

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIRST LEGISLATURE

EIGHTY-FOURTH DAY

St. Paul, Minnesota, Wednesday, March 8, 2000

The Senate met at 11:45 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Betzold 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. Todd A. Nelsen.

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

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

Senator Anderson was excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committee indicated.

January 27, 2000

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

Minnesota Racing Commission

Thomas Brownell, 16109 Logarto Lane, Lakeville, Minnesota 55044, in the county of Dakota, effective February 1, 2000, to complete a six-year term expiring on June 30, 2003.

Barbara Halper, 4395 Trillium Lane West, Minnetrista, Minnesota 55364, in the county of Hennepin, effective February 1, 2000, for a six-year term expiring on June 30, 2005.

Camille McArdle, DVM, 20925 County Road 50, Corcoran, Minnesota 55340, in the county of Hennepin, effective February 1, 2000, for a six-year term expiring on June 30, 2005.

Arnold Palmer, 5550 Juneau Lane North, Plymouth, Minnesota 55446, in the county of Hennepin, effective February 1, 2000, for a six-year term expiring on June 30, 2005.

(Referred to the Committee on Local and Metropolitan Government.)

Sincerely,
Jesse Ventura, Governor

March 7, 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. No. 86.

Sincerely,
Jesse Ventura, Governor

March 7, 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
86		254	3:40 p.m. March 7	March 7
	2067	255	3:40 p.m. March 7	March 7
	2722	256	3:40 p.m. March 7	March 7

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 Senate File, herewith returned: S.F. No. 2554.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 6, 2000

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2888:

H.F. No. 2888: A bill for an act relating to natural resources; authorizing the marking of canoe and boating routes on certain rivers; amending Minnesota Statutes 1998, section 85.32, subdivision 1, and by adding a subdivision.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Peterson, Rostberg and Holsten have been appointed as such committee on the part of the House.

House File No. 2888 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 6, 2000

Senator Berg moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2888, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

REPORTS OF COMMITTEES

SUSPENSION OF RULES

Senator Moe, R.D. moved that Joint Rule 2.03 be suspended as it relates to the Committee Reports on S.F. Nos. 3014 and 3658. The motion prevailed.

Senator Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports pertaining to appointments. The motion prevailed.

Senators Piper, Pogemiller and Stumpf from the Committee on Children, Families and Learning, to which was referred

S.F. No. 3112: A bill for an act relating to children; providing for data classification for the community action, Head Start, and foodshelf programs; modifying provisions of child care programs; modifying program plan submission requirement for learning readiness programs; amending Minnesota Statutes 1998, sections 119A.376, by adding a subdivision; 119A.44, by adding a subdivision; 119A.50; and 124D.16, subdivision 1; Minnesota Statutes 1999 Supplement, sections 119B.011, subdivision 15; and 119B.03, subdivision 4.

Report 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 119A.376, is amended by adding a subdivision to read:

Subd. 4. [DATA CLASSIFICATION.] Data collected on individuals from which the identity of any individual receiving services may be determined are private data on individuals and must be maintained according to chapter 13.

Sec. 2. Minnesota Statutes 1998, section 119A.44, is amended by adding a subdivision to read:

Subd. 7. [DATA CLASSIFICATION.] Data collected on individuals from which the identity of any individual receiving services may be determined are private data on individuals and must be maintained according to chapter 13.

Sec. 3. Minnesota Statutes 1998, section 119A.50, is amended to read:

119A.50 [HEAD START PROGRAM.]

Subdivision 1. [DEPARTMENT OF CHILDREN, FAMILIES, AND LEARNING.] The department of children, families, and learning is the state agency responsible for administering the Head Start program. The commissioner of children, families, and learning may make grants to public or private nonprofit agencies for the purpose of providing supplemental funds for the federal Head Start program.

Subd. 2. [DATA CLASSIFICATION.] Data collected on individuals from which the identity of any individual receiving services may be determined are private data on individuals and must be maintained according to chapter 13."

Delete the title and insert:

"A bill for an act relating to children; providing for data classification for the community action, Head Start, and foodshelf programs; amending Minnesota Statutes 1998, sections 119A.376, by adding a subdivision; 119A.44, by adding a subdivision; and 119A.50."

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

Senators Piper, Pogemiller and Stumpf from the Committee on Children, Families and Learning, to which was referred

S.F. No. 3150: A bill for an act relating to higher education; increasing the higher education facilities authority bonding authority; amending Minnesota Statutes 1998, section 136A.29, subdivision 9.

Report 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. 4: A bill for an act relating to game and fish; providing for certain lifetime game and fish licenses; establishing the lifetime fish and wildlife trust fund; imposing fees; requiring an annual report; proposing coding for new law in Minnesota Statutes, chapter 97A.

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 97A.071, subdivision 2, is amended to read:

Subd. 2. [REVENUE FROM THE SMALL GAME LICENSE SURCHARGE.] Revenue from the small game surcharge and \$4 annually from the lifetime fish and wildlife trust fund, established in sections 97A.4742, for each license issued under section 97A.473, subdivisions 3 and 5, and 97A.474, subdivision 3, shall be credited to the wildlife acquisition account and the money in the account shall be used by the commissioner only for the purposes of this section, and acquisition and development of wildlife lands under section 97A.145 and maintenance of the lands, in accordance with appropriations made by the legislature.

Sec. 2. Minnesota Statutes 1999 Supplement, section 97A.075, subdivision 1, is amended to read:

Subdivision 1. [DEER AND BEAR LICENSES.] (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (4), (5), and (9), and 3, clauses (2), (3), and (7), and licenses issued under section 97B.301, subdivision 4.

(b) At least \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be used for deer habitat improvement or deer management programs.

(c) At least \$1 from each annual deer license and each bear license and \$1 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be used for deer and bear management programs, including a computerized licensing system. Fifty cents from each deer license is appropriated for emergency deer feeding. Money appropriated for emergency deer feeding is available until expended. When the unencumbered balance in the appropriation for emergency deer feeding at the end of a fiscal year exceeds \$1,500,000 for the first time, \$750,000, is canceled to the unappropriated balance of the game and fish fund.

Thereafter, when the unencumbered balance in the appropriation for emergency deer feeding exceeds \$1,500,000 at the end of a fiscal year, the unencumbered balance in excess of \$1,500,000 is canceled and available for deer and bear management programs and computerized licensing.

Sec. 3. Minnesota Statutes 1998, section 97A.411, subdivision 1, is amended to read:

Subdivision 1. [LICENSE PERIOD.] (a) Except as provided in paragraphs (b) and, (c), and (d), a license is valid during the lawful time within the license year that the licensed activity may be performed. A license year begins on the first day of March and ends on the last day of February.

(b) A license issued under section 97A.475, subdivision 6, clause (5), 97A.475, subdivision 7, clause (2), (3), (5), or (6), or 97A.475, subdivision 12, clause (2), is valid for the full license period even if this period extends into the next license year, provided that the license period selected by the licensee begins at the time of issuance.

(c) When the last day of February falls on a Saturday, an annual resident or nonresident fish house or dark house license, including a rental fish house or dark house license, obtained for the license year covering the last day of February, is valid through Sunday, March 1 and the angling license of the fish house licensee is extended through March 1.

(d) A lifetime license issued under section 97A.473 or 97A.474 is valid during the lawful time within the license year that the licensed activity may be performed for the lifetime of the licensee.

Sec. 4. Minnesota Statutes 1998, section 97A.421, is amended to read:

97A.421 [VALIDITY AND ISSUANCE OF LICENSES AFTER CONVICTION.]

Subdivision 1. [GENERAL.] (a) The annual license of a person convicted of a violation of the game and fish laws relating to the license or wild animals covered by the license is void when:

(1) a second conviction occurs within three years under a license to take small game or to take fish by angling or spearing;

(2) a third conviction occurs within one year under a minnow dealer's license;

(3) a second conviction occurs within three years for violations of section 97A.425 that do not involve falsifications or intentional omissions of information required to be recorded, or attempts to conceal unlawful acts within the records;

(4) two or more misdemeanor convictions occur within a three-year period under a private fish hatchery license; or

(5) the conviction occurs under a license not described in clause (1), (2), or (4) or is for a violation of section 97A.425 not described in clause (3).

(b) Except for big game licenses and as otherwise provided in this section, for one year after the conviction the person may not obtain the kind of license or take wild animals under a lifetime license, issued under section 97A.473 or 97A.474, relating to the game and fish law violation.

Subd. 2. [ISSUANCE OF LICENSE AFTER CONVICTION FOR BUYING AND SELLING WILD ANIMALS.] A person may not obtain a license to take any wild animal or take wild animals under a lifetime license, issued under section 97A.473 or 97A.474, for a period of three years after being convicted of buying or selling game fish, big game, or small game, and the total amount of the sale is \$300 or more.

Subd. 3. [ISSUANCE OF A BIG GAME LICENSE AFTER CONVICTION.] A person may not obtain any big game license or take big game under a lifetime license, issued under section 97A.473, for three years after the person is convicted of:

- (1) a gross misdemeanor violation under the game and fish laws relating to big game;
- (2) doing an act without a required big game license; or
- (3) the second violation within three years under the game and fish laws relating to big game.

Subd. 4. [ISSUANCE AFTER INTOXICATION OR NARCOTICS CONVICTION.] A person convicted of a violation under section 97B.065, relating to hunting while intoxicated or using narcotics, may not obtain a license to hunt with a firearm or by archery or hunt with a firearm under a lifetime license, issued under section 97A.473 or 97A.474, for five years after conviction.

Subd. 5. [COMMISSIONER MAY REINSTATE CERTAIN LICENSES AFTER CONVICTION.] If the commissioner determines that the public welfare will not be injured, the commissioner may reinstate licenses voided under subdivision 1 and issue licenses to persons ineligible under subdivision 2. The commissioner's authority applies only to licenses to:

- (1) maintain and operate fur or game farms or private fish hatcheries;
- (2) take fish commercially in Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior;
- (3) buy fish from Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior commercial fishing licensees; and
- (4) sell live minnows.

Subd. 6. [APPLICABILITY TO MOOSE OR ELK LICENSES.] In this section the term "license" includes an application for a license to take either moose or elk.

Sec. 5. [97A.473] [RESIDENT LIFETIME LICENSES.]

Subdivision 1. [RESIDENT LIFETIME LICENSES AUTHORIZED.] (a) The commissioner may issue a lifetime angling license, a lifetime small game hunting license, a lifetime firearms deer license, or a lifetime sporting license to a person who is a resident of the state for at least one year or who is under age 21 and the child of a person who is a resident of the state for at least one year. The license fees paid for a lifetime license are nonrefundable.

(b) The commissioner may require the holder of a lifetime license issued under this section to notify the department each year that the license is used, by:

- (1) telephone or Internet notification, as specified by the commissioner;
- (2) the purchase of stamps for the license; or
- (3) registration and tag issuance, in the case of the resident lifetime deer license.

Subd. 2. [LIFETIME ANGLING LICENSE; FEE.] (a) A resident lifetime angling license authorizes a person to take fish by angling in the state. The license authorizes those activities

authorized by the annual resident angling license. The license does not include a trout and salmon stamp or other stamps required by law.

(b) The fees for a resident lifetime angling license are:

- (1) age 3 and under, \$227;
- (2) age 4 to age 15, \$300;
- (3) age 16 to age 50, \$383; and
- (4) age 51 and over, \$203.

Subd. 3. [LIFETIME SMALL GAME HUNTING LICENSE; FEE.] (a) A resident lifetime small game hunting license authorizes a person to hunt small game in the state. The license authorizes those hunting activities authorized by the annual resident small game hunting license. The license does not include any of the hunting stamps required by law.

(b) The fees for a resident lifetime small game hunting license are:

- (1) age 3 and under, \$217;
- (2) age 4 to age 15, \$290;
- (3) age 16 to age 50, \$363; and
- (4) age 51 and over, \$213.

Subd. 4. [LIFETIME FIREARM DEER HUNTING LICENSE; FEE.] (a) A resident lifetime firearm deer hunting license authorizes a person to take deer with firearms in the state. The license authorizes those activities authorized by the annual resident firearm deer hunting license. The licensee must register and receive tags each year that the license is used. The tags shall be issued at no charge to the licensee.

(b) The fees for a resident lifetime firearm deer hunting license are:

- (1) age 3 and under, \$337;
- (2) age 4 to age 15, \$450;
- (3) age 16 to age 50, \$573; and
- (4) age 51 and over, \$383.

Subd. 5. [LIFETIME SPORTING LICENSE; FEE.] (a) A resident lifetime sporting license authorizes a person to take fish by angling and hunt small game in the state. The license authorizes those activities authorized by the annual resident angling and resident small game hunting licenses. The license does not include a trout and salmon stamp or any of the hunting stamps required by law.

(b) The fees for a resident lifetime sporting license are:

- (1) age 3 and under, \$357;
- (2) age 4 to age 15, \$480;
- (3) age 16 to age 50, \$613; and
- (4) age 51 and over, \$413.

Sec. 6. [97A.474] [NONRESIDENT LIFETIME LICENSES.]

Subdivision 1. [NONRESIDENT LIFETIME LICENSES AUTHORIZED.] (a) The commissioner may issue a lifetime angling license or a lifetime small game hunting license to a nonresident. The license fees paid for a lifetime license are nonrefundable.

(b) The commissioner may require the holder of a lifetime license issued under this section to notify the department each year that the license is used, by:

- (1) telephone or Internet notification, as specified by the commissioner; or
- (2) the purchase of stamps for the license.

Subd. 2. [NONRESIDENT LIFETIME ANGLING LICENSE; FEE.] (a) A nonresident lifetime angling license authorizes a person to take fish by angling in the state. The license authorizes those activities authorized by the annual nonresident angling license. The license does not include a trout and salmon stamp or other stamps required by law.

(b) The fees for a nonresident lifetime angling license are:

- (1) age 3 and under, \$447;
- (2) age 4 to age 15, \$600;
- (3) age 16 to age 50, \$773; and
- (4) age 51 and over, \$513.

Subd. 3. [NONRESIDENT LIFETIME SMALL GAME HUNTING LICENSE; FEE.] (a) A nonresident lifetime small game hunting license authorizes a person to hunt small game in the state. The license authorizes those hunting activities authorized by the annual nonresident small game hunting license. The license does not include any of the hunting stamps required by law.

(b) The fees for a nonresident lifetime small game hunting license are:

- (1) age 3 and under, \$947;
- (2) age 4 to age 15, \$1,280;
- (3) age 16 to age 50, \$1,633; and
- (4) age 51 and over, \$1,083.

Sec. 7. [97A.4742] [LIFETIME FISH AND WILDLIFE TRUST FUND.]

Subdivision 1. [ESTABLISHMENT; PURPOSE.] The lifetime fish and wildlife trust fund is established as a fund in the state treasury. All money received from the issuance of resident lifetime angling, small game hunting, firearm deer hunting, and sporting licenses and earnings on the fund shall be credited to the lifetime fish and wildlife trust fund.

Subd. 2. [INVESTMENT OF FUND; USE OF INCOME FROM FUND.] Money in the lifetime fish and wildlife trust fund shall be invested by the state investment board to secure the maximum return consistent with the maintenance of the perpetuity of the fund. The income received and accruing from investments of the fund shall be deposited in the lifetime fish and wildlife trust fund. Each year the commissioner of finance shall transfer from the lifetime fish and wildlife trust fund to the game and fish fund an amount equal to the amount that would otherwise have been collected from annual license fees for each lifetime license. Surcharge amounts shall be transferred based on sections 97A.071, subdivision 2, and 97A.075, subdivision 1.

Subd. 3. [LIFETIME LICENSE FEES.] By October 15 of each even-numbered year, the commissioner shall report on the adequacy of lifetime license fees and make specific requests for fee adjustments for the lifetime licenses to the legislative committees with jurisdiction over environment and natural resources finance and the commissioner of finance. The commissioner of finance shall review the fee report and make recommendations to the governor and legislature for each fee category under sections 97A.473 and 97A.474, as part of the biennial budget, under sections 16A.10 and 16A.11.

Subd. 4. [ANNUAL REPORT.] By November 15 each year, the commissioner shall submit a

report to the legislative committees having jurisdiction over environment and natural resources appropriations and environment and natural resources policy. The report shall state the amount of revenue received in and expenditures made from revenue transferred from the lifetime fish and wildlife trust fund to the game and fish fund and shall describe projects funded, locations of the projects, and results and benefits from the projects. The report may be included in the game and fish fund report required by section 97A.055, subdivision 4. The commissioner shall make the annual report available to the public.

Sec. 8. Minnesota Statutes 1998, section 97A.475, subdivision 4, is amended to read:

Subd. 4. [SMALL GAME SURCHARGE.] Fees for annual licenses to take small game must be increased by a surcharge of \$4. An additional commission may not be assessed on the surcharge and this must be stated on the back of the license with the following statement: "This \$4 surcharge is being paid by hunters for the acquisition and development of wildlife lands."

Sec. 9. Minnesota Statutes 1999 Supplement, section 97B.020, is amended to read:

97B.020 [FIREARMS SAFETY CERTIFICATE REQUIRED.]

Except as provided in this section, a person born after December 31, 1979, may not obtain a an annual license to take wild animals by firearms unless the person has a firearms safety certificate or equivalent certificate, driver's license or identification card with a valid firearms safety qualification indicator issued under section 171.07, subdivision 13, previous hunting license, or other evidence indicating that the person has completed in this state or in another state a hunter safety course recognized by the department under a reciprocity agreement. A person who is on active duty and has successfully completed basic training in the United States armed forces, reserve component, or national guard may obtain a hunting license or approval authorizing hunting regardless of whether the person is issued a firearms safety certificate.

Sec. 10. [APPROPRIATION.]

\$60,000 is appropriated in fiscal year 2001 from the game and fish fund to the commissioner of natural resources to administer and market lifetime licenses.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 10 are effective the day following final enactment. The resident licenses under section 5 shall be made available by March 1, 2001, and apply to taking game and fish for the 2001 license year. The nonresident licenses under section 6 shall be made available by March 1, 2002, and apply to taking game and fish for the 2002 license year."

Delete the title and insert:

"A bill for an act relating to game and fish; providing for certain lifetime game and fish licenses; establishing the lifetime fish and wildlife trust fund; imposing fees; requiring an annual report; appropriating money; amending Minnesota Statutes 1998, sections 97A.071, subdivision 2; 97A.411, subdivision 1; 97A.421; and 97A.475, subdivision 4; Minnesota Statutes 1999 Supplement, sections 97A.075, subdivision 1; and 97B.020; proposing coding for new law in Minnesota Statutes, chapter 97A."

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

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

S.F. No. 2996: A bill for an act relating to economic security; creating a birth and adoption fund and providing paid parental leave to eligible employees; appropriating money; amending Minnesota Statutes 1999 Supplement, section 268.051, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 268.

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 268.051, subdivision 2, is amended to read:

Subd. 2. [COMPUTATION OF TAX RATES.] (a) For each calendar year the commissioner shall compute the tax rate of each taxpaying employer that qualifies for an experience rating by adding the minimum tax rate to the employer's experience rating.

(b) The minimum tax rate shall be ~~six-tenths~~ 57/100 of one percent if the amount in the fund is less than \$200,000,000 on June 30 of the prior calendar year; or ~~five-tenths~~ 47/100 of one percent if the fund is more than \$200,000,000 but less than \$225,000,000; or ~~four-tenths~~ 37/100 of one percent if the fund is more than \$225,000,000 but less than \$250,000,000; or ~~three-tenths~~ 27/100 of one percent if the fund is more than \$250,000,000 but less than \$275,000,000; or ~~two-tenths~~ 17/100 of one percent if the fund is \$275,000,000 but less than \$300,000,000; or ~~one-tenth~~ 7/100 of one percent if the fund is \$300,000,000 or more.

(c) For the purposes of this subdivision the fund shall not include any money borrowed from the federal unemployment trust fund pursuant to section 268.194, subdivision 6.

Sec. 2. [268.99] [BIRTH AND ADOPTION LEAVE PROGRAM.]

Subdivision 1. [DEFINITIONS.] For the purpose of this section, "approved leave of absence" means an approved, temporary separation from a specific employer.

Subd. 2. [CREATED.] The commissioner of economic security shall administer a birth and adoption leave program to provide paid parental leave for six weeks to eligible employees during the first year of their newborn's life or during the first year after placement of their newly adopted child. The program shall be funded through an employer assessment.

Subd. 3. [REIMBURSING EMPLOYER.] An employer making payments in lieu of taxes under sections 268.052 and 268.053 shall be billed and required to reimburse the birth and adoption leave fund for paid parental leave benefits.

Subd. 4. [DETERMINATION AND COLLECTION OF SPECIAL ASSESSMENT.] In addition to all other taxes, assessments, and payment obligations under this chapter, each employer, except an employer making payments in lieu of taxes under sections 268.052 and 268.053, is liable for a special assessment levied at the rate of 3/100 of one percent per year on all taxable wages as defined in section 268.035, subdivision 24. The assessment becomes due and must be paid by each employer to the commissioner of economic security on the same schedule and in the same manner as other taxes required by section 268.051.

Subd. 5. [DISBURSEMENT OF SPECIAL ASSESSMENT FUNDS.] (a) The money collected under this section must be deposited in the state treasury and credited to a special account, to be known as the birth and adoption leave fund, to provide for the birth and adoption leave program.

(b) All money in the birth and adoption leave fund is appropriated to the commissioner of economic security who must act as the fiscal agent for the money and must disburse the money for the purposes of this section, not allowing the money to be used for any other obligation of the state. All money in the birth and adoption leave fund must be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as are provided by law for the other dedicated funds in the state treasury.

(c) No more than five percent of the birth and adoption leave assessment collected in each fiscal year may be used by the department of economic security for its administrative costs.

(d) Reimbursement for costs related to collection of the special assessment must be in an amount negotiated between the commissioner and the United States Department of Labor.

Subd. 6. [ELIGIBILITY.] In order to be eligible for birth and adoption leave benefits, the employee must meet the eligibility requirements of section 268.085, except subdivisions 1, clauses (2) and (4), and 2, clause (4), and must also meet the following requirements:

- (1) the employee must establish a base period, as defined in section 268.035, subdivision 4;
- (2) the employee must have earned a majority of wage credits from one employer;
- (3) the employee must have both physical and legal custody of the child;
- (4) the employee must be on an approved leave of absence from the employer;
- (5) the employee cannot work for another employer while receiving paid parental leave benefits; and
- (6) the employee cannot collect birth and adoption benefits if the employee is already collecting similar benefits in another state.

Subd. 7. [APPLICATION PROCESS.] To receive birth and adoption benefits, an employee must file an application with the department of economic security. The application is established effective the Sunday of the calendar week that the application for benefits was filed.

Subd. 8. [BENEFIT AMOUNT.] Benefits shall be payable to an eligible employee who has made application with the department of economic security. The benefit amount shall be the lesser of the employee's average weekly wage during the high quarter or the statewide average weekly wage. Section 268.21 applies to the state's obligation to pay benefits under this section.

Subd. 9. [IMPLEMENTATION.] Paid parental leave benefits shall be available for birth and adoption leaves commencing on or after September 1, 2001.

Sec. 3. [EXPIRATION.]

Sections 1 and 2 expire on June 30, 2003.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to economic security; creating a birth and adoption fund and providing paid parental leave to eligible employees; amending Minnesota Statutes 1999 Supplement, section 268.051, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 268."

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

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

S.F. No. 295: A bill for an act relating to occupational safety; permitting injured employees a civil remedy if an employer violated safety laws; amending Minnesota Statutes 1998, section 176.031.

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

Page 2, line 10, delete "an" and insert "a seriously"

Page 2, line 11, delete "the" and insert "any" and delete "any dependent" and insert "the employee's heirs or next of kin"

Page 2, line 12, delete the second "the" and insert "a serious"

Page 2, line 13, delete "a safety law, rule" and insert "an occupational safety and health standard adopted under chapter 182"

Page 2, line 14, delete "standard, or ordinance,"

Page 2, lines 15 and 19, after "the" insert "serious"

Page 2, line 17, delete "a safety" and insert "the standard"

Page 2, line 18, delete "law, rule, standard, or ordinance"

Page 2, line 21, after the period, insert "For the purpose of this paragraph "serious injury" means an injury that causes:

(1) more than \$100,000 in medical expense for its cure and relief; and

(2) at least 52 weeks of lost work time."

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. 3095: A bill for an act relating to occupational safety; providing that the next of kin of a deceased employee can participate in procedures related to citations; providing for a presumptive penalty for violations related to the death of an employee; amending Minnesota Statutes 1998, sections 182.651, subdivision 22; 182.661, subdivision 1; and 182.666, subdivision 2, and 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. [182.6545] [RIGHTS OF NEXT OF KIN UPON DEATH.]

In the case of a death of an employee, the department shall make reasonable efforts to locate the employee's next of kin and shall mail to them copies of the following:

(1) citations and notification of penalty;

(2) notices of hearings;

(3) complaints and answers;

(4) settlement agreements;

(5) orders and decisions; and

(6) notices of appeals.

In addition, the next of kin shall have the right to request a consultation with the department regarding citations and notification of penalties issued as a result of the investigation of the employee's death. For the purposes of this section, "next of kin" refers to the nearest relative in the order listed:

(1) spouse;

(2) parent;

(3) adult child; or

(4) adult sibling.

Sec. 2. Minnesota Statutes 1998, section 182.661, subdivision 1, is amended to read:

Subdivision 1. If, after an inspection or investigation, the commissioner issues a citation under section 182.66, the commissioner shall notify the employer by certified mail of the penalty, if any, proposed to be assessed under section 182.666 and that the employer has 20 calendar days within which to file a notice of contest and certification of service, on a form provided by the commissioner, indicating that the employer wishes to contest the citation, type of violation, proposed assessment of penalty, or the period of time fixed in the citation given for correction of violation. A copy of the citation and the proposed assessment of penalty shall also be mailed to the authorized employee representative and including, in the case of the death of an employee, to the next of kin ~~if requested~~. If within 20 calendar days from the receipt of the penalty notice issued by the commissioner the employer fails to file the notice of contest, and no notice of contest is filed by any employee or authorized representative of employees under subdivision 3 within such time, the citation and assessment, as proposed, shall be deemed a final order of the commissioner and not subject to review by any court or agency.

Sec. 3. Minnesota Statutes 1998, section 182.666, subdivision 2, is amended to read:

Subd. 2. Any employer who has received a citation for a serious violation of its duties under section 182.653, or any standard, rule, or order adopted under the authority of the commissioner as provided in this chapter, shall be assessed a fine not to exceed \$7,000 for each violation. ~~If the violation causes or contributes to the cause of the death of an employee, the employer shall be assessed a fine of up to \$25,000.~~

Sec. 4. Minnesota Statutes 1998, section 182.666, is amended by adding a subdivision to read:

Subd. 2a. Notwithstanding any other provision of this section and except as provided in this subdivision, if any serious, willful, or repeated violation other than a violation of section 182.653, subdivision 2, causes or contributes to the death of an employee, the minimum total fine that shall be assessed is \$50,000 and the maximum total fine that may be assessed is \$200,000 for an incident involving a willful or repeated violation or \$25,000 for an incident involving a serious violation that is not willful or repeated. The commissioner may reduce the minimum \$25,000 fine set for a serious violation by this subdivision by up to 50 percent if the employer can show by clear and convincing evidence that the size of the business, the gravity of the violation, negligence of the employee, or the good faith of the employer require a reduction."

Amend the title as follows:

Page 1, line 7, delete "182.651, subdivision 22;"

Page 1, line 9, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 182"

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

H.F. No. 3236: A bill for an act relating to health; modifying provisions for issuing certified copies of vital records; amending Minnesota Statutes 1998, section 144.225, subdivision 7.

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

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

S.F. No. 3016: A bill for an act relating to family law; changing certain child support enforcement provisions; providing for notices; giving child support debts a priority over state

taxes in the Revenue Recapture Act; amending Minnesota Statutes 1998, sections 256.979, by adding a subdivision; 518.64, subdivision 5; 518.68, subdivision 2; 552.01, subdivision 3, and by adding a subdivision; 552.03; and 552.04, subdivisions 4, 6, 11, and 16; Minnesota Statutes 1999 Supplement, section 13B.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 518 and 552; repealing Minnesota Statutes 1998, section 552.05, subdivisions 1, 2, 3, 6, 7, 8, and 9; Minnesota Statutes 1999 Supplement, section 552.05, subdivisions 4, 5, and 10; Minnesota Rules, parts 9500.1800; 9500.1805; 9500.1810; 9500.1811; 9500.1812; 9500.1815; 9500.1817; 9500.1820; and 9500.1821.

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

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

S.F. No. 2776: A bill for an act relating to human services; extending the deadline for commencing construction for a previously approved moratorium project; providing for changes to the rate setting for a nursing facility in St. Louis county approved for a renovation; amending Minnesota Statutes 1999 Supplement, section 256B.431, subdivision 17.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

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

S.F. No. 3678: A bill for an act relating to natural resources; allowing the use of external sources of funding for certain drainage projects; amending Minnesota Statutes 1998, section 103E.011, by adding a subdivision.

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 103E.011, is amended by adding a subdivision to read:

Subd. 5. [USE OF EXTERNAL SOURCES OF FUNDING.] Notwithstanding other provisions of this chapter, a drainage authority may accept and use funds from sources other than, or in addition to, those derived from assessments based on the benefits of the drainage system for the purposes of wetland preservation or restoration or creation of water quality improvements or flood control. The sources of funding authorized under this subdivision may also be used outside the benefited area but must be within the watershed of the drainage system."

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. 1896: A bill for an act relating to human services; changing provisions for erroneous payment of medical assistance money; changing probate provisions for estates subject to medical assistance claims and medical assistance liens; amending Minnesota Statutes 1998, sections 256B.064; 256B.15, subdivisions 1a and 4; 514.981, subdivision 6; 524.3-801; and 525.312; proposing coding for new law in Minnesota Statutes, chapters 524; and 525.

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

Senator Johnson, D.J. from the Committee on Taxes, to which was referred

S.F. No. 2654: A bill for an act relating to taxation; making policy and administrative changes to certain tax provisions; amending Minnesota Statutes 1998, sections 276.19, subdivision 1;

289A.35; 290.01, by adding a subdivision; 290.17, subdivision 2; 295.50, subdivision 9b; 297F.01, subdivision 17; 297F.08, subdivisions 2, 5, 8, and 9; and 297F.21, subdivisions 1 and 3; Minnesota Statutes 1999 Supplement, sections 16D.09, subdivision 2; 270.65; 289A.02, subdivision 7; 290.01, subdivisions 19 and 31; 290.091, subdivision 2; 290A.03, subdivision 15; 291.005, subdivision 1; 295.53, subdivision 1; and 297F.08, subdivision 8a; repealing Minnesota Rules, part 8160.0300, subpart 4.

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

Page 6, line 9, delete "to 3" and insert "and 2"

Page 6, line 10, after "1999" insert ". Section 3 is effective for wages paid after the date of final enactment of this act"

Page 14, delete lines 4 to 24 and insert:

"Section 1. Minnesota Statutes 1998, section 272.115, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] Except as otherwise provided in subdivision 5, whenever any real estate is sold for a consideration in excess of \$1,000, whether by warranty deed, quitclaim deed, contract for deed or any other method of sale, the grantor, grantee or the legal agent of either shall file a certificate of value with the county auditor in the county in which the property is located when the deed or other document is presented for recording. This subdivision does not apply to a deed or other document which has been dated and acknowledged on or before December 31, 1997. Contract for deeds are subject to recording under section 507.235, subdivision 1. Value shall, in the case of any deed not a gift, be the amount of the full actual consideration thereof, paid or to be paid, including the amount of any lien or liens assumed. The items and value of personal property transferred with the real property must be listed and deducted from the sale price. The certificate of value shall include the classification to which the property belongs for the purpose of determining the fair market value of the property. The certificate shall include financing terms and conditions of the sale which are necessary to determine the actual, present value of the sale price for purposes of the sales ratio study. The commissioner of revenue shall promulgate administrative rules specifying the financing terms and conditions which must be included on the certificate. Pursuant to the authority of the commissioner of revenue in section 270.066, the certificate of value must include the social security number or the federal employer identification number of the grantors and grantees. The identification numbers of the grantors and grantees are private data on individuals or nonpublic data as defined in section 13.02, subdivisions 9 and 12, but, notwithstanding that section, the private or nonpublic data may be disclosed to the commissioner of revenue for purposes of tax administration. The information required to be shown on the certificate of value is limited to the information required as of the date of the acknowledgment on the deed or other document to be recorded."

Page 22, line 10, delete everything after "seller" and insert "as required under section 297F.13, subdivision 4."

Page 22, delete line 11

Page 22, line 32, delete "issue to be decided is" and insert "court shall decide"

Amend the title as follows:

Page 1, line 4, delete "276.19" and insert "272.115"

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. 3070: A bill for an act relating to agriculture; changing certain requirements and enforcement procedures for agricultural contracts; amending Minnesota Statutes 1998, sections 17.90, by adding a subdivision; and 17.91; proposing coding for new law in Minnesota Statutes, chapter 17.

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

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

S.F. No. 3031: A bill for an act relating to agriculture; changing the corporate and partnership farming law; amending Minnesota Statutes 1998, section 500.24, subdivisions 4 and 5; Minnesota Statutes 1999 Supplement, section 500.24, subdivisions 2 and 3.

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. 3323: A bill for an act relating to environment; encouraging recycling of construction debris by public entities; proposing coding for new law in Minnesota Statutes, chapter 115A.

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

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

S.F. No. 2852: A bill for an act relating to crime prevention; enhancing the penalties for pimps and patrons of juvenile prostitutes; amending Minnesota Statutes 1998, section 609.322, subdivision 1.

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

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

S.F. No. 2968: A bill for an act relating to lake improvement districts; modifying provisions relating to lake improvement districts; amending Minnesota Statutes 1998, sections 103B.551, subdivision 1; and 103B.555, 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 103B.535, is amended to read:

103B.535 [ORDER ESTABLISHING DISTRICT.]

An order by the county board or joint county authority establishing a district must state the:

- (1) name of the district;
- (2) boundaries of the district, which are encouraged to be as consistent as practical with natural hydrologic boundaries;
- (3) water and related land resources management programs and services to be undertaken;
- (4) manner of financing programs and services; and
- (5) number, qualifications, terms of office, and method of election, removal, and filling of vacancies of the board of directors, including a method for property owners not present at the annual meeting to participate in the election of the district board.

Sec. 2. Minnesota Statutes 1998, section 103B.545, subdivision 1, is amended to read:

Subdivision 1. [PETITION.] Twenty-six percent of the property owners within the lake improvement district established proposed by the board or a joint county authority on its own

initiative under section 103B.515, by petition under section 103B.521, or by the commissioner under section 103B.531, may petition for a referendum on establishing the district before the effective date of its establishment. After receiving the petition, the county board or, joint county authority, or commissioner that proposed establishing the district must issue an order staying the establishment until a referendum vote is taken of all qualified voters and property owners within the proposed lake improvement district.

Sec. 3. Minnesota Statutes 1998, section 103B.551, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] After a lake improvement district is established, the county board or, joint county authority, or commissioner that established the district shall appoint persons to serve as an initial board of directors for the district. Subsequent board members must be elected by persons owning property in the district at the annual meeting of the district. The number, qualifications, terms of office, and method of election, removal, and filling of vacancies of directors shall be as provided in the order creating the board of directors. The initial and all subsequent boards of directors must include persons owning property within the district, and a majority of the directors must be residents of the district.

Sec. 4. Minnesota Statutes 1998, section 103B.555, subdivision 1, is amended to read:

Subdivision 1. [REVENUE.] The county board or joint county authority may undertake projects of improvement consistent with purposes of the district. To finance projects and services of the district, the county board or joint county authority may, only after seeking other sources of funding:

(1) assess the costs of the projects upon benefited property within the district in the manner provided under chapter 429;

(2) impose service charges on the users of lake improvement district services within the district;

(3) issue obligations as provided in section 429.091;

(4) levy an ad valorem tax solely on property within the lake improvement district, to be appropriated and expended solely on projects of special benefit to the district; or

(5) impose or issue any combination of service charges, special assessments, obligations, and taxes.

Sec. 5. Minnesota Statutes 1998, section 103B.571, subdivision 3, is amended to read:

Subd. 3. [AGENDA.] (a) At the annual meeting the district property owners present shall:

(1) elect one or more directors to fill any midterm vacancies in the board of directors;

(2) approve a budget for the fiscal year;

(3) approve or disapprove proposed projects by the district having a cost to the district in excess of \$5,000; and

(4) take up and consider other business that comes before them.

(b) At the annual meeting all district property owners, including absent members as provided in the order establishing the district, shall elect one or more directors for board positions with expiring terms."

Amend the title as follows:

Page 1, line 4, after "sections" insert "103B.535; 103B.545, subdivision 1;"

Page 1, line 5, delete "and" and before the period, insert "; and 103B.571, subdivision 3"

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 re-referred

S.F. No. 1226: A bill for an act relating to counties; authorizing county economic development authorities; proposing coding for new law in Minnesota Statutes, chapter 469.

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

Delete everything after the enacting clause and insert:

"Section 1. [469.1082] [COUNTY ECONOMIC DEVELOPMENT SERVICE PROVIDER; NONMETRO ALTERNATIVE CREATION.]

Subdivision 1. [AUTHORITY TO CREATE.] A county located outside the metropolitan area may form a county economic development authority or grant a housing and redevelopment authority the powers specified in subdivision 4, clause (2), if it receives a recommendation to do so from a committee formed under subdivision 2. An economic development authority established under this section has all the powers and rights of an authority under sections 469.090 to 469.1081, except the authority granted under section 469.094 if so limited under subdivision 4. This section is in addition to any other authority to create a county economic development authority or service provider.

Subd. 2. [LOCAL COMMITTEES.] Upon notice to all local government units and development agencies within the county, a county may adopt a resolution to create a committee to recommend options for a county economic development service provider.

The committee shall consist of no fewer than 11 and no more than 15 members appointed by the county board. At least one city official, at least one housing and redevelopment official, and at least one township official from the county to be served by the county economic service provider shall be included on the committee. Members may also represent school districts, political subdivisions that currently provide services under sections 469.001 to 469.047 and 469.090 to 469.1081, nonprofit or for-profit housing and economic development organizations, business, and labor organizations located within the county. Political subdivision representatives must be selected by their local governments and must constitute no more than 50 percent of the total committee membership. The county may appoint no more than two county commissioners. The committee shall select a chair at its initial meeting.

Subd. 3. [COMMITTEE REPORT.] The committee shall issue its report within 90 days of its initial meeting. The committee may request one 60-day extension from the county board. The report must contain the committee's recommendation for the preferred organizational option for a county economic development service provider. The report must contain written findings on issues considered by the committee including, but not limited to, the following:

(1) identification of the current level of economic development, housing, and community development programs and services provided by existing agencies, any existing gaps in programs and services, and the capacity and ability of those agencies to expand their activities; and

(2) the recommended organizational option for providing needed economic development, housing, and community development services in the most efficient, effective manner.

Subd. 4. [ORGANIZATIONAL OPTIONS.] The committee may only recommend:

(1) establishment of a county economic development authority to operate under sections 469.090 to 469.1081, except that the county shall not have the powers of section 469.094 without the consent of an existing county housing and redevelopment authority operating within that county. For the purposes of a county economic development authority's operation, the county is considered to be the city and the county board is considered to be the city council;

(2) requiring an existing county housing and redevelopment authority or multicounty housing and redevelopment authority to operate under sections 469.090 to 469.1081;

(3) that the county pursue special legislation; or

(4) no change in the existing structure.

Subd. 5. [AREA OF OPERATION.] The area of operation of a county economic development service provider created under this section shall include all cities within a county that have adopted resolutions electing to participate. A city may adopt a resolution electing to withdraw participation. The withdrawal election may be made every fifth year following adoption of the resolution electing participation. The withdrawal election is effective on the anniversary date of the original resolution provided notice is given to the county economic development authority not less than 90 nor more than 180 days prior to that anniversary date. The city electing to withdraw retains any rights, obligations, and liabilities it obtained or incurred during its participation. Any city within the county shall have the option to adopt a resolution to prohibit the county economic development service provider created under this section from operating within its boundaries and (1) within an agreed upon urban service area, (2) within a two-mile radius of its boundaries if no agreed upon urban service area exists, or (3) within a two-mile radius of the boundaries of an area to be annexed under an orderly annexation agreement. The two-mile radius shall extend in any direction from the boundary into the unincorporated territories and does not apply to areas that are incorporated as cities. If a city prohibits a county economic development service provider created under this section from operating within its boundaries, the city's property taxpayers shall not be subject to the property tax levied for the county economic development service provider.

Subd. 6. [CITY ECONOMIC DEVELOPMENT AUTHORITIES.] If a county economic development service provider has been established under this section, existing city economic development authorities shall continue to function and operate under sections 469.090 to 469.1081. Additional city economic development authorities may be created within the area of operation of the county economic development service provider created under this section without the explicit concurrence of the county economic development service provider.

Subd. 7. [CONTINUATION OF EXISTING COUNTY AND MULTICOUNTY HOUSING AND REDEVELOPMENT AUTHORITIES.] Existing county and multicounty housing and redevelopment authorities shall continue to function and operate under the provisions of sections 469.001 to 469.047."

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

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

S.F. No. 3585: A bill for an act relating to state government; clarifying that certain ethical requirements apply to constitutional officers; amending Minnesota Statutes 1998, section 43A.38, subdivision 1.

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

Page 2, delete line 5 and insert:

"Section 1 is effective the first Monday in January, 2003."

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

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

H.F. No. 2749: A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1998, sections 13.551, subdivision 1; 15.0591, subdivision 2; 15A.086; 17.101, subdivision 1; 43A.18, subdivision 4a; 47.58, subdivision 8; 60A.74, subdivision 6; 60H.05, subdivision 6; 103L.005, subdivision 22; 116J.966, subdivision 1; 136A.29, subdivision 19; 145.698, subdivision 1; 146.23, subdivision 6; 148.7805, subdivision 1; 204C.04, subdivision 2;

245A.04, subdivision 3; 256B.031, subdivision 2; 257.34, subdivision 1; 270.101, subdivision 1; 273.1398, subdivision 1; 275.065, subdivision 3a; 275.16; 281.21; 281.22; 287.28; 290.0802, subdivision 2; 299A.02; 319B.02, subdivision 13; 325D.33, subdivision 8; 325D.415; 352D.02, subdivision 1; 429.091, subdivision 8; 430.12; 459.35; 469.036; 469.040, subdivision 4; 469.063; 469.116, subdivision 8; 469.1733, subdivision 1; 469.178, subdivision 6; 469.203, subdivision 4; 473.3994, subdivision 13; 475.77; 574.03; and 611A.43; Minnesota Statutes 1999 Supplement, sections 3.739, subdivision 1; 10A.01, subdivisions 1 and 35; 13.99, subdivision 11; 16E.02, subdivision 2; 85.41, subdivision 1; 116J.70, subdivision 2a; 119A.04, subdivision 1; 119B.011, subdivision 15; 144A.46, subdivision 2; 147.09; 148.96, subdivision 3; 243.166, subdivision 1; 259.47, subdivision 8; 260B.007, subdivision 20; 260C.007, subdivision 19; 260C.163, subdivision 11; 260C.176, subdivisions 1 and 2; 260C.178, subdivision 3; 260C.181, subdivision 2; 260C.201, subdivision 11; 260C.213, subdivision 1; 287.29, subdivision 1; 290.01, subdivision 19b; 465.797, subdivision 1; 504B.161, subdivision 1; 504B.181, subdivision 5; 515B.1-102; 515B.1-103; 515B.2-105; 515B.3-105; 515B.3-115; 515B.3-116; 515B.4-106; 515B.4-107; and 518.57, subdivision 3; Laws 1997, chapter 150, section 1; and Laws 1999, chapter 110, section 22; chapter 139, article 4, section 3; chapter 159, sections 2, 86, and 154; and chapter 205, article 1, section 1; repealing Minnesota Statutes 1998, sections 281.20; 421.11; 421.12; 421.13; 421.14; and 462A.21, subdivision 19; Minnesota Statutes 1999 Supplement, section 260C.401; Laws 1987, chapter 186, section 11; Laws 1989, chapter 282, article 5, section 45; Laws 1991, chapter 286, section 2; Laws 1994, chapter 572, section 6; Laws 1995, chapter 207, article 4, section 21, subdivision 4; Laws 1996, chapter 412, article 4, section 25; Laws 1997, chapter 85, article 3, section 18; article 4, section 20; chapter 187, article 1, section 4; chapter 203, article 11, section 3; chapter 217, article 1, section 89; Laws 1998, chapter 407, article 6, section 9; Laws 1999, chapter 154, section 3; chapter 159, sections 6, 18, 49, 90, 110, 112, and 113; chapter 177, sections 56 and 58; and chapter 216, article 2, section 5.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

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

S.F. No. 3580: A bill for an act relating to crime; amending the definition of harassment; amending Minnesota Statutes 1998, section 609.748, subdivisions 1, 3, 3a, and 4.

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

Page 1, line 12, after "incident" insert "of physical or sexual assault"

Page 1, lines 13 and 15, delete "significant" and insert "substantial"

Page 3, delete section 3

Page 4, line 32, delete "4" and insert "3" and delete "August" and insert "July"

Page 4, line 33, delete "crimes committed" and insert "petitions filed"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "3a,"

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

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

S.F. No. 3455: A bill for an act relating to crime prevention; limiting the liability of financial institutions that provide information in good faith on stolen, forged, or fraudulent checks in the course of an investigation; making it a crime to falsely report stolen checks to a financial

institution or to possess, sell, receive, or transfer stolen or counterfeit checks; providing criminal penalties and forfeiture remedies for such conduct; expanding the racketeering crime to include organized criminal activity involving stolen or counterfeit checks; making technical corrections to certain penalties; amending Minnesota Statutes 1998, section 299A.61, subdivision 3; Minnesota Statutes 1999 Supplement, sections 609.527, subdivision 3; 609.531, subdivision 1; and 609.902, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Page 5, line 15, strike "or (5)"

Page 5, line 17, delete "or (5)"

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

Senators Piper, Pogemiller and Stumpf from the Committee on Children, Families and Learning, to which was re-referred

S.F. No. 2803: A bill for an act relating to accountants; modifying licensing requirements; amending Minnesota Statutes 1998, section 326.19, subdivisions 1, 2, and by adding a subdivision.

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

Page 2, line 26, delete "or"

Page 2, line 27, after the comma, insert "or an equivalent education,"

Page 4, line 2, delete "and" and after the second comma, insert "and private career schools regulated under chapter 141,"

Page 4, after line 4, insert:

"Sec. 4. [326.197] [REGISTERED ACCOUNTING PRACTITIONER.]

By July 1, 2004, the board shall implement a voluntary registration of accounting practitioners. The board shall prescribe the limitations of practice, educational preparation, examination, registration, fees, and continuing education requirements for the registration. The board shall consult with the University of Minnesota, the Minnesota state colleges and universities, the Minnesota association of private post-secondary schools, the private college council, the Minnesota association of public accountants, the Minnesota society of certified public accountants, and other organizations as deemed appropriate in the implementation of this section."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring the board of accountancy to implement a voluntary registration of accounting practitioners;"

Page 1, line 5, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 326"

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

H.F. No. 2642: A bill for an act relating to employment agencies; providing for waiver of bond requirement in certain circumstances; amending Minnesota Statutes 1998, section 184.30, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

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

S.F. No. 3529: A bill for an act relating to reemployment insurance; excluding smokechasers from the definition of noncovered employment; amending Minnesota Statutes 1999 Supplement, section 268.035, subdivision 20.

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 re-referred

S.F. No. 2946: A bill for an act relating to motor fuels; limiting the use of certain oxygenates 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) A person responsible for the product shall comply with the following requirements:

(1) after July 1, 2000, gasoline containing in excess of one-half of one percent, in total, of the oxygenates listed in paragraph (b) may not be sold or offered for sale at any time in this state; and

(2) after July 1, 2005, gasoline containing any of the oxygenates listed in paragraph (b) may not be sold or offered for sale in this state.

(b) The oxygenates prohibited under paragraph (a) are:

(1) methyl tertiary butyl ether, as defined in section 296A.01, subdivision 34;

(2) ethyl tertiary butyl ether, as defined in section 296A.01, subdivision 18; or

(3) tertiary amyl methyl ether.

(c) 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."

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. 1009: A bill for an act relating to traffic regulations; authorizing commissioner of transportation to conduct a pilot project using photographic evidence in the enforcement of traffic signal laws; appropriating money; amending Minnesota Statutes 1998, sections 169.06, by adding a subdivision; and 171.12, 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. [PILOT PROGRAM.]

Subdivision 1. [PROPOSAL FOR PILOT PROGRAM.] The commissioner of public safety, in consultation with the commissioner of transportation, shall develop a plan for a pilot program to test the feasibility and desirability of using photographic evidence to issue citations for failure to obey traffic signals.

Subd. 2. [ELEMENTS OF PROPOSED PILOT PROGRAM.] The proposal for a pilot program must:

- (1) be limited to enforcement of traffic signal violations;
- (2) provide for issuance of citations by mail;
- (3) specify the use of automated photographic equipment that shows, with sufficient clarity to identify, the vehicle and its license plate but does not show the vehicle's driver or passengers;
- (4) include proposed statutory language to preclude traffic signal violations detected by photographic means from being recorded on the violator's driving record;
- (5) recommend one or more locations for implementation of the pilot program;
- (6) include standards for the design, specifications, and operation of automated photographic equipment to be used; and
- (7) estimate cost of implementation of the pilot program.

Subd. 3. [REPORT.] The commissioner of public safety shall submit recommendations for the pilot program described in subdivision 2 to the transportation committees of the house of representatives and senate no later than February 1, 2001."

Delete the title and insert:

"A bill for an act relating to traffic regulations; requiring the commissioner of public safety to propose pilot program relating to use of photographic evidence for enforcement of traffic signal laws."

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. 3038: A bill for an act relating to telecommunications; enacting the Telecommunications Consumer Privacy Act; providing for the privacy of telecommunications customer information; requiring consent for disclosure of customer information; providing penalties; amending Minnesota Statutes 1999 Supplement, section 13.99, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Page 2, line 14, after the period, insert "Subscriber list information under section 237.86 is not customer information, except for information about a subscriber that has requested not to be listed."

Page 3, line 24, delete "any"

Page 3, line 25, delete "lawful authority or process" and insert "a subpoena or court order"

Page 5, line 16, delete "For the purposes of this section,"

Page 5, line 23, delete ", but is customer"

Page 5, line 24, delete everything before the period

Pages 5 and 6, delete section 7 and insert:

"Sec. 7. [237.87] [AUTHORITY OF COMMISSION UNAFFECTED.]

Nothing in sections 237.82 to 237.86 is intended to limit the existing authority of the public utilities commission under state or federal law with respect to the disclosure of information. A telecommunications service provider that obtains information pursuant to the commission's

existing authority may only disclose or permit access to that information as provided in sections 237.83 and 237.84."

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. 3465: A bill for an act relating to health; creating the spinal cord injury research board and the spinal cord injury research trust account; modifying registry, reporting, and rule provisions; providing civil penalties; creating a surcharge on traffic and motor vehicle fines; appropriating money; amending Minnesota Statutes 1998, sections 144.662; 144.663, by adding a subdivision; and 144.664, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Delete everything after the enacting clause and insert:

"Section 1. [144.6615] [SPINAL CORD INJURY RESEARCH BOARD.]

Subdivision 1. [BOARD ESTABLISHED.] (a) A spinal cord injury research board is established within the department of health to administer spinal cord injury research projects and administer the spinal cord injury research trust account under section 144.6616. The purpose of research projects administered by the board shall be neurological research towards a cure for spinal cord injuries and their effects. The members of the spinal cord injury research board shall include, but not be limited to, representatives in the fields of neuroscience, neurology, neurosurgery, neuropharmacology, and spinal cord rehabilitative medicine and at least two members of the public with spinal cord injuries. The board shall be composed of 13 members, seven of whom shall be appointed by the governor, two of whom shall be appointed by the senate subcommittee on committees of the committee on rules and administration, two of whom shall be appointed by the speaker of the house, one of whom shall be appointed by the minority leader of the senate, and one of whom shall be appointed by the minority leader of the house.

(b) Board member terms, compensation, and removal are governed by section 15.059. Notwithstanding section 15.059, subdivision 5, the spinal cord injury research board does not expire.

(c) A majority of the full authorized membership of the board shall constitute a quorum.

(d) One member of the board shall be chosen by the governor to serve as chair.

(e) Meetings of the board shall be held at least twice a year but may be held more frequently as deemed necessary, subject to call by the chair or by request of a majority of the board members. Board meetings shall concern, among other things, policy matters relating to spinal cord injury research projects and programs, research progress reports, and other matters necessary to carry out the intent of this section.

Subd. 2. [POWERS AND DUTIES.] The spinal cord injury research board shall:

(1) formulate policies and procedures necessary to carry out the provisions of this section;

(2) solicit, receive, and review applications from public and private agencies and organizations and qualified research institutions for grants from the spinal cord injury research trust account under section 144.6616 to conduct research programs that focus on the treatment and cure of spinal cord injuries. The board shall make recommendations to the commissioner of health, and the commissioner may grant approval of applications for grants from those applications recommended by the board;

(3) encourage the development of spinal cord research projects;

(4) ensure that state funds appropriated for spinal cord injury research are not diverted to any other use; and

(5) provide the governor and the legislature an annual report by January 31 of each year setting forth the status of funds appropriated for spinal cord injury research and the progress of the board in terms of the results of its spinal cord injury research efforts.

Subd. 3. [BOARD AUTHORITY.] The spinal cord injury research board may:

(1) recommend proposed rules to the commissioner regarding the administration of the board;

(2) employ an executive director and other personnel as may be necessary;

(3) establish a system for soliciting, evaluating, and approving proposals for spinal cord research projects;

(4) apply for and accept grants of money from the federal government;

(5) enter into contracts with individuals, organizations, and institutions necessary or incidental to the performance of its duties; and

(6) accept gifts, grants, and bequests of money from individuals, foundations, corporations, governmental agencies, and other organizations and institutions.

Sec. 2. [144.6616] [SPINAL CORD INJURY RESEARCH TRUST ACCOUNT.]

Subdivision 1. [ACCOUNT ESTABLISHED.] There is created in the state treasury an account known as the spinal cord injury research trust account.

Subd. 2. [APPROPRIATION.] Money in the account is appropriated to the spinal cord injury research board for administrative costs of the board and for funding spinal cord injury research projects administered by the board.

Sec. 3. Minnesota Statutes 1998, section 144.662, is amended to read:

144.662 [TRAUMATIC BRAIN INJURY AND SPINAL CORD INJURY REGISTRY; PURPOSE.]

The commissioner of health shall establish and maintain a central registry of persons who sustain traumatic brain injury or spinal cord injury. The purpose of the registry is to:

(1) collect information to facilitate the development of injury prevention, treatment, and rehabilitation programs and serve as a resource for research and evaluation of traumatic brain injuries and spinal cord injuries and available services; and

(2) ensure the provision to persons with traumatic brain injury or spinal cord injury of information regarding appropriate public or private agencies that provide rehabilitative services so that injured persons may obtain needed services to alleviate injuries and avoid secondary problems, such as mental illness and chemical dependency; and

(3) provide a database that indicates the incidence and prevalence of traumatic brain injuries and spinal cord injuries.

Sec. 4. Minnesota Statutes 1998, section 144.664, subdivision 5, is amended to read:

Subd. 5. [RULES.] The commissioner shall adopt rules to administer the registry, collect information, and distribute data, and administer the spinal cord injury research board. The rules must include, but are not limited to, the following:

(1) the specific ICD-9 procedure codes included in the definitions of "traumatic brain injury" and "spinal cord injury";

(2) the type of data to be reported;

- (3) standards for reporting specific types of data;
- (4) the persons and facilities required to report and the time period in which reports must be submitted;
- (5) criteria relating to the use of registry data by public and private entities engaged in research; and
- (6) specification of fees to be charged under section 13.03, subdivision 3, for out-of-pocket expenses."

Amend the title as follows:

Page 1, line 5, delete everything after the first semicolon

Page 1, delete line 6

Page 1, line 8, delete everything after the first semicolon

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. 3549: A bill for an act relating to health; modifying the residential hospice program requirements; amending Minnesota Statutes 1998, section 144A.48, subdivision 1; repealing Minnesota Statutes 1998, section 144A.48, 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 144A.48, subdivision 1, is amended to read:

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

- (1) "Core services" means physician services, registered nursing services, medical social services, pastoral care or other counseling services, and volunteer services that are provided either directly by the hospice program or through a service contract or other arrangement;
- (2) "Hospice patient" means an individual who has been diagnosed as terminally ill with a probable life expectancy of under one year, as documented by the individual's attending physician, and who alone or, when unable, through the hospice patient's family has voluntarily consented to and received admission to a hospice program;
- (3) "Hospice patient's family" means relatives of the hospice patient, the hospice patient's guardian, primary caregivers, or persons identified by the hospice patient as having significant personal ties;
- (4) "Hospice program" means palliative and supportive care and other services provided by an interdisciplinary team under the direction of an identifiable hospice administration to terminally ill hospice patients and their families to meet the physical, nutritional, emotional, social, spiritual, and special needs experienced during the final stages of illness, dying, and bereavement, through a centrally coordinated program that ensures continuity and consistency of home and inpatient care provided directly or through an agreement;
- (5) "Interdisciplinary team" means a group of qualified individuals with expertise in meeting the special needs of hospice patients and their families, including, at a minimum, those individuals who are providers of core services;
- (6) "Palliative care" means care directed at managing the symptoms experienced by the hospice

patient and intended to enhance the quality of life for the hospice patient and the patient's family, but not directed at curing the illness;

(7) "Residential hospice facility" means a facility ~~that houses no more than eight hospice patients~~, located in a residential area in a facility that resembles a single-family home, that directly provides 24-hour residential and support services in a home-like setting for hospice patients as an integral part of the continuum of home care provided by a hospice licensed under subdivision 2, and that houses:

(i) no more than eight hospice patients; or

(ii) at least nine and no more than 12 hospice patients with the approval of the local governing authority, notwithstanding section 462.357, subdivision 8; and

(8) "Volunteer services" means services by volunteers who provide a personal presence that augments a variety of professional and nonprofessional services available to the hospice patient, the patient's family, and the hospice program.

Sec. 2. [REPEALER.]

Minnesota Statutes 1998, section 144A.48, subdivision 6, is repealed.

Sec. 3. [EFFECTIVE DATE.]

Section 2 is effective on the effective date of rules adopted by the commissioner of health relating to the licensure of residential hospice facilities."

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. 2734: A bill for an act relating to human services; directing the commissioner of human services to study reimbursing home care and personal care providers for transportation expenses; proposing coding for new law in Minnesota Statutes, chapter 256B.

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 256B.69, subdivision 6b, is amended to read:

Subd. 6b. [HOME AND COMMUNITY-BASED WAIVER SERVICES.] (a) For individuals enrolled in the Minnesota senior health options project authorized under subdivision 23, elderly waiver services shall be covered according to the terms and conditions of the federal agreement governing that demonstration project.

(b) For individuals under age 65 ~~with physical disabilities but without a primary diagnosis of mental illness or developmental disabilities, except for related conditions~~, enrolled in the ~~Minnesota senior health options project demonstrations~~ authorized under subdivision 23, home and community-based waiver services shall be covered according to the terms and conditions of the federal agreement governing that demonstration project.

Sec. 2. Minnesota Statutes 1998, section 256B.69, subdivision 23, is amended to read:

Subd. 23. [ALTERNATIVE INTEGRATED LONG-TERM CARE SERVICES; ELDERLY AND DISABLED PERSONS.] (a) The commissioner may implement demonstration projects to create alternative integrated delivery systems for acute and long-term care services to elderly persons and disabled persons with disabilities as defined in section 256B.77, subdivision 7a, that provide increased coordination, improve access to quality services, and mitigate future cost

increases. The commissioner may seek federal authority to combine Medicare and Medicaid capitation payments for the purpose of such demonstrations. Medicare funds and services shall be administered according to the terms and conditions of the federal waiver and demonstration provisions. For the purpose of administering medical assistance funds, demonstrations under this subdivision are subject to subdivisions 1 to 17 22. The provisions of Minnesota Rules, parts 9500.1450 to 9500.1464, apply to these demonstrations, with the exceptions of parts 9500.1452, subpart 2, item B; and 9500.1457, subpart 1, items B and C, which do not apply to elderly persons enrolling in demonstrations under this section. An initial open enrollment period may be provided. Persons who disenroll from demonstrations under this subdivision remain subject to Minnesota Rules, parts 9500.1450 to 9500.1464. When a person is enrolled in a health plan under these demonstrations and the health plan's participation is subsequently terminated for any reason, the person shall be provided an opportunity to select a new health plan and shall have the right to change health plans within the first 60 days of enrollment in the second health plan. Persons required to participate in health plans under this section who fail to make a choice of health plan shall not be randomly assigned to health plans under these demonstrations. Notwithstanding section 256L.12, subdivision 5, and Minnesota Rules, part 9505.5220, subpart 1, item A, if adopted, for the purpose of demonstrations under this subdivision, the commissioner may contract with managed care organizations, including counties, to serve only elderly persons eligible for medical assistance, elderly and disabled persons, or disabled persons only. For persons with primary diagnoses of mental retardation or a related condition, serious and persistent mental illness, or serious emotional disturbance, the commissioner must ensure that the county authority has approved the demonstration and contracting design. Enrollment in these projects shall be voluntary until July 1, 2001. The commissioner shall not implement any demonstration project under this subdivision for persons with primary diagnoses of mental retardation or a related condition, serious and persistent mental illness, or serious emotional disturbance, without approval of the county board of the county in which the demonstration is being implemented.

Before implementation of a demonstration project for disabled persons, the commissioner must provide information to appropriate committees of the house of representatives and senate and must involve representatives of affected disability groups in the design of the demonstration projects.

(b) A nursing facility reimbursed under the alternative reimbursement methodology in section 256B.434 may, in collaboration with a hospital, clinic, or other health care entity provide services under paragraph (a). The commissioner shall amend the state plan and seek any federal waivers necessary to implement this paragraph.

Sec. 3. [HOME CARE TRANSPORTATION.]

By December 15, 2000, the Minnesota home care association, in collaboration with the commissioner of human services, shall prepare a study and report to the legislature on reimbursing home care and personal care service providers receiving reimbursement under medical assistance, general assistance medical care, or home and community-based waiver services under Minnesota Statutes, chapter 256B, for worker transportation costs. The commissioner shall provide technical assistance to the home care association in conducting the study. The study shall include, but not be limited to:

(1) an analysis of the characteristics of home care provider worker transportation costs and needs;

(2) proposed methods of reimbursement, including, but not limited to:

(i) per mile reimbursement;

(ii) per visit reimbursement;

(iii) countywide average per visit reimbursement;

(iv) per visit reimbursement based on distance to the home care provider office; and

(v) incorporating a transportation reimbursement amount into statewide home care services reimbursement rates;

- (3) options for funding transportation reimbursement;
- (4) options for obtaining federal matching funds for transportation reimbursement; and
- (5) methods for home care providers to compensate their workers for transportation expenses using the additional revenue."

Delete the title and insert:

"A bill for an act relating to human services; directing the Minnesota home care association to study reimbursing home care and personal care providers for transportation expenses; modifying enrollment in the senior health options project; authorizing demonstration projects for persons with disabilities; amending Minnesota Statutes 1998, section 256B.69, subdivision 23; Minnesota Statutes 1999 Supplement, section 256B.69, subdivision 6b."

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

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

S.F. No. 3485: A bill for an act relating to health; modifying school immunization requirements; amending Minnesota Statutes 1998, section 121A.15, subdivisions 1, 3, 4, 8, 9, and 10.

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

Page 4, line 14, before the period, insert "if the person is at least 18 months old"

Page 8, line 13, delete "2001-2002" and insert "2002-2003"

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. 3623: A bill for an act relating to human services; excluding income earned by a temporary census employee for purposes of public assistance eligibility; amending Minnesota Statutes 1998, sections 256D.06, subdivision 1; 256D.435, subdivision 5; and 256L.01, subdivision 5; Minnesota Statutes 1999 Supplement, sections 256B.056, subdivision 4; 256D.03, subdivision 3; and 256J.21, subdivision 2.

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

Page 12, after line 22, insert:

"Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective retroactively to January 1, 2000."

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

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

H.F. No. 1865: A bill for an act relating to courts; jury service; excusing from service nursing mothers; proposing coding for new law in Minnesota Statutes, chapter 593.

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

Delete everything after the enacting clause and insert:

"Section 1. [JURY SERVICE; NURSING MOTHERS.]

The supreme court jury reform task force is requested to study and make recommendations for changes in the jury management rules to accommodate the needs of nursing mothers who are summoned for jury service."

Delete the title and insert:

"A bill for an act relating to courts; requesting the jury reform task force to consider issues related to nursing mothers."

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

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

S.F. No. 702: A bill for an act relating to transportation; authorizing county review of plats on real property that is bordering existing or proposed county highways; authorizing dispute resolution between city and county; amending Minnesota Statutes 1998, sections 462.358, subdivision 3b; and 505.03, subdivision 2, and 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 462.358, subdivision 3b, is amended to read:

Subd. 3b. [REVIEW PROCEDURES.] The regulations shall include provisions regarding the content of applications for proposed subdivisions, the preliminary and final review and approval or disapproval of applications, and the coordination of such reviews with affected political subdivisions and state agencies. Subdivisions including lands abutting upon any existing or proposed trunk highway, county road or highway, or county state-aid highway shall also be subject to review. The regulations may provide for the consolidation of the preliminary and final review and approval or disapproval of subdivisions. Preliminary or final approval may be granted or denied for parts of subdivision applications. The regulations may delegate the authority to review proposals to the planning commission, but final approval or disapproval shall be the decision of the governing body of the municipality unless otherwise provided by law or charter. The regulations shall require that a public hearing shall be held on all subdivision applications prior to preliminary approval, unless otherwise provided by law or charter. The hearing shall be held following publication of notice of the time and place thereof in the official newspaper at least ten days before the day of the hearing. At the hearing, all persons interested shall be given an opportunity to make presentations. A subdivision application shall be preliminarily approved or disapproved within 120 days following delivery of an application completed in compliance with the municipal ordinance by the applicant to the municipality, unless an extension of the review period has been agreed to by the applicant. When a division or subdivision to which the regulations of the municipality do not apply is presented to the city, the clerk of the municipality shall within ten days certify that the subdivision regulations of the municipality do not apply to the particular division.

If the municipality or the responsible agency of the municipality fails to preliminarily approve or disapprove an application within the review period, the application shall be deemed preliminarily approved, and upon demand the municipality shall execute a certificate to that effect. Following preliminary approval the applicant may request final approval by the municipality, and upon such request the municipality shall certify final approval within 60 days if the applicant has complied with all conditions and requirements of applicable regulations and all conditions and requirements upon which the preliminary approval is expressly conditioned either through performance or the execution of appropriate agreements assuring performance. If the municipality fails to certify final approval as so required, and if the applicant has complied with all conditions and requirements, the application shall be deemed finally approved, and upon demand the municipality shall execute a certificate to that effect. After final approval a subdivision may be filed or recorded.

Sec. 2. Minnesota Statutes 1998, section 505.03, subdivision 2, is amended to read:

Subd. 2. [~~PRELIMINARY PLAT APPROVAL; ROAD REVIEW.~~] (a) Any proposed preliminary plat in a city, town, or county, which includes lands abutting upon any existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the office of the county recorder shall first be presented by the city, town, or county to the commissioner of transportation for written comments and recommendations. ~~Where any preliminary plat includes land abutting upon an existing or established county or county state aid highway, it shall first be submitted to the county engineer for written comments and recommendations.~~ Preliminary plats in a city or town involving both a trunk highway and a highway under county jurisdiction shall be submitted by the city or town to the county highway engineer as provided in paragraphs (b) and (c) and to the commissioner of transportation ~~and the county highway engineer.~~ Plats shall be submitted by the city, town, or county to the commissioner of transportation for review at least 30 days prior to the home rule charter or statutory city, town or county taking final action on the preliminary plat. The commissioner of transportation ~~and/or the county highway engineer~~ shall submit the written comments and recommendations to the city, town, or county within 30 days after receipt by ~~them~~ the commissioner of such a plat. Final action on such plat by the city, town, or county shall not be taken until after these required comments and recommendations have been received or until the 30-day period has elapsed.

(b) Any proposed preliminary plat or initial plat filing that includes land located in a city or town bordering an existing or proposed county road, highway, or county state-aid highway that is designated on a map or county highway plan filed in the office of the county recorder or registrar of titles, must be submitted by the city or town to the county engineer within five business days after receipt by the city or town of the preliminary plat or initial plat filing for written comments and recommendations. The county engineer's review shall be limited to factors of county significance in conformance with adopted county guidelines developed through a public hearing or a comprehensive planning process with comment by the cities and towns. The guidelines must provide for development and redevelopment scenarios, allow for variances, and reflect consideration of city or town adopted guidelines.

(c) Within 30 days after county receipt from the city or town of the preliminary plat or initial plat filing, the county engineer shall provide to the city or town written comments stating whether the plat meets county guidelines and describing any modifications necessary to bring the plat into conformity with the county guidelines. No city or town may approve a preliminary plat until it has received the county engineer's written comments and recommendations or until the county engineer's comment period has expired, whichever occurs first. Within ten business days following a city's or town's approval of a preliminary plat, the city or town shall submit to the county board notice of its approval, along with a statement addressing the disposition of any written comments or recommendations made by the county engineer. In the event the city or town does not amend the plat to conform to the recommendations made by the county engineer, representatives from the county and city or town shall meet to discuss the differences and determine whether changes to the plat are appropriate prior to final approval. This requirement shall not extend the time deadlines for preliminary or final approval as required under this section, section 15.99 or 462.358, or any other law, nor shall this requirement prohibit final approval as required by this section.

(d) A legible preliminary drawing or print of a proposed preliminary plat shall be acceptable for purposes of review by the commissioner of transportation or the county highway engineer. To such drawing or print there shall be attached a written statement describing: (1) the outlet for and means of disposal of surface waters from the proposed platted area, (2) the land use designation or zoning category of the proposed platted area, (3) the locations of ingress and egress to the proposed platted area, and (4) a preliminary site plan for the proposed platted area, ~~if one has been prepared with dimensions to scale, authenticated by a registered engineer or land surveyor, showing the existing or proposed state highway, county road, or county highway and all existing and proposed rights-of-way, easements, general lot layouts, and lot dimensions.~~ Failure to obtain the written comments and recommendations of the commissioner of transportation or the county highway engineer shall in no manner affect the title to the lands included in the plat or the platting

~~of said lands. A certificate or other evidence shall be required to or upon the plat for filing in the office of the county recorder or registrar of titles as to the submission of or the obtaining of such written comments and recommendations. The home rule charter or statutory city, town or county shall provide the certificate or other evidence to the county recorder or registrar of titles. A city, town, or county shall file with the plat, in the office of the county recorder or registrar of titles, a certificate or other evidence showing submission of the preliminary plat to the commissioner or county highway engineer in compliance with this subdivision."~~

Delete the title and insert:

"A bill for an act relating to transportation; authorizing county review of plats on real property that is bordering existing or proposed county highways; authorizing dispute resolution between city and county; amending Minnesota Statutes 1998, sections 462.358, subdivision 3b; and 505.03, subdivision 2."

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

H.F. No. 1326: A bill for an act relating to human services; modifying licensing and reporting requirements; amending Minnesota Statutes 1998, sections 245A.04, subdivision 3a; 245A.08, subdivision 5; 256E.08, by adding a subdivision; and 626.556, subdivisions 10i, and 11c.

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 256E.08, is amended by adding a subdivision to read:

Subd. 4a. [EXEMPTION FROM LIABILITY.] The state of Minnesota, the county boards participating in the community social services plan, or the agencies acting on behalf of the county boards in the implementation and administration of the community social services plan shall not be liable for damages, injuries, or liabilities sustained through the purchase of services by the individual, the individual's family, or the authorized representative under this section with funds received through the community social services plan. Liabilities include, but are not limited to, workers' compensation liability, the Federal Insurance Contributions Act (FICA), or the Federal Unemployment Tax Act (FUTA)."

Delete the title and insert:

"A bill for an act relating to human services; modifying licensing and reporting requirements; amending Minnesota Statutes 1998, section 256E.08, by adding a subdivision."

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

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

S.F. No. 3439: A bill for an act relating to energy conservation; providing for replacement heating systems and related energy conservation measures in cities discontinuing district heating systems; proposing coding for new law in Minnesota Statutes, chapter 451.

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

Page 3, line 3, delete "not"

Page 3, line 5, after "solar," insert "photovoltaic cell,"

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

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

S.F. No. 2894: A bill for an act relating to occupational safety and health; classifying certain communications regarding discrimination complaints as privileged; amending Minnesota Statutes 1998, section 182.669, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

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

S.F. No. 2512: A bill for an act relating to economic development; creating Northern Technology Initiative, Inc.; proposing coding for new law as Minnesota Statutes, chapter 116T.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Governmental Operations and Veterans. Report adopted.

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

S.F. No. 2851: A bill for an act relating to labor; increasing penalties for violations of child labor laws; amending Minnesota Statutes 1998, section 181A.12, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Human Resources Finance. Report adopted.

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

S.F. No. 2810: A bill for an act relating to employment; repealing laws governing entertainment agencies; repealing Minnesota Statutes 1998, sections 184A.01; 184A.02; 184A.03; 184A.04; 184A.05; 184A.06; 184A.07; 184A.08; 184A.09; 184A.10; 184A.11; 184A.12; 184A.13; 184A.14; 184A.15; 184A.16; 184A.17; 184A.18; 184A.19; and 184A.20.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

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

S.F. No. 3644: A bill for an act relating to workers' compensation; modifying indemnity provision; amending Minnesota Statutes 1998, section 176.061, subdivision 10.

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 176.011, subdivision 3, is amended to read:

Subd. 3. [DAILY WAGE.] "Daily wage" means the daily wage of the employee in the employment engaged in at the time of injury but does not include tips and gratuities paid directly to an employee by a customer of the employer and not accounted for by the employee to the employer. If the amount of the daily wage received or to be received by the employee in the

employment engaged in at the time of injury was irregular or difficult to determine, or if the employment was part time, the daily wage shall be computed by dividing the total amount of wages, vacation pay, and holiday pay the employee actually earned in such employment in the last 26 weeks, by the total number of days in which the employee actually performed any of the duties of such employment such wages, vacation pay, and holiday pay was earned, provided further, that in the case of the construction industry, mining industry, or other industry where the hours of work are affected by seasonal conditions, the weekly wage shall not be less than five times the daily wage. If the employee worked or earned less than a full day's worth of wages, vacation pay, or holiday pay, the total amount earned shall be divided by the corresponding proportion of that day. Where board or allowances other than tips and gratuities are made to an employee in addition to wages as a part of the wage contract they are deemed a part of earnings and computed at their value to the employee. In the case of persons performing services for municipal corporations in the case of emergency, then the normal working day shall be considered and computed as eight hours, and in cases where such services are performed gratis or without fixed compensation the daily wage of the person injured shall, for the purpose of calculating compensation payable under this chapter, be taken to be the usual going wage paid for similar services in municipalities where such services are performed by paid employees. If, at the time of injury, the employee was regularly employed by two or more employers, the employee's earnings in all such employments shall be included in the computation of daily wage.

Sec. 2. Minnesota Statutes 1999 Supplement, section 176.011, subdivision 9, is amended to read:

Subd. 9. [EMPLOYEE.] "Employee" means any person who performs services for another for hire including the following:

- (1) an alien;
- (2) a minor;
- (3) a sheriff, deputy sheriff, constable, marshal, police officer, firefighter, county highway engineer, and peace officer while engaged in the enforcement of peace or in the pursuit or capture of a person charged with or suspected of crime;
- (4) a person requested or commanded to aid an officer in arresting or retaking a person who has escaped from lawful custody, or in executing legal process, in which cases, for purposes of calculating compensation under this chapter, the daily wage of the person shall be the prevailing wage for similar services performed by paid employees;
- (5) a county assessor;
- (6) an elected or appointed official of the state, or of a county, city, town, school district, or governmental subdivision in the state. An officer of a political subdivision elected or appointed for a regular term of office, or to complete the unexpired portion of a regular term, shall be included only after the governing body of the political subdivision has adopted an ordinance or resolution to that effect;
- (7) an executive officer of a corporation, except those executive officers excluded by section 176.041;
- (8) a voluntary uncompensated worker, other than an inmate, rendering services in state institutions under the commissioners of human services and corrections similar to those of officers and employees of the institutions, and whose services have been accepted or contracted for by the commissioner of human services or corrections as authorized by law. In the event of injury or death of the worker, the daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services in institutions where the services are performed by paid employees;
- (9) a voluntary uncompensated worker engaged in peace time in the civil defense program when ordered to training or other duty by the state or any political subdivision of it. The daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the

usual wage paid at the time of the injury or death for similar services performed by paid employees;

(10) a voluntary uncompensated worker participating in a program established by a local social services agency. For purposes of this clause, "local social services agency" means any agency established under section 393.01. In the event of injury or death of the worker, the wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid in the county at the time of the injury or death for similar services performed by paid employees working a normal day and week;

(11) a voluntary uncompensated worker accepted by the commissioner of natural resources who is rendering services as a volunteer pursuant to section 84.089. The daily wage of the worker for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of injury or death for similar services performed by paid employees;

(12) a voluntary uncompensated worker in the building and construction industry who renders services for joint labor-management nonprofit community service projects. The daily wage of the worker for the purpose of calculating compensation under this chapter shall be the usual wage paid at the time of injury or death for similar services performed by paid employees;

(13) a member of the military forces, as defined in section 190.05, while in state active service, as defined in section 190.05, subdivision 5a. The daily wage of the member for the purpose of calculating compensation under this chapter shall be based on the member's usual earnings in civil life. If there is no evidence of previous occupation or earning, the trier of fact shall consider the member's earnings as a member of the military forces;

(14) a voluntary uncompensated worker, accepted by the director of the Minnesota historical society, rendering services as a volunteer, pursuant to chapter 138. The daily wage of the worker, for the purposes of calculating compensation under this chapter, shall be the usual wage paid at the time of injury or death for similar services performed by paid employees;

(15) a voluntary uncompensated worker, other than a student, who renders services at the Minnesota state academy for the deaf or the Minnesota state academy for the blind, and whose services have been accepted or contracted for by the commissioner of children, families, and learning, as authorized by law. In the event of injury or death of the worker, the daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services performed in institutions by paid employees;

(16) a voluntary uncompensated worker, other than a resident of the veterans home, who renders services at a Minnesota veterans home, and whose services have been accepted or contracted for by the commissioner of veterans affairs, as authorized by law. In the event of injury or death of the worker, the daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services performed in institutions by paid employees;

(17) a worker who renders in-home attendant care services to a physically handicapped person, and who is paid directly by the commissioner of human services for these services, shall be an employee of the state within the meaning of this subdivision, but for no other purpose;

(18) students enrolled in and regularly attending the medical school of the University of Minnesota in the graduate school program or the postgraduate program. The students shall not be considered employees for any other purpose. In the event of the student's injury or death, the weekly wage of the student for the purpose of calculating compensation under this chapter, shall be the annualized educational stipend awarded to the student, divided by 52 weeks. The institution in which the student is enrolled shall be considered the "employer" for the limited purpose of determining responsibility for paying benefits under this chapter;

(19) a faculty member of the University of Minnesota employed for an academic year is also an employee for the period between that academic year and the succeeding academic year if:

(a) the member has a contract or reasonable assurance of a contract from the University of Minnesota for the succeeding academic year; and

(b) the personal injury for which compensation is sought arises out of and in the course of activities related to the faculty member's employment by the University of Minnesota;

(20) a worker who performs volunteer ambulance driver or attendant services is an employee of the political subdivision, nonprofit hospital, nonprofit corporation, or other entity for which the worker performs the services. The daily wage of the worker for the purpose of calculating compensation under this chapter shall be the usual wage paid at the time of injury or death for similar services performed by paid employees;

(21) a voluntary uncompensated worker, accepted by the commissioner of administration, rendering services as a volunteer at the department of administration. In the event of injury or death of the worker, the daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services performed in institutions by paid employees;

(22) a voluntary uncompensated worker rendering service directly to the pollution control agency. The daily wage of the worker for the purpose of calculating compensation payable under this chapter is the usual going wage paid at the time of injury or death for similar services if the services are performed by paid employees;

(23) a voluntary uncompensated worker while volunteering services as a first responder or as a member of a law enforcement assistance organization while acting under the supervision and authority of a political subdivision. The daily wage of the worker for the purpose of calculating compensation payable under this chapter is the usual going wage paid at the time of injury or death for similar services if the services are performed by paid employees; and

(24) a voluntary uncompensated member of the civil air patrol rendering service on the request and under the authority of the state or any of its political subdivisions. The daily wage of the member for the purposes of calculating compensation payable under this chapter is the usual going wage paid at the time of injury or death for similar services if the services are performed by paid employees.

If it is difficult to determine the daily wage as provided in this subdivision, the trier of fact may determine the wage upon which the compensation is payable.

Sec. 3. Minnesota Statutes 1998, section 176.011, subdivision 20, is amended to read:

Subd. 20. [AVERAGE WEEKLY WAGE.] The statewide average weekly wage for any year means that wage determined by the commissioner in the following manner: On or before July 1 preceding the year in which the wage is to be applicable, the total wages reported on ~~contribution tax~~ reports to the department of economic security for the preceding 12 months ending on December 31 of that year shall be divided by the average monthly number of ~~insured~~ covered workers (determined by dividing the total ~~insured~~ covered workers reported for the year ending December 31 by 12). The average annual wage thus obtained shall be divided by 52 and the average weekly wage thus determined rounded to the next highest dollar.

Sec. 4. Minnesota Statutes 1998, section 176.061, subdivision 3, is amended to read:

Subd. 3. [ELECTION TO RECEIVE BENEFITS FROM EMPLOYER; SUBROGATION.] If the employee or the employee's dependents elect to receive benefits from the employer, or the special compensation fund, the employer or the special compensation fund has a right of indemnity or is subrogated to the right of the employee or the employee's dependents to recover damages against the other party. The employer, or the attorney general on behalf of the special compensation fund, may bring legal proceedings against the party and recover the aggregate amount of benefits payable to or on behalf of the employee or the employee's dependents, regardless of whether such benefits are recoverable by the employee or the employee's dependents at common law or by statute together with costs, disbursements, and reasonable attorney's fees of the action.

If an action as provided in this chapter is prosecuted by the employee, the employer, or the attorney general on behalf of the special compensation fund, against the third person, and results in judgment against the third person, or settlement by the third person, the employer has no liability to reimburse or hold the third person harmless on the judgment or settlement in absence of a written agreement to do so executed prior to the injury.

Sec. 5. Minnesota Statutes 1998, section 176.061, subdivision 5, is amended to read:

Subd. 5. [CUMULATIVE REMEDIES.] If an injury or death for which benefits are payable is caused under circumstances which created a legal liability for damages on the part of a party other than the employer, that party being then insured or self-insured in accordance with this chapter, and the provisions of subdivisions 1, 2, 3, and 4 do not apply, or the party other than the employer is not then insured or self-insured as provided by this chapter, legal proceedings may be taken by the employee or the employee's dependents in accordance with clause (a), or by the employer, or by the attorney general on behalf of the special compensation fund, in accordance with clause (b), against the other party to recover damages, notwithstanding the payment of benefits by the employer or the special compensation fund or their liability to pay benefits.

(a) If an action against the other party is brought by the injured employee or the employee's dependents and a judgment is obtained and paid or settlement is made with the other party, the employer or the special compensation fund may deduct from the benefits payable the amount actually received by the employee or dependents or paid on their behalf in accordance with subdivision 6. If the action is not diligently prosecuted or if the court deems it advisable in order to protect the interests of the employer or the special compensation fund, upon application the court may grant the employer or the special compensation fund the right to intervene in the action for the prosecution of the action. If the injured employee or the employee's dependents or any party on their behalf receives benefits from the employer or the special compensation fund or institutes proceedings to recover benefits or accepts from the employer or the special compensation fund any payment on account of the benefits, the employer or the special compensation fund is subrogated to the rights of the employee or the employee's dependents or has a right of indemnity against a third party regardless of whether such benefits are recoverable by the employee or the employee's dependents at common law or by statute. The employer or the attorney general on behalf of the special compensation fund may maintain a separate action or continue an action already instituted. This action may be maintained in the name of the employee or the names of the employee's dependents, or in the name of the employer, or in the name of the attorney general on behalf of the special compensation fund, against the other party for the recovery of damages. If the action is not diligently prosecuted by the employer or the attorney general on behalf of the special compensation fund, or if the court deems it advisable in order to protect the interest of the employee, the court, upon application, may grant to the employee or the employee's dependents the right to intervene in the action for the prosecution of the action. The proceeds of the action or settlement of the action shall be paid in accordance with subdivision 6.

(b) If an employer, being then insured, sustains damages due to a change in workers' compensation insurance premiums, whether by a failure to achieve a decrease or by a retroactive or prospective increase, as a result of the injury or death of an employee which was caused under circumstances which created a legal liability for damages on the part of a party other than the employer, the employer, notwithstanding other remedies provided, may maintain an action against the other party for recovery of the premiums. This cause of action may be brought either by joining in an action described in clause (a) or by a separate action. Damages recovered under this clause are for the benefit of the employer and the provisions of subdivision 6 are not applicable to the damages.

(c) The third party is not liable to any person other than the employee or the employee's dependents, or the employer, or the special compensation fund, for any damages resulting from the injury or death.

A coemployee working for the same employer is not liable for a personal injury incurred by another employee unless the injury resulted from the gross negligence of the coemployee or was intentionally inflicted by the coemployee.

Sec. 6. Minnesota Statutes 1998, section 176.061, subdivision 7, is amended to read:

Subd. 7. [MEDICAL TREATMENT.] The liability of an employer or the special compensation fund for medical treatment or payment of any other compensation under this chapter is not affected by the fact that the employee was injured through the fault or negligence of a third party, against whom the employee may have a cause of action which may be sued under this chapter, but the employer, or the attorney general on behalf of the special compensation fund, has a separate additional cause of action against the third party to recover any amounts paid for medical treatment or for other compensation payable under this section resulting from the negligence of the third party regardless of whether such other compensation is recoverable by the employee or the employee's dependents at common law or by statute. This separate cause of action of the employer or the attorney general on behalf of the special compensation fund may be asserted in a separate action brought by the employer or the attorney general on behalf of the special compensation fund against the third party, or in the action commenced by the employee or the employer or the attorney general on behalf of the special compensation fund under this chapter, but in the latter case the cause of action shall be separately stated, the amount awarded in the action shall be separately set out in the verdict, and the amount recovered by suit or otherwise as reimbursement for medical expenses or other compensation shall be for the benefit of the employer or the special compensation fund to the extent that the employer or the special compensation fund has paid or will be required to pay compensation or pay for medical treatment of the injured employee and does not affect the amount of periodic compensation to be paid.

Sec. 7. Minnesota Statutes 1998, section 176.061, subdivision 10, is amended to read:

Subd. 10. [INDEMNITY.] Notwithstanding the provisions of chapter 65B or any other law to the contrary, an employer has a right of indemnity for any compensation paid or payable pursuant to this chapter, regardless of whether such compensation is recoverable by the employee or the employee's dependents at common law or by statute, including temporary total compensation, temporary partial compensation, permanent partial compensation, medical compensation, rehabilitation, death, and permanent total compensation.

Sec. 8. Minnesota Statutes 1998, section 176.061, is amended by adding a subdivision to read:

Subd. 11. [RIGHT OF CONTRIBUTION.] To the extent the employer has fault, separate from the fault of the injured employee to whom workers' compensation benefits are payable, any nonemployer third party who is liable has a right of contribution against the employer in an amount proportional to the employer's percentage of fault but not to exceed the net amount the employer recovered pursuant to subdivision 6, paragraphs (c) and (d). The employer may avoid contribution exposure by affirmatively waiving, before selection of the jury, the right to recover workers' compensation benefits paid and payable, thus removing compensation benefits from the damages payable by any third party.

Procedurally, if the employer waives or settles the right to recover workers' compensation benefits paid and payable, the employee or the employee's dependents have the option to present all common law or wrongful death damages whether they are recoverable under the Workers' Compensation Act or not. Following the verdict, the trial court will deduct any awarded damages that are duplicative of workers' compensation benefits paid or payable.

Sec. 9. Minnesota Statutes 1998, section 176.081, subdivision 1, is amended to read:

Subdivision 1. [LIMITATION OF FEES.] (a) A fee for legal services of 25 percent of the first \$4,000 of compensation awarded to the employee and 20 percent of the next \$60,000 of compensation awarded to the employee is the maximum permissible fee and does not require approval by the commissioner, compensation judge, or any other party. All fees, including fees for obtaining medical or rehabilitation benefits, must be calculated according to the formula under this subdivision, except as otherwise provided in clause (1) or (2).

(1) The contingent attorney fee for recovery of monetary benefits according to the formula in this section is presumed to be adequate to cover recovery of medical and rehabilitation benefit or services concurrently in dispute. Attorney fees for recovery of medical or rehabilitation benefits or

services shall be assessed against the employer or insurer only if the attorney establishes that the contingent fee is inadequate to reasonably compensate the attorney for representing the employee in the medical or rehabilitation dispute. In cases where the contingent fee is inadequate the employer or insurer is liable for attorney fees based on the formula in this subdivision or in clause (2).

For the purposes of applying the formula where the employer or insurer is liable for attorney fees, the amount of compensation awarded for obtaining disputed medical and rehabilitation benefits under sections 176.102, 176.135, and 176.136 shall be the dollar value of the medical or rehabilitation benefit awarded, where ascertainable.

(2) The maximum attorney fee for obtaining a change of doctor or qualified rehabilitation consultant, or any other disputed medical or rehabilitation benefit for which a dollar value is not reasonably ascertainable, is the amount charged in hourly fees for the representation or \$500, whichever is less, to be paid by the employer or insurer.

(3) The fees for obtaining disputed medical or rehabilitation benefits are included in the \$13,000 limit in paragraph (b). An attorney must concurrently file all outstanding disputed issues. An attorney is not entitled to attorney fees for representation in any issue which could reasonably have been addressed during the pendency of other issues for the same injury.

(b) All fees for legal services related to the same injury are cumulative and may not exceed \$13,000. If multiple injuries are the subject of a dispute, the commissioner, compensation judge, or court of appeals shall specify the attorney fee attributable to each injury.

(c) If the employer or the insurer or the defendant is given written notice of claims for legal services or disbursements, the claim shall be a lien against the amount paid or payable as compensation. Subject to the foregoing maximum amount for attorney fees, up to 25 percent of the first \$4,000 of periodic compensation awarded to the employee and 20 percent of the next \$60,000 of periodic compensation awarded to the employee may be withheld from the periodic payments for attorney fees or disbursements if the payor of the funds clearly indicates on the check or draft issued to the employee for payment the purpose of the withholding, the name of the attorney, the amount withheld, and the gross amount of the compensation payment before withholding. In no case shall fees be calculated on the basis of any undisputed portion of compensation awards. Allowable fees under this chapter shall be based solely upon genuinely disputed claims or portions of claims, including disputes related to the payment of rehabilitation benefits or to other aspects of a rehabilitation plan. The existence of a dispute is dependent upon a disagreement after the employer or insurer has had adequate time and information to take a position on liability. Neither the holding of a hearing nor the filing of an application for a hearing alone may determine the existence of a dispute. Except where the employee is represented by an attorney in other litigation pending at the department or at the office of administrative hearings, a fee may not be charged after June 1, 1996, for services with respect to a medical or rehabilitation issue arising under section 176.102, 176.135, or 176.136 performed before the employee has consulted with the department and the department certifies that there is a dispute and that it has tried to resolve the dispute.

(d) An attorney who is claiming legal fees for representing an employee in a workers' compensation matter shall file a statement of attorney fees with the commissioner, compensation judge before whom the matter was heard, or workers' compensation court of appeals on cases before the court. A copy of the signed retainer agreement shall also be filed. The employee and insurer shall receive a copy of the statement. The statement shall be on a form prescribed by the commissioner and shall report the number of hours spent on the case.

(e) Employers and insurers may not pay attorney fees or wages for legal services of more than \$13,000 per case.

(f) Each insurer and self-insured employer shall file annual statements with the commissioner detailing the total amount of legal fees and other legal costs incurred by the insurer or employer during the year. The statement shall include the amount paid for outside and in-house counsel, deposition and other witness fees, and all other costs relating to litigation.

(g) An attorney must file a statement of attorney fees within 12 months of the date the attorney has submitted the written notice specified in paragraph (c). If the attorney has not filed a statement of attorney fees within the 12 months, the attorney must send a renewed notice of lien to the insurer. If 12 months have elapsed since the last notice of lien has been received by the insurer and no statement of attorney fees has been filed, the insurer must release the withheld money to the employee, except that before releasing the money to the employee, the insurer must give the attorney 30 days' written notice of the pending release. The insurer must not release the money if the attorney files a statement of attorney fees within the 30 days.

Sec. 10. Minnesota Statutes 1998, section 176.101, subdivision 1, is amended to read:

Subdivision 1. [TEMPORARY TOTAL DISABILITY.] (a) For injury producing temporary total disability, the compensation is 66-2/3 percent of the weekly wage at the time of injury.

(b) (1) Commencing on October 1, ~~1995~~ 2000, the maximum weekly compensation payable is ~~\$615~~ \$750 per week.

(2) The workers' compensation advisory council may consider adjustment increases and make recommendations to the legislature.

(c) The minimum weekly compensation payable is ~~\$104~~ \$130 per week or the injured employee's actual weekly wage, whichever is less.

(d) Temporary total compensation shall be paid during the period of disability subject to the cessation and recommencement conditions in paragraphs (e) to (l).

(e) Temporary total disability compensation shall cease when the employee returns to work. Except as otherwise provided in section 176.102, subdivision 11, temporary total disability compensation may only be recommenced following cessation under this paragraph, paragraph (h), or paragraph (j) prior to payment of 104 weeks of temporary total disability compensation and only as follows:

(1) if temporary total disability compensation ceased because the employee returned to work, it may be recommenced if the employee is laid off or terminated for reasons other than misconduct ~~within one year after returning to work~~ if the layoff or termination occurs prior to 90 days after the employee has reached maximum medical improvement. Recommenced temporary total disability compensation under this clause ceases when any of the cessation events in paragraphs (e) to (l) occurs; or

(2) if temporary total disability compensation ceased because the employee returned to work or ceased under paragraph (h) or (j), it may be recommenced if the employee is medically unable to continue at a job due to the injury. Where the employee is medically unable to continue working due to the injury, temporary total disability compensation may continue until any of the cessation events in paragraphs (e) to (l) occurs following recommencement. If an employee who has not yet received temporary total disability compensation becomes medically unable to continue working due to the injury after reaching maximum medical improvement, temporary total disability compensation shall commence and shall continue until any of the events in paragraphs (e) to (l) occurs following commencement. For purposes of commencement or recommencement under this clause only, a new period of maximum medical improvement under paragraph (j) begins when the employee becomes medically unable to continue working due to the injury. Temporary total disability compensation may not be recommenced under this clause and a new period of maximum medical improvement does not begin if the employee is not actively employed when the employee becomes medically unable to work. All periods of initial and recommenced temporary total disability compensation are included in the 104-week limitation specified in paragraph (k).

(f) Temporary total disability compensation shall cease if the employee withdraws from the labor market. Temporary total disability compensation may be recommenced following cessation under this paragraph only if the employee reenters the labor market prior to 90 days after the employee reached maximum medical improvement and prior to payment of 104 weeks of temporary total disability compensation. Once recommenced, temporary total disability ceases when any of the cessation events in paragraphs (e) to (l) occurs.

(g) Temporary total disability compensation shall cease if the total disability ends and the employee fails to diligently search for appropriate work within the employee's physical restrictions. Temporary total disability compensation may be recommenced following cessation under this paragraph only if the employee begins diligently searching for appropriate work within the employee's physical restrictions prior to 90 days after maximum medical improvement and prior to payment of 104 weeks of temporary total disability compensation. Once recommenced, temporary total disability compensation ceases when any of the cessation events in paragraphs (e) to (l) occurs.

(h) Temporary total disability compensation shall cease if the employee has been released to work without any physical restrictions caused by the work injury.

(i) Temporary total disability compensation shall cease if the employee refuses an offer of work that is consistent with a plan of rehabilitation filed with the commissioner which meets the requirements of section 176.102, subdivision 4, or, if no plan has been filed, the employee refuses an offer of gainful employment that the employee can do in the employee's physical condition. Once temporary total disability compensation has ceased under this paragraph, it may not be recommenced.

(j) Temporary total disability compensation shall cease 90 days after the employee has reached maximum medical improvement, except as provided in section 176.102, subdivision 11, paragraph (b). For purposes of this subdivision, the 90-day period after maximum medical improvement commences on the earlier of: (1) the date that the employee receives a written medical report indicating that the employee has reached maximum medical improvement; or (2) the date that the employer or insurer serves the report on the employee and the employee's attorney, if any. Once temporary total disability compensation has ceased under this paragraph, it may not be recommenced except if the employee returns to work and is subsequently medically unable to continue working as provided in paragraph (e), clause (2).

(k) Temporary total disability compensation shall cease entirely when 104 weeks of temporary total disability compensation have been paid, except as provided in section 176.102, subdivision 11, paragraph (b). Notwithstanding anything in this section to the contrary, initial and recommenced temporary total disability compensation combined shall not be paid for more than 104 weeks, regardless of the number of weeks that have elapsed since the injury, except that if the employee is in a retraining plan approved under section 176.102, subdivision 11, the 104 week limitation shall not apply during the retraining, but is subject to the limitation before the plan begins and after the plan ends.

(l) Paragraphs (e) to (k) do not limit other grounds under law to suspend or discontinue temporary total disability compensation provided under this chapter.

(m) Once an employee has been paid 52 weeks of temporary total compensation, the employer or insurer must notify the employee in writing of the 104 week limitation on payment of temporary total compensation. A copy of this notice must also be filed with the department.

Sec. 11. Minnesota Statutes 1998, section 176.101, subdivision 2a, is amended to read:

Subd. 2a. [PERMANENT PARTIAL DISABILITY.] (a) Compensation for permanent partial disability is as provided in this subdivision. Permanent partial disability must be rated as a percentage of the whole body in accordance with rules adopted by the commissioner under section 176.105. The percentage determined pursuant to the rules must be multiplied by the corresponding amount in the following table:

Impairment rating (percent)	Amount
0-25	\$75,000
<u>0-5</u>	<u>\$75,000</u>
<u>6-10</u>	<u>80,000</u>

<u>11-15</u>	<u>85,000</u>
<u>16-20</u>	<u>90,000</u>
<u>21-25</u>	<u>95,000</u>
26-30	80,000 <u>100,000</u>
31-35	85,000 <u>110,000</u>
36-40	90,000 <u>120,000</u>
41-45	95,000 <u>130,000</u>
46-50	100,000 <u>140,000</u>
51-55	120,000 <u>165,000</u>
56-60	140,000 <u>190,000</u>
61-65	160,000 <u>215,000</u>
66-70	180,000 <u>240,000</u>
71-75	200,000 <u>265,000</u>
76-80	240,000 <u>315,000</u>
81-85	280,000 <u>365,000</u>
86-90	320,000 <u>415,000</u>
91-95	360,000 <u>465,000</u>
96-100	400,000 <u>515,000</u>

An employee may not receive compensation for more than a 100 percent disability of the whole body, even if the employee sustains disability to two or more body parts.

(b) Permanent partial disability is payable upon cessation of temporary total disability under subdivision 1. If the employee requests payment in a lump sum, then the compensation must be paid within 30 days. This lump sum payment may be discounted to the present value calculated up to a maximum five percent basis. If the employee does not choose to receive the compensation in a lump sum, then the compensation is payable in installments at the same intervals and in the same amount as the employee's temporary total disability rate on the date of injury. Permanent partial disability is not payable while temporary total compensation is being paid.

Sec. 12. Minnesota Statutes 1998, section 176.101, subdivision 8, is amended to read:

Subd. 8. [CESSATION OF BENEFITS.] Temporary total disability payments shall cease at retirement. "Retirement" means that a preponderance of the evidence supports a conclusion that an employee has retired. The subjective statement of an employee that the employee is not retired is not sufficient in itself to rebut objective evidence of retirement but may be considered along with other evidence.

For injuries occurring after January 1, 1984, an employee who receives social security old age and survivors insurance retirement benefits under the Social Security Act, Public Law Number 98-21, as amended, is presumed retired from the labor market. This presumption is For injuries occurring after October 1, 2000, an employee who receives any other service-based government retirement pension is presumed retired from the labor market. The term "service-based government retirement pension" does not include disability-based government pensions. These presumptions are rebuttable by a preponderance of the evidence.

Sec. 13. Minnesota Statutes 1998, section 176.102, subdivision 3, is amended to read:

Subd. 3. [REVIEW PANEL.] There is created a rehabilitation review panel composed of the commissioner or a designee, who shall serve as an ex officio member and two members each from employers, insurers, rehabilitation, and medicine, one member representing chiropractors, and four

members representing labor. The members shall be appointed by the commissioner and shall serve four-year terms which may be renewed. Terms, compensation, and removal for members shall be governed by section 15.0575. The panel shall select a chair. The panel shall review and make a determination with respect to appeals from orders of the commissioner regarding certification approval of qualified rehabilitation consultants and vendors. The hearings are de novo and initiated by the panel under the contested case procedures of chapter 14, and are appealable to the workers' compensation court of appeals in the manner provided by section 176.421.

Sec. 14. Minnesota Statutes 1998, section 176.102, subdivision 11, is amended to read:

Subd. 11. [RETRAINING; COMPENSATION.] (a) Retraining is limited to 156 weeks. An employee who has been approved for retraining may petition the commissioner or compensation judge for additional compensation not to exceed 25 percent of the compensation otherwise payable. If the commissioner or compensation judge determines that this additional compensation is warranted due to unusual or unique circumstances of the employee's retraining plan, the commissioner may award additional compensation in an amount not to exceed the employee's request. This additional compensation shall cease at any time the commissioner or compensation judge determines the special circumstances are no longer present.

(b) If the employee is not employed during a retraining plan that has been specifically approved under this section, temporary total compensation is payable for up to 90 days after the end of the retraining plan; except that, payment during the 90-day period is subject to cessation in accordance with section 176.101. If the employee is employed during the retraining plan but earning less than at the time of injury, temporary partial compensation is payable at the rate of 66-2/3 percent of the difference between the employee's weekly wage at the time of injury and the weekly wage the employee is able to earn in the employee's partially disabled condition, subject to the maximum rate for temporary total compensation. Temporary partial compensation is not subject to the 225-week or 450-week limitations provided by section 176.101, subdivision 2, during the retraining plan, but is subject to those limitations before and after the plan.

(c) Any request for retraining shall be filed with the commissioner before ~~104~~ 156 weeks of any combination of temporary total or temporary partial compensation have been paid. Retraining shall not be available after ~~104~~ 156 weeks of any combination of temporary total or temporary partial compensation benefits have been paid unless the request for the retraining has been filed with the commissioner prior to the time the ~~104~~ 156 weeks of compensation have been paid.

(d) The employer or insurer must notify the employee in writing of the ~~104~~ 156 week limitation for filing a request for retraining with the commissioner. This notice must be given before 80 weeks of temporary total disability or temporary partial disability compensation have been paid, regardless of the number of weeks that have elapsed since the date of injury. If the notice is not given before the 80 weeks, the period of time within which to file a request for retraining is extended by the number of days the notice is late, but in no event may a request be filed later than 225 weeks after any combination of temporary total disability or temporary partial disability compensation have been paid. The commissioner may assess a penalty of \$25 per day that the notice is late, up to a maximum penalty of \$2,000, against an employer or insurer for failure to provide the notice. The penalty is payable to the assigned risk safety account.

Sec. 15. Minnesota Statutes 1998, section 176.106, subdivision 7, is amended to read:

Subd. 7. [REQUEST FOR HEARING.] Any party aggrieved by the decision of the commissioner's designee may request a formal hearing by filing the request with the commissioner and serving the request on all parties no later than 30 days after the decision; provided, however, that the commissioner shall review a decision of the commissioner's designee regarding a claim for a medical benefit of \$1,500 or less and the commissioner's decision shall be final. Requests on other issues shall be referred to the office of administrative hearings for a de novo hearing before a compensation judge. Except where the only issues to be determined pursuant to this section involve liability for past treatment or services that will not affect entitlement to ongoing or future proposed treatment or services under section 176.102 or 176.135, the commissioner shall refer a timely request to the office of administrative hearings within five working days after filing of the request and the hearing at the office of administrative hearings

must be held on the first date that all parties are available but not later than 60 days after the office of administrative hearings receives the matter. Following the hearing, the compensation judge must issue the decision within 30 days. The decision of the compensation judge is appealable pursuant to section 176.421.

Sec. 16. Minnesota Statutes 1998, section 176.111, subdivision 5, is amended to read:

Subd. 5. [PAYMENTS, TO WHOM MADE.] In death cases compensation payable to dependents is computed on the following basis and shall be paid to the persons entitled thereto or to a guardian or conservator as required under section 176.092. The minimum amount of dependency compensation that must be paid to persons entitled thereto is \$60,000.

Sec. 17. Minnesota Statutes 1998, section 176.111, subdivision 18, is amended to read:

Subd. 18. [BURIAL EXPENSE.] In all cases where death results to an employee from a personal injury arising out of and in the course of employment, the employer shall pay the expense of burial, not exceeding in amount ~~\$7,500~~ \$15,000. In case any dispute arises as to the reasonable value of the services rendered in connection with the burial, its reasonable value shall be determined and approved by the commissioner, a compensation judge, or workers' compensation court of appeals, in cases upon appeal, before payment, after reasonable notice to interested parties as is required by the commissioner. If the deceased leaves no dependents, no compensation is payable, except as provided by this chapter.

Sec. 18. Minnesota Statutes 1998, section 176.111, is amended by adding a subdivision to read:

Subd. 22. [PAYMENTS TO ESTATE; DEATH OF EMPLOYEE.] In every case of death of an employee resulting from personal injury arising out of and in the course of employment where there are no persons entitled to monetary benefits of dependency compensation, the employer shall pay to the estate of the deceased employee the sum of \$60,000.

Sec. 19. Minnesota Statutes 1998, section 176.129, subdivision 3, is amended to read:

Subd. 3. [PAYMENTS TO FUND, INJURY.] If an employee suffers a personal injury resulting in permanent partial disability, temporary total disability, temporary partial disability, permanent total disability, or death and the employee or the employee's dependents are entitled to compensation under sections 176.101 or 176.111 the employer shall pay to the commissioner a lump sum amount, without any interest deduction, equal to 20 percent of the total compensation payable. The rate under this subdivision shall be adjusted as provided under subdivision 4a and applies to injuries occurring after June 1, 1971, for payments made on or after January 1, 1984. This payment is to be credited to the special compensation fund and shall be in addition to any compensation payments made by the employer under this chapter. Payment shall be made ~~as soon as the amount is determined and approved by~~ and the completed assessment form shall be submitted to the commissioner no later than April 1 and August 15 of the same calendar year.

Sec. 20. Minnesota Statutes 1998, section 176.129, subdivision 4, is amended to read:

Subd. 4. [TIME OF INJURY.] Subdivision 3 applies to all workers' compensation payments, exclusive of medical costs, paid under section 176.101 or 176.111 for an injury or death occurring on or after June 1, 1971.

Payments made for personal injuries that occurred prior to June 1, 1971, shall be reported to the special compensation fund but shall not be assessed at the rate in effect on the date of occurrence.

Sec. 21. Minnesota Statutes 1998, section 176.231, subdivision 2, is amended to read:

Subd. 2. [INITIAL REPORT, WRITTEN REPORT.] Where subdivision 1 requires an injury to be reported within 48 hours, the employer may make an initial report by telephone, telegraph, or personal notice, and file a written report of the injury within seven days from its occurrence or within such time as the commissioner of labor and industry designates. All written reports of injuries required by subdivision 1 shall include the date of injury, amounts of payments made, if any, and the date of the first payment. The reports shall be on a form designed by the

commissioner, with a clear copy suitable for imaging to the commissioner, one copy to the insurer, and one copy to the employee.

The employer must give the employee the "Minnesota Workers' Compensation System Employee Information Sheet" at the time the employee is given a copy of the first report of injury.

If an insurer or self-insurer repeatedly fails to pay benefits within three days of the due date, pursuant to section 176.221, the insurer or self-insurer shall be ordered by the commissioner to explain, in person, the failure to pay benefits due in a reasonable time. If prompt payments are not thereafter made, the commissioner shall refer the insurer or self-insurer to the commissioner of commerce for action pursuant to section 176.225, subdivision 4.

Sec. 22. Minnesota Statutes 1998, section 176.611, subdivision 2a, is amended to read:

Subd. 2a. [~~SETTLEMENT AND CONTINGENCY RESERVE ALTERNATIVE COST ALLOCATION ACCOUNT.~~] To reduce long-term costs, minimize impairment to agency operations and budgets, and distribute risk of ~~one-time catastrophic~~ claims, the commissioner of employee relations shall maintain a separate account within the state compensation revolving fund. The account shall be used to pay for lump-sum or annuitized settlements, structured claim settlements, and ~~one-time large~~, legal, ~~catastrophic~~ medical, indemnity, or other ~~irregular~~ claim costs that might otherwise pose a significant burden for agencies. The commissioner of employee relations, with the approval of the commissioner of finance, may establish criteria and procedures for payment from the account on an agency's behalf. The commissioner of employee relations may assess agencies on a reimbursement or premium basis from time to time to ensure adequate account reserves. The account consists of appropriations from the general fund, receipts from billings to agencies, and credited investment gains or losses attributable to balances in the account. The state board of investment shall invest the assets of the account according to section 11A.24.

Sec. 23. [LEGISLATIVE FINDINGS.]

The Minnesota workers' compensation assigned risk plan is to aid in the operation of the workers' compensation system by providing a source of workers' compensation insurance for employers unable to obtain such coverage from the private insurance market. The operations for this plan have yielded a surplus from investment returns and other sources of approximately \$500,000,000. It is in the public interest and is the intent of the legislature to use a portion of the excess surplus currently maintained by the Minnesota workers' compensation assigned risk plan to reduce the current and future obligations of the second injury and the supplementary benefits programs of the special compensation fund administered by the department of labor and industry.

Sec. 24. [MINNESOTA WORKERS' COMPENSATION ASSIGNED RISK PLAN SURPLUS UTILIZATION.]

Subdivision 1. [SCOPE.] This section governs the transfer of a portion of the excess surplus from the Minnesota workers' compensation assigned risk plan to the special compensation fund for the purpose of reducing and whenever possible eliminating unfunded liabilities of the second injury and supplementary benefits programs of the special compensation fund.

Subd. 2. [EXCESS SURPLUS.] "Excess surplus" means the amount of the Minnesota workers' compensation assigned risk plan funds that exceeds the amount necessary to pay all current and future liabilities of this plan, including, but not limited to:

(1) administrative expenses;

(2) benefit claims; and

(3) in the event the Minnesota workers' compensation assigned risk plan is dissolved under Minnesota Statutes, section 79.251, subdivision 8, the amounts which would be due insurers who have paid assessments to this plan.

Subd. 3. [TRANSFER OF EXCESS SURPLUS FUNDS.] (a) On July 1, 2000, the commissioner of commerce shall certify to the commissioner of finance, the amount of the

Minnesota workers' compensation assigned risk plan excess surplus. If the excess surplus in the plan exceeds \$355,000,000 then the commissioner of commerce and the commissioner of finance must direct the transfer of the excess surplus funds as follows: on July 1, 2000, an amount of \$355,000,000 to a separate account within the special compensation fund called the excess surplus account. The principal portion of the money in the excess surplus account is appropriated to the department of labor and industry for settlement of liabilities of the second injury and supplementary benefits programs. Interest earned on the excess surplus account shall be credited to the account. Interest earnings on the excess surplus account are appropriated to the department of labor and industry to pay annual claims in the second injury and supplementary benefits programs. Up to \$1,000,000 in the excess surplus account may be applied to administrative costs incurred by these programs.

(b) The transfer of funds authorized by this subdivision is not subject to review under Minnesota Statutes, chapter 14.

Subd. 4. [ASSESSMENT.] By July 1, 2001, the rate assessed by the commissioner of labor and industry under Minnesota Statutes, section 176.129, subdivisions 3 and 4a, shall be reduced by at least 30 percent from the rate in effect on January 1, 2000.

Subd. 5. [STATUS REPORT.] On October 15, 2002, and October 15, 2004, the department of labor and industry will report to the governor and the legislature on the status of its efforts to reduce the unfunded liabilities of the second injury and the supplementary benefits programs. These reports will include an updated projection of the remaining long-term liabilities for these programs and will make appropriate recommendations.

Sec. 25. [NONSEVERABILITY.]

The provisions of sections 23 and 24, the minimum and maximum benefit rates of section 10, and the changes in permanent partial disability impairment ratings and corresponding dollar amounts in section 11 are not severable. If any of the following events occur before June 1, 2005, then the provisions of sections 23 and 24, the minimum and maximum benefit rates of section 10, and the changes in permanent partial disability impairment ratings and corresponding dollar amounts in section 11 are not valid and the law as it existed prior to the effective date of these sections shall remain in effect:

- (1) any alterations are made to the minimum or maximum benefit rates in section 10;
- (2) any alterations are made to the permanent partial disability impairment ratings or corresponding dollar amounts in section 11;
- (3) section 23 or 24 is declared unconstitutional; or
- (4) the transfer of funds referenced in section 24 does not occur in full.

Sec. 26. [REPEALER.]

Minnesota Statutes 1998, section 176.129, subdivision 2, is repealed.

Sec. 27. [EFFECTIVE DATES.]

Sections 1, 10, 11, and 14 are effective for dates of injury on or after October 1, 2000. Section 9 is effective for written notices of claims for legal services that were filed on or after August 1, 2000. Sections 16, 17, and 18 are effective for dates of injury on or after the day following final enactment. Sections 23, 24, 25, and 26 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to workers' compensation; increasing benefits; clarifying language; providing for a transfer of funds; modifying various workers' compensation provisions; amending Minnesota Statutes 1998, sections 176.011, subdivisions 3 and 20; 176.061, subdivisions 3, 5, 7, 10, and by adding a subdivision; 176.081, subdivision 1; 176.101, subdivisions 1, 2a, and 8;

176.102, subdivisions 3 and 11; 176.106, subdivision 7; 176.111, subdivisions 5, 18, and by adding a subdivision; 176.129, subdivisions 3 and 4; 176.231, subdivision 2; and 176.611, subdivision 2a; Minnesota Statutes 1999 Supplement, section 176.011, subdivision 9; repealing Minnesota Statutes 1998, section 176.129, subdivision 2."

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. 734: A bill for an act relating to employment; increasing and indexing the minimum wage; amending Minnesota Statutes 1998, section 177.24, subdivision 1.

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

Page 1, line 24, delete "2000" and insert "2001"

Page 2, line 1, delete "2000" and insert "2001" and delete " 2001" and insert "2002"

Page 2, line 17, delete "2000" and insert "2001"

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. 3300: A bill for an act relating to courts; establishing a combined jurisdiction program; proposing coding for new law in Minnesota Statutes, chapter 484; repealing Laws 1996, chapter 365, section 3, as amended.

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

Delete everything after the enacting clause and insert:

"Section 1. Laws 1996, chapter 365, section 3, as amended by Laws 1998, chapter 367, article 11, section 26, is amended to read:

Sec. 3. [REPEALER.]

Section 2 is repealed when the project is completed, or June 30, ~~2000~~ 2002, whichever occurs earlier.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on the day following final enactment."

Delete the title and insert:

"A bill for an act relating to courts; extending the streamlined dissolution procedure project; modifying the duties and powers of a referee for the duration of a family court block calendar pilot program; amending Laws 1996, chapter 365, section 3, as amended."

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

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

S.F. No. 3014: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Lake county.

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

Page 1, line 19, delete "and"

Page 1, line 20, delete "1/200th" and insert "24 percent"

Page 1, line 21, before the period, insert "; and

(3) an undivided 1/200th interest in the Northeast Quarter of the Southwest Quarter, Section 30, Township 63 North, Range 11 West"

Page 1, after line 24, insert:

"Sec. 2. [PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.]

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, St. Louis county may sell by private sale the tax-forfeited land described in paragraph (c).

(b) The land described in paragraph (c) may be sold by private sale to the iron range resources and rehabilitation board for economic development. The sale must be in a form approved by the attorney general for the appraised value of the land.

(c) The land to be sold is located in St. Louis county, consists of approximately 40 acres, and is described as: the Northeast Quarter of the Southwest Quarter, Section 5, Township 58 North, Range 15 West.

(d) The county has determined that the county's land management interests would best be served if the land was returned to private ownership."

Amend the title as follows:

Page 1, line 4, after "county" insert "; authorizing private sale of certain tax-forfeited land in St. Louis county"

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Joint Rule 2.03 suspended. Amendments adopted. Report adopted.

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

S.F. No. 2941: A bill for an act relating to vulnerable adults; modifying provisions concerning medical errors and neglect; requiring health licensing boards to make determinations regarding employment disqualifications; amending Minnesota Statutes 1998, section 626.5572, subdivision 17; Minnesota Statutes 1999 Supplement, section 245A.04, subdivision 3d; proposing coding for new law in Minnesota Statutes, chapter 214.

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 245A.04, subdivision 3d, is amended to read:

Subd. 3d. [DISQUALIFICATION.] (a) Except as provided in paragraph (b), 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 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:

(1) regardless of how much time has passed since 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); 609.322 (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); 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); 609.378 (neglect or endangerment of a child); 609.324, subdivision 1 (other prohibited acts); 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); and chapter 152 (drugs; controlled substance). 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; 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 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 ~~or harm~~ 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.

(b) If the subject of a background study is licensed by a health-related licensing board, the board shall make the determination regarding a disqualification under this subdivision based on a finding of substantiated maltreatment under section 626.556 or 626.557. The commissioner shall notify the health-related licensing board if a background study shows that a licensee would be disqualified because of substantiated maltreatment and the board shall make a determination under section 2.

Sec. 2. [214.104] [HEALTH-RELATED LICENSING BOARDS; DETERMINATIONS REGARDING DISQUALIFICATIONS FOR MALTREATMENT.]

(a) A health-related licensing board shall make determinations as to whether licensees who are under the board's jurisdiction should be disqualified under section 245A.04, subdivision 3d, from

positions allowing direct contact with persons receiving services because of substantiated maltreatment under section 626.556 or 626.557. A determination under this section may be done as part of an investigation under section 214.103. The board shall make a determination within 90 days of receipt of an investigation memorandum or other notice of substantiated maltreatment under section 626.556 or 626.557, or of a notice from the commissioner of human services that a background study of a licensee shows substantiated maltreatment. The board shall also make a determination under this section upon consideration of the licensure of an individual who was subject to disqualification before licensure because of substantiated maltreatment.

(b) In making a determination under this section, the board shall consider the nature and extent of any injury or harm resulting from the conduct that would constitute grounds for disqualification, the seriousness of the misconduct, the extent that disqualification is necessary to protect persons receiving services or the public, and other factors specified in section 245A.04, subdivision 3b, paragraph (b).

(c) The board shall determine the duration and extent of the disqualification or may establish conditions under which the licensee may hold a position allowing direct contact with persons receiving services or in a licensed facility. The board shall notify the commissioner of human services and the lead agency that conducted an investigation under section 626.556 or 626.557, as applicable, of its determination.

Sec. 3. Minnesota Statutes 1998, section 626.5572, subdivision 17, is amended to read:

Subd. 17. [NEGLECT.] "Neglect" means:

(a) The failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is:

(1) reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and

(2) which is not the result of an accident or therapeutic conduct.

(b) The absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult.

(c) For purposes of this section, a vulnerable adult is not neglected for the sole reason that:

(1) the vulnerable adult or a person with authority to make health care decisions for the vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C, or 252A, or section 253B.03, or 525.539 to 525.6199, refuses consent or withdraws consent, consistent with that authority and within the boundary of reasonable medical practice, to any therapeutic conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical or mental condition of the vulnerable adult, or, where permitted under law, to provide nutrition and hydration parenterally or through intubation; this paragraph does not enlarge or diminish rights otherwise held under law by:

(i) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an involved family member, to consent to or refuse consent for therapeutic conduct; or

(ii) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct; or

(2) the vulnerable adult, a person with authority to make health care decisions for the vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care, provided that this is consistent with the prior practice or belief of the vulnerable adult or with the expressed intentions of the vulnerable adult;

(3) the vulnerable adult, who is not impaired in judgment or capacity by mental or emotional dysfunction or undue influence, engages in sexual contact with:

(i) a person including a facility staff person when a consensual sexual personal relationship existed prior to the caregiving relationship; or

(ii) a personal care attendant, regardless of whether the consensual sexual personal relationship existed prior to the caregiving relationship; or

(4) an individual makes a ~~single mistake~~ an error in the provision of therapeutic conduct to a vulnerable adult which:

(i) ~~does not result in injury or harm which reasonably requires the medical or mental health care of a physician or mental health professional, whether or not the care was sought or, if it reasonably requires care, the care is sought and provided in a timely fashion as dictated by the condition of the vulnerable adult; and the injury or harm that required care does not result in substantial acute, or chronic injury or illness, or permanent disability above and beyond that already experienced by the vulnerable adult;~~

(ii) is immediately reported and recorded internally by the employee or person providing services in the facility in order to evaluate and identify corrective action; ~~and~~

(iii) is sufficiently documented for review and evaluation by the facility and any applicable licensing ~~and~~ certification, and ombudsman agency; ~~and~~

(iv) is not part of a pattern of errors by the individual.

(d) Nothing in this definition requires a caregiver, if regulated, to provide services in excess of those required by the caregiver's license, certification, registration, or other regulation.

Sec. 4. [RIGHT TO PETITION FOR LICENSING BOARD REVIEW.]

Until August 1, 2001, a licensed health professional who was disqualified under Minnesota Statutes, section 245A.04, subdivision 3d, before the effective date of this act, for substantiated maltreatment under Minnesota Statutes, section 626.556 or 626.557, that occurred on or after October 1, 1995, may petition the licensing board for review of the disqualification, as provided in section 2. The commissioner of human services shall notify individuals who are eligible to petition under this section of this right.

Sec. 5. [COORDINATION OF ACTIVITY REGARDING LICENSED PROFESSIONALS.]

The commissioner of human services, the commissioner of health, the health-related licensing boards, and representatives of licensed and nonlicensed health professionals, shall study and make recommendations regarding the coordination of investigatory and disciplinary activity relating to the disqualification of licensed and nonlicensed health professionals under Minnesota Statutes, section 245A.04, subdivision 3d, for purposes of efficiency and avoiding duplication of actions affecting health professionals, consistent with due process for the health professionals. The commissioner shall report recommendations to the legislature by January 15, 2001."

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 re-referred

S.F. No. 3025: A bill for an act relating to foster care; adding requirements for foster care agencies and foster care providers related to children who rely on medical equipment to sustain life or monitor a medical condition; proposing coding for new law in Minnesota Statutes, chapter 245A.

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

Delete everything after the enacting clause and insert:

"Section 1. [245A.155] [REQUIREMENTS FOR FOSTER CARE AGENCIES AND FOSTER CARE PROVIDERS RELATED TO INDIVIDUALS WHO RELY ON MEDICAL EQUIPMENT TO SUSTAIN LIFE OR MONITOR A MEDICAL CONDITION.]

Subdivision 1. [LICENSED FOSTER CARE AND RESPITE CARE.] This section applies to foster care agencies and licensed foster care providers who place, supervise, or care for individuals who rely on medical monitoring equipment to sustain life or monitor a medical condition in respite care or foster care.

Subd. 2. [FOSTER CARE AGENCY REQUIREMENTS.] In order for an agency to place an individual who relies on medical equipment to sustain life or monitor a medical condition with a foster care provider, the agency must ensure that the foster care provider has received the training to operate such equipment as observed and confirmed by a qualified source, and that the provider:

- (1) is currently caring for an individual who is using the same equipment in the foster home;
- (2) has written documentation that the foster care provider has cared for an individual who relied on such equipment within the past six months; or
- (3) has successfully completed training with the individual being placed with the provider.

Subd. 3. [FOSTER CARE PROVIDER REQUIREMENTS.] A foster care provider shall not care for an individual who relies on medical equipment to sustain life or monitor a medical condition unless the provider has received the training to operate such equipment as observed and confirmed by a qualified source, and:

- (1) is currently caring for an individual who is using the same equipment in the foster home;
- (2) has written documentation that the foster care provider has cared for an individual who relied on such equipment within the past six months; or
- (3) has successfully completed training with the individual being placed with the provider.

Subd. 4. [QUALIFIED SOURCE DEFINITION.] For purposes of this section, a "qualified source" includes a health care professional or an individual who provides training on such equipment.

Subd. 5. [FOSTER CARE PROVIDER TRAINING AND SKILLS FORM.] The agency supervising the foster care provider shall keep a training and skills form on file for each foster care provider and update the form annually. The agency placing the child shall obtain a copy of the training and skills form from the foster care provider or the agency supervising the foster care provider and shall keep it and any updated information on file for the duration of the placement. The form must be made available to the parents or the primary caregiver and social worker of the individual, or the individual, whichever is applicable, in order to make an informed placement decision. The agency shall use the training and skills form developed by the commissioner of human services.

Sec. 2. [TRAINING AND SKILLS FORM.]

The commissioner of human services shall create a training and skills form for foster care agencies that make foster care placements and supervise foster care providers. The form must allow for a comprehensive list of all the medical training and training on medical equipment that a foster care provider has completed, and when and where the training was completed."

Amend the title as follows:

Page 1, line 3, delete "related" and insert "who care for individuals who rely on medical equipment to sustain life or monitor a medical condition"

Page 1, delete line 4

Page 1, line 5, delete everything before the semicolon

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. 1231: A bill for an act relating to professions; modifying provisions relating to optometrist licensing; amending Minnesota Statutes 1998, sections 148.57, subdivision 1; and 148.61, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 148.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Governmental Operations and Veterans. Report adopted.

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

S.F. No. 2677: A bill for an act relating to crime prevention; recodifying the driving while impaired crimes and related provisions; making numerous clarifying, technical, and substantive changes in the pursuit of simplification; amending Minnesota Statutes 1998, section 629.471; Minnesota Statutes 1999 Supplement, sections 260B.171, subdivision 7; 260B.225, subdivision 4; and 609.035, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 169A; repealing Minnesota Statutes 1998, sections 168.042; 169.01, subdivisions 61, 68, 82, 83, 86, 87, 88, and 89; 169.121, subdivisions 1, 1a, 1b, 1d, 2, 3b, 3c, 5, 5a, 5b, 6, 7, 8, 9, 10, 10a, 11, and 12; 169.1211; 169.1215; 169.1216; 169.1217, subdivisions 2, 3, 4, 5, 6, and 8; 169.1218; 169.1219; 169.122, subdivisions 1, 2, 3, and 4; 169.123, subdivisions 2, 2a, 2b, 2c, 3, 4, 5, 5a, 5b, 6, 7, 8, and 10; 169.124; 169.125; 169.126; 169.1261; 169.1265; 169.128; and 169.129, subdivision 3; Minnesota Statutes 1999 Supplement, sections 169.121, subdivisions 1c, 3, 3d, 3f, and 4; 169.1217, subdivisions 1, 7, 7a, and 9; 169.122, subdivision 5; 169.123, subdivisions 1 and 5c; and 169.129, subdivision 1.

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

Page 21, line 18, delete "may" and insert "shall"

Page 21, line 21, after the period, insert "The person shall be detained until the person's first court appearance."

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

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

S.F. No. 3581: A bill for an act relating to liquor; authorizing the city of Duluth to issue an on-sale intoxicating liquor license to the Lake Superior Center Authority.

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 340A.404, subdivision 2, is amended to read:

Subd. 2. [SPECIAL PROVISION; CITY OF MINNEAPOLIS.] (a) The city of Minneapolis may issue an on-sale intoxicating liquor license to the Guthrie Theater, the Cricket Theatre, the Orpheum Theatre, and the State Theatre, notwithstanding the limitations of law, or local ordinance, or charter provision relating to zoning or school or church distances. The licenses authorize sales on all days of the week to holders of tickets for performances presented by the theaters and to members of the nonprofit corporations holding the licenses and to their guests.

(b) The city of Minneapolis may issue an intoxicating liquor license to 510 Groveland Associates, a Minnesota cooperative, for use by a restaurant on the premises owned by 510 Groveland Associates, notwithstanding limitations of law, or local ordinance, or charter provision.

(c) The city of Minneapolis may issue an on-sale intoxicating liquor license to Zuhrah Shrine Temple for use on the premises owned by Zuhrah Shrine Temple at 2540 Park Avenue South in Minneapolis, notwithstanding limitations of law, or local ordinances, or charter provision relating to zoning or school or church distances.

(d) The city of Minneapolis may issue an on-sale intoxicating liquor license to the American Association of University Women, Minneapolis branch, for use on the premises owned by the American Association of University Women, Minneapolis branch, at 2115 Stevens Avenue South in Minneapolis, notwithstanding limitations of law, or local ordinances, or charter provisions relating to zoning or school or church distances.

(e) The city of Minneapolis may issue an on-sale wine license and an on-sale 3.2 percent malt liquor license to a restaurant located at 5000 Penn Avenue South, and an on-sale wine license and an on-sale malt liquor license to a restaurant located at 1931 Nicollet Avenue South, notwithstanding any law or local ordinance or charter provision.

(f) The city of Minneapolis may issue an on-sale wine license and an on-sale malt liquor license to the Brave New Workshop Theatre located at 3001 Hennepin Avenue South, ~~and to the Theatre de la Jeune Lune, the Illusion Theatre located at 528 Hennepin Avenue South, and the Hollywood Theatre located at 2815 Johnson Street Northeast,~~ notwithstanding any law or local ordinance or charter provision. The license authorizes sales on all days of the week.

(g) The city of Minneapolis may issue an on-sale intoxicating liquor license to University Gateway Corporation, a Minnesota nonprofit corporation, for use by a restaurant or catering operator at the building owned and operated by the University Gateway Corporation on the University of Minnesota campus, notwithstanding limitations of law, or local ordinance or charter provision. The license authorizes sales on all days of the week.

Sec. 2. [340A.34] [WINEMAKING ON PREMISES STORE.]

A commercial establishment in which individuals make wine on the premises for personal and family use only and not for resale, using ingredients or materials or both supplied by the establishment, is not required to be licensed under this chapter if the establishment is operated in accordance with Code of Federal Regulations, title 27, section 24.75. No person under the age of 21 years may participate in the making of wine in such an establishment. Alcoholic beverages may not be sold or otherwise provided to customers of an establishment described in this section unless the establishment holds the appropriate license for such sale or provision.

Sec. 3. Minnesota Statutes 1999 Supplement, section 340A.404, subdivision 2b, is amended to read:

Subd. 2b. [SPECIAL PROVISION; CITY OF ST. PAUL.] The city of St. Paul may issue an on-sale intoxicating liquor license to the Fitzgerald Theatre, and an on-sale wine and on-sale malt liquor license to the Great American History Theater at 30 East 10th Street, notwithstanding the limitations of law, or local ordinance, or charter provision relating to zoning or school or church distances. The license authorizes sales on all days of the week to holders of tickets for performances presented by the theatre and to members of the nonprofit corporation holding the license and to their guests.

Sec. 4. Laws 1999, chapter 202, section 15, is amended to read:

Sec. 15. [CITY OF BEMIDJI; LIQUOR LICENSE.]

The city of Bemidji may issue one on-sale intoxicating liquor license in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, other than Minnesota Statutes, section 340A.412, subdivision 4, clause (8), apply to the licenses license authorized under this section.

Sec. 5. [CITY OF DULUTH; LAKE SUPERIOR CENTER AUTHORITY.]

Notwithstanding any law, ordinance, or charter provision to the contrary, the city of Duluth

may issue an on-sale intoxicating liquor license to the Lake Superior Center Authority for certain events at the Lake Superior Center. The license shall limit the sale of intoxicating liquor to persons leasing space in the Lake Superior Center and their guests for the purpose of conducting any convention, banquet, conference, meeting, or social affair. The fee for the license shall be set by the Duluth city council. The license must be issued in accordance with laws governing issuance of on-sale intoxicating liquor licenses in cities of the first class not inconsistent with this section and with city charter provisions and ordinances not inconsistent with this section.

Sec. 6. [CITY OF SPRINGFIELD; AUTHORIZATION.]

The city of Springfield may authorize a holder of a retail on-sale intoxicating liquor license issued by the city to dispense intoxicating liquor at an event on December 31, 2000, and January 1, 2001, at a facility owned by the city, notwithstanding Minnesota Statutes, section 340A.504, subdivision 3. All provisions of Minnesota Statutes, section 340A.404, subdivision 4, paragraph (a), apply to the authority granted under this section.

Sec. 7. [CITY OF EVELETH; LIQUOR LICENSE.]

Notwithstanding other law, the city of Eveleth may issue one on-sale intoxicating liquor license to the Quad Cities Joint Recreational Center Authority. The Authority may, but shall not be required to, contract with an independent contractor to operate the on-sale liquor establishment. The independent contractor need not hold a license in its own name. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized under this section.

Sec. 8. [WINE LICENSE; MAIN STREET STAGE THEATRE.]

The city of Anoka may issue an on-sale wine license to the Lyric Arts Company of Anoka, Inc. for the Main Street Stage Theatre. The license authorizes sales on all days of the week to holders of tickets for performances at the theater. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the license authorized under this section.

Sec. 9. [EFFECTIVE DATES.]

Section 1 is effective on approval by the Minneapolis city council and compliance with Minnesota Statutes, section 645.021. Section 2 is effective the day following final enactment. Section 3 is effective upon approval by the St. Paul city council and compliance with Minnesota Statutes, section 645.021. Section 4 is effective on approval by the Bemidji city council and compliance with Minnesota Statutes, section 645.021. Section 5 is effective on approval by the Duluth city council and compliance with Minnesota Statutes, section 645.021. Section 6 is effective upon approval by the governing body of Springfield and compliance with Minnesota Statutes, section 645.021. Section 7 is effective upon approval by the Eveleth city council and compliance with Minnesota Statutes, section 645.021. Section 8 is effective on approval by the Anoka city council and compliance with Minnesota Statutes, section 645.021."

Delete the title and insert:

"A bill for an act relating to liquor; authorizing the city of Minneapolis to issue an on-sale wine and malt liquor license for the Illusion Theatre and the Hollywood Theatre; authorizing winemaking on premises stores; authorizing the city of St. Paul to issue an on-sale wine and malt liquor license to the Great American History Theater; exempting an on-sale intoxicating liquor license in Bemidji from statutory restrictions on proximity to a state university; authorizing the cities of Duluth, Springfield, and Eveleth, to issue on-sale intoxicating liquor licenses; authorizing the city of Anoka to issue an on-sale wine license; amending Minnesota Statutes 1999 Supplement, section 340A.404, subdivisions 2 and 2b; Laws 1999, chapter 202, section 15; proposing coding for new law in Minnesota Statutes, chapter 340A."

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. 689: A bill for an act relating to health; allowing complementary and alternative health care practitioners to practice in certain circumstances; creating informed consent and notice requirements; establishing civil penalties; amending Minnesota Statutes 1998, section 147.09; proposing coding for new law as Minnesota Statutes, chapter 146A.

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

Delete everything after the enacting clause and insert:

"COMPLEMENTARY AND ALTERNATIVE HEALTH CARE
FREEDOM OF ACCESS ACT

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

Subd. 42c. [UNLICENSED COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONERS AND CLIENTS.] Data obtained by the commissioner of health on unlicensed complementary and alternative health care practitioners and clients are classified under sections 146A.06 and 146A.08.

Sec. 2. [146A.01] [DEFINITIONS.]

Subdivision 1. [TERMS.] As used in this chapter, the following terms have the meanings given them.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of health or the commissioner's designee.

Subd. 3. [COMPLEMENTARY AND ALTERNATIVE HEALTH CARE CLIENT.] "Complementary and alternative health care client" means an individual who receives services from an unlicensed complementary and alternative health care practitioner.

Subd. 4. [COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTICES.] (a) "Complementary and alternative health care practices" means the broad domain of complementary and alternative healing methods and treatments, including but not limited to: (1) acupressure; (2) anthroposophy; (3) aroma therapy; (4) ayurveda; (5) cranial sacral therapy; (6) culturally traditional healing practices; (7) detoxification practices and therapies; (8) energetic healing; (9) polarity therapy; (10) folk practices; (11) healing practices utilizing food, food supplements, nutrients, and the physical forces of heat, cold, water, touch, and light; (12) Gerson therapy and colostrum therapy; (13) healing touch; (14) herbology or herbalism; (15) homeopathy; (16) nondiagnostic iridology; (17) body work, massage, and massage therapy; (18) meditation; (19) mind-body healing practices; (20) naturopathy; (21) noninvasive instrumentalities; and (22) traditional Oriental practices, such as Qi Gong energy healing.

(b) Complementary and alternative health care practices do not include surgery, x-ray radiation, administering or dispensing legend drugs and controlled substances, practices that invade the human body by puncture of the skin, setting fractures, the use of medical devices as defined in section 147A.01, any practice included in the practice of dentistry as defined in section 150A.05, subdivision 1, or the manipulation or adjustment of articulations of joints or the spine as described in section 146.23 or 148.01.

(c) Complementary and alternative health care practices do not include practices that are permitted under section 147.09, clause (11), or 148.271, clause (5).

(d) This chapter does not apply to, control, prevent, or restrict the practice, service, or activity of lawfully marketing or distributing food products, including dietary supplements as defined in the federal Dietary Supplement Health and Education Act, educating customers about such products, or explaining the uses of such products. Under Minnesota law, an unlicensed complementary and alternative health care practitioner may not provide a medical diagnosis or recommend discontinuance of medically prescribed treatments.

Subd. 5. [OFFICE OF UNLICENSED COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTICE OR OFFICE.] "Office of unlicensed complementary and alternative health care practice" or "office" means the office of unlicensed complementary and alternative health care practice established in section 146A.02.

Subd. 6. [UNLICENSED COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONER.] "Unlicensed complementary and alternative health care practitioner" means a person who:

(1) is not licensed or registered by a health-related licensing board or the commissioner of health, or does not hold oneself out to the public as licensed or registered by a health-related licensing board or the commissioner of health;

(2) has not had a license or registration issued by a health-related licensing board or the commissioner of health revoked or has not been disciplined in any manner at any time in the past, unless the right to engage in complementary and alternative health care practices has been established by order of the commissioner of health;

(3) is engaging in complementary and alternative health care practices; and

(4) is providing complementary and alternative health care services for remuneration or is holding oneself out to the public as a practitioner of complementary and alternative health care practices.

Sec. 3. [146A.02] [OFFICE OF UNLICENSED COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTICE.]

Subdivision 1. [CREATION.] The office of unlicensed complementary and alternative health care practice is created in the department of health to investigate complaints and take and enforce disciplinary actions against all unlicensed complementary and alternative health care practitioners for violations of prohibited conduct, as defined in section 146A.08. The office shall also serve as a clearinghouse on complementary and alternative health care practices and unlicensed complementary and alternative health care practitioners through the dissemination of objective information to consumers and through the development and performance of public education activities, including outreach, regarding the provision of complementary and alternative health care practices and unlicensed complementary and alternative health care practitioners who provide these services.

Subd. 2. [RULEMAKING.] The commissioner shall adopt rules necessary to implement, administer, or enforce provisions of this chapter pursuant to chapter 14.

Sec. 4. [146A.025] [MALTREATMENT OF MINORS.]

Nothing in this chapter shall restrict the ability of a local welfare agency, local law enforcement agency, the commissioner of human services, or the state to take action regarding the maltreatment of minors under section 609.378 or 626.556. A parent who obtains complementary and alternative health care for the parent's minor child is not relieved of the duty to seek necessary medical care. A complementary or alternative health care practitioner who is providing services to a child who is not receiving necessary medical care must make a report under section 626.556. A complementary or alternative health care provider is a mandated reporter under section 626.556, subdivision 3.

Sec. 5. [146A.03] [REPORTING OBLIGATIONS.]

Subdivision 1. [PERMISSION TO REPORT.] A person who has knowledge of any conduct constituting grounds for disciplinary action relating to complementary and alternative health care practices under this chapter may report the violation to the office.

Subd. 2. [INSTITUTIONS.] A state agency, political subdivision, agency of a local unit of government, private agency, hospital, clinic, prepaid medical plan, or other health care institution or organization located in this state shall report to the office any action taken by the agency, institution, or organization or any of its administrators or medical or other committees to revoke,

suspend, restrict, or condition an unlicensed complementary and alternative health care practitioner's privilege to practice or treat complementary and alternative health care clients in the institution or, as part of the organization, any denial of privileges or any other disciplinary action for conduct that might constitute grounds for disciplinary action by the office under this chapter. The institution, organization, or governmental entity shall also report the resignation of any unlicensed complementary and alternative health care practitioners prior to the conclusion of any disciplinary action proceeding for conduct that might constitute grounds for disciplinary action under this chapter or prior to the commencement of formal charges but after the practitioner had knowledge that formal charges were contemplated or were being prepared.

Subd. 3. [PROFESSIONAL SOCIETIES.] A state or local professional society for unlicensed complementary and alternative health care practitioners shall report to the office any termination, revocation, or suspension of membership or any other disciplinary action taken against an unlicensed complementary and alternative health care practitioner. If the society has received a complaint that might be grounds for discipline under this chapter against a member on which it has not taken any disciplinary action, the society shall report the complaint and the reason why it has not taken action on it or shall direct the complainant to the office.

Subd. 4. [LICENSED PROFESSIONALS.] A licensed health professional shall report to the office personal knowledge of any conduct that the licensed health professional reasonably believes constitutes grounds for disciplinary action under this chapter by any unlicensed complementary and alternative health care practitioner, including conduct indicating that the individual may be medically incompetent or may be medically or physically unable to engage safely in the provision of services. If the information was obtained in the course of a client relationship, the client is an unlicensed complementary and alternative health care practitioner, and the treating individual successfully counsels the other practitioner to limit or withdraw from practice to the extent required by the impairment, the office may deem this limitation of or withdrawal from practice to be sufficient disciplinary action.

Subd. 5. [INSURERS.] Four times each year as prescribed by the commissioner, each insurer authorized to sell insurance described in section 60A.06, subdivision 1, clause (13), and providing professional liability insurance to unlicensed complementary and alternative health care practitioners or the medical joint underwriting association under chapter 62F shall submit to the office a report concerning the unlicensed complementary and alternative health care practitioners against whom malpractice settlements or awards have been made. The response must contain at least the following information:

- (1) the total number of malpractice settlements or awards made;
- (2) the date the malpractice settlements or awards were made;
- (3) the allegations contained in the claim or complaint leading to the settlements or awards made;
- (4) the dollar amount of each malpractice settlement or award;
- (5) the regular address of the practice of the unlicensed complementary and alternative health care practitioner against whom an award was made or with whom a settlement was made; and
- (6) the name of the unlicensed complementary and alternative health care practitioner against whom an award was made or with whom a settlement was made.

The insurance company shall, in addition to the above information, submit to the office any information, records, and files, including clients' charts and records, it possesses that tend to substantiate a charge that an unlicensed complementary and alternative health care practitioner may have engaged in conduct violating this chapter.

Subd. 6. [COURTS.] The court administrator of district court or any other court of competent jurisdiction shall report to the office any judgment or other determination of the court that adjudges or includes a finding that an unlicensed complementary and alternative health care practitioner is mentally ill, mentally incompetent, guilty of a felony, guilty of a violation of federal

or state narcotics laws or controlled substances act, or guilty of abuse or fraud under Medicare or Medicaid; or that appoints a guardian of the unlicensed complementary and alternative health care practitioner under sections 525.54 to 525.61 or commits an unlicensed complementary and alternative health care practitioner under chapter 253B.

Subd. 7. [SELF-REPORTING.] An unlicensed complementary and alternative health care practitioner shall report to the office any personal action that would require that a report be filed with the office by any person, health care facility, business, or organization pursuant to subdivisions 2 to 5. The practitioner shall also report the revocation, suspension, restriction, limitation, or other disciplinary action against the practitioner's license, certificate, registration, or right of practice in another state or jurisdiction for offenses that would be subject to disciplinary action in this state and also report the filing of charges regarding the practitioner's license, certificate, registration, or right of practice in another state or jurisdiction.

Subd. 8. [DEADLINES; FORMS.] Reports required by subdivisions 2 to 7 must be submitted not later than 30 days after the reporter learns of the occurrence of the reportable event or transaction. The office may provide forms for the submission of reports required by this section, may require that reports be submitted on the forms provided, and may adopt rules necessary to ensure prompt and accurate reporting.

Sec. 6. [146A.04] [IMMUNITY.]

Subdivision 1. [REPORTING.] Any person, other than the unlicensed complementary and alternative health care practitioner who committed the violation, health care facility, business, or organization is immune from civil liability or criminal prosecution for submitting a report to the office, for otherwise reporting to the office violations or alleged violations of this chapter, or for cooperating with an investigation of a report, except as provided in this subdivision. Any person who knowingly or recklessly makes a false report is liable in a civil suit for any damages suffered by the person or persons so reported and for any punitive damages set by the court or jury. An action requires clear and convincing evidence that the defendant made the statement with knowledge of falsity or with reckless disregard for its truth or falsity. The report or statement or any statement made in cooperation with an investigation or as part of a disciplinary proceeding is privileged except in an action brought under this subdivision.

Subd. 2. [INVESTIGATION.] The commissioner and employees of the department of health and other persons engaged in the investigation of violations and in the preparation, presentation, and management of and testimony pertaining to charges of violations of this chapter are immune from civil liability and criminal prosecution for any actions, transactions, or publications in the execution of, or relating to, their duties under this chapter.

Sec. 7. [146A.05] [DISCIPLINARY RECORD ON JUDICIAL REVIEW.]

Upon judicial review of any disciplinary action taken by the commissioner under this chapter, the reviewing court shall seal the administrative record, except for the commissioner's final decision, and shall not make the administrative record available to the public.

Sec. 8. [146A.06] [PROFESSIONAL COOPERATION; UNLICENSED PRACTITIONER.]

Subdivision 1. [COOPERATION.] An unlicensed complementary and alternative health care practitioner who is the subject of an investigation, or who is questioned in connection with an investigation, by or on behalf of the office shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any question raised by or on behalf of the office relating to the subject of the investigation, whether tape recorded or not; providing copies of client records, as reasonably requested by the office, to assist the office in its investigation; and appearing at conferences or hearings scheduled by the commissioner. If the office does not have a written consent from a client permitting access to the client's records, the unlicensed complementary and alternative health care practitioner shall delete in the record any data that identifies the client before providing it to the office. The office shall maintain any records obtained pursuant to this section as investigative data pursuant to section 13.41. If an unlicensed complementary and alternative health care practitioner refuses to give testimony or produce any

documents, books, records, or correspondence on the basis of the fifth amendment to the Constitution of the United States, the commissioner may compel the unlicensed complementary and alternative health care practitioner to provide the testimony or information; however, the testimony or evidence may not be used against the practitioner in any criminal proceeding. Challenges to requests of the office may be brought before the appropriate agency or court.

Subd. 2. [CLASSIFICATION OF DATA.] The commissioner shall maintain any records, other than client records, obtained as part of an investigation as investigative data under section 13.41. Client records are classified as private under chapter 13 and must be protected as such in the records of the office and in any administrative or judicial proceeding unless the unlicensed complementary and alternative health care client authorizes the office in writing to make public the identity of the client or a portion or all of the client's records.

Subd. 3. [EXCHANGING INFORMATION.] (a) The office shall establish internal operating procedures for:

(1) exchanging information with state boards; agencies, including the office of ombudsman for mental health and mental retardation; health-related and law enforcement facilities; departments responsible for licensing health-related occupations, facilities, and programs; and law enforcement personnel in this and other states; and

(2) coordinating investigations involving matters within the jurisdiction of more than one regulatory agency.

(b) The procedures for exchanging information must provide for the forwarding to the entities described in paragraph (a), clause (1), of information and evidence, including the results of investigations, that are relevant to matters within the regulatory jurisdiction of the organizations in paragraph (a). The data have the same classification in the hands of the agency receiving the data as they have in the hands of the agency providing the data.

(c) The office shall establish procedures for exchanging information with other states regarding disciplinary action against unlicensed complementary and alternative health care practitioners.

(d) The office shall forward to another governmental agency any complaints received by the office that do not relate to the office's jurisdiction but that relate to matters within the jurisdiction of the other governmental agency. The agency to which a complaint is forwarded shall advise the office of the disposition of the complaint. A complaint or other information received by another governmental agency relating to a statute or rule that the office is empowered to enforce must be forwarded to the office to be processed in accordance with this section.

(e) The office shall furnish to a person who made a complaint a description of the actions of the office relating to the complaint.

Sec. 9. [146A.07] [PROFESSIONAL ACCOUNTABILITY.]

The office shall maintain and keep current a file containing the reports and complaints filed against unlicensed complementary and alternative health care practitioners within the commissioner's jurisdiction. Each complaint filed with the office must be investigated. If the files maintained by the office show that a malpractice settlement or award has been made against an unlicensed complementary and alternative health care practitioner, as reported by insurers under section 146A.03, subdivision 5, the commissioner may authorize a review of the practitioner's practice by the staff of the office.

Sec. 10. [146A.08] [PROHIBITED CONDUCT.]

Subdivision 1. [PROHIBITED CONDUCT.] The commissioner may impose disciplinary action as described in section 146A.09 against any unlicensed complementary and alternative health care practitioner. The following conduct is prohibited and is grounds for disciplinary action:

(a) Conviction of a crime, including a finding or verdict of guilt, an admission of guilt, or a no-contest plea, in any court in Minnesota or any other jurisdiction in the United States,

reasonably related to engaging in complementary and alternative health care practices. Conviction, as used in this subdivision, includes a conviction of an offense which, if committed in this state, would be deemed a felony, gross misdemeanor, or misdemeanor, without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilty is made or returned but the adjudication of guilt is either withheld or not entered.

(b) Conviction of any crime against a person. For purposes of this chapter, a crime against a person means violations of the following: sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.221; 609.222; 609.223; 609.224; 609.2242; 609.23; 609.231; 609.2325; 609.233; 609.2335; 609.235; 609.24; 609.245; 609.25; 609.255; 609.26, subdivision 1, clause (1) or (2); 609.265; 609.342; 609.343; 609.344; 609.345; 609.365; 609.498, subdivision 1; 609.50, subdivision 1, clause (1); 609.561; 609.562; 609.595; and 609.72, subdivision 3.

(c) Failure to comply with the self-reporting requirements of section 146A.03, subdivision 7.

(d) Engaging in sexual contact with a complementary and alternative health care client or former client, engaging in contact that may be reasonably interpreted by a client as sexual, engaging in any verbal behavior that is seductive or sexually demeaning to the patient, or engaging in sexual exploitation of a client or former client. For purposes of this clause, "former client" means a person who has obtained services from the unlicensed complementary and alternative health care practitioner within the past two years.

(e) Advertising that is false, fraudulent, deceptive, or misleading.

(f) Conduct likely to deceive, defraud, or harm the public or demonstrating a willful or careless disregard for the health, welfare, or safety of a complementary and alternative health care client; or any other practice that may create unnecessary danger to any client's life, health, or safety, in any of which cases, proof of actual injury need not be established.

(g) Adjudication as mentally incompetent or as a person who is dangerous to self or adjudication pursuant to chapter 253B as chemically dependent, mentally ill, mentally retarded, mentally ill and dangerous to the public, or as a sexual psychopathic personality or sexually dangerous person.

(h) Inability to engage in complementary and alternative health care practices with reasonable safety to complementary and alternative health care clients.

(i) The habitual overindulgence in the use of or the dependence on intoxicating liquors.

(j) Improper or unauthorized personal or other use of any legend drugs as defined in chapter 151, any chemicals as defined in chapter 151, or any controlled substance as defined in chapter 152.

(k) Revealing a communication from, or relating to, a complementary and alternative health care client except when otherwise required or permitted by law.

(l) Failure to comply with a complementary and alternative health care client's request made under section 144.335 or to furnish a complementary and alternative health care client record or report required by law.

(m) Splitting fees or promising to pay a portion of a fee to any other professional other than for services rendered by the other professional to the complementary and alternative health care client.

(n) Engaging in abusive or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws.

(o) Failure to make reports as required by section 146A.03 or cooperate with an investigation of the office.

(p) Obtaining money, property, or services from a complementary and alternative health care client, other than reasonable fees for services provided to the client, through the use of undue influence, harassment, duress, deception, or fraud.

(q) Undertaking or continuing a professional relationship with a complementary and alternative health care client in which the objectivity of the unlicensed complementary and alternative health care practitioner would be impaired.

(r) Failure to provide a complementary and alternative health care client with a copy of the client bill of rights or violation of any provision of the client bill of rights.

(s) Violating any order issued by the commissioner.

(t) Failure to comply with any provision of sections 146A.01 to 146A.11 and the rules adopted under those sections.

(u) Failure to comply with any additional disciplinary grounds established by the commissioner by rule.

(v) Revocation, suspension, restriction, limitation, or other disciplinary action against any health care license, certificate, registration, or right to practice of the unlicensed complementary and alternative health care practitioner in this or another state or jurisdiction for offenses that would be subject to disciplinary action in this state or failure to report to the office that charges regarding the practitioner's license, certificate, registration, or right of practice have been brought in this or another state or jurisdiction.

(w) Use of the title "doctor," "Dr.," or "physician" alone or in combination with any other words, letters, or insignia to describe the complementary and alternative health care practices the practitioner provides.

(x) Failure to provide a complementary and alternative health care client with a recommendation that the client see a health care provider who is licensed or registered by a health-related licensing board or the commissioner of health, if there is a reasonable likelihood that the client needs to be seen by a licensed or registered health care provider. After providing a recommendation to the client, a practitioner may continue to provide services to the client even if the client chooses not to consult with or receive treatment with a licensed or registered health care provider. While continuing to provide services to the client under this circumstance, the practitioner shall renew this recommendation as reasonably necessary.

Subd. 2. [LESS CUSTOMARY APPROACH.] The fact that a complementary and alternative health care practice may be a less customary approach to health care shall not constitute the basis of a disciplinary action per se.

Subd. 3. [EVIDENCE.] In disciplinary actions alleging a violation of subdivision 1, paragraph (a), (b), (c), or (g), a copy of the judgment or proceeding under the seal of the court administrator or of the administrative agency that entered the same is admissible into evidence without further authentication and constitutes prima facie evidence of its contents.

Subd. 4. [EXAMINATION; ACCESS TO MEDICAL DATA.] (a) If the commissioner has probable cause to believe that an unlicensed complementary and alternative health care practitioner has engaged in conduct prohibited by subdivision 1, paragraph (g), (h), (i), or (j), the commissioner may issue an order directing the practitioner to submit to a mental or physical examination or chemical dependency evaluation. For the purpose of this subdivision, every unlicensed complementary and alternative health care practitioner is deemed to have consented to submit to a mental or physical examination or chemical dependency evaluation when ordered to do so in writing by the commissioner and further to have waived all objections to the admissibility of the testimony or examination reports of the health care provider performing the examination or evaluation on the grounds that the same constitute a privileged communication. Failure of an unlicensed complementary and alternative health care practitioner to submit to an examination or evaluation when ordered, unless the failure was due to circumstances beyond the practitioner's control, constitutes an admission that the unlicensed complementary and alternative health care practitioner violated subdivision 1, paragraph (g), (h), (i), or (j), based on the factual specifications in the examination or evaluation order and may result in a default and final disciplinary order being entered after a contested case hearing. An unlicensed complementary and alternative health

care practitioner affected under this paragraph shall at reasonable intervals be given an opportunity to demonstrate that the practitioner can resume the provision of complementary and alternative health care practices with reasonable safety to clients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the commissioner shall be used against an unlicensed complementary and alternative health care practitioner in any other proceeding.

(b) In addition to ordering a physical or mental examination or chemical dependency evaluation, the commissioner may, notwithstanding section 13.42; 144.651; 595.02; or any other law limiting access to medical or other health data, obtain medical data and health records relating to an unlicensed complementary and alternative health care practitioner without the practitioner's consent if the commissioner has probable cause to believe that a practitioner has engaged in conduct prohibited by subdivision 1, paragraph (g), (h), (i), or (j). The medical data may be requested from a provider as defined in section 144.335, subdivision 1, paragraph (b), an insurance company, or a government agency, including the department of human services. A provider, insurance company, or government agency shall comply with any written request of the commissioner under this subdivision and is not liable in any action for damages for releasing the data requested by the commissioner if the data are released pursuant to a written request under this subdivision, unless the information is false and the person or organization giving the information knew or had reason to believe the information was false. Information obtained under this subdivision is private data under section 13.41.

Sec. 11. [146A.09] [DISCIPLINARY ACTIONS.]

Subdivision 1. [FORMS OF DISCIPLINARY ACTION.] When the commissioner finds that an unlicensed complementary and alternative health care practitioner has violated any provision of this chapter, the commissioner may take one or more of the following actions, only against the individual practitioner:

- (1) revoke the right to practice;
- (2) suspend the right to practice;
- (3) impose limitations or conditions on the practitioner's provision of complementary and alternative health care practices, impose rehabilitation requirements, or require practice under supervision;
- (4) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the practitioner of any economic advantage gained by reason of the violation charged or to reimburse the office for all costs of the investigation and proceeding;
- (5) censure or reprimand the practitioner;
- (6) impose a fee on the practitioner to reimburse the office for all or part of the cost of the proceedings resulting in disciplinary action including, but not limited to, the amount paid by the office for services from the office of administrative hearings, attorney fees, court reports, witnesses, reproduction of records, staff time, and expense incurred by the staff of the office of unlicensed complementary and alternative health care practice; or
- (7) any other action justified by the case.

Subd. 2. [DISCOVERY; SUBPOENAS.] In all matters relating to the lawful activities of the office, the commissioner may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documents, and other evidentiary material. Any person failing or refusing to appear or testify regarding any matter about which the person may be lawfully questioned or failing to produce any papers, books, records, documents, or other evidentiary materials in the matter to be heard, after having been required by order of the commissioner or by a subpoena of the commissioner to do so may, upon application to the district court in any district, be ordered to comply with the order or subpoena. The commissioner may administer oaths to witnesses or take their affirmation. Depositions may be taken within or without the state in the manner provided by law for the taking of depositions in civil actions. A subpoena

or other process may be served upon a person it names anywhere within the state by any officer authorized to serve subpoenas or other process in civil actions in the same manner as prescribed by law for service of process issued out of the district court of this state.

Subd. 2a. [HEARINGS.] If the commissioner proposes to take action against the practitioner as described in subdivision 1, the commissioner must first notify the practitioner against whom the action is proposed to be taken and provide the practitioner with an opportunity to request a hearing under the contested case provisions of chapter 14. If the practitioner does not request a hearing by notifying the commissioner within 30 days after service of the notice of the proposed action, the commissioner may proceed with the action without a hearing.

Subd. 3. [REINSTATEMENT.] The commissioner may at the commissioner's discretion reinstate the right to practice and may impose any disciplinary measure listed under subdivision 1.

Subd. 4. [TEMPORARY SUSPENSION.] In addition to any other remedy provided by law, the commissioner may, acting through a person to whom the commissioner has delegated this authority and without a hearing, temporarily suspend the right of an unlicensed complementary and alternative health care practitioner to practice if the commissioner's delegate finds that the practitioner has violated a statute or rule that the commissioner is empowered to enforce and continued practice by the practitioner would create a serious risk of harm to others. The suspension is in effect upon service of a written order on the practitioner specifying the statute or rule violated. The order remains in effect until the commissioner issues a final order in the matter after a hearing or upon agreement between the commissioner and the practitioner. Service of the order is effective if the order is served on the practitioner or counsel of record personally or by first class mail. Within ten days of service of the order, the commissioner shall hold a hearing on the sole issue of whether there is a reasonable basis to continue, modify, or lift the suspension. Evidence presented by the office or practitioner shall be in affidavit form only. The practitioner or the counsel of record may appear for oral argument. Within five working days after the hearing, the commissioner shall issue the commissioner's order and, if the suspension is continued, schedule a contested case hearing within 45 days after issuance of the order. The administrative law judge shall issue a report within 30 days after closing of the contested case hearing record. The commissioner shall issue a final order within 30 days after receipt of that report.

Subd. 5. [AUTOMATIC SUSPENSION.] The right of an unlicensed complementary and alternative health care practitioner to practice is automatically suspended if (1) a guardian of an unlicensed complementary and alternative health care practitioner is appointed by order of a court under sections 525.54 to 525.61, or (2) the practitioner is committed by order of a court pursuant to chapter 253B. The right to practice remains suspended until the practitioner is restored to capacity by a court and, upon petition by the practitioner, the suspension is terminated by the commissioner after a hearing or upon agreement between the commissioner and the practitioner.

Sec. 12. [146A.10] [ADDITIONAL REMEDIES.]

Subdivision 1. [CEASE AND DESIST.] (a) The commissioner may issue a cease and desist order to stop a person from violating or threatening to violate a statute, rule, or order which the office has issued or is empowered to enforce. The cease and desist order must state the reason for its issuance and give notice of the person's right to request a hearing under sections 14.57 to 14.62. If, within 15 days of service of the order, the subject of the order fails to request a hearing in writing, the order is the final order of the commissioner and is not reviewable by a court or agency.

(b) A hearing must be initiated by the office not later than 30 days from the date of the office's receipt of a written hearing request. Within 30 days of receipt of the administrative law judge's report, the commissioner shall issue a final order modifying, vacating, or making permanent the cease and desist order as the facts require. The final order remains in effect until modified or vacated by the commissioner.

(c) When a request for a stay accompanies a timely hearing request, the commissioner may, in the commissioner's discretion, grant the stay. If the commissioner does not grant a requested stay, the commissioner shall refer the request to the office of administrative hearings within three

working days of receipt of the request. Within ten days after receiving the request from the commissioner, an administrative law judge shall issue a recommendation to grant or deny the stay. The commissioner shall grant or deny the stay within five days of receiving the administrative law judge's recommendation.

(d) In the event of noncompliance with a cease and desist order, the commissioner may institute a proceeding in Hennepin county district court to obtain injunctive relief or other appropriate relief, including a civil penalty payable to the office not exceeding \$10,000 for each separate violation.

Subd. 2. [INJUNCTIVE RELIEF.] In addition to any other remedy provided by law, including the issuance of a cease and desist order under subdivision 1, the commissioner may in the commissioner's own name bring an action in Hennepin county district court for injunctive relief to restrain an unlicensed complementary and alternative health care practitioner from a violation or threatened violation of any statute, rule, or order which the commissioner is empowered to regulate, enforce, or issue. A temporary restraining order must be granted in the proceeding if continued activity by a practitioner would create a serious risk of harm to others. The commissioner need not show irreparable harm.

Subd. 3. [ADDITIONAL POWERS.] The issuance of a cease and desist order or injunctive relief granted under this section does not relieve a practitioner from criminal prosecution by a competent authority or from disciplinary action by the commissioner.

Sec. 13. [146A.11] [COMPLEMENTARY AND ALTERNATIVE HEALTH CARE CLIENT BILL OF RIGHTS.]

Subdivision 1. [SCOPE.] All unlicensed complementary and alternative health care practitioners shall provide to each complementary and alternative health care client prior to providing treatment a written copy of the complementary and alternative health care client bill of rights. A copy must also be posted in a prominent location in the office of the unlicensed complementary and alternative health care practitioner. Reasonable accommodations shall be made for those clients who cannot read or who have communication impairments and those who do not read or speak English. The complementary and alternative health care client bill of rights shall include the following:

(1) the name, title, business address, and telephone number of the unlicensed complementary and alternative health care practitioner;

(2) the degrees, training, experience, or other qualifications of the practitioner, followed by the following statement in bold print:

"THE STATE OF MINNESOTA HAS NOT ADOPTED ANY EDUCATIONAL AND TRAINING STANDARDS FOR UNLICENSED COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONERS. THIS STATEMENT OF CREDENTIALS IS FOR INFORMATION PURPOSES ONLY.

Under Minnesota law, an unlicensed complementary and alternative health care practitioner may not provide a medical diagnosis or recommend discontinuance of medically prescribed treatments. If a client desires a diagnosis from a licensed physician, chiropractor, or acupuncture practitioner, or services from a physician, chiropractor, nurse, osteopath, physical therapist, dietitian, nutritionist, acupuncture practitioner, athletic trainer, or any other type of health care provider, the client may seek such services at any time.";

(3) the name, business address, and telephone number of the practitioner's supervisor, if any;

(4) notice that a complementary and alternative health care client has the right to file a complaint with the practitioner's supervisor, if any, and the procedure for filing complaints;

(5) the name, address, and telephone number of the office of unlicensed complementary and alternative health care practice and notice that a client may file complaints with the office;

(6) the practitioner's fees per unit of service, the practitioner's method of billing for such fees, the names of any insurance companies that have agreed to reimburse the practitioner, or health maintenance organizations with whom the practitioner contracts to provide service, whether the practitioner accepts Medicare, medical assistance, or general assistance medical care, and whether the practitioner is willing to accept partial payment, or to waive payment, and in what circumstances;

(7) a statement that the client has a right to reasonable notice of changes in services or charges;

(8) a brief summary, in plain language, of the theoretical approach used by the practitioner in providing services to clients;

(9) notice that the client has a right to complete and current information concerning the practitioner's assessment and recommended service that is to be provided, including the expected duration of the service to be provided;

(10) a statement that clients may expect courteous treatment and to be free from verbal, physical, or sexual abuse by the practitioner;

(11) a statement that client records and transactions with the practitioner are confidential, unless release of these records is authorized in writing by the client, or otherwise provided by law;

(12) a statement of the client's right to be allowed access to records and written information from records in accordance with section 144.335;

(13) a statement that other services may be available in the community, including where information concerning services is available;

(14) a statement that the client has the right to choose freely among available practitioners and to change practitioners after services have begun, within the limits of health insurance, medical assistance, or other health programs;

(15) a statement that the client has a right to coordinated transfer when there will be a change in the provider of services;

(16) a statement that the client may refuse services or treatment, unless otherwise provided by law; and

(17) a statement that the client may assert the client's rights without retaliation.

Subd. 2. [ACKNOWLEDGMENT BY CLIENT.] Prior to the provision of any service, a complementary and alternative health care client must sign a written statement attesting that the client has received the complementary and alternative health care client bill of rights.

Sec. 14. Minnesota Statutes 1999 Supplement, section 147.09, is amended to read:

147.09 [EXEMPTIONS.]

Section 147.081 does not apply to, control, prevent or restrict the practice, service, or activities of:

(1) A person who is a commissioned medical officer of, a member of, or employed by, the armed forces of the United States, the United States Public Health Service, the Veterans Administration, any federal institution or any federal agency while engaged in the performance of official duties within this state, if the person is licensed elsewhere.

(2) A licensed physician from a state or country who is in actual consultation here.

(3) A licensed or registered physician who treats the physician's home state patients or other participating patients while the physicians and those patients are participating together in outdoor recreation in this state as defined by section 86A.03, subdivision 3. A physician shall first register with the board on a form developed by the board for that purpose. The board shall not be required to promulgate the contents of that form by rule. No fee shall be charged for this registration.

(4) A student practicing under the direct supervision of a preceptor while the student is enrolled in and regularly attending a recognized medical school.

(5) A student who is in continuing training and performing the duties of an intern or resident or engaged in postgraduate work considered by the board to be the equivalent of an internship or residency in any hospital or institution approved for training by the board, provided the student has a residency permit issued by the board under section 147.0391.

(6) A person employed in a scientific, sanitary, or teaching capacity by the state university, the department of children, families, and learning, or by any public or private school, college, or other bona fide educational institution, a nonprofit organization, which has tax-exempt status in accordance with the Internal Revenue Code, section 501(c)(3), and is organized and operated primarily for the purpose of conducting scientific research directed towards discovering the causes of and cures for human diseases, or the state department of health, whose duties are entirely of a research, public health, or educational character, while engaged in such duties; provided that if the research includes the study of humans, such research shall be conducted under the supervision of one or more physicians licensed under this chapter.

(7) Physician's assistants registered in this state.

(8) A doctor of osteopathy duly licensed by the state board of osteopathy under Minnesota Statutes 1961, sections 148.11 to 148.16, prior to May 1, 1963, who has not been granted a license to practice medicine in accordance with this chapter provided that the doctor confines activities within the scope of the license.

(9) Any person licensed by a health related licensing board, as defined in section 214.01, subdivision 2, or registered by the commissioner of health pursuant to section 214.13, including psychological practitioners with respect to the use of hypnosis; provided that the person confines activities within the scope of the license.

(10) A person who practices ritual circumcision pursuant to the requirements or tenets of any established religion.

(11) A Christian Scientist or other person who endeavors to prevent or cure disease or suffering exclusively by mental or spiritual means or by prayer.

(12) A physician licensed to practice medicine in another state who is in this state for the sole purpose of providing medical services at a competitive athletic event. The physician may practice medicine only on participants in the athletic event. A physician shall first register with the board on a form developed by the board for that purpose. The board shall not be required to adopt the contents of the form by rule. The physician shall provide evidence satisfactory to the board of a current unrestricted license in another state. The board shall charge a fee of \$50 for the registration.

(13) A psychologist licensed under section 148.907 or a social worker licensed under section 148B.21 who uses or supervises the use of a penile or vaginal plethysmograph in assessing and treating individuals suspected of engaging in aberrant sexual behavior and sex offenders.

(14) Any person issued a training course certificate or credentialed by the emergency medical services regulatory board established in chapter 144E, provided the person confines activities within the scope of training at the certified or credentialed level.

(15) An unlicensed complementary and alternative health care practitioner practicing according to chapter 146A.

Sec. 15. Minnesota Statutes 1999 Supplement, section 214.01, subdivision 2, is amended to read:

Subd. 2. [HEALTH-RELATED LICENSING BOARD.] "Health-related licensing board" means the board of examiners of nursing home administrators established pursuant to section 144A.19, the office of unlicensed complementary and alternative health care practice established

pursuant to section 146A.02, the board of medical practice created pursuant to section 147.01, the board of nursing created pursuant to section 148.181, the board of chiropractic examiners established pursuant to section 148.02, the board of optometry established pursuant to section 148.52, the board of physical therapy established pursuant to section 148.67, the board of psychology established pursuant to section 148.90, the board of social work pursuant to section 148B.19, the board of marriage and family therapy pursuant to section 148B.30, the office of mental health practice established pursuant to section 148B.61, the alcohol and drug counselors licensing advisory council established pursuant to section 148C.02, the board of dietetics and nutrition practice established under section 148.622, the board of dentistry established pursuant to section 150A.02, the board of pharmacy established pursuant to section 151.02, the board of podiatric medicine established pursuant to section 153.02, and the board of veterinary medicine, established pursuant to section 156.01.

Sec. 16. [REPORT TO THE LEGISLATURE.]

The commissioner of health shall report to the legislature by January 1, 2003, on the number and types of complaints received against unlicensed complementary and alternative health care practitioners pursuant to Minnesota Statutes, chapter 146A, the types of practitioners against whom complaints were filed, and the locations of the practitioners, the number of investigations conducted, and the number and types of enforcement actions completed. The report must be filed in accordance with Minnesota Statutes, sections 3.195 and 3.197.

Sec. 17. [EFFECTIVE DATE.]

Sections 1 to 16 are effective July 1, 2001."

Delete the title and insert:

"A bill for an act relating to health; regulating complementary and alternative health care practitioners; establishing civil penalties; amending Minnesota Statutes 1999 Supplement, sections 13.99, by adding a subdivision; 147.09; and 214.01, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 146A."

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

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

S.F. No. 2732: A bill for an act relating to immigration; requiring commissioner of children, families, and learning to use the SAVE system to verify immigration status of applicants for child care assistance; requiring commissioner of human services to use the SAVE system to verify immigration status of applicants for assistance; amending Minnesota Statutes 1998, sections 119B.02, by adding a subdivision; 256.01, by adding a subdivision; and 256J.32, 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 256.01, is amended by adding a subdivision to read:

Subd. 18. [IMMIGRATION STATUS VERIFICATIONS.] Notwithstanding any waiver of this requirement by the secretary of the United States Department of Health and Human Services, the commissioner shall utilize the Systematic Alien Verification for Entitlements (SAVE) program to conduct immigration status verifications:

(1) as required under United States Code, title 8, section 1642;

(2) for all applicants for food assistance benefits, whether under the federal food stamp program, the MFIP or work first program, or the Minnesota food assistance program;

(3) for all applicants for general assistance medical care, except assistance for an emergency medical condition, for immunization with respect to an immunizable disease, or for testing and treatment of symptoms of a communicable disease; and

(4) for all applicants for general assistance, Minnesota supplemental aid, MinnesotaCare, or group residential housing, when the benefits provided by these programs would fall under the definition of "federal public benefit" under United States Code, title 8, section 1642, if federal funds were used to pay for all or part of the benefits.

Sec. 2. [REPORTS ON SAVE IMPLEMENTATION.]

On January 15, 2002, and January 15, 2003, the commissioner of human services shall report to the chairs of the house health and human services policy committee and the senate health and family security committee and the ranking minority member on the usage and costs of the SAVE program over the previous year. These reports must include summary, nonidentifying information on the number of inquiries per month that were submitted to the SAVE system, the number of times secondary verifications were pursued as a result of the inquiries submitted to SAVE, and the number of times the county determined, as a result of information provided through the SAVE system, that an applicant to a program listed in Minnesota Statutes, section 256.01, subdivision 18, was ineligible for benefits due to the applicant's immigration status.

Sec. 3. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to immigration; requiring commissioner of children, families, and learning to use the SAVE system to verify immigration status of applicants for child care assistance; requiring commissioner of human services to use the SAVE system to verify immigration status of applicants for assistance; amending Minnesota Statutes 1998, section 256.01, by adding a subdivision."

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

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

S.F. No. 3658: A bill for an act relating to health; specifying the circumstances under which information held by health maintenance organizations may be disclosed; amending Minnesota Statutes 1999 Supplement, section 13.99, subdivision 19; Minnesota Statutes 1998, section 72A.491, subdivision 17; proposing coding for new law in Minnesota Statutes, chapter 62D; repealing Minnesota Statutes 1998, section 62D.14, subdivision 4.

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

Page 1, delete line 16 and insert "under section 62D.14, subdivisions 1 and 4 4a"

Page 1, line 17, delete everything before the period

Page 1, before line 18, insert:

"Sec. 2. Minnesota Statutes 1998, section 62D.14, is amended by adding a subdivision to read:

Subd. 4a. [CLASSIFICATION OF DATA.] Any data or information obtained by the commissioner under this section or section 62D.14⁵ shall be classified as private data on individuals or nonpublic data as defined in chapter 13. Such data shall be protected and may be released consistent with the provisions of section 60A.03, subdivision 9."

Page 1, line 24, after "72A.497" insert ", 72A.499,"

Page 2, line 12, delete the second "or"

Page 2, line 15, before the period, insert "; or

(5) as otherwise authorized pursuant to statute"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete everything after "Statutes" and insert "1998, sections 62D.14, by adding a subdivision; and 72A.491, subdivision 17; Minnesota Statutes 1999 Supplement, section 13.99, subdivision 19"

Page 1, delete line 6

Page 1, line 7, delete everything before the semicolon

And when so amended the bill do pass and be re-referred to the Committee on Judiciary.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Joint Rule 2.03 suspended. Amendments adopted. Report adopted.

Senator Sams from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2840: A bill for an act relating to agriculture; delaying the implementation and enforcement of certain animal feedlot rules.

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

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

S.F. No. 3562: A bill for an act relating to the legislature; authorizing a legislative commission on Minnesota-Ontario matters; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3.

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

Page 1, line 9, delete "A" and insert "The"

Page 1, line 10, delete everything after "matters"

Page 1, line 11, delete everything before "of" and insert "consists"

Page 1, line 16, delete everything after "interest"

Page 1, line 17, delete everything before the period

Page 2, after line 2, insert:

"Subd. 3. [TERMS.] Minnesota legislative members serve for the term of the legislative office to which they were elected. The terms, compensation, and removal of the nonlegislative members of the commission are as provided in Minnesota Statutes, section 15.059. The commission expires June 30, 2004.

Subd. 4. [OFFICERS.] The Ontario section and the Minnesota section shall each elect a chair

and a co-chair from their respective memberships. The Ontario chair shall conduct joint meetings held in Canada, and the Minnesota chair shall conduct joint meetings held in the United States. The commission at large shall elect a secretary.

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

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 Sams from the Committee on Agriculture and Rural Development, to which was referred the following appointment as reported in the Journal for February 10, 2000:

MINNESOTA RURAL FINANCE AUTHORITY

James Molenaar

Reports the same back with the recommendation that the appointment be confirmed.

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Sams from the Committee on Agriculture and Rural Development, to which were referred the following appointments as reported in the Journal for February 1, 2000:

BOARD OF ANIMAL HEALTH

Sharon Baker
Todd Searles
Darrell Zehrer

MINNESOTA RURAL FINANCE AUTHORITY

Leslie Anderson

Reports the same back with the recommendation that the appointments be confirmed.

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 3150, 295, 3095, 3016, 2776, 3678, 1896, 2654, 3070, 3031, 3323, 2852, 2968, 1226, 2803, 3529, 2946, 1009, 3038, 3465, 3549, 2734, 3485, 3623, 702, 2810, 3644, 734, 3300, 3014, 2941, 3025, 2677, 3581 and 2840 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 3236, 2749, 2642 and 1865 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Krentz moved that her be stricken as chief author, shown as a co-author and the name of Senator Laidig be shown as chief author to S.F. No. 1543. The motion prevailed.

Senator Solon moved that his name be stricken as chief author, shown as a co-author and the name of Senator Murphy be shown as chief author to S.F. No. 2200. The motion prevailed.

Senator Wiger moved that the names of Senators Laidig, Murphy, Stevens and Metzen be added as co-authors to S.F. No. 2348. The motion prevailed.

Senator Scheid moved that the name of Senator Belanger be added as a co-author to S.F. No. 2655. The motion prevailed.

Senator Higgins moved that the name of Senator Kelley, S.P. be added as a co-author to S.F. No. 3727. The motion prevailed.

Senator Scheid moved that the name of Senator Wiger be added as a co-author to S.F. No. 3729. The motion prevailed.

Senator Neuville moved that the name of Senator Runbeck be added as a co-author to S.F. No. 3737. The motion prevailed.

Senator Hanson moved that the name of Senator Marty be added as a co-author to S.F. No. 3601. The motion prevailed.

Senator Hanson moved that the name of Senator Marty be added as a co-author to S.F. No. 3676. The motion prevailed.

Senator Kelley, S.P. moved that S.F. No. 3284 be withdrawn from the Committee on Children, Families and Learning and re-referred to the Committee on Governmental Operations and Veterans. The motion prevailed.

Senator Janezich moved that S.F. No. 3320 be withdrawn from the Committee on Children, Families and Learning and re-referred to the Committee on Crime Prevention. The motion prevailed.

Senator Foley introduced--

Senate Resolution No. 124: A Senate resolution congratulating the Anoka High School girls hockey team on being runnerup in the 2000 State High School Class A Girls Hockey championship.

Referred to the Committee on Rules and Administration.

Senator Ourada introduced--

Senate Resolution No. 125: A Senate resolution congratulating Daniel Stoltenberg of Elk River, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senators Junge and Robertson introduced--

Senate Resolution No. 126: A Senate resolution honoring Nicklow's Restaurant as a Crystal landmark.

Referred to the Committee on Rules and Administration.

Senator Price introduced--

Senate Resolution No. 127: A Senate resolution honoring Dick and Lois Danzl of Cottage Grove, Minnesota, on being named Foster Parents of the Year for 1999 by the Minnesota Foster Care Association.

Referred to the Committee on Rules and Administration.

Senator Neuville moved that S.F. No. 2732 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Health and Family Security. The motion prevailed.

Senator Ranum moved that S.F. No. 2974, No. 118 on General Orders, be stricken and re-referred to the Committee on Human Resources Finance. The motion prevailed.

RECESS

Senator Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Senator Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 2888: Senators Berg; Johnson, D.E. and Larson.

Senator Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Kinkel and Lessard introduced--

S.F. No. 3746: A bill for an act relating to taxation; modifying the amount of casino tax revenues distributed to Itasca and Cass counties.

Referred to the Committee on Taxes.

Senator Belanger introduced--

S.F. No. 3747: A bill for an act relating to taxation; providing a property tax exemption for private aircraft storage hangars on leased land; amending Minnesota Statutes 1998, sections 272.01, subdivision 2; and 273.19, subdivision 1.

Referred to the Committee on Local and Metropolitan Government.

Senator Terwilliger introduced--

S.F. No. 3748: A bill for an act relating to taxation; income tax; allowing the subtraction of social security income; amending Minnesota Statutes 1999 Supplement, section 290.01, subdivision 19b.

Referred to the Committee on Taxes.

Senators Solon and Johnson, D.J. introduced--

S.F. No. 3749: A bill for an act relating to transportation; appropriating money for establishing transit demonstration and bus pass program at the University of Minnesota-Duluth.

Referred to the Committee on Transportation.

Senator Johnson, D.J. introduced--

S.F. No. 3750: A bill for an act relating to sales and use tax; exempting admission to high school league tournaments from the sales tax; amending Minnesota Statutes 1998, section 297A.25, subdivision 30.

Referred to the Committee on Taxes.

Senator Johnson, D.J. introduced--

S.F. No. 3751: A bill for an act relating to taxation; sales and use; exempting certain machinery and equipment for ski areas; amending Minnesota Statutes 1998, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes.

Senator Murphy introduced--

S.F. No. 3752: A bill for an act relating to taxation; sales and use; exempting sales of gumballs; amending Minnesota Statutes 1998, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes.

Senator Metzen introduced--

S.F. No. 3753: A bill for an act relating to local government; allowing West St. Paul to implement an ordinance amortizing certain signs.

Referred to the Committee on Local and Metropolitan Government.

Senators Piper and Stumpf introduced--

S.F. No. 3754: A bill for an act relating to higher education; appropriating money to the board of trustees of the Minnesota state colleges and universities to cover certain health care insurance cost increases.

Referred to the Committee on Children, Families and Learning.

Senator Laidig introduced--

S.F. No. 3755: A bill for an act relating to motor vehicles; exempting certain dealers in emergency vehicles from motor vehicle dealer licensing requirements; making clarifying changes; amending Minnesota Statutes 1998, section 168.27, subdivision 8.

Referred to the Committee on Commerce.

Senator Sams introduced--

S.F. No. 3756: A bill for an act relating to education; amending residential academies grants; amending Laws 1999, chapter 241, article 4, section 26.

Referred to the Committee on Children, Families and Learning.

Senator Scheid introduced--

S.F. No. 3757: A bill for an act relating to taxes; sales and use tax; expanding the exemption for materials consumed in production; amending Minnesota Statutes 1999 Supplement, section 297A.25, subdivision 9.

Referred to the Committee on Taxes.

Senator Larson introduced--

S.F. No. 3758: A bill for an act relating to education finance; authorizing a fund transfer for independent school district No. 544, Fergus Falls.

Referred to the Committee on Children, Families and Learning.

Senator Ring introduced--

S.F. No. 3759: A bill for an act relating to capital investment; providing for reimbursement for the extraordinary costs of connecting Cambridge community college to city sewer and water; appropriating money.

Referred to the Committee on Children, Families and Learning.

Senators Belanger and Johnson, D.H. introduced--

S.F. No. 3760: A bill for an act relating to taxation; property tax; modifying the definition of certain contiguous commercial-industrial parcels; amending Minnesota Statutes 1999 Supplement, section 273.13, subdivision 24.

Referred to the Committee on Local and Metropolitan Government.

Senator Runbeck introduced--

S.F. No. 3761: A bill for an act relating to motor vehicles; providing for a tax credit on the registration tax on passenger automobiles; amending Minnesota Statutes 1998, section 168.013, subdivision 1a, and by adding a subdivision.

Referred to the Committee on Transportation.

Senator Foley introduced--

S.F. No. 3762: A bill for an act relating to adult basic education; creating an adult basic education policy review board; proposing coding for new law in Minnesota Statutes, chapter 124D.

Referred to the Committee on Governmental Operations and Veterans.

Without objection, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

SUSPENSION OF RULES

Senator Moe, R.D. moved that Joint Rule 2.03 be suspended as it relates to the Committee Report on S.F. No. 3577. The motion prevailed.

Senator Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

S.F. No. 3577: A bill for an act relating to veterans homes; authorizing certain homeless and disabled veterans programs at the Minneapolis and Hastings veterans homes; proposing coding for new law in Minnesota Statutes, chapter 198.

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

Page 1, line 11, delete "a" and delete "dwelling" and insert "dwellings"

Page 1, after line 14, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Joint Rule 2.03 suspended. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 3577 was read the second time.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Thursday, March 9, 2000. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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