which was referred**

**S.F. No. 3373:** A bill for an act relating to drivers' licenses; modifying driver education provision to allow for integrated classroom and behind-the-wheel training; amending Minnesota Statutes 1999 Supplement, section 171.05, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 10, strike the second "the" and insert "a nonconcurrent"

Page 2, lines 11 to 15, delete the new language

Page 2, after line 36, insert:

"(c) A driver education program that offers concurrent classroom and laboratory class D instruction shall issue a certificate of enrollment to a student who has completed a minimum of 15 hours of classroom instruction in motor vehicle operation. The certificate must state the student is enrolled in a program of concurrent classroom and laboratory instruction. The department may



issue an instruction permit to a student who presents the certificate and who otherwise satisfies the requirements of this subdivision. A driver education program must notify the department of the name and address of a student who does not complete the classroom portion of the program within six months after issuance of the certificate. Upon receipt of notification, the department may withdraw the student's instruction permit and mail notice to the student of the withdrawal."

Amend the title as follows:

Page 1, line 3, delete "integrated" and insert "issuance of instruction permit during course of concurrent"

And when so amended the bill do pass. Amendments adopted. Report adopted.

### **Senator Spear from the Committee on Crime Prevention, to which was referred**

**S.F. No. 3178:** A bill for an act relating to public safety; continuing certain rule authority of commissioner of public safety; changing per diem payments to members of the board of private detectives and protective agents; requiring changes in rules regarding training programs; amending Minnesota Statutes 1998, sections 299A.01, by adding a subdivision; 326.33, subdivision 6; and 326.3361, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 299A.01, subdivision 2, is amended to read:

Subd. 2. [DUTIES OF COMMISSIONER.] The duties of the commissioner shall include the following:

(a) the coordination, development and maintenance of services contracts with existing state departments and agencies assuring the efficient and economic use of advanced business machinery including computers;

(b) the execution of contracts and agreements with existing state departments for the maintenance and servicing of vehicles and communications equipment, and the use of related buildings and grounds;

(c) the development of integrated fiscal services for all divisions, and the preparation of an integrated budget for the department;

(d) the publication and award of grant contracts with state agencies, local units of government, and other entities for programs that will benefit the safety of the public; and

(e) the establishment of a planning bureau within the department.

Sec. 2. Minnesota Statutes 1998, section 299A.01, is amended by adding a subdivision to read:

Subd. 7. [RULES REMAIN IN EFFECT.] Notwithstanding sections 14.05, subdivision 1, and 645.36 or other law to the contrary, the rules adopted under the authority of Minnesota Statutes 1996, section 299A.01, subdivision 6, paragraph (a), remain in effect on and after July 1, 1997, until further amended or repealed.

Sec. 3. Minnesota Statutes 1998, section 326.33, subdivision 6, is amended to read:

Subd. 6. [COMPENSATION TO BOARD MEMBERS.] Members of the board of private detective and protective agent services shall receive, in addition to necessary traveling and lodging expenses, \$35 a per diem payment as specified in section 214.09, subdivision 3, per day for each day actually engaged in board activities, provided, however, members of the board who are state employees will be governed by state rules regarding travel expense and per diem payments.

Sec. 4. Minnesota Statutes 1998, section 326.3361, subdivision 1, is amended to read:

Subdivision 1. [RULES.] The board shall, by rule, prescribe the requirements, duration, contents, and standards for successful completion of certified training programs for license holders, qualified representatives, Minnesota managers, partners, and employees, including:

(1) first aid and firearms training required for armed employees, including training in the legal limitations on the justifiable use of force and deadly force as specified in sections 609.06 and 609.065;

(2) training in the use of weapons other than firearms, including, but not limited to, bludgeons, nightsticks, batons, chemical weapons, and electronic incapacitation devices, and in the use of restraint or immobilization techniques, ~~including the carotid neck restraint;~~

(3) training in alternatives to the use of force;

(4) standards for weapons and equipment issued to or carried or used by license holders, qualified representatives, Minnesota managers, partners, and employees;

(5) preassignment or on-the-job training, or its equivalent, required before applicants may be certified as having completed training; and

(6) continuing training for license holders, qualified representatives, Minnesota managers, partners, employees, and armed employees.

Sec. 5. [EFFECTIVE DATE.]

Section 2 is effective retroactively from July 1, 1997."

Delete the title and insert:

"A bill for an act relating to public safety; authorizing commissioner of public safety to award public safety grants; continuing certain rule authority of commissioner of public safety; changing per diem payments to members of the board of private detectives and protective agents; requiring changes in rules regarding training programs; amending Minnesota Statutes 1998, sections 299A.01, subdivision 2, and by adding a subdivision; 326.33, subdivision 6; and 326.3361, subdivision 1."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Vickerman from the Committee on Local and Metropolitan Government, to which was referred**

**S.F. No. 3167:** A bill for an act relating to Dakota county; authorizing the county to appoint an additional member to its personnel board of appeals; amending Minnesota Statutes 1998, sections 383D.30, subdivision 1; and 383D.31.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Lessard from the Committee on Environment and Natural Resources, to which was referred**

**S.F. No. 3283:** A bill for an act relating to natural resources; providing for civil enforcement of metal traction device sticker requirements for snowmobiles; amending Minnesota Statutes 1999 Supplement, sections 84.8712, subdivisions 2, 3, 4, and 6; and 84.8713, subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Lessard from the Committee on Environment and Natural Resources, to which was referred**

**S.F. No. 3379:** A bill for an act relating to state lands; authorizing public and private sales of certain tax-forfeited lands that border public water in Isanti county.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Lessard from the Committee on Environment and Natural Resources, to which was referred**

**S.F. No. 2720:** A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land that borders public water in Ramsey county.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Lessard from the Committee on Environment and Natural Resources, to which was referred**

**S.F. No. 2514:** A bill for an act relating to game and fish; requiring changes to the perch limit on inland waters.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 97C.401, is amended by adding a subdivision to read:

Subd. 3. [YELLOW PERCH LIMITS; INLAND WATERS.] On inland waters, the daily limit for taking yellow perch is 15 and the total possession limit for yellow perch is 45.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on December 1, 2000."

Delete the title and insert:

"A bill for an act relating to game and fish; establishing daily and possession limits for yellow perch on inland waters; amending Minnesota Statutes 1998, section 97C.401, by adding a subdivision."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Lessard from the Committee on Environment and Natural Resources, to which was referred**

**S.F. No. 936:** A bill for an act relating to water; restricting certain activities of water quality cooperatives; amending Minnesota Statutes 1998, section 115.58, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 115.58, is amended by adding a subdivision to read:

Subd. 4. [ACTIVITIES IN AREAS SURROUNDING CITIES.] Permittees authorized under subdivision 2 may conduct activities and exercise powers affecting real property located within two miles of the border of any home rule charter or statutory city only after approval adopted by resolution by the city council and the placing of a certified copy of the resolution on record with the county recorder or registrar of deeds.

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 the environment; providing for the operation of certain entities within municipalities; amending Minnesota Statutes 1998, section 115.58, by adding a subdivision."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Hottinger from the Committee on Health and Family Security, to which was referred**

**S.F. No. 3133:** A bill for an act relating to health; extending the application deadline for essential community provider status for a facility providing culturally competent health care; modifying termination and renewal of designation as an essential community provider; amending Minnesota Statutes 1998, section 62Q.19, subdivisions 2 and 6.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

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

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

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

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

(d) The commissioner shall accept an application for designation as an essential community provider until June 30, 2001, from any applicant that meets one of the following criteria:

(1) is a nonprofit community health care facility, certified as a medical assistance provider effective April 1, 1998, that provides culturally competent health care to an underserved Southeast Asian immigrant and refugee population residing in the immediate neighborhood of the facility;

(2) is a nonprofit home health care provider, certified as a Medicare and a medical assistance provider that provides culturally competent home health care services to a low-income culturally diverse population;

(3) is a nonprofit community mental health center certified as a medical assistance provider that provides mental health services to children with serious emotional disturbance and their families or to adults with serious and persistent mental illness; or

(4) is a nonprofit provider certified as a medical assistance provider that provides mental health, child development, and family services to children with physical and mental health disorders and their families.

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

Subd. 6. [TERMINATION OR RENEWAL OF DESIGNATION; COMMISSIONER

REVIEW.] The designation as an essential community provider terminates shall be valid for a five-year period from the date of designation. Five years after it the designation of essential community provider is granted, or when universal coverage as defined under section 62Q.165 is achieved, whichever is later to a provider, the commissioner shall review the need for and appropriateness of continuing the designation for that provider. The commissioner may require a provider whose designation is to be reviewed to submit an application to the commissioner for renewal of the designation and may require an application fee to be submitted with the application to cover the administrative costs of processing the application. Based on that review, the commissioner may renew a provider's essential community provider designation for an additional five-year period or terminate the designation. Once the designation terminates, the former essential community provider has no rights or privileges beyond those of any other health care provider. The commissioner shall make a recommendation to the legislature on whether an essential community provider designation should be longer than five years.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to health; extending the application deadline for essential community provider status for a facility providing culturally competent health care; modifying termination and renewal of designation as an essential community provider; amending Minnesota Statutes 1998, section 62Q.19, subdivisions 2 and 6."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Novak from the Committee on Jobs, Energy and Community Development, to which was referred**

**S.F. No. 2946:** A bill for an act relating to motor fuels; prohibiting the use of MTBE as an oxygenate in gasoline sold in Minnesota; amending Minnesota Statutes 1998, section 239.761, subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 239.761, subdivision 6, is amended to read:

Subd. 6. [GASOLINE BLENDED WITH OXYGENATE.] (a) No gasoline containing in excess of one-half of one percent, in total, of the following oxygenates may be sold or offered for sale at retail in the state:

- (1) MTBE as defined in section 296A.01, subdivision 34;
- (2) ETBE as defined in section 296A.01, subdivision 18; or
- (3) TAME (tertiary amyl methyl ether).

(b) Gasoline that is blended with an oxygenate, other than denatured ethanol, must comply with ASTM specification D 4814-96. Oxygenates, other than denatured ethanol, must not be blended into gasoline after the gasoline has been sold, transferred, or otherwise removed from a refinery or terminal."

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete "as an oxygenate" and insert "limiting the use of certain oxygenates"

And when so amended the bill do pass and be re-referred to the Committee on Environment and Natural Resources. Amendments adopted. Report adopted.

**Senator Novak from the Committee on Jobs, Energy and Community Development, to which was referred**

**S.F. No. 3354:** A bill for an act relating to manufactured homes; clarifying the requirements for a limited dealer license; amending Minnesota Statutes 1998, section 327B.04, subdivision 8.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 327B.04, subdivision 8, is amended to read:

Subd. 8. [LIMITED DEALER'S LICENSE.] The commissioner shall issue a limited dealer's license to an owner of a manufactured home park authorizing the licensee as principal only to engage in the sale, offering for sale, soliciting, or advertising the sale of used manufactured homes located in the owned manufactured home park as ~~principal only~~. The licensee must be the title holder of the homes and may engage in no more than five sales annually. An owner may, upon payment of the applicable fee and compliance with this subdivision, obtain a separate license for each owned manufactured home park and is entitled to sell up to five homes per license provided that only one limited dealer license may be issued for each park. The license shall be issued only after:

(1) receipt of the an application described in section 327B.04, subdivision 3, on forms provided by the commissioner containing the following information:

(i) the identity of the applicant;

(ii) the name under which the applicant will be licensed and do business in this state;

(iii) the name and address of the owned manufactured home park, including a copy of the park license, serving as the basis for the issuance of the license; and

(iv) the name, home, and business address of the applicant;

(2) payment of the a \$100 annual fee prescribed in section 327B.04, subdivision 7; and compliance with the license prerequisites contained in section 327B.04, subdivision 4; except that an applicant need only secure

(3) provision of a surety bond in the amount of \$5,000; and. A separate surety bond must be provided for each limited license.

The applicant need not comply with section 327B.04, subdivision 4, paragraph (e). The holding of a limited dealer's license does not satisfy the requirement contained in section 327B.04, subdivision 4, paragraph (e), for the licensee or salespersons with respect to obtaining a dealer license. The commissioner may, upon application for a renewal of a license, require only a verification that copies of sales documents have been retained and payment of a \$100 renewal fee. "Sales documents" mean only the safety feature disclosure form defined in section 327C.07, subdivision 3a, title of the home, financing agreements, and purchase agreements.

~~The commissioner shall adopt rules under sections 14.22 to 14.28 to provide for issuing a limited dealer's license.~~

The license holder shall, upon request of the commissioner, make available for inspection during business hours sales documents required to be retained under this subdivision.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment. The commissioner must have application forms available and begin accepting license applications within 60 days of the effective date."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Novak from the Committee on Jobs, Energy and Community Development, to which was referred**

**S.F. No. 2575:** A bill for an act relating to economic development; regulating eligibility of farmers for the dislocated worker program; amending Minnesota Statutes 1999 Supplement, section 268.975, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 17, after the period, insert "The match requirement of Minnesota Statutes, section 268.9783, subdivision 6, clause (1), does not apply to grants given preference under this section."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 3257:** A bill for an act relating to state employment; modifying legislative employment provisions; amending Minnesota Statutes 1998, sections 3.07; 3.09; 3.095; and 352D.02, subdivisions 1 and 1c; Minnesota Statutes 1999 Supplement, sections 3.096; and 43A.24, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, after line 25, insert:

"Sec. 6. Minnesota Statutes 1998, section 352.01, subdivision 2a, is amended to read:

Subd. 2a. [INCLUDED EMPLOYEES.] (a) "State employee" includes:

- (1) employees of the Minnesota historical society;
- (2) employees of the state horticultural society;
- (3) employees of the Disabled American Veterans, Department of Minnesota, Veterans of Foreign Wars, Department of Minnesota, if employed before July 1, 1963;
- (4) employees of the Minnesota crop improvement association;
- (5) employees of the adjutant general who are paid from federal funds and who are not covered by any federal civilian employees retirement system;
- (6) employees of the state universities employed under the university activities program;
- (7) currently contributing employees covered by the system who are temporarily employed by the legislature during a legislative session or any currently contributing employee employed for any special service as defined in subdivision 2b, clause (8);
- (8) employees of the armory building commission;
- (9) permanent employees of the legislature appointed without a limit on the duration of their employment and persons employed or designated by the legislature or by a legislative committee or commission or other competent authority to conduct a special inquiry, investigation, examination, or installation;
- (10) trainees who are employed on a full-time established training program performing the duties of the classified position for which they will be eligible to receive immediate appointment at the completion of the training period;
- (11) employees of the Minnesota safety council;
- (12) any employees on authorized leave of absence from the transit operating division of the

former metropolitan transit commission who are employed by the labor organization which is the exclusive bargaining agent representing employees of the transit operating division;

(13) employees of the metropolitan council, metropolitan parks and open space commission, metropolitan sports facilities commission, metropolitan mosquito control commission, or metropolitan radio board unless excluded or covered by another public pension fund or plan under section 473.415, subdivision 3;

(14) judges of the tax court;

(15) personnel employed on June 30, 1992, by the University of Minnesota in the management, operation, or maintenance of its heating plant facilities, whose employment transfers to an employer assuming operation of the heating plant facilities, so long as the person is employed at the University of Minnesota heating plant by that employer or by its successor organization;

(16) seasonal help in the classified service employed by the department of revenue; and

(17) a person who renders teaching or other service for the Minnesota state colleges and universities system and who also renders service on a part-time basis for an employer with employees covered by the general state employees retirement plan of the Minnesota state retirement system, for all service with the Minnesota state colleges and universities system, if the person's nonteaching service comprises at least 50 percent of the combined total salary received by the person as determined by the chancellor of the Minnesota state colleges and universities system or if the person is certified for general state employees retirement plan coverage by the chancellor of the Minnesota state colleges and universities system.

(b) Employees specified in paragraph (a), clause (15), are included employees under paragraph (a) if employer and employee contributions are made in a timely manner in the amounts required by section 352.04. Employee contributions must be deducted from salary. Employer contributions are the sole obligation of the employer assuming operation of the University of Minnesota heating plant facilities or any successor organizations to that employer."

Page 6, line 25, after the second "legislature" insert "who is appointed without a limit on the duration of the employment"

Page 7, line 35, after "legislature" insert "without a limit on the duration of the employment"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, before "and" insert "352.01, subdivision 2a;"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 3229:** A bill for an act relating to state government; modifying provisions administered by the commissioner of administration relating to public lands, procurements, easements, designer selection, parking facilities, energy efficiency in state buildings; capital project predesign; certain appropriations and other matters; modifying the authority of the state archaeologist; amending Minnesota Statutes 1998, sections 16A.28, subdivision 5; 16B.26; 16B.33, subdivision 3; 16B.335, as amended; 16B.58, subdivisions 5 and 7; 16B.85, subdivisions 2 and 3; 16C.06, subdivision 3; and 16C.08, subdivision 3; Minnesota Statutes 1999 Supplement, sections 16B.32, subdivision 2; 16C.081; and 138.35, subdivisions 1 and 1a; Laws 1996, chapter 463, sections 13, subdivision 9; and 15, subdivision 4; Laws 1998, chapters 386, article 1, section 35; and 404, section 13, subdivision 10; Laws 1999, chapter 250, article 1, section 12, subdivision 5; repealing Minnesota Statutes 1999 Supplement, section 16B.415.



Reports the same back with the recommendation that the bill be amended as follows:

Pages 5 to 11, delete section 5

Page 11, line 28, before the period, insert "or as may be provided in any relevant collective bargaining agreement"

Page 12, line 2, after "and" insert ", except as may be provided in any relevant collective bargaining agreement,"

Page 13, line 7, before the period, insert ", except as may be provided in any relevant collective bargaining agreement"

Pages 14 and 15, delete section 11

Pages 15 to 17, delete sections 13 to 16

Pages 17 and 18, delete sections 18 and 19

Page 18, line 19, delete "13 to 20" and insert "11 and 12"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "certain appropriations and other matters;"

Page 1, delete line 8

Page 1, lines 10 and 11, delete "16B.335, as amended;"

Page 1, line 12, after the first semicolon, insert "and" and after the second semicolon, delete "and"

Page 1, line 13, delete "16C.08, subdivision 3;"

Page 1, line 14, after the first semicolon, insert "and"

Page 1, delete lines 15 and 16

Page 1, line 17, delete "4;" and delete "chapters" and insert "chapter" and delete "and"

Page 1, delete line 18

Page 1, line 19, delete "250, article 1, section 12, subdivision 5;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Hottinger from the Committee on Health and Family Security, to which was referred**

**S.F. No. 3326:** A bill for an act relating to health; establishing an affirmative defense for a person who possesses or provides a small amount of marijuana solely for use with a debilitating medical condition; amending Minnesota Statutes 1998, section 152.027, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 27, delete "or"

And when so amended the bill do pass and be re-referred to the Committee on Crime Prevention. Amendments adopted. Report adopted.

**Senator Solon from the Committee on Commerce, to which was referred**

**S.F. No. 2870:** A bill for an act relating to financial institutions; regulating certain loan charges and payments; making various technical changes; amending Minnesota Statutes 1998, sections 47.59, subdivisions 7, 10, and by adding a subdivision; 47.60, subdivision 2; 48.56; 56.131, subdivision 4; 58.02, subdivision 10; 58.04, subdivisions 2 and 3; 58.05, by adding a subdivision; 58.08, as amended; 58.10, subdivision 1; and 168.72, by adding a subdivision; Minnesota Statutes 1999 Supplement, section 58.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 58; repealing Minnesota Statutes 1998, sections 58.02, subdivision 15; and 58.05, subdivision 2; Minnesota Rules, part 2675.4180.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 16, insert:

"Section 1. Minnesota Statutes 1999 Supplement, section 47.52, is amended to read:

47.52 [AUTHORIZATION.]

(a) With the prior approval of the commissioner, any bank doing business in this state may establish and maintain detached facilities provided the facilities are located within: (1) the municipality in which the principal office of the applicant bank is located; or (2) 5,000 feet of its principal office measured in a straight line from the closest points of the closest structures involved; or (3) a municipality in which no bank is located at the time of application; or (4) a municipality having a population of more than 10,000; or (5) a municipality having a population of 10,000 or less, as determined by the commissioner from the latest available data from the state demographer, or for municipalities located in the seven-county metropolitan area from the metropolitan council, and all the banks having a principal office in the municipality have consented in writing to the establishment of the facility.

(b) A detached facility shall not be closer than 50 feet to a detached facility operated by any other bank and shall not be closer than 100 feet to the principal office of any other bank, the measurement to be made in the same manner as provided above. This paragraph shall not be applicable if the proximity to the facility or the bank is waived in writing by the other bank and filed with the application to establish a detached facility.

(c) A bank is allowed, in addition to other facilities, part-time deposit-taking locations at elementary and secondary schools located within the municipality in which the main banking house or a detached facility is located if they are established in connection with student education programs approved by the school administration and consistent with safe, sound banking practices.

(d) In addition to other facilities, a bank may operate part-time locations at nursing homes and senior citizen housing facilities located within the municipality in which the main banking house or a detached facility is located, or within the seven-county metropolitan area if the bank's main banking facility or a detached facility is located within the seven-county metropolitan area, if they are operated in a manner consistent with safe, sound banking practices."

Page 2, line 15, before "A" insert "(a)"

Page 2, line 17, before the period, insert "except when a delay in crediting does not result in a finance or other charge or except as provided in paragraph (b)."

(b) If a financial institution, in the loan agreement or, in the case of open-end credit, on or with a periodic statement or similar document, specifies requirements for the consumer to follow in making payments, but accepts a payment that does not conform to the requirements, the creditor shall credit the payment within five days of receipt.

(c) If a financial institution fails to credit a payment, as required by paragraph (a) or (b) in time to avoid the imposition of finance or other charges, the financial institution shall adjust the consumer's account so that the charges imposed are credited to the consumer's account promptly or, in the case of open-end credit, no later than during the next billing cycle"

Page 6, after line 13, insert:

"Sec. 7. Minnesota Statutes 1998, section 52.04, subdivision 1, is amended to read:

Subdivision 1. A credit union has the following powers:

(1) to offer its members and other credit unions various classes of shares, share certificates, deposits, or deposit certificates;

(2) to receive the savings of its members either as payment on shares or as deposits, including the right to conduct Christmas clubs, vacation clubs, and other thrift organizations within its membership. Trust funds received by a real estate broker or the broker's salespersons in trust may be deposited in a credit union;

(3) to make loans to members for provident or productive purposes as provided in section 52.16;

(4) to make loans to a cooperative society or other organization having membership in the credit union;

(5) to deposit in state and national banks and trust companies authorized to receive deposits;

(6) to invest in any investment legal for savings banks or for trust funds in the state and, notwithstanding clause (3), to invest in and make loans of unsecured days funds (federal funds or similar unsecured loans) to financial institutions insured by an agency of the federal government and a member of the Federal Reserve System or required to maintain reserves at the Federal Reserve;

(7) to borrow money as hereinafter indicated;

(8) to adopt and use a common seal and alter the same at pleasure;

(9) to make payments on shares of and deposit with any other credit union chartered by this or any other state or operating under the provisions of the Federal Credit Union Act, in amounts not exceeding in the aggregate 25 percent of its unimpaired assets. However, payments on shares of and deposit with credit unions chartered by other states are restricted to credit unions insured by the National Credit Union Administration. The restrictions imposed by this clause do not apply to share accounts and deposit accounts of the Minnesota corporate credit union in United States central credit union or to share accounts and deposit accounts of credit unions in the Minnesota corporate credit union;

(10) to contract with any licensed insurance company or society to insure the lives of members to the extent of their share accounts, in whole or in part, and to pay all or a portion of the premium therefor;

(11) to indemnify each director, officer, or committee member, or former director, officer, or committee member against all expenses, including attorney's fees but excluding amounts paid pursuant to a judgment or settlement agreement, reasonably incurred in connection with or arising out of any action, suit, or proceeding to which that person is a party by reason of being or having been a director, officer, or committee member of the credit union, except with respect to matters as to which that person is finally adjudged in the action, suit, or proceeding to be liable for negligence or misconduct in the performance of duties. The indemnification is not exclusive of any other rights to which that person may be entitled under any bylaw, agreement, vote of members, or otherwise;

(12) upon written authorization from a member, retained at the credit union, to make payments to third parties by withdrawals from the member's share or deposit accounts or through proceeds of loans made to such member, or by permitting the credit union to make those payments from the member's funds prior to deposit; to permit draft withdrawals from member accounts, but a credit union proposing to permit draft withdrawals shall notify the commissioner of commerce, in the form prescribed, of its intent not less than 90 days prior to authorizing draft withdrawals. The

board of directors of a credit union may restrict one class of shares to the extent that it may not be redeemed, withdrawn, or transferred except upon termination of membership in the credit union;

(13) to inform its members as to the availability of various group purchasing plans which are related to the promotion of thrift or the borrowing of money for provident and productive purposes by means of informational materials placed in the credit union's office, through its publications, or by direct mailings to members by the credit union;

(14) to facilitate its members' voluntary purchase of types of insurance incidental to promotion of thrift or the borrowing of money for provident and productive purposes including, but not limited to the following types of group or individual insurance: Fire, theft, automobile, life and temporary disability; to be the policy holder of a group insurance plan or a subgroup under a master policy plan and to disseminate information to its members concerning the insurance provided thereunder; to remit premiums to an insurer or the holder of a master policy on behalf of a credit union member, if the credit union obtains written authorization from the member for remittance by share or deposit withdrawals or through proceeds of loans made by the members, or by permitting the credit union to make the payments from the member's funds prior to deposit; and to accept from the insurer reimbursement for expenses incurred or in the case of credit life, accident and health, and involuntary unemployment insurance within the meaning of chapter 62B commissions for the handling of the insurance. The amount reimbursed or the commissions received may constitute the general income of the credit union. The directors, officers, committee members and employees of a credit union shall not profit on any insurance sale facilitated through the credit unions;

(15) to contract with another credit union to furnish services which either could otherwise perform. Contracted services under this clause are subject to regulation and examination by the commissioner of commerce like other services;

(16) in furtherance of the twofold purpose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest for provident purposes, and not in limitation of the specific powers hereinbefore conferred, to have all the powers enumerated, authorized, and permitted by this chapter, and such other rights, privileges and powers incidental to, or necessary for, the accomplishment of the objectives and purposes of the credit union;

(17) to rent safe deposit boxes to its members if the credit union obtains adequate insurance or bonding coverage for losses which might result from the rental of safe deposit boxes;

(18) notwithstanding the provisions of section 52.05, to accept deposits of public funds in an amount secured by insurance or other means pursuant to chapter 118 or section 9.031 or other applicable law and to receive deposits of trust funds provided that either the provider or the beneficial owner of the funds is a member of the credit union accepting the deposit;

(19) to accept and maintain treasury tax and loan accounts of the United States and to pledge collateral to secure the treasury tax or loan accounts, in accordance with the regulations of the Department of Treasury of the United States;

(20) to accept deposits pursuant to section 149A.97, subdivision 5, notwithstanding the provisions of section 52.05, if the deposits represent funding of prepaid funeral plans of members;

(21) to sell, in whole or in part, real estate secured loans provided that:

(a) the loan is secured by a first lien;

(b) the board of directors approves the sale;

(c) if the sale is partial, the agreement to sell a partial interest shall, at a minimum:

(i) identify the loan or loans covered by the agreement;

(ii) provide for the collection, processing, remittance of payments of principal and interest, taxes and insurance premiums and other charges or escrows, if any;

(iii) define the responsibilities of each party in the event the loan becomes subject to collection, loss or foreclosure;

(iv) provide that in the event of loss, each owner shall share in the loss in proportion to its interest in the loan or loans;

(v) provide for the distribution of payments of principal to each owner proportionate to its interest in the loan or loans;

(vi) provide for loan status reports;

(vii) state the terms and conditions under which the agreement may be terminated or modified; and

(d) the sale is without recourse or repurchase unless the agreement:

(i) requires repurchase of a loan because of any breach of warranty or misrepresentation;

(ii) allows the seller to repurchase at its discretion; or

(iii) allows substitution of one loan for another;

(22) in addition to the sale of loans secured by a first lien on real estate, to sell, pledge, discount, or otherwise dispose of, in whole or in part, to any source, a loan or group of loans, other than a self-replenishing line of credit; provided, that within a calendar year beginning January 1 the total dollar value of loans sold, other than loans secured by real estate or insured by a state or federal agency, shall not exceed 25 percent of the dollar amount of all loans and participating interests in loans held by the credit union at the beginning of the calendar year, unless otherwise authorized in writing by the commissioner;

(23) to designate the par value of the shares of the credit union by board resolution;

(24) to exercise by resolution the powers set forth in United States Code, title 12, section 1757; ~~as amended through December 31, 1992.~~ Before exercising each power, the board must submit a plan to the commissioner of commerce detailing implementation of the power to be used;

(25) to offer self-directed individual retirement accounts and Keogh accounts and act as custodian and trustee of these accounts if:

(1) all contributions of funds are initially made to a deposit, share or share certificate account in the credit union;

(2) any subsequent transfer of funds to other assets is solely at the direction of the member and the credit union exercises no investment discretion and provides no investment advice with respect to plan assets; and

(3) the member is clearly notified of the fact that National Credit Union Share Insurance Fund coverage is limited to funds held in deposit, share or share certificate accounts of National Credit Union Share Insurance Fund-insured credit unions."

Page 12, after line 17, insert:

"Nothing in this subdivision prevents a financial institution under section 47.59, subdivision 1, paragraph (k), from making first lien residential mortgage loans under section 47.59 or other provisions of law available to financial institutions under that section."

Page 12, after line 27, insert:

"Nothing in this subdivision authorizes a mortgage originator to make loans on terms and conditions that would not be available to it in the absence of this section."

Page 12, line 34, delete "Contract holders" and insert "(a) A contract holder"

Page 12, line 36, before the period, insert "except when a delay in crediting does not result in a finance or other charge or except as provided in paragraph (b)."

(b) If a retail installment contract specifies requirements for the consumer to follow in making payments, but the contract holder accepts a payment that does not conform to the requirements, the contract holder shall credit the payment within five days of receipt.

(c) If a contract holder fails to credit a payment, as required by paragraphs (a) and (b), in time to avoid the imposition of finance or other charges, the contract holder shall adjust the consumer's account so that the charges imposed are credited to the consumer's account promptly"

Page 12, after line 36, insert:

"Sec. 18. [VASA TOWNSHIP; DETACHED BANKING FACILITY.]

With the prior approval of the commissioner of commerce, a bank operating its principal office in Cannon Falls may establish and maintain not more than one detached facility in Vasa township. A bank desiring to establish such a detached facility must follow the approval procedure prescribed in Minnesota Statutes, section 47.54. The establishment of a detached facility under this section is subject to Minnesota Statutes, sections 47.51 to 47.57, except to the extent those sections are inconsistent with this section."

Page 13, line 6, delete "3 to 13, and 16" and insert "2, 4 to 15, and 19"

Page 13, line 7, delete "2 and 15" and insert "3 and 17" and after the second period, insert "Section 18 is effective the day after compliance by the governing body of Vasa township with Minnesota Statutes, section 645.021, subdivision 3."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the third semicolon, insert "52.04, subdivision 1;"

Page 1, line 11, delete "section" and insert "sections 47.52; and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

### **Senator Ranum from the Committee on Judiciary, to which was re-referred**

**S.F. No. 3154:** A bill for an act relating to public defense; authorizing access to various criminal and juvenile justice databases for purposes of criminal defense; amending Minnesota Statutes 1998, sections 299C.147, subdivisions 2 and 3; 299C.46, subdivision 3, and by adding a subdivision; Minnesota Statutes 1999 Supplement, section 299C.095, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1999 Supplement, section 299C.095, subdivision 1, is amended to read:

Subdivision 1. [ACCESS.] (a) The bureau shall administer and maintain the computerized juvenile history record system based on sections 260B.171 and 260C.171 and other statutes requiring the reporting of data on juveniles. The data in the system are private data as defined in section 13.02, subdivision 12, but are accessible to criminal justice agencies as defined in section 13.02, subdivision 3a, to all trial courts and appellate courts, to a person who has access to the juvenile court records as provided in sections 260B.171 and 260C.171 or under court rule, to public defenders as provided in section 611.272, and to criminal justice agencies in other states in the conduct of their official duties.

(b) Except for access authorized under paragraph (a), the bureau shall only disseminate a juvenile adjudication history record in connection with a background check required by statute or rule and performed on a licensee, license applicant, or employment applicant or performed under section 624.713. A consent for release of information from an individual who is the subject of a juvenile adjudication history is not effective and the bureau shall not release a juvenile adjudication history record and shall not release information in a manner that reveals the existence of the record.

Sec. 2. Minnesota Statutes 1998, section 299C.147, subdivision 2, is amended to read:

Subd. 2. [ESTABLISHMENT.] The bureau shall administer and maintain a computerized data system for the purpose of assisting criminal justice agencies in monitoring and enforcing the conditions of conditional release imposed on criminal offenders by a sentencing court or the commissioner of corrections. The data in the system are private data as defined in section 13.02, subdivision 12, but are accessible to criminal justice agencies as defined in section 13.02, subdivision 3a, to public defenders as provided in section 611.272, and to criminal justice agencies in other states in the conduct of their official duties.

Sec. 3. Minnesota Statutes 1998, section 299C.147, subdivision 3, is amended to read:

Subd. 3. [AUTHORITY TO ENTER OR RETRIEVE DATA.] Only criminal justice agencies may submit data to ~~and obtain data from~~ the conditional release data system and only persons who are authorized users under subdivision 2 may obtain data from the system. The commissioner of corrections may require that any or all information be submitted to the conditional release data system. A consent to the release of data in the conditional release data system from the individual who is the subject of the data is not effective.

Sec. 4. Minnesota Statutes 1998, section 299C.46, subdivision 3, is amended to read:

Subd. 3. [AUTHORIZED USE, FEE.] (a) The criminal justice data communications network shall be used exclusively by:

- (1) criminal justice agencies in connection with the performance of duties required by law;
- (2) agencies investigating federal security clearances of individuals for assignment or retention in federal employment with duties related to national security, as required by Public Law Number 99-1691;
- (3) other agencies to the extent necessary to provide for protection of the public or property in an emergency or disaster situation;
- (4) noncriminal justice agencies statutorily mandated, by state or national law, to conduct checks into state databases prior to disbursing licenses or providing benefits; ~~and~~
- (5) the public authority responsible for child support enforcement in connection with the performance of its duties; and
- (6) the public defender, as provided in section 611.272.

(b) The commissioner of public safety shall establish a monthly network access charge to be paid by each participating criminal justice agency. The network access charge shall be a standard fee established for each terminal, computer, or other equipment directly addressable by the data communications network, as follows: January 1, 1984 to December 31, 1984, \$40 connect fee per month; January 1, 1985 and thereafter, \$50 connect fee per month.

(c) The commissioner of public safety is authorized to arrange for the connection of the data communications network with the criminal justice information system of the federal government, any adjacent state, or Canada.

Sec. 5. [611.272] [ACCESS TO GOVERNMENT DATA.]

The district public defender, the state public defender, or an attorney working for a public

defense corporation under section 611.216 have access to the criminal justice data communications network described in section 299C.46, as provided in this section. Access to data under this section is limited to data regarding the public defender's own client as necessary to prepare criminal cases in which the public defender has been appointed, including, but not limited to, criminal history data under section 13.87; juvenile offender data under section 299C.095; warrant information data under section 299C.115; incarceration data under section 299C.14; conditional release data under section 299C.147; and diversion program data under section 299C.46, subdivision 5. The public defender does not have access to law enforcement active investigative data under section 13.82, subdivision 5; data protected under section 13.82, subdivision 10; or confidential arrest warrant indices data under section 13.82, subdivision 12. The public defender has access to the data at no charge, except for the monthly network access charge under section 299C.46, subdivision 3, paragraph (b), and a reasonable installation charge for a terminal."

Delete the title and insert:

"A bill for an act relating to public defense; authorizing access to various criminal and juvenile justice databases for purposes of criminal defense; amending Minnesota Statutes 1998, sections 299C.147, subdivisions 2 and 3; 299C.46, subdivision 3; Minnesota Statutes 1999 Supplement, section 299C.095, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was re-referred**

**S.F. No. 3385:** A bill for an act relating to state government; education; authorizing the board of government innovation and cooperation to consider appeals of decisions affecting charter schools; amending the charter school approval process; amending Minnesota Statutes 1999 Supplement, sections 124D.10, subdivision 4; and 465.797, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, lines 18 and 19, delete the new language

Page 3, line 26, delete "or the"

Page 3, line 27, delete everything before "under"

And when so amended the bill be re-referred to the Committee on Children, Families and Learning without recommendation. Amendments adopted. Report adopted.

**Senator Flynn from the Committee on Transportation, to which was referred**

**S.F. No. 3642:** A bill for an act relating to traffic regulations; prescribing display period for "Walk" and "Don't Walk" signals at intersections; clarifying pedestrian right-of-way at intersections; appropriating money for pedestrian safety awareness campaign; amending Minnesota Statutes 1998, sections 169.06, subdivision 6; and 169.21, subdivisions 2, 3, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 13, delete "....." and insert "general"

And when so amended the bill do pass and be re-referred to the Committee on Crime Prevention. Amendments adopted. Report adopted.



## SECOND READING OF SENATE BILLS

S.F. Nos. 3075, 2627, 2929, 3005, 3330, 3373, 3178, 3167, 3283, 3379, 2720, 2514, 936, 3133, 3354, 2575, 3257, 3229, 2870 and 3154 were read the second time.

## MOTIONS AND RESOLUTIONS

Senator Johnson, D.J. moved that the name of Senator Lessard be added as a co-author to S.F. No. 3357. The motion prevailed.

Senator Marty moved that the name of Senator Ziegler be added as a co-author to S.F. No. 3641. The motion prevailed.

Senator Ranum moved that the name of Senator Marty be added as a co-author to S.F. No. 3684. The motion prevailed.

Senator Piper moved that S.F. No. 3651 be withdrawn from the Committee on Children, Families and Learning and re-referred to the Committee on Jobs, Energy and Community Development. The motion prevailed.

Pursuant to Rule 40, Senator Pariseau moved that S.F. No. 2670 be withdrawn from the Committee on Crime Prevention, given a second reading, and placed on General Orders.

## CALL OF THE SENATE

Senator Junge imposed a call of the Senate for the balance of the proceedings on S.F. No. 2670. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Pariseau motion.

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

The roll was called, and there were yeas 26 and nays 34, as follows:

Those who voted in the affirmative were:

Belanger	Hanson	Lesewski	Runbeck	Wiger
Berg	Kierlin	Limmer	Samuelson	Ziegler
Day	Kiscaden	Neuville	Scheevel	
Dille	Kleis	Olson	Scheid	
Fischbach	Knutson	Pariseau	Stevens	
Frederickson	Laidig	Robling	Terwilliger	

Those who voted in the negative were:

Anderson	Hottinger	Kelly, R.C.	Murphy	Ring
Berglin	Janezich	Kinkel	Novak	Solon
Betzold	Johnson, D.E.	Krentz	Pappas	Spear
Cohen	Johnson, D.H.	Langseth	Piper	Stumpf
Flynn	Johnson, D.J.	Lessard	Pogemiller	Vickerman
Foley	Junge	Lourey	Price	Wiener
Higgins	Kelley, S.P.	Marty	Ranum	

The motion did not prevail.

Senator Day moved that Senator Moe, R.D. be excused from the Session of today.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 34 and nays 22, as follows:

Those who voted in the affirmative were:

Berglin	Hottinger	Kelly, R.C.	Pappas	Scheid
Betzold	Janezich	Kinkel	Piper	Solon
Cohen	Johnson, D.E.	Krentz	Pogemiller	Spear
Flynn	Johnson, D.H.	Langseth	Price	Stumpf
Foley	Johnson, D.J.	Lessard	Ranum	Vickerman
Hanson	Junge	Lourey	Ring	Wiger
Higgins	Kelley, S.P.	Murphy	Samuelson	

Those who voted in the negative were:

Belanger	Kierlin	Lesewski	Pariseau	Terwilliger
Day	Kiscaden	Limmer	Robling	Ziegler
Dille	Kleis	Neuville	Runbeck	
Fischbach	Knutson	Olson	Scheevel	
Frederickson	Laidig	Ourada	Stevens	

The motion prevailed.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

#### Senator Cohen introduced--

**S.F. No. 3714:** A bill for an act relating to firearms; prohibiting mass purchases of pistols or semiautomatic military-style assault weapons under most circumstances; amending Minnesota Statutes 1998, sections 624.7131, subdivisions 4 and 6; and 624.7132, subdivisions 5 and 9.

Referred to the Committee on Crime Prevention.

#### Senator Ring introduced--

**S.F. No. 3715:** A bill for an act relating to human services; increasing a facility's property-related payment rate to reflect bed decertification; amending Minnesota Statutes 1998, section 256B.434, by adding a subdivision.

Referred to the Committee on Health and Family Security.

#### Senators Johnson, D.J.; Pariseau; Stevens; Vickerman and Stumpf introduced--

**S.F. No. 3716:** A bill for an act relating to game and fish; allowing the use of dogs to take bear; amending Minnesota Statutes 1998, section 97B.205; proposing coding for new law in Minnesota Statutes, chapter 97B.

Referred to the Committee on Environment and Natural Resources.

#### Senator Vickerman introduced--

**S.F. No. 3717:** A bill for an act relating to education finance; replacing marginal cost funding with declining pupil aid; making equity revenue equal for metropolitan and greater Minnesota school districts; amending Minnesota Statutes 1998, section 126C.10, by adding a subdivision; Minnesota Statutes 1999 Supplement, sections 126C.05, subdivision 5; and 126C.10, subdivisions 1, 24, 25, 26, and 27; repealing Minnesota Statutes 1999 Supplement, section 126C.10, subdivision 28.

Referred to the Committee on Children, Families and Learning.

#### Senator Vickerman introduced--

**S.F. No. 3718:** A bill for an act relating to taxes; sales and use; exempting certain vehicles and

engines used by interstate carriers; amending Minnesota Statutes 1998, section 297A.211, subdivision 2.

Referred to the Committee on Taxes.

**Senator Runbeck introduced--**

**S.F. No. 3719:** A bill for an act relating to education; extending the refurbished computer program; appropriating money; amending Laws 1997, First Special Session chapter 4, article 9, section 8.

Referred to the Committee on Children, Families and Learning.

**Senator Day introduced--**

**S.F. No. 3720:** A bill for an act relating to transportation; appropriating money for transfer to the transportation revolving loan fund; appropriating money to the commissioner of transportation for state trunk highways; establishing an intergovernmental cooperative facilities loan fund; proposing coding for new law in Minnesota Statutes, chapter 161.

Referred to the Committee on Transportation.

**Senators Robling and Lesewski introduced--**

**S.F. No. 3721:** A bill for an act relating to government data practices; providing for sharing certain data on individuals who complete adult basic education programs; amending Minnesota Statutes 1998, sections 124D.52, by adding a subdivision; and 270B.14, by adding a subdivision; Minnesota Statutes 1999 Supplement, section 268.19.

Referred to the Committee on Judiciary.

**Senators Wiener and Stumpf introduced--**

**S.F. No. 3722:** A bill for an act relating to capital improvements; appropriating money to the board of regents to design and construct an addition to the law school; authorizing state bonds.

Referred to the Committee on Children, Families and Learning.

**Senators Kleis, Knutson and Ziegler introduced--**

**S.F. No. 3723:** A bill for an act relating to the legislature; defining which members are subject to the legislators' retirement law; proposing coding for new law in Minnesota Statutes, chapter 3A.

Referred to the Committee on Rules and Administration.

**Senator Kelly, R.C. introduced--**

**S.F. No. 3724:** A bill for an act relating to child protection; expanding training requirements for child abuse professionals; requiring child protection services to consider the risks to children who live in homes with an adult who is not biologically related to them; increasing the felony penalty for child endangerment; imposing a mandatory minimum sentence for felony child endangerment; amending Minnesota Statutes 1998, section 609.378, subdivision 1; Minnesota Statutes 1999 Supplement, sections 626.556, subdivision 10e; and 626.559, subdivision 2.

Referred to the Committee on Crime Prevention.

**Senator Ziegler introduced--**

**S.F. No. 3725:** A bill for an act relating to agriculture; clarifying the scope of certain regulation of wholesale produce dealers; amending Minnesota Statutes 1998, sections 27.01, subdivision 8, and by adding a subdivision; and 27.19, subdivision 1.

Referred to the Committee on Agriculture and Rural Development.

**Senator Kleis introduced--**

**S.F. No. 3726:** A bill for an act relating to taxation; increasing local government aid paid to certain towns in calendar year 2000 only.

Referred to the Committee on Local and Metropolitan Government.

**ADJOURNMENT**

Senator Flynn moved that the Senate do now adjourn until 10:00 a.m., Monday, March 6, 2000. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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