

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIRST LEGISLATURE

ONE HUNDRED SIXTEENTH DAY

St. Paul, Minnesota, Thursday, May 4, 2000

The Senate met at 1:00 p.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 Senator Dean E. Johnson.

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

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

May 1, 2000

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

I have vetoed and am returning Chapter Number 448, S.F. No. 2385, a bill exempting certain public hospital employees from the compensation limit.

This exemption is not necessary since there is already an existing process for public employers to request exemptions on a case-by-case basis. The Department of Employee Relations and the Legislative Coordinating Commission's Subcommittee on Employee Relations have responded positively to those exemption requests that demonstrate that the employer is competing in a national or regional market and would have problems attracting or retaining employees within the statutory salary limits. The current exemption process works and should not be circumvented with broad exclusions in statute.

For these reasons, I am vetoing this bill.

Sincerely,
Jesse Ventura, Governor

Senator Junge moved that S.F. No. 2385 and the veto message thereon be laid on the table. The motion prevailed.

May 2, 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
	3020	449	2:45 p.m. May 1	May 2
	3047	450	2:47 p.m. May 1	May 2

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, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2893: A bill for an act relating to business subsidies; providing clarification to the obligation of government agencies and businesses related to certain business subsidies; amending Minnesota Statutes 1999 Supplement, sections 116J.993, subdivision 3; 116J.994, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, and by adding a subdivision; and 116J.995.

Senate File No. 2893 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 2000

Senator Hottinger moved that the Senate do not concur in the amendments by the House to S.F.

No. 2893, 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 to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1048: A bill for an act relating to utilities; creating advisory selection process for public utility commissioners; regulating ex parte communications with commissioners; amending Minnesota Statutes 1998, sections 216A.03, subdivisions 1 and 1a; and 216A.037; proposing coding for new law in Minnesota Statutes, chapter 216A.

There has been appointed as such committee on the part of the House:

Jennings, Davids and Wolf.

Senate File No. 1048 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 2000

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. 3131.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 47 and nays 17, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Langseth	Novak	Spear
Berg	Janezich	Larson	Pappas	Stevens
Berglin	Johnson, D.E.	Lesewski	Piper	Stumpf
Betzold	Johnson, D.H.	Lessard	Pogemiller	Vickerman
Cohen	Johnson, D.J.	Limmer	Price	Wiener
Dille	Junge	Lourey	Ranum	Wiger
Flynn	Kelley, S.P.	Marty	Sams	Ziegler
Foley	Kelly, R.C.	Metzen	Samuelson	
Hanson	Kinkel	Moe, R.D.	Scheid	
Higgins	Krentz	Murphy	Solon	

Those who voted in the negative were:

Belanger	Kiscaden	Neuville	Ring	Terwilliger
Day	Kleis	Oliver	Robling	
Frederickson	Knutson	Olson	Runbeck	
Kierlin	Laidig	Ourada	Scheevel	

The motion prevailed. So Joint Rule 2.03 was suspended.

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

S.F. No. 3131: A bill for an act relating to natural resources; designating certain wildlife management areas; adding land to certain state forests; providing for all-terrain vehicle use in

certain wildlife management areas; amending Minnesota Statutes 1998, section 97A.135, subdivision 2a; 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. [LEGISLATIVE FINDINGS; PURPOSE.]

Consolidated-conservation lands are lands that have a unique status under the legislative acts of 1929, 1931, and 1933 that created boundaries for the lands to become consolidated-conservation lands in Beltrami, Koochiching, Lake of the Woods, Aitkin, Mahnomon, Marshall, and Roseau counties. The counties and the commissioner of natural resources have had joint interests, responsibilities, and receipts of revenues from the consolidated-conservation lands as provided by law which have led to disagreements and frustration over the designation and use of these lands. The lands were privately owned and became tax-forfeited from drainage and property taxes leaving the counties with the burden of providing infrastructure without taxable lands to provide supporting revenue. The commissioner of natural resources has been charged with developing game preserves, forestry areas, and other state purposes on these lands that were previously privately owned and drained wholly or partially for settlement. The goals and uses for the consolidated-conservation lands require a working relationship between the counties and the commissioner to resolve state and county concerns for the lands.

It is the purpose of this act to designate certain consolidated-conservation lands as forestry or wildlife management lands with certain uses so that there is no further dispute about the status of those lands, to provide increased payments in lieu of taxes to support county infrastructure, and to provide a structure and forum for the counties and the commissioner to resolve identified issues and make common recommendations to the legislature.

Sec. 2. [97A.133] [STATE WILDLIFE MANAGEMENT AREAS.]

Subdivision 1. [ESTABLISHMENT.] State wildlife management areas are established and designated as provided under this section. State wildlife management areas are located and named as indicated in this section.

Subd. 2. [PAYMENT IN LIEU OF TAXES.] The consolidated conservation lands included in state wildlife management areas are subject to the payment in lieu tax as provided in section 477A.12, paragraph (a), clause (1).

Subd. 3. [ALL-TERRAIN VEHICLE TRAVEL WITHIN DESIGNATED WILDLIFE MANAGEMENT AREAS.] (a) On lands acquired by the state under chapter 84A that are designated after January 1, 1986, as wildlife management areas, the commissioner shall, by January 15, 2003, identify and designate corridor trails in corridors of disturbance that the commissioner determines are appropriate to connect trails, forest roads established under section 89.71, subdivision 1, and public highways to provide reasonable travel for all-terrain vehicles. The commissioner shall consult with wildlife management area users, including both motorized and nonmotorized trail users, in identifying and designating corridor trails under this paragraph. Corridor trail establishment must be in compliance with other state and federal law. Local governments and other trail sponsors may propose the designation of corridor trails, including the designation as a grant-in-aid trail for the purposes of funding under section 84.927, subdivision 2.

(b) The following forest roads shall be open to travel by all-terrain vehicles when the roads are open to other noncommercial vehicles:

(1) the Rapid River forest road, beginning at the west boundary of the Red Lake wildlife management area at the southwest corner of Section 7, Township 156 North, Range 35 West, Beltrami county, thence in an easterly and northeasterly direction through the Red Lake wildlife management area to the east boundary of the Red Lake wildlife management area at the southwest corner of Section 7, Township 157 North, Range 33 West, Lake of the Woods county;

(2) the Blanchard forest road, beginning at the junction of the North Shore Road along the

northern shore of Upper Red Lake and the Blanchard state forest road at the west section line of Section 30, Township 155 North, Range 31 West, Beltrami county, thence in a westerly direction to the west section line of Section 31, Township 155 North, Range 32 West; and

(3) the Moose River forest road, beginning at the junction of Dick's Parkway state forest road and the Moose River state forest road at the southwest corner of Section 31, Township 36 West, Range 158 North, thence in a westerly direction along the Moose River state forest road to the junction of Beltrami county road 706.

(c) The commissioner shall sign each road and trail designated under this subdivision indicating the motorized uses allowed.

(d) For the purposes of this subdivision, "corridors of disturbance" means rights-of-way such as ditches, ditch banks, transmission lines, pipelines, permanent roads, winter roads, and recreational trails. The existence of a corridor of disturbance eligible for corridor designation may be demonstrated by physical evidence, document recorded in the office of the county recorder or other public official, aerial survey, or other evidence similar to the above. Cross-country motorized use of land shall not cause that land to be considered a corridor of disturbance.

Subd. 4. Agder wildlife management area, Marshall county.

Subd. 5. Aitkin wildlife management area, Aitkin county.

Subd. 6. Bear Creek wildlife management area, Roseau county.

Subd. 7. Benville wildlife management area, Beltrami county.

Subd. 8. Border wildlife management area, Roseau county.

Subd. 9. Carmalee wildlife management area, Beltrami county.

Subd. 10. Carp Swamp wildlife management area, Lake of the Woods county.

Subd. 11. Cedar wildlife management area, Marshall county.

Subd. 12. Cedarbend wildlife management area, Roseau county.

Subd. 13. Clear River wildlife management area, Roseau county.

Subd. 14. East Branch wildlife management area, Roseau county.

Subd. 15. East Park wildlife management area, Marshall county.

Subd. 16. Eckvoll wildlife management area, Marshall county.

Subd. 17. Elm Lake wildlife management area, Marshall county.

Subd. 18. Enstrom wildlife management area, Roseau county.

Subd. 19. Espelie wildlife management area, Marshall county.

Subd. 20. Fireweed wildlife management area, Beltrami county.

Subd. 21. Foote wildlife management area, Mahnomen county.

Subd. 22. Four Mile Bay wildlife management area, Lake of the Woods county.

Subd. 23. Golden Valley wildlife management area, Roseau county.

Subd. 24. Graceton wildlife management area, Lake of the Woods county.

Subd. 25. Grayling Marsh wildlife management area, Aitkin county.

Subd. 26. Grygla wildlife management area, Marshall county.

- Subd. 27. Gun Dog wildlife management area, Beltrami county.
- Subd. 28. Hamre wildlife management area, Beltrami county.
- Subd. 29. Hayes wildlife management area, Roseau county.
- Subd. 30. Huntly wildlife management area, Marshall county.
- Subd. 31. Killian wildlife management area, Mahnomen county.
- Subd. 32. Kimberly wildlife management area, Aitkin county.
- Subd. 33. Larry Bernhoft wildlife management area, Lake of the Woods county.
- Subd. 34. Lee wildlife management area, Beltrami county.
- Subd. 35. Little Willow wildlife management area, Aitkin county.
- Subd. 36. Marbel wildlife management area, Roseau county.
- Subd. 37. McGregor Marsh wildlife management area, Aitkin county.
- Subd. 38. Moose River wildlife management area, Beltrami county.
- Subd. 39. Moylan wildlife management area, Marshall county.
- Subd. 40. Nereson wildlife management area, Roseau county.
- Subd. 41. New Maine wildlife management area, Marshall county.
- Subd. 42. Palmville wildlife management area, Marshall and Roseau counties.
- Subd. 43. Prosper wildlife management area, Lake of the Woods county.
- Subd. 44. Red Lake wildlife management area, Beltrami county.
- Subd. 45. Robert Wickstrom wildlife management area, Aitkin county.
- Subd. 46. Rocky Point wildlife management area, Lake of the Woods county.
- Subd. 47. Roseau Lake wildlife management area, Roseau county.
- Subd. 48. Rosver wildlife management area, Roseau county.
- Subd. 49. Salo wildlife management area, Aitkin county.
- Subd. 50. Saw-Whet wildlife management area, Beltrami county.
- Subd. 51. Sem wildlife management area, Marshall county.
- Subd. 52. Sharp wildlife management area, Marshall county.
- Subd. 53. Skime wildlife management area, Roseau county.
- Subd. 54. Snowshoe wildlife management area, Marshall county.
- Subd. 55. South Shore wildlife management area, Lake of the Woods and Roseau counties.
- Subd. 56. Spooner wildlife management area, Lake of the Woods county.
- Subd. 57. Thief Lake wildlife management area, Marshall county.
- Subd. 58. Valley wildlife management area, Marshall county.
- Subd. 59. Vanose wildlife management area, Mahnomen county.

Subd. 60. Wabun wildlife management area, Mahnomon county.

Subd. 61. Wannaska wildlife management area, Roseau county.

Subd. 62. Wapiti wildlife management area, Beltrami county.

Subd. 63. Willow Run wildlife management area, Beltrami county.

Subd. 64. Willowsippi wildlife management area, Aitkin county.

Subd. 65. Wolf Trail wildlife management area, Beltrami county.

Sec. 3. Minnesota Statutes 1998, section 97A.135, subdivision 2a, is amended to read:

Subd. 2a. [DISPOSAL OF LAND IN WILDLIFE MANAGEMENT AREAS.] (a) The commissioner may sell or exchange land in a wildlife management area authorized by designation under section 86A.07, subdivision 3, 97A.133, or 97A.145 if the commissioner vacates the designation before the sale or exchange in accordance with this subdivision. The designation may be vacated only if the commissioner finds, after a public hearing, that the disposal of the land is in the public interest.

(b) A sale under this subdivision is subject to sections 94.09 to 94.16. An exchange under this subdivision is subject to sections 94.341 to 94.348.

(c) Revenue received from a sale authorized under paragraph (a) is appropriated to the commissioner for acquisition of replacement wildlife management lands.

(d) Land acquired by the commissioner under this subdivision must meet the criteria in section 86A.05, subdivision 8, and as soon as possible after the acquisition must be designated as a wildlife management area under section 86A.07, subdivision 3, 97A.133, or 97A.145.

(e) In acquiring land under this subdivision, the commissioner must give priority to land within the same geographic region of the state as the land conveyed.

Sec. 4. Minnesota Statutes 1998, section 477A.11, subdivision 3, is amended to read:

Subd. 3. [ACQUIRED NATURAL RESOURCES LAND.] "Acquired natural resources land" means:

(1) any land presently administered by the commissioner in which the state acquired by purchase, condemnation, or gift, a fee title interest in lands which were previously privately owned; and

(2) lands acquired by the state under chapter 84A that are designated as state parks, state recreation areas, scientific and natural areas, or wildlife management areas.

Sec. 5. Minnesota Statutes 1998, section 477A.11, subdivision 4, is amended to read:

Subd. 4. [OTHER NATURAL RESOURCES LAND.] "Other natural resources land" means:

(1) any other land presently owned in fee title by the state and administered by the commissioner, or any tax-forfeited land, other than platted lots within a city or those lands described under subdivision 3, clause (2), which is owned by the state and administered by the commissioner or by the county in which it is located; and

(2) land leased by the state from the United States of America through the United States Secretary of Agriculture pursuant to Title III of the Bankhead Jones Farm Tenant Act, which land is commonly referred to as land utilization project land that is administered by the commissioner.

Sec. 6. [ADDITIONS TO STATE FORESTS.]

Subdivision 1. [89.021] [Subd. 5.] [BELTRAMI ISLAND STATE FOREST.] The following areas are added to Beltrami Island state forest:

(1) Lot 3 and Lot 4 of Section 4; Lot 1, Lot 3, and Lot 4 of Section 5; Lot 1, Lot 2, and Lot 3 of Section 6; all in Township 154 North, Range 34 West;

(2) E1/2-SW1/4 and SW1/4-SE1/4 of Section 20; SW1/4-SE1/4 of Section 29; SE1/4-NW1/4, NE1/4-SW1/4, and S1/2-SE1/4 of Section 31; NE1/4 of Section 32; NW1/4 and W1/2-SW1/4 of Section 33; E1/2 and NW1/4-SW1/4 of Section 34; SW1/4 of Section 35; all in Township 162 North, Range 35 West;

(3) all of Section 1; Lot 1, Lot 2, S1/2-NE1/4, N1/2-SW1/4, and SE1/4 of Section 2; Lot 1, Lot 2, S1/2-NE1/4, Lot 3, Lot 4, S1/2-NW1/4, and SE1/4 of Section 3; Lot 1, Lot 2, S1/2-NE1/4, S1/2-SW1/4, and SE1/4 of Section 4; Lot 2, S1/2-NE1/4, Lot 3, Lot 4, S1/2-NW1/4, and S1/2 of Section 5; Lot 7, SE1/4-SW1/4, and S1/2-SE1/4 of Section 6; all of Section 7; all of Section 8; N1/2, SW1/4, and N1/2-SE1/4 of Section 9; NE1/4-NE1/4, SW1/4-NE1/4, NW1/4, and N1/2-SW1/4 of Section 10; E1/2, E1/2-NW1/4, NW1/4-NW1/4, and E1/2-SW1/4 of Section 11; all of Section 12; all of Section 13; E1/2, E1/2-NE1/4-NW1/4, E1/2-SE1/4-NW1/4, E1/2-NE1/4-SW1/4, and E1/2-SE1/4-SW1/4 of Section 14; SW1/4-NE1/4, W1/2, and NW1/4-SE1/4 of Section 15; SW1/4-NE1/4 lying north and east of state highway No. 89, SE1/4-NE1/4 lying north and east of state highway No. 89, SW1/4-NW1/4, S1/2-SW1/4, and S1/2-SE1/4 of Section 16; NE1/4, E1/2-NW1/4, NE1/4-SW1/4, and N1/2-SE1/4 of Section 17; NW1/4-NE1/4, E1/2-NW1/4, Lot 1, Lot 2, E1/2-SW1/4, Lot 3, Lot 4, and W1/2-SE1/4 of Section 18; N1/2-NE1/4, SW1/4-NE1/4, E1/2-NW1/4, Lot 1, Lot 2, E1/2-SW1/4, Lot 3, Lot 4, and S1/2-SE1/4 of Section 19; E1/2-NE1/4, NE1/4-NW1/4, and SE1/4-SE1/4 of Section 20; N1/2-NE1/4, NE1/4-NW1/4, and W1/2-NW1/4 of Section 21; NE1/4-NE1/4, that part of NE1/4-NW1/4 lying north and east of center line of state highway No. 89, SE1/4-SW1/4, and SW1/4-SE1/4 of Section 22; E1/2-SW1/4 and SE1/4 of Section 23; all of Section 24; all of Section 25; NE1/4, N1/2-SE1/4, and SW1/4-SE1/4 of Section 26; NW1/4-NE1/4, NE1/4-NW1/4, and SW1/4-SE1/4 of Section 27; NE1/4-NE1/4 and SW1/4 of Section 29; E1/2, E1/2-NW1/4, Lot 1, Lot 2, NE1/4-SW1/4, and Lot 3 of Section 30; S1/2-NE1/4, E1/2-NW1/4, Lot 1, Lot 2, E1/2-SW1/4, Lot 3, Lot 4, and SE1/4 of Section 31; all of Section 32; S1/2-NE1/4, W1/2, and SE1/4 of Section 33; NE1/4, east 165 feet of the north 1,320 feet of the NE1/4-NW1/4, SE1/4-NW1/4, E1/2-SW1/4, SW1/4-SW1/4, and SE1/4 of Section 35; all of Section 36; all in Township 155 North, Range 36 West;

(4) E1/2, E1/2-NW1/4, N1/2-SW1/4, and SE1/4-SW1/4 of Section 14; W1/2-NE1/4, W1/2, and W1/2-SE1/4 of Section 16; E1/2 and E1/2-SW1/4 of Section 17; NE1/4, E1/2-NW1/4, Lot 1, Lot 2, and Lot 3 of Section 18; SW1/4-NE1/4, E1/2-SW1/4, and SE1/4 of Section 19; S1/2-NE1/4, N1/2-SW1/4, SW1/4-SW1/4 except the West 20 rods of the South 16 rods; SE1/4-NE1/4, W1/2-SE1/4, and SE1/4-SE1/4 of Section 20; S1/2-NE1/4 and SE1/4 of Section 21; W1/2-SW1/4 and SE1/4-SW1/4 of Section 22; NE1/4, E1/2-SW1/4, and SE1/4 of Section 23; all of Section 26; NW1/4-NW1/4, S1/2-NW1/4, SW1/4, N1/2-SE1/4, and SW1/4-SE1/4 of Section 27; all of Section 28; N1/2-NE1/4, SE1/4-NE1/4, NE1/4-NW1/4, SW1/4-NW1/4, and S1/2 of Section 29; E1/2 and NW1/4-NW1/4 of Section 32; N1/2, NE1/4-SW1/4, and SE1/4 of Section 33; all of Section 34; all of Section 35; all in Township 156 North, Range 36 West;

(5) SE1/4 of Section 1; SW1/4 of Section 15; S1/2 of Section 16; SE1/4-SE1/4 of Section 17; and Lot 1, Lot 2, SE1/4-NW1/4, E1/2-SW1/4, Lot 3, Lot 4, W1/2-NW1/4-SE1/4, and W1/2-SW1/4-SE1/4 of Section 18; all in Township 161 North, Range 36 West;

(6) Lot 1 lying south of railroad, of Section 4, Township 162 North, Range 36 West;

(7) NW1/4-NE1/4, S1/2-NE1/4, W1/2, N1/2-SE1/4, and N1/2-SE1/4-SE1/4 of Section 13; all of Section 14; all of Section 15; E1/2 and N1/2-NW1/4 of Section 16; N1/2, E1/2-SW1/4, N1/2-SE1/4, SW1/4-SE1/4 less 2 acres in the southeast corner thereof, and SE1/4-SE1/4 of Section 22; N1/2, SW1/4, and W1/2-SE1/4 of Section 23; N1/2-NW1/4 of Section 24; NW1/4-SW1/4 of Section 25; W1/2-NE1/4, SE1/4-NE1/4, W1/2, and N1/2-SE1/4 of Section 26; E1/2 and NE1/4-SW1/4 of Section 27; NE1/4, NE1/4-NW1/4, S1/2-NW1/4, SW1/4, and W1/2-SE1/4 of Section 28; NE1/4 and E1/2-NW1/4 of Section 32; N1/2, W1/2-SE1/4, SE1/4-SE1/4 except the South 50 rods of the East 32 rods thereof, of Section 33; all of Section 34; S1/2-NE1/4, S1/2-NW1/4, SW1/4, W1/2-SE1/4, and SE1/4-SE1/4 of Section 35; NE1/4-NE1/4 of Section 36; all in Township 156 North, Range 37 West;

(8) Lot 1, Lot 2, and S1/2-NE1/4 of Section 2; SE1/4-NE1/4, S1/2-SW1/4, and S1/2-SE1/4 of Section 10; S1/2-SW1/4 and S1/2-SE1/4 of Section 11; all in Township 161 North, Range 37 West;

(9) NE1/4, Lot 1, Lot 2, SE1/4-NW1/4, Lot 3, and Lot 4 of Section 7; E1/2-NW1/4, and SW1/4 of Section 8; S1/2-SW1/4 of Section 15; N1/2-SW1/4 and N1/2-SE1/4 of Section 16; N1/2-NW1/4, SW1/4-NW1/4, and S1/2 of Section 17; all of Section 18; NW1/4 of Section 20; NE1/4-NW1/4 of Section 21; all in Township 159 North, Range 38 West; and

(10) SE1/4-NE1/4 of Section 25, Township 161 North, Range 38 West.

Subd. 2. [89.021] [Subd. 24.] [HILL RIVER STATE FOREST.] The following areas are added to the Hill River state forest:

(1) Lot 1, Lot 2, S1/2-NE1/4, Lot 3, Lot 4, S1/2-NW1/4, and S1/2 of Section 1; S1/2-NE1/4, S1/2-NW1/4 and S1/2 of Section 2; S1/2-NE1/4, Lot 3, Lot 4, S1/2-NW1/4, SW1/4, N1/2-SE1/4, and SW1/4-SE1/4 of Section 3; Lot 1, S1/2-NE1/4, SE1/4-NW1/4, NE1/4-SW1/4, S1/2-SW1/4, N1/2-SE1/4, and SW1/4-SE1/4 of Section 4; Lot 1, Lot 2, S1/2-NE1/4, S1/2-NW1/4, E1/2-SW1/4, and SE1/4 of Section 5; Lot 1, S1/2-NE1/4, Lot 3, Lot 4, Lot 5, SE1/4-NW1/4, and NW1/4-SE1/4 of Section 6; NE1/4, NE1/4-NW1/4, Lot 1, Lot 2, SE1/4-NW1/4, NE1/4-SW1/4, Lot 3, Lot 4, SE1/4-SW1/4, and SE1/4 of Section 7; N1/2-NE1/4, that part of the SW1/4-NE1/4 beginning at the southwest corner of the SW1/4-NE1/4, north 20 rods along the west quarter line, east 8 rods, south 20 rods to quarter line, west along quarter line to point of beginning, SE1/4-NE1/4, SE1/4-NW1/4, and SE1/4 of Section 8; W1/2-NE1/4, NW1/4, N1/2-SW1/4, and SW1/4-SW1/4 of Section 9; NW1/4 of Section 10; W1/2-NE1/4, SE1/4-NW1/4, and E1/2-SW1/4 of Section 13; N1/2-SW1/4, SW1/4-SW1/4, N1/2-SE1/4, and SE1/4-SE1/4 of Section 15; NE1/4 and SW1/4-SW1/4 of Section 17; NE1/4-NE1/4 of Section 18; Lot 4 of Section 19; S1/2-NE1/4 and N1/2-SE1/4 of Section 20; NE1/4-NE1/4, S1/2-NE1/4, NW1/4, N1/2-SW1/4, SE1/4-SW1/4, N1/2-SE1/4, and SE1/4-SE1/4 of Section 21; SW1/4, NW1/4-SE1/4, and S1/2-SE1/4 of Section 22; S1/2-NE1/4, SE1/4-NW1/4, N1/2-SW1/4, SW1/4-SW1/4, N1/2-SE1/4, and SE1/4-SE1/4 of Section 23; Lot 6 and Lot 7 of Section 24; Lot 1, Lot 3, Lot 4, Lot 2, NE1/4-SE1/4, and S1/2-SE1/4 of Section 25; N1/2-NE1/4, NW1/4-SE1/4, and S1/2-SE1/4 of Section 26; N1/2, N1/2-SW1/4, SE1/4-SW1/4, N1/2-SE1/4, and SW1/4-SE1/4 of Section 27; NE1/4-NE1/4, S1/2-NE1/4, and NE1/4-SE1/4 of Section 28; Lot 1, Lot 2, SE1/4-NW1/4, NE1/4-SW1/4, Lot 3, SE1/4-SW1/4, and SE1/4 of Section 30; NE1/4, NE1/4-NW1/4, Lot 2, SE1/4-NW1/4, NE1/4-SW1/4, Lot 3, Lot 4, SE1/4-SW1/4, and SE1/4 of Section 31; NE1/4, N1/2-NW1/4, SE1/4-NW1/4, NE1/4-SW1/4, S1/2-SW1/4, N1/2-SE1/4, and SE1/4-SE1/4 of Section 32; NW1/4-NE1/4, S1/2-NE1/4, NW1/4, N1/2-SW1/4, SE1/4-SW1/4, and SE1/4 of Section 33; SW1/4-NE1/4, SE1/4-NE1/4 less south 10 acres, and S1/2 of Section 34; NE1/4, NE1/4-NW1/4, S1/2-NW1/4, SW1/4, N1/2-SE1/4, Lot 3, Lot 4, Lot 1, and Lot 2 of Section 35; all in Township 50 North, Range 25 West; and

(2) 33-foot roadway along the westerly line of E1/2-NE1/4 and NE1/4-SE1/4 and over and across the NE1/4-SE1/4 of Section 26, Township 52 North, Range 26 West.

Subd. 3. [89.021] [Subd. 30a.] [LAKE OF THE WOODS STATE FOREST.] The following areas are added to Lake of the Woods state forest:

(1) N1/2-SE1/4 and SW1/4-SE1/4 of Section 5; SW1/4-SE1/4 of Section 11; all of Section 26; all in Township 158 North, Range 30 West;

(2) SE1/4-SW1/4 and SW1/4-SE1/4 of Section 8; W1/2-SE1/4 of Section 9; SW1/4-NE1/4, E1/2-NW1/4, and SW1/4-SW1/4 of Section 21; all in Township 159 North, Range 30 West;

(3) Lot 2 of Section 3; N1/2-SW1/4 of Section 20; all in Township 157 North, Range 31 West;

(4) a tract of land in the SE1/4-NE1/4 beginning at a point where the western boundary of the right-of-way of state trunk highway No. 72 intersects the southern boundary of the SE1/4-NE1/4; thence West along the southern boundary a distance of 150 feet to a point; thence North at right angles a distance of 80 feet to a point; thence East parallel to the southern boundary a distance of

150 feet to a point in the western boundary line of right-of-way; thence South along the western boundary of right-of-way a distance of 80 feet to place of beginning, of Section 1; NE1/4-SW1/4 of Section 3; SW1/4-NW1/4 beginning at a point 700 feet north from 1/4 post on the section line between Sections 16 and 17; North 82 1/2 feet; East 528 feet; South 82 1/2 feet; West 528 feet to point of beginning, of Section 16; all in Township 158 North, Range 31 West;

(5) E1/2-NE1/4, N1/2-SW1/4, and SE1/4 of Section 28; NE1/4-NE1/4 of Section 33; NW1/4-NW1/4 and S1/2-SW1/4 of Section 35; all in Township 159 North, Range 31 West;

(6) SW1/4, Lot 3, and W1/2-SE1/4 of Section 13; NE1/4-NE1/4, S1/2-NE1/4, SE1/4-NW1/4, SW1/4, W1/2-SE1/4, and SE1/4-SE1/4 of Section 14; all in Township 158 North, Range 32 West;

(7) all of Section 12; SE1/4-NE1/4, NE1/4-SW1/4, S1/2-SW1/4, and SE1/4 of Section 13; N1/2-NE1/4, SE1/4-NE1/4, W1/2, and SE1/4 of Section 15; W1/2-NE1/4, SE1/4-NE1/4, W1/2, and SE1/4 of Section 25; NE1/4, NE1/4-NW1/4, S1/2-NW1/4, and S1/2 of Section 26; all of Section 35; W1/2, N1/2-SE1/4, and SE1/4-SE1/4 of Section 36; all in Township 159 North, Range 32 West;

(8) SW1/4-NE1/4, SE1/4-NE1/4 except the North 208.7 feet of the East 208.7 feet thereof, SE1/4-NW1/4, and N1/2-SE1/4 of Section 1; SE1/4-NW1/4 and N1/2-SW1/4 of Section 20; all in Township 160 North, Range 32 West;

(9) SW1/4-SW1/4 commencing at a point on the west boundary of the SW1/4 distant 53.06 feet south along said west boundary from its intersection with the center line of the Minnesota and Manitoba Railroad as now constructed across said land; thence South 70 degrees 27 minutes East, parallel with the center line of said railroad, 1,548.25 feet; thence South 19 degrees 33 minutes West perpendicular to said center line of railroad, 216 feet; thence North 70 degrees 27 minutes West parallel to said center line of railroad 1,471.55 feet more or less, to the west boundary of said SW1/4; thence North along said west boundary 229.21 feet to place of beginning, and SW1/4-SW1/4 beginning at a point on north boundary state rural highway No. 32, 177.88 feet easterly from southeast corner of Lot 14, Block 4, Pitt; going North 19 degrees 14 minutes East 139 1/2 feet; South 70 degrees 46 minutes East 50 feet; South 19 degrees 14 minutes West 139 1/2 feet to north boundary state rural highway No. 32; northwest along said boundary 50 feet to beginning, of Section 35, Township 161 North, Range 32 West;

(10) Lot 4 of Section 30, Township 161 North, Range 33 West;

(11) NE1/4-SW1/4, Lot 3, and SE1/4 of Section 7; SW1/4-SW1/4 of Section 8; all in Township 163 North, Range 33 West;

(12) SW1/4-NE1/4 and NW1/4-SE1/4 of Section 14, Township 161 North, Range 34 West;

(13) NW1/4-SW1/4 of Section 11; E1/2 of W1/2 of SW1/4-SW1/4 of Section 14; S1/2-SE1/4 of Section 16; SE1/4-NW1/4 and E1/2-SW1/4 of Section 21; E1/2-NW1/4 and NE1/4-SW1/4 of Section 28; SW1/4-SE1/4 of Section 33; SW1/4-SE1/4 of Section 34; all in Township 162 North, Range 34 West; and

(14) SE1/4 of Section 11; SW1/4 and W1/2-SE1/4 of Section 12; NE1/4-NW1/4 of Section 14; SW1/4 of Section 16; SE1/4-NE1/4 and S1/2-NW1/4 of Section 22; SW1/4-SE1/4 of Section 25; SE1/4-NW1/4 of Section 27; NE1/4-SW1/4 and N1/2-SE1/4 of Section 34; N1/2-SW1/4 and N1/2-SE1/4 of Section 35; all in Township 163 North, Range 34 West.

Subd. 4. [89.021] [Subd. 31a.] [LOST RIVER STATE FOREST.] The following areas are added to Lost River state forest:

(1) SE1/4-SW1/4 and W1/2-SE1/4 of Section 2; S1/2-SW1/4 and S1/2-SE1/4 of Section 5; SE1/4-NE1/4 of Section 19; N1/2-NW1/4 of Section 23; SW1/4-SE1/4 of Section 30; W1/2-NE1/4 of Section 35; all in Township 163 North, Range 37 West;

(2) E1/2-NW1/4 of Section 35, Township 164 North, Range 37 West;

(3) N1/2-SE1/4 of Section 3; that part of NE1/4-NE1/4 north of highway, of Section 10; NW1/4 and SW1/4-SW1/4 of Section 12; NE1/4, NE1/4-SW1/4, and NW1/4-SE1/4 except the part previously conveyed for highway purposes and recorded as document number 120815 in Book 221 of Miscellaneous, page 39, with the office of the Roseau county register of deeds, of Section 14; NE1/4-NW1/4 of Section 32; all in Township 162 North, Range 38 West;

(4) NW1/4-NW1/4 of Section 24; NE1/4-NW1/4 of Section 25; SW1/4-NW1/4 of Section 34; all in Township 163 North, Range 38 West;

(5) Lot 7, Lot 8, Lot 5, and Lot 6 of Section 26; Lot 7, Lot 8, Lot 5, and Lot 6 of Section 27; all in Township 164 North, Range 39 West; and

(6) SE1/4 of Section 5, Township 163 North, Range 40 West.

Subd. 5. [89.021] [Subd. 40.] [PINE ISLAND STATE FOREST.] The following areas are added to Pine Island state forest:

(1) W1/2-SE1/4 of Section 1; Lot 3, Lot 4, Lot 5, and SE1/4-NW1/4 of Section 6; NW1/4-NE1/4 and SE1/4 of Section 8; NE1/4-NW1/4, E1/2-NW1/4-NW1/4, SW1/4-NW1/4-NW1/4, SE1/4-NW1/4, E1/2-SW1/4, W1/2-SE1/4, and SE1/4-SE1/4 of Section 9; NE1/4-NE1/4, SW1/4, and W1/2-SE1/4 of Section 10; SE1/4-NW1/4 and NE1/4-SW1/4 of Section 11; SW1/4-NW1/4 of Section 12; W1/2-NE1/4, E1/2-NW1/4, N1/2-SW1/4, and NW1/4-SE1/4 of Section 13; W1/2-NE1/4 and NE1/4-SE1/4 of Section 14; N1/2-NE1/4, SW1/4-NW1/4, W1/2-SW1/4, and SE1/4-SW1/4 of Section 15; NE1/4 and SW1/4 of Section 16; SW1/4-NE1/4, W1/2, and SE1/4 of Section 17; NE1/4, NE1/4-SW1/4, Lot 3, Lot 4, SE1/4-SW1/4, and N1/2-SE1/4 of Section 18; NE1/4, NE1/4-NW1/4, Lot 1, and N1/2-SE1/4 of Section 19; NE1/4, N1/2-NW1/4, NE1/4-SW1/4, S1/2-SW1/4, and W1/2-SE1/4 of Section 20; N1/2, SW1/4, and S1/2-SE1/4 of Section 21; W1/2-NE1/4, N1/2-NW1/4, SW1/4, and S1/2-SE1/4 of Section 22; NE1/4-SW1/4, N1/2-SE1/4, and SE1/4-SE1/4 of Section 23; NE1/4, E1/2-NW1/4, and S1/2 of Section 24; all of Section 25; NE1/4, SW1/4-NW1/4, and S1/2 of Section 26; N1/2 and W1/2-SW1/4 of Section 27; NE1/4, E1/2-NW1/4, and N1/2-SW1/4 of Section 28; W1/2-NW1/4, SE1/4-NW1/4, SW1/4, NE1/4-SE1/4, and S1/2-SE1/4 of Section 29; NE1/4, NE1/4-NW1/4, Lot 1, Lot 2, and SE1/4-NW1/4 of Section 30; NE1/4, NE1/4-NW1/4, Lot 1, Lot 2, SE1/4-NW1/4, NE1/4-SW1/4, Lot 3, Lot 4, SE1/4-SW1/4, and SE1/4 of Section 31; all of Section 32; S1/2-NE1/4, NW1/4, N1/2-SW1/4, and SE1/4 of Section 33; all of Section 34; all of Section 35; all of Section 36; all in Township 159 North, Range 27 West;

(2) Lot 1, SE1/4-NE1/4, and NE1/4-SE1/4 of Section 1; Lot 2, SW1/4-NE1/4, Lot 3, S1/2-NW1/4, and E1/2-SW1/4 of Section 2; SW1/4 and W1/2-SE1/4 of Section 13; all in Township 159 North, Range 28 West;

(3) NE1/4-SW1/4, Lot 3, Lot 4, and SE1/4-SW1/4 of Section 19; SE1/4-SW1/4 of Section 29; S1/2-NE1/4, NE1/4-NW1/4, Lot 1, Lot 2, SE1/4-NW1/4, NE1/4-SW1/4, Lot 3, Lot 4, SE1/4-SW1/4, and SE1/4 of Section 30; NE1/4, NE1/4-NW1/4, Lot 1, Lot 2, SE1/4-NW1/4, SE1/4-SW1/4, and SE1/4 of Section 31; N1/2-NE1/4, SW1/4-NE1/4, NW1/4, NE1/4-SW1/4, S1/2-SW1/4, and SE1/4 of Section 32; NE1/4-SW1/4 of Section 34; all in Township 160 North, Range 28 West;

(4) Lot 2, SW1/4-NE1/4, Lot 3, Lot 4, Lot 5, SE1/4-NW1/4, NE1/4-SW1/4, and Lot 6 of Section 6, Township 159 North, Range 29 West; and

(5) SW1/4-NE1/4 of Section 7; E1/2-SW1/4, W1/2-SE1/4, and SE1/4-SE1/4 of Section 9; W1/2-NE1/4, W1/2, and W1/2-SE1/4 of Section 13; NE1/4, SE1/4-NW1/4, and S1/2 of Section 14; NE1/4, N1/2-NW1/4, SE1/4-NW1/4, and S1/2 of Section 15; SE1/4-NE1/4 and S1/2 of Section 16; SE1/4 of Section 17; all of Section 21; all of Section 22; all of Section 23; W1/2-NE1/4, SE1/4-NE1/4, W1/2, and SE1/4 of Section 24; all of Section 25; all of Section 26; all of Section 27; NE1/4, NE1/4-NW1/4, W1/2-SE1/4, and SE1/4-SE1/4 of Section 28; SW1/4 and W1/2-SE1/4 of Section 29; NW1/4-NE1/4, E1/2-SW1/4, and W1/2-SE1/4 of Section 31; SE1/4-NE1/4 and E1/2-SE1/4 of Section 33; all of Section 34; all of Section 35; all of Section 36; all in Township 160 North, Range 29 West.

Subd. 6. [89.021] [Subd. 41.] [RED LAKE STATE FOREST.] The following areas are added to Red Lake state forest:

(1) N1/2-NE1/4, E1/2-NW1/4, NW1/4-NW1/4, N1/2-SW1/4-NW1/4, and S1/2-SE1/4 of Section 13; NW1/4-NW1/4 of Section 14; N1/2, SW1/4, and N1/2-NW1/4-SE1/4 of Section 15; SE1/4-NE1/4, NE1/4-SW1/4, and NE1/4-SE1/4 of Section 16; SW1/4-NE1/4 except the North 165 feet thereof, SE1/4-NE1/4 except the North 330 feet thereof, and NW1/4-NW1/4 of Section 21; S1/2-NW1/4-NE1/4, SW1/4-NE1/4, W1/2-SE1/4-NE1/4, and NE1/4-NW1/4 of Section 22; NE1/4, E1/2-SE1/4, and SW1/4-SE1/4 of Section 24; NW1/4 and NW1/4-SE1/4 of Section 27; S1/2-NE1/4, S1/2-NW1/4, and SE1/4-SE1/4 of Section 28; NW1/4-NW1/4 and SE1/4-NW1/4 of Section 29; NE1/4, NE1/4-NW1/4, Lot 1, NE1/4-SW1/4, and NW1/4-SE1/4 of Section 30; SW1/4-SW1/4 of Section 32; NW1/4-NE1/4 of Section 33; all in Township 152 North, Range 30 West;

(2) Lot 3, Lot 4, Lot 5, and SE1/4-NW1/4 of Section 6; W1/2-NE1/4, E1/2-NW1/4, Lot 1, and Lot 2 of Section 7; Lot 4 and SE1/4-SW1/4 of Section 18; W1/2-NE1/4, E1/2-NW1/4, Lot 1 except the North 30 acres, Lot 2, E1/2-SW1/4, Lot 3, Lot 4, and NW1/4-SE1/4 of Section 19; all in Township 153 North, Range 30 West;

(3) Lot 5, Section 5, Township 154 North, Range 30 West;

(4) Lot 1, SE1/4-NE1/4, Lot 3, SE1/4-NW1/4, and SE1/4-SE1/4 of Section 4; Lot 3, Lot 4, S1/2-NW1/4, N1/2-SW1/4, and SE1/4-SW1/4 of Section 5; Lot 1, Lot 2, and S1/2-NE1/4 of Section 6; N1/2-SE1/4 of Section 7; SW1/4-NE1/4, NW1/4-NW1/4, S1/2-NW1/4, SW1/4, and NE1/4-SE1/4 of Section 8; W1/2-NE1/4 and N1/2-NW1/4 of Section 17; NE1/4-NE1/4 and NW1/4-SE1/4 of Section 19; NW1/4-NW1/4 of Section 20; N1/2-NE1/4, NE1/4-SW1/4, and S1/2-SW1/4 of Section 21; E1/2, E1/2-NW1/4, NW1/4-NW1/4, and NE1/4-SW1/4 of Section 22; NW1/4-NE1/4, Lot 1, Lot 4, NW1/4-NW1/4, Lot 5, Lot 2, Lot 3, Lot 6, SW1/4-SW1/4, NE1/4-SE1/4, and S1/2-SE1/4 of Section 25; N1/2-NE1/4, SE1/4-NE1/4, N1/2-NW1/4, SW1/4-NW1/4, and Lot 2 of Section 26; NW1/4-NE1/4 of Section 27; N1/2-NW1/4, S1/2-SW1/4, and SW1/4-SE1/4 of Section 28; NW1/4-NE1/4, NW1/4, NE1/4-SW1/4, and S1/2-SE1/4 of Section 29; E1/2-NE1/4, SW1/4-NE1/4, E1/2-NW1/4, Lot 2, and NE1/4-SE1/4 of Section 30; NE1/4, E1/2-NW1/4, E1/2-SW1/4, and NW1/4-SE1/4 of Section 32; NW1/4-NE1/4 of Section 33; S1/2-NE1/4 of Section 34; Lot 2, Lot 6, SE1/4-NE1/4, SW1/4-NW1/4, Lot 7, Lot 8, and NW1/4-SW1/4 of Section 35; all in Township 152 North, Range 31 West;

(5) E1/2-NE1/4, SW1/4-NE1/4, SE1/4-SW1/4, and SE1/4 of Section 1; W1/2-NE1/4, SE1/4-NE1/4, S1/2-NW1/4, NE1/4-SW1/4, and N1/2-SE1/4 of Section 11; N1/2 and NW1/4-SW1/4 of Section 12; SW1/4 of Section 13; SW1/4-NW1/4 and S1/2 of Section 14; SW1/4-NE1/4 and S1/2 of Section 15; N1/2-SE1/4 and SW1/4-SE1/4 of Section 16; E1/2-SE1/4 and SW1/4-SE1/4 of Section 18; NE1/4, E1/2-NW1/4, Lot 1, Lot 2, E1/2-SW1/4, and NW1/4-SE1/4 of Section 19; W1/2-NW1/4 of Section 20; S1/2-NW1/4 of Section 21; W1/2-NE1/4, SE1/4-NE1/4, E1/2-NW1/4, N1/2-SW1/4-NW1/4, SE1/4-SW1/4-NW1/4, E1/2-SW1/4, SW1/4-SW1/4, and SE1/4 of Section 28; SW1/4-NE1/4, S1/2-NW1/4, SW1/4, and W1/2-SE1/4 of Section 29; S1/2-NE1/4, Lot 2, SE1/4-NW1/4, Lot 3, Lot 4, SE1/4-SW1/4, W1/2-SE1/4, and SE1/4-SE1/4 of Section 30; all in Township 153 North, Range 31 West;

(6) S1/2-NE1/4 and SE1/4 of Section 1; S1/2-NE1/4-SW1/4, W1/2-SW1/4, and SE1/4-SW1/4 of Section 2; Lot 1, Lot 7, Lot 8, and Lot 11 of Section 3; Lot 1, Lot 4, Lot 5, and Lot 8 of Section 10; W1/2-NW1/4 of Section 11; NE1/4-SW1/4 and NW1/4-SE1/4 of Section 12; NE1/4-NE1/4, N1/2-SE1/4, SW1/4-SE1/4, and SE1/4-SE1/4 except the South 242 feet of the East 275 feet thereof, of Section 13; S1/2-SW1/4-SW1/4, SE1/4-SW1/4, NE1/4-SE1/4, S1/2-NW1/4-SE1/4, and SW1/4-SE1/4 of Section 14; Lot 1, Lot 4, and Lot 5 of Section 15; W1/2 and NW1/4-SE1/4 of Section 23; SW1/4-NE1/4, W1/2, NW1/4-SE1/4, and S1/2-SE1/4 of Section 25; NE1/4-NE1/4, S1/2-NE1/4, NW1/4, E1/2-SW1/4, and SE1/4 of Section 26; Lot 1 and SE1/4-NE1/4 of Section 27; Lot 1 and Lot 3 of Section 34; NE1/4-NW1/4 and SE1/4-SW1/4 of Section 35; NW1/4-NE1/4 and N1/2-NW1/4 of Section 36; all in Township 152 North, Range 32 West; and

(7) Lot 2, S1/2-NE1/4, West 150 feet of the East 675 feet of Lot 3; East 150 feet of Lot 3, Lot 5, Lot 6, and NW1/4-SE1/4 of Section 23; E1/2, SE1/4-NW1/4, N1/2-SW1/4, and SE1/4-SW1/4 of Section 24; all in Township 153 North, Range 32 West.

Subd. 7. [89.021] [Subd. 46.] [SAVANNA STATE FOREST.] The following areas are added to the Savanna state forest:

(1) Lot 2, SW1/4-NE1/4, Lot 3, Lot 4, S1/2-NW1/4, SW1/4, NW1/4-SE1/4, and S1/2-SE1/4 of Section 1; Lot 1, Lot 2, S1/2-NE1/4, Lot 3, Lot 4, S1/2-NW1/4, and S1/2 of Section 2; Lot 1, Lot 2, S1/2-NE1/4, SE1/4-NW1/4, SE1/4-SW1/4, and SE1/4 of Section 3; Lot 2, Lot 3, Lot 4, S1/2-NW1/4, N1/2-SW1/4, and S1/2-SE1/4 of Section 4; Lot 1, Lot 2, S1/2-NE1/4, Lot 3, N1/2-SE1/4, and road right-of-way of 4.58 acres in SW1/4-SE1/4 of Section 5; all of Section 11; NE1/4-NE1/4 of Section 12; NE1/4-SE1/4 of Section 13; SW1/4-SW1/4 of Section 14; SE1/4-SW1/4 of Section 21; NE1/4 and NE1/4-NW1/4 of Section 22; N1/2-NE1/4 and NW1/4 of Section 23; NW1/4-NE1/4 and four rods for road right-of-way in SW1/4-NE1/4 of Section 26; N1/2-SE1/4 of Section 27; SE1/4-SW1/4 and W1/2-SE1/4 of Section 28; Lot 2 of Section 30; N1/2-NE1/4, Lot 1, Lot 2, NE1/4-SW1/4, Lot 3, Lot 4, and SE1/4-SW1/4 of Section 31; NE1/4-NE1/4 of Section 32; NE1/4, N1/2-NW1/4, SE1/4-NW1/4, Lot 3, Lot 4, NE1/4-SE1/4, Lot 2, and Lot 1 of Section 33; NW1/4, N1/2-SW1/4, and N1/2-SE1/4 of Section 34; all in Township 48 North, Range 22 West; and

(2) NW1/4-SW1/4 and S1/2-SW1/4 of Section 5; NE1/4-SE1/4 and S1/2-SE1/4 of Section 6; NE1/4, NE1/4-NW1/4, Lot 1, Lot 2, SE1/4-NW1/4, NE1/4-SW1/4, Lot 3, Lot 4 except the west 350 feet of the south 1,000 feet, SE1/4-SW1/4, and SE1/4 of Section 7; W1/2-NE1/4, NW1/4, N1/2-SW1/4, and NW1/4-SE1/4 of Section 8; NE1/4, NE1/4-NW1/4, Lot 1, Lot 2, SE1/4-NW1/4, NE1/4-SW1/4, NW1/4-SE1/4, and S1/2-SE1/4 of Section 18; S1/2-NE1/4 except part north of railroad right-of-way, and W1/2-SE1/4 of Section 24; S1/2-NE1/4, SE1/4-NW1/4, and S1/2 of Section 25; S1/2-NW1/4 of Section 26; Lot 1, Lot 6, Lot 5, Lot 4, Lot 2, Lot 3, and SE1/4-SE1/4 of Section 32; all of Section 33; W1/2-NE1/4, W1/2-NW1/4, NW1/4-SW1/4, and N1/2-SE1/4 of Section 34; S1/2-NE1/4, S1/2-NW1/4, and S1/2 of Section 35; NW1/4-SW1/4 and NW1/4-SE1/4 of Section 36; all in Township 48 North, Range 23 West.

Subd. 8. [89.021] [Subd. 49.] [SOLANA STATE FOREST.] The following area is added to the Solana state forest: N1/2-NW1/4 of Section 22, Township 46 North, Range 23 West.

Subd. 9. [89.021] [Subd. 51a.] [WAUKENABO STATE FOREST.] The following areas are added to the Waukenabo state forest:

(1) S1/2-SW1/4 of Section 28, Township 48 North, Range 25 West;

(2) Lot 3 of Section 2; Lot 1, Lot 2, S1/2-NE1/4, Lot 3, Lot 4, S1/2-NW1/4, NE1/4-SW1/4 and Lot 5 of Section 3; SE1/4-SW1/4, NW1/4-SE1/4, and S1/2-SE1/4 of Section 5; Lot 1, Lot 2, S1/2-NE1/4, and Lot 6 of Section 6; NE1/4 less railroad right-of-way, NE1/4-NW1/4, Lot 1, Lot 2, SE1/4-NW1/4, NE1/4-SW1/4, Lot 3, Lot 4, SE1/4-SW1/4, and S1/2-SE1/4 of Section 7; SW1/4-NE1/4, NW1/4-NW1/4 less railroad right-of-way, SW1/4-NW1/4 less railroad right-of-way, SE1/4-NW1/4 less railroad right-of-way, NE1/4-SW1/4 less railroad right-of-way, NE1/4-SE1/4, NW1/4-SE1/4 less railroad right-of-way, a 50 foot strip along the northeasterly side of the railroad right-of-way in SW1/4-SE1/4, and Lot 1 less railroad right-of-way of Section 8; Lot 1, Lot 2, SW1/4-NE1/4, Lot 4, Lot 3, Lot 6, Lot 5, Lot 7, and SE1/4 of Section 9; NW1/4-NE1/4, NE1/4-NW1/4, SE1/4-NW1/4, and N1/2-SW1/4 of Section 10; Lot 4 of Section 11; NE1/4-NE1/4 less railroad right-of-way, S1/2-NE1/4, NW1/4, SW1/4, NW1/4-SE1/4, and S1/2-SE1/4 of Section 17; Lots 3 and 4 of Section 18; NE1/4, NE1/4-NW1/4, Lot 1, Lot 2, SE1/4-NW1/4, NE1/4-SW1/4, Lot 3, Lot 5, and NW1/4-SE1/4 of Section 19; Lot 4, Lot 5, and Lot 3 of Section 20; Lot 10 of Section 21; all in Township 49 North, Range 25 West;

(3) East 33 feet of N1/2-NE1/4 of Section 13; SW1/4-NE1/4 except part in Aitkin Municipal Airport runway clear zone, NE1/4-SW1/4 except part in Aitkin Municipal Airport runway clear zone, and NE1/4-SE1/4 of Section 18; that part of NE1/4-SW1/4 lying north of Soo Railway right-of-way in Section 19; SW1/4-NW1/4 of Section 20; NE1/4-NE1/4 of Section 21; NW1/4 of Section 23; S1/2-NE1/4, NW1/4-SE1/4, and W1/2-NE1/4-SE1/4 less railroad right-of-way of Section 24; all in Township 47 North, Range 26 West;

(4) Lot 4, Lot 5, Lot 6, and SE1/4-SW1/4 of Section 1; Lot 7 of Section 2; NW1/4, N1/2-SW1/4, SW1/4-SW1/4, and N1/2-SE1/4 of Section 3; NW1/4, N1/2-SW1/4,

W1/2-SW1/4-SW1/4, SE1/4-SW1/4, and SW1/4-SE1/4 of Section 4; N1/2-NE1/4, SW1/4-NE1/4, N1/2-NW1/4, SE1/4-NW1/4, E1/2-SW1/4, and SE1/4 of Section 5; N1/2, SW1/4, and S1/2-SE1/4 of Section 6; N1/2-NE1/4, SW1/4-NE1/4, NW1/4, N1/2-SW1/4, SE1/4-SW1/4, NW1/4-SE1/4, and W1/2-SW1/4-SE1/4 of Section 7; E1/2 of W1/2-SE1/4-NW1/4 and NW1/4-SW1/4 of Section 8; S1/2-NE1/4-NW1/4 and NW1/4-NW1/4 of Section 9; Lot 1 of Section 11; W1/2-NE1/4, N1/2-NW1/4, SW1/4-NW1/4, NE1/4-SW1/4, S1/2-SW1/4, and W1/2-SE1/4 of Section 13; NW1/4-NW1/4 of Section 17; Lot 4, Lot 5, Lot 1, and Lot 2 of Section 21; SW1/4-SW1/4 of Section 23; W1/2-NW1/4 and NW1/4-SW1/4 of Section 24; south 66 feet of S1/2-SW1/4 of Section 27; Lot 6, NE1/4-SE1/4, Lot 5, and SE1/4-SE1/4 of Section 28; NE1/4-NE1/4, Lot 10, Lot 9, Lot 8, Lot 7, and Lot 6 of Section 33; that part of SW1/4-NW1/4 west of lagoon, and SW1/4-SW1/4 of Section 34; all in Township 48 North, Range 26 West;

(5) Lot 1, Lot 3, Lot 4, SE1/4-NE1/4, SW1/4-NW1/4, NE1/4-SW1/4, and SE1/4 of Section 1; Lot 1, S1/2-NE1/4, and NW1/4-SE1/4 of Section 2; Lot 2, S1/2-NE1/4, Lot 3, Lot 4, S1/2-NW1/4, SW1/4, and NE1/4-SE1/4 of Section 3; Lot 3 of Section 10; NE1/4-NE1/4 and S1/2-NE1/4 of Section 12; E1/2-E1/2-NE1/4, W1/2-NE1/4, NE1/4-NW1/4, and SE1/4 of Section 13; Lot 2 except Lot 2, Block 1, Waukenabo Homesites according to the plat thereof on file in the Aitkin County Recorder's Office, and Lot 3 of Section 15; SE1/4-NE1/4, SE1/4-SW1/4, and SE1/4 of Section 21; Lot 3, Lot 2, NW1/4-NW1/4, and S1/2-NW1/4 of Section 22; SE1/4-NW1/4 and S1/2 of Section 25; E1/2-SE1/4 of Section 27; W1/2-NE1/4, S1/2-NW1/4, SW1/4, and SW1/4-SE1/4 of Section 28; E1/2-SE1/4 of Section 29; NE1/4, SE1/4-NW1/4, N1/2-NE1/4-SW1/4, Lot 3, Lot 4, SE1/4-SW1/4, N1/2-SE1/4, and SE1/4-SE1/4 of Section 31; NW1/4-NE1/4, NE1/4-NW1/4, NW1/4-SW1/4, and S1/2-SW1/4 of Section 32; all of Section 33; NE1/4-NE1/4 and NE1/4-SE1/4 of Section 35; all in Township 49 North, Range 26 West; and

(6) N1/2-NE1/4, SW1/4-NE1/4, NW1/4, and S1/2 of Section 1; Lot 4, Lot 5, Lot 6, Lot 7, NW1/4-NW1/4, NE1/4-SE1/4, and S1/2-SE1/4 of Section 11; NW1/4-NW1/4 and S1/2-SE1/4 of Section 12; N1/2-NE1/4, SW1/4-NE1/4, NW1/4, SW1/4, and south 66 feet of S1/2-SE1/4 of Section 13; E1/2-SE1/4 of Section 15; W1/2-SE1/4 of Section 24; N1/2, SW1/4, and W1/2-SE1/4 of Section 25; NW1/4-NW1/4, S1/2-NW1/4, N1/2-SW1/4, and SE1/4-SW1/4 of Section 26; N1/2-NE1/4 except that part lying south of the south bank of state ditch number 63, S1/2-NE1/4, NE1/4-NW1/4 except that part lying south of the south bank of state ditch number 63, NW1/4-NW1/4 except that part lying south of the south bank of state ditch number 63 and east of county road number 24, SW1/4-NW1/4 except that part lying east of county road number 24, and S1/2 of Section 27; E1/2-NE1/4 of Section 34; all in Township 48 North, Range 27 West.

Subd. 10. [89.021] [Subd. 52.] [WEALTHWOOD STATE FOREST.] The following areas are added to the Wealthwood state forest:

(1) 198 feet by 333 feet of Lot 4 in southwest corner on lakeshore of Section 22, Township 45 North, Range 26 West; and

(2) N1/2-SW1/4, NW1/4-SE1/4, and S1/2-SE1/4 of Section 10; NE1/4-NE1/4, S1/2-NE1/4, and E1/2-SE1/4 of Section 15; N1/2-SE1/4 of Section 22; SE1/4-SW1/4, Lot 2, and Lot 1 of Section 27; all in Township 45 North, Range 27 West.

Subd. 11. [89.021] [Subd. 54.] [WHITE EARTH STATE FOREST.] The following area is added to White Earth state forest: SE1/4-SE1/4 of Section 26, Township 146 North, Range 40 West.

Sec. 7. [ADDITIONS TO STATE WILDLIFE MANAGEMENT AREAS.]

Subdivision 1. [97A.133] [Subd. 4.] [AGDER WILDLIFE MANAGEMENT AREA; MARSHALL COUNTY.] The following area is added to Agder wildlife management area: the NE1/4-NE1/4 of Section 34, Township 155 North, Range 42 West.

Subd. 2. [97A.133] [Subd. 5.] [AITKIN WILDLIFE MANAGEMENT AREA; AITKIN COUNTY.] The following areas are added to the Aitkin wildlife management area:

(1) NE1/4-NE1/4 of Section 35; NE1/4-SW1/4 of Section 36; all in Township 48 North, Range 26 West; and

(2) Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lots 6, 7, 8 and 9 except that part described as follows: Beginning at the southeast corner of Lot 9; thence North 01 degree 24 minutes 00 seconds West, bearing assumed, 35.90 feet along the east line of said Lot 9 to a MN DNR PROPERTY MONUMENT; thence North 83 degrees 38 minutes 02 seconds West 583.71 feet to a MN DNR PROPERTY MONUMENT; thence North 88 degrees 21 minutes 17 seconds West 708.45 feet to a MN DNR PROPERTY MONUMENT; thence North 01 degree 30 minute 00 seconds West 581.69 feet to a MN DNR PROPERTY MONUMENT; thence North 05 degrees 44 minutes 53 seconds West 730.71 feet to a MN DNR PROPERTY MONUMENT; thence South 88 degrees 58 minutes 00 seconds West 16.50 feet to Point "A"; thence continuing South 88 degrees 58 minutes 00 seconds West 2736.11 feet to the west line of said Lot 6; thence South 01 degree 29 minutes 49 seconds East 1369.69 feet along the west line of Lots 6 and 11 to a steel fence post at the south west corner of Lot 11; thence South 89 degrees 51 minutes 05 seconds East 4093.95 feet along the south line of Lots 11, 10 and 9 to the point of beginning, Lot 12 except that part described as follows: Beginning at the southwest corner of Lot 12, thence North 01 degree 31 minutes 08 seconds West, bearing assumed, 403.50 feet along the west line of said Lot 12; thence North 88 degrees 30 minutes 11 seconds East 984.65 feet; thence North 01 degree 29 minutes 49 seconds West 507.30 feet; thence North 88 degrees 30 minutes 11 seconds East 380.00 feet to the east line of said Lot 12; thence South 01 degree 29 minutes 49 seconds East 950.00 feet along said east line to a steel fence post at the southeast corner of said Lot 12; thence North 89 degrees 51 minutes 05 seconds West 1365.06 feet along the south line of said Lot 12 to the point of beginning, of Section 1; Lot 4, Lot 3, Lot 6, Lot 5, Lot 12, Lot 11 and SE1/4 of Section 2; Lot 10 and Lot 11 except highway right-of-way of Section 3; S1/2-SW1/4 of Section 11; NE1/4-NW1/4 and SW1/4-NW1/4 of Section 14; S1/2-SW1/4 of Section 22; all in Township 47 North, Range 26 West.

Subd. 3. [97A.133] [Subd. 7.] [BENVILLE WILDLIFE MANAGEMENT AREA; BELTRAMI COUNTY.] The following area is added to Benville wildlife management area: the S1/2-NW1/4 of Section 34, Township 156 North, Range 38 West.

Subd. 4. [97A.133] [Subd. 9.] [CARMALEE WILDLIFE MANAGEMENT AREA; BELTRAMI COUNTY.] The following areas are added to Carmalee wildlife management area:

(1) Lot 1, Lot 2, Lot 3, and Lot 4 of Section 3; Lot 1 of Section 4; Lot 2, Lot 3, and Lot 4 of Section 5; Lot 1, Lot 2, Lot 3, and Lot 4 of Section 6; all in Township 154 North, Range 38 West; and

(2) NE1/4-SW1/4 of Section 27; NW1/4-SW1/4 of Section 28; all in Township 155 North, Range 38 West.

Subd. 5. [97A.133] [Subd. 10.] [CARP SWAMP WILDLIFE MANAGEMENT AREA; LAKE OF THE WOODS COUNTY.] The following areas are added to Carp Swamp wildlife management area:

(1) Lot 1, Lot 2, S1/2-NE1/4, Lot 3, Lot 4, S1/2-NW1/4, SW1/4, N1/2-SE1/4, and SW1/4-SE1/4 of Section 1; Lot 1, Lot 2, S1/2-NE1/4, Lot 3, Lot 4, S1/2-NW1/4, and S1/2 of Section 2; Lot 1, Lot 2, S1/2-NE1/4, and SE1/4 of Section 3; S1/2-SW1/4, NE1/4-SE1/4, and S1/2-SE1/4 of Section 9; NE1/4 and S1/2 of Section 10; all of Section 11; NW1/4-NE1/4, NW1/4, N1/2-SW1/4, and SW1/4-SW1/4 of Section 12; N1/2, N1/2-SW1/4, and N1/2-SE1/4 of Section 13; N1/2 and N1/2-SW1/4 of Section 14; all of Section 15; all of Section 16; N1/2, N1/2-SW1/4, SE1/4-SW1/4, N1/2-SE1/4, and SE1/4-SE1/4 of Section 21; NW1/4-NE1/4, S1/2-NE1/4, NW1/4, and S1/2 of Section 22; S1/2-NE1/4, S1/2-NW1/4, and S1/2 of Section 23; SW1/4-NE1/4, S1/2-NW1/4, SW1/4, and NW1/4-SE1/4 of Section 24; NW1/4 and N1/2-SW1/4 of Section 25; N1/2, N1/2-SW1/4, SW1/4-SW1/4, N1/2-SE1/4, and SE1/4-SE1/4 of Section 26; NE1/4, N1/2-NW1/4, SE1/4-NW1/4, NE1/4-SW1/4, S1/2-SW1/4, and SE1/4 of Section 27; E1/2-NE1/4, N1/2-SW1/4, and SE1/4 of Section 28; NE1/4-NE1/4 of Section 33; N1/2, N1/2-SW1/4, and N1/2-SE1/4 of Section 34; S1/2-NE1/4, NW1/4-NW1/4, S1/2-NW1/4, SW1/4, and N1/2-SE1/4 of Section 35; all in Township 159 North, Range 31 West; and

(2) SW1/4, Lot 3, and W1/2-SE1/4 of Section 13; S1/2-SE1/4 of Section 14; E1/2-SE1/4 of Section 22; NE1/4-NE1/4 except N1/2 of N1/2, NW1/4-NE1/4, S1/2-NE1/4, S1/2-NW1/4, and S1/2 of Section 23; SW1/4-NE1/4, NW1/4-NW1/4 except North 330 feet, S1/2-NW1/4, SW1/4,

W1/2-SE1/4, and Lot 4 except the north 330 feet of Section 24; all of Section 25; all of Section 26; NE1/4-NE1/4 of Section 27; N1/2, N1/2-SW1/4, Lot 1, Lot 2, N1/2-SE1/4, Lot 3, and Lot 4 of Section 35; N1/2, N1/2-SW1/4, Lot 1, Lot 2, N1/2-SE1/4, Lot 3, and Lot 4 of Section 36; all in Township 160 North, Range 31 West.

Subd. 6. [97A.133] [Subd. 11.] [CEDAR WILDLIFE MANAGEMENT AREA; MARSHALL COUNTY.] The following area is added to Cedar wildlife management area: the SE1/4-NW1/4 and W1/2-NE1/4 a strip of land 2 rods wide, lying 1 rod on either side of the quarter line running north and south through Section 14; NE1/4 of Section 29; all in Township 157 North, Range 42 West.

Subd. 7. [97A.133] [Subd. 16.] [ECKVOLL WILDLIFE MANAGEMENT AREA; MARSHALL COUNTY.] The following area is added to Eckvoll wildlife management area: the SW1/4-SW1/4 of Section 22, Township 156 North, Range 40 West.

Subd. 8. [97A.133] [Subd. 17.] [ELM LAKE WILDLIFE MANAGEMENT AREA; MARSHALL COUNTY.] The following areas are added to Elm Lake wildlife management area:

- (1) SW1/4 of Section 4, Township 155 North, Range 41 West; and
- (2) Lot 2 of Section 10, Township 155 North, Range 42 West.

Subd. 9. [97A.133] [Subd. 19.] [ESPELIE WILDLIFE MANAGEMENT AREA; MARSHALL COUNTY.] The following areas are added to Espelie wildlife management area:

- (1) SE1/4-SW1/4 of Section 6, Township 155 North, Range 39 West; and
- (2) SW1/4-SW1/4 of Section 28; Lot 1 of Section 31; SE1/4-NW1/4 of Section 34; all in Township 156 North, Range 39 West.

Subd. 10. [97A.133] [Subd. 21.] [FOOTE WILDLIFE MANAGEMENT AREA; MAHNOMEN COUNTY.] The following area is added to the Foote wildlife management area: SE1/4-SE1/4 of Section 11, Township 146 North, Range 42 West.

Subd. 11. [97A.133] [Subd. 22.] [FOUR MILE BAY WILDLIFE MANAGEMENT AREA; LAKE OF THE WOODS COUNTY.] The following area is added to Four Mile Bay wildlife management area: Lot 1, Lot 3, Lot 2, NE1/4-SW1/4, S1/2-SW1/4, Lot 4, and NW1/4-SE1/4 of Section 13; Lot 3, Lot 4, S1/2-SW1/4, Lot 1, Lot 2, and S1/2-SE1/4 of Section 14; Lot 3, Lot 5, Lot 4, and Lot 6 of Section 15; Lot 8 of Section 16; N1/2-NW1/4 of Section 23; all in Township 162 North, Range 32 West.

Subd. 12. [97A.133] [Subd. 24.] [GRACETON WILDLIFE MANAGEMENT AREA; LAKE OF THE WOODS COUNTY.] The following areas are added to Graceton wildlife management area:

- (1) SW1/4-NW1/4 of Section 4; Lot 1, Lot 2, S1/2-NE1/4, Lot 3, Lot 4, S1/2-NW1/4, SW1/4, and W1/2-SE1/4 of Section 5; Lot 1, S1/2-NE1/4, Lot 5, SE1/4-NW1/4, NE1/4-SW1/4, Lot 6, Lot 7, SE1/4-SW1/4, and SE1/4 of Section 6; NE1/4, NE1/4-NW1/4, Lot 1, Lot 2, SE1/4-NW1/4, NE1/4-SW1/4, Lot 3, Lot 4, SE1/4-SW1/4, and SE1/4 of Section 7; NW1/4-NW1/4, S1/2-NW1/4, and SW1/4 of Section 8; SE1/4-SW1/4 of Section 9; W1/2-NE1/4, N1/2-NW1/4, SE1/4-NW1/4, and N1/2-SE1/4 of Section 11; W1/2-NE1/4, NW1/4, NE1/4-SW1/4, and SE1/4 of Section 16; N1/2 and SW1/4 of Section 17; NE1/4, NE1/4-NW1/4, Lot 1, E1/2-SW1/4, and SE1/4 of Section 18; NE1/4 and E1/2-NW1/4 of Section 19; NW1/4, N1/2-SW1/4, and SE1/4-SW1/4 of Section 20; NE1/4, NE1/4-SW1/4, and W1/2-SE1/4 of Section 21; NW1/4-NE1/4, S1/2-NE1/4, NE1/4-NW1/4, S1/2-NW1/4, E1/2-SW1/4, N1/2-SE1/4, and SW1/4-SE1/4 of Section 22; SE1/4-NW1/4 and SW1/4 of Section 26; W1/2-NE1/4, E1/2-NW1/4, and E1/2-SE1/4 of Section 27; NE1/4 of Section 28; NW1/4 of Section 35; all in Township 161 North, Range 32 West;
- (2) S1/2-SW1/4 and SW1/4-SE1/4 of Section 32, Township 162 North, Range 32 West;
- (3) Lot 3, Lot 4, S1/2-NW1/4, and SW1/4 of Section 1; Lot 1, Lot 2, S1/2-NE1/4, Lot 3, Lot 4,

S1/2-NW1/4, and S1/2 of Section 2; Lot 1, Lot 2, S1/2-NE1/4, Lot 3, Lot 4, S1/2-NW1/4, SW1/4, N1/2-SE1/4, and SW1/4-SE1/4 of Section 3; SE1/4-NW1/4 and S1/2 of Section 4; NE1/4 and SE1/4-NW1/4 of Section 9; NW1/4-NE1/4, S1/2-NE1/4, NW1/4, NE1/4-SW1/4, and N1/2-SE1/4 of Section 10; N1/2 and N1/2-SW1/4 of Section 11; NE1/4-NW1/4, S1/2-NW1/4, N1/2-SW1/4, West 50 feet of NW1/4-SE1/4, West 50 feet and South 50 feet of SW1/4-SE1/4, and South 50 feet of SE1/4-SE1/4 of Section 12; all in Township 161 North, Range 33 West; and

(4) SW1/4-NW1/4 and SW1/4 of Section 25; S1/2-NE1/4, S1/2-NW1/4, N1/2-SW1/4, and SE1/4 of Section 26; NE1/4, NW1/4-NW1/4, S1/2-NW1/4, and S1/2 of Section 35; NW1/4 and S1/2 of Section 36; all in Township 162 North, Range 33 West.

Subd. 13. [97A.133] [Subd 25.] [GRAYLING MARSH WILDLIFE MANAGEMENT AREA; AITKIN COUNTY.] The following areas are added to the Grayling Marsh wildlife management area: S1/2-NE1/4, S1/2-NW1/4, and S1/2 of section 21; SW1/4-SW1/4 of Section 22; that part of N1/2-SE1/4 north of railroad right-of-way of Section 23; N1/2-NE1/4 and that part of S1/2-NE1/4 north of railroad right-of-way of Section 24; and NW1/4-NW1/4 of Section 28; all in Township 48 North, Range 23 West.

Subd. 14. [97A.133] [Subd. 26.] [GRYGLA WILDLIFE MANAGEMENT AREA; MARSHALL COUNTY.] The following areas are added to Grygla wildlife management area:

(1) S1/2-SE1/4 of Section 2, Township 156 North, Range 39 West; and

(2) SW1/4-SW1/4 of Section 25; and SE1/4-NE1/4 and NE1/4-SE1/4 of Section 35; all in Township 157 North, Range 39 West.

Subd. 15. [97A.133] [Subd. 27.] [GUN DOG WILDLIFE MANAGEMENT AREA; BELTRAMI COUNTY.] The following area is added to Gun Dog wildlife management area: NW1/4-NW1/4 of Section 12, Township 155 North, Range 37 West.

Subd. 16. [97A.133] [Subd. 28.] [HAMRE WILDLIFE MANAGEMENT AREA; BELTRAMI COUNTY.] The following area is added to Hamre wildlife management area: the N1/2-NE1/4, NE1/4-NW1/4, SE1/4-SW1/4, and NE1/4-SE1/4 of Section 25; SW1/4-NW1/4, SW1/4, W1/2-SE1/4, and SE1/4-SE1/4 of Section 26; S1/2-NE1/4 and S1/2 of Section 27; E1/2-SW1/4 of Section 28; SW1/4-NE1/4 and S1/2-SW1/4 of Section 29; E1/2-SW1/4, Lot 3, Lot 4, and SE1/4 of Section 31; all of Section 32; all of Section 33; NE1/4, S1/2-NW1/4, and S1/2 of Section 34; W1/2-NE1/4, W1/2, and SE1/4 of Section 35; W1/2-NE1/4, SE1/4-NE1/4, E1/2-NW1/4, and S1/2 of Section 36; all in Township 155 North, Range 37 West.

Subd. 17. [97A.133] [Subd. 31.] [KILLIAN WILDLIFE MANAGEMENT AREA; MAHNOMEN COUNTY.] The following area is added to the Killian wildlife management area: Lot 1 of Section 10, Township 146 North, Range 41 West.

Subd. 18. [97A.133] [Subd. 32.] [KIMBERLY WILDLIFE MANAGEMENT AREA; AITKIN COUNTY.] The following area is added to the Kimberly wildlife management area: S1/2-NE1/4 excepting therefrom the following described tract: commencing at the intersection of the north side of the Northern Pacific Railway and the east side of the public road on the east side of the SW1/4-NE1/4, thence east 264 feet, thence north 165 feet, thence west 264 feet, thence south 165 feet to the place of beginning, SE1/4-NW1/4, excepting therefrom the following described tract: commencing at the point of intersection of the west line of the public road established on and along the north and south quarter line of Section 33 and the north line of the Northern Pacific right-of-way 200 feet northerly at right angles from the center of the main track of said railway; and thence north 208 feet along the west line of said public road, thence west at right angles 208 feet, thence south at right angles to the north line of said railway 200 feet northerly at right angles from the center of the main track of said railway, thence easterly along the north line of the right-of-way of said railway to the point of commencement, of Section 33, Township 48 North, Range 24 West.

Subd. 19. [97A.133] [Subd. 33.] [LARRY BERNHOFT WILDLIFE MANAGEMENT AREA; LAKE OF THE WOODS COUNTY.] The following area is added to Larry Bernhoft wildlife

management area: the SW1/4-NE1/4 and Lot 4 of Section 2, Township 163 North, Range 34 West.

Subd. 20. [97A.133] [Subd. 34.] [LEE WILDLIFE MANAGEMENT AREA; BELTRAMI COUNTY.] The following areas are added to Lee wildlife management area: Lot 1, Lot 2, Lot 3, and Lot 4 of Section 2, Township 154 North, Range 38 West.

Subd. 21. [97A.133] [Subd. 35.] [LITTLE WILLOW WILDLIFE MANAGEMENT AREA; AITKIN COUNTY.] The following area is added to the Little Willow wildlife management area: N1/2-SE1/4 and SW1/4-SE1/4 of Section 19; E1/2-NE1/4-SW1/4 and NW1/4-SE1/4 of Section 20; NW1/4-NE1/4 of Section 30; all in Township 49 North, Range 26 West.

Subd. 22. [97A.133] [Subd. 36.] [MARBEL WILDLIFE MANAGEMENT AREA; ROSEAU COUNTY.] The following area is added to Marbel wildlife management area: the NW1/4-SE1/4 and Lot 3 of Section 35, Township 159 North, Range 38 West.

Subd. 23. [97A.133] [Subd. 37.] [MCGREGOR MARSH WILDLIFE MANAGEMENT AREA; AITKIN COUNTY.] The following areas are added to the McGregor Marsh wildlife management area:

(1) NE1/4-SW1/4, Lot 3, N1/2-SE1/4-SW1/4, and S1/2-SE1/4 of Section 19; and N1/2-NE1/4, that part of SW1/4-NE1/4 lying northwest of railroad right-of-way, N1/2-NW1/4, SW1/4-NW1/4, and SE1/4-NW1/4 except that part lying southeast of railroad right-of-way of Section 29; all in Township 48 North, Range 23 West; and

(2) S1/2-NE1/4, N1/2-SW1/4, and N1/2-SE1/4 of Section 24, Township 48 North, Range 24 West.

Subd. 24. [97A.133] [Subd. 38.] [MOOSE RIVER WILDLIFE MANAGEMENT AREA; BELTRAMI COUNTY.] The following areas are added to Moose River wildlife management area:

(1) NE1/4, E1/2-NW1/4, Lot 1, Lot 2, NE1/4-SW1/4, Lot 3, N1/2-SE1/4, and SW1/4-SE1/4 of Section 7; N1/2, NE1/4-SW1/4, and N1/2-SE1/4 of Section 8; SE1/4-NE1/4 of Section 17; S1/2-NE1/4, E1/2-NW1/4, Lot 1, Lot 2, E1/2-SW1/4, Lot 3, Lot 4, and SE1/4 of Section 18; NE1/4, E1/2-NW1/4, Lot 1, Lot 2, E1/2-SW1/4, Lot 3, Lot 4, and SE1/4 of Section 19; NE1/4, E1/2-NW1/4, Lot 1, and Lot 2 of Section 30; all in Township 156 North, Range 37 West; and

(2) Lot 3, Lot 4, and SW1/4 of Section 2; Lot 1, Lot 2, Lot 3, Lot 4, and SE1/4 of Section 3; Lot 1, Lot 2, Lot 3, Lot 4, and S1/2 of Section 4; N1/2-NE1/4 of Section 9; N1/2 of Section 10; N1/2 and NE1/4-SW1/4 of Section 11; E1/2 and N1/2-NW1/4 of Section 12; S1/2-NE1/4, S1/2-NW1/4, N1/2-SW1/4, and SE1/4 of Section 13; E1/2-NE1/4 and SE1/4 of Section 24; all in Township 156 North, Range 38 West.

Subd. 25. [97A.133] [Subd. 39.] [MOYLAN WILDLIFE MANAGEMENT AREA; MARSHALL COUNTY.] The following areas are added to Moylan wildlife area:

(1) SE1/4-NW1/4 of Section 13; NE1/4-SW1/4 of Section 14; all in Township 155 North, Range 40 West; and

(2) S1/2-SW1/4 of Section 36, Township 156 North, Range 40 West.

Subd. 26. [97A.133] [Subd. 42.] [PALMVILLE WILDLIFE MANAGEMENT AREA; ROSEAU COUNTY.] The following areas are added to Palmville wildlife management area: NW1/4-NE1/4 of Section 19, Township 159 North, Range 41 West.

Subd. 27. [97A.133] [Subd. 43.] [PROSPER WILDLIFE MANAGEMENT AREA; LAKE OF THE WOODS COUNTY.] The following areas are added to Prosper wildlife management area:

(1) Lot 2, Lot 3, SE1/4-NW1/4, and NE1/4-SW1/4 of Section 4; Lot 1, Lot 2, S1/2-NE1/4, Lot 3, Lot 4, Lot 5, SE1/4-NW1/4, NE1/4-SW1/4, Lot 6, Lot 7, SE1/4-SW1/4, and SE1/4 of Section 6;

W1/2-NE1/4, NE1/4-NW1/4, Lot 1, Lot 2, and SE1/4-NW1/4 of Section 7; all in Township 162 North, Range 33 West; and

(2) SE1/4-SW1/4 and W1/2-SE1/4 of Section 28; NE1/4 and SE1/4 of Section 33; Lot 1, Lot 2, Lot 3, W1/2-SW1/4, SE1/4-SW1/4, and Lot 4 of Section 34; all in Township 163 North, Range 33 West.

Subd. 28. [97A.133] [Subd. 44.] [RED LAKE WILDLIFE MANAGEMENT AREA; BELTRAMI COUNTY.] The following areas are added to Red Lake wildlife management area:

(1) all of Section 1; all of Section 2; all of Section 3; all of Section 4; all of Section 5; all of Section 6; all of Section 7; all of Section 8; all of Section 9; N1/2 and SE1/4 of Section 10; N1/2 and SE1/4 of Section 11; all of Section 12; NW1/4 of Section 13; NE1/4 and S1/2 of Section 14; all of Section 15; all of Section 16; NE1/4, E1/2-NW1/4, Lot 1, Lot 2, NE1/4-SW1/4, Lot 3, and N1/2-SE1/4 of Section 18; S1/2-NE1/4, Lot 2, SE1/4-NW1/4, E1/2-SW1/4, Lot 3, and SE1/4 of Section 19; N1/2-NE1/4 and W1/2 of Section 20; E1/2 and N1/2-SW1/4 of Section 22; E1/2, N1/2-NW1/4, SW1/4-NW1/4, NW1/4-SW1/4, and S1/2-SW1/4 of Section 23; N1/2 and SW1/4 of Section 24; NW1/4 of Section 25; N1/2-NE1/4, SE1/4-NE1/4, N1/2-NW1/4, and SE1/4-NW1/4 of Section 26; N1/2-NE1/4 and SW1/4-NE1/4 of Section 27; W1/2, N1/2-SE1/4, SW1/4-SE1/4, and SE1/4-SE1/4 except the North 30 acres thereof, of Section 29; E1/2, E1/2-NW1/4, and NE1/4-SW1/4 of Section 30; W1/2-NE1/4, N1/2-NW1/4, SE1/4-NW1/4, and NW1/4-SE1/4 of Section 32; NW1/4-SW1/4 and SE1/4-SW1/4 of Section 33; SE1/4-NE1/4 and SE1/4 of Section 34; N1/2-SW1/4, SW1/4-SW1/4, NW1/4-SE1/4, E1/2-SE1/4, and SW1/4-SE1/4 except that part lying southerly and easterly of the following described line: Commencing at the southeast corner of said Section 35; thence North 0 degrees 4 minutes 13 seconds West along the east line of said Section 35 a distance of 2,377.99 feet to the point of beginning; thence South 89 degrees 49 minutes 33 seconds West 756.27 feet; thence South 1 degree 25 minutes 16 seconds East 823.77 feet; thence South 32 degrees 10 minutes 15 seconds West 942.62 feet; thence North 87 degrees 55 minutes 15 seconds West to the west line of said SW1/4-SE1/4 and there terminating, of Section 35; all in Township 155 North, Range 30, West;

(2) that part of Lot 4 lying northwesterly of a line running from the southwest corner to the northeast corner thereof of Section 4; all of Section 5; all of Section 6; NE1/4, E1/2-NW1/4, Lot 1, and Lot 2 of Section 7; N1/2 of Section 8; SW1/4-SW1/4 and that part of SE1/4-SW1/4 lying southwesterly of a line running from the northwest corner to the southeast corner thereof, of Section 16; S1/2-SE1/4 of Section 17; all of Section 19; NE1/4, S1/2-NW1/4, and S1/2 of Section 20; that part of NW1/4-NE1/4 lying southwesterly of a line running from the northwest corner to the southeast corner thereof, S1/2-NE1/4, NW1/4, and S1/2 of Section 21; S1/2-N1/2 and S1/2 of Section 22; that part of SW1/4-NW1/4 lying southwesterly of a line running from the northwest corner to the southeast corner thereof, SW1/4, that part of NE1/4-SE1/4 lying southwesterly of a line running from the northwest corner to the southeast corner thereof, NW1/4-SE1/4, and S1/2-SE1/4 of Section 23; S1/2-SW1/4 of Section 24; that part of the NE1/4-NE1/4 lying southwesterly of a line running from the northwest corner to the southeast corner thereof, NW1/4-NE1/4, S1/2-NE1/4, NW1/4, and S1/2 of Section 25; all of Section 26; N1/2 of Section 27; all of Section 28; all of Section 29; NE1/4, NE1/4-NW1/4, Lot 1, Lot 4, and SE1/4-SW1/4 of Section 30; NE1/4, E1/2-NW1/4, Lot 1, Lot 2, E1/2-SW1/4, Lot 3, and Lot 4 of Section 31; all of Section 32; S1/2 of Section 33; W1/2 and SE1/4 of Section 34; E1/2, N1/2-NW1/4, and S1/2-SW1/4 of Section 35; N1/2 and SE1/4 of Section 36; all in Township 156 North, Range 30 West;

(3) all of Section 1; all of Section 2; Lot 1, Lot 2, S1/2-NE1/4, and SE1/4 of Section 3; S1/2 of Lot 4 and S1/2-SE1/4-SW1/4 of Section 7; S1/2-S1/2 of Section 8; S1/2-SW1/4 and S1/2-S1/2-SE1/4 of Section 9; E1/2, SE1/4-NW1/4, NE1/4-SW1/4, and S1/2-SW1/4 of Section 10; all of Section 11; all of Section 12; all of Section 13; all of Section 14; all of Section 15; all of Section 16; all of Section 17; all of Section 18; E1/2-NW1/4, Lot 1, and Lot 2 of Section 19; NW1/4, NE1/4-SW1/4, and S1/2-SW1/4 of Section 20; N1/2, SW1/4, and N1/2-SE1/4 of Section 21; W1/2 of Section 22; N1/2-NW1/4, S1/2-SW1/4, and SE1/4 of Section 23; W1/2-NE1/4, NW1/4, N1/2-SW1/4, and N1/2-SE1/4 of Section 24; E1/2-NW1/4 of Section 25; NE1/4-NE1/4, SW1/4-NE1/4, and W1/2-SE1/4 of Section 26; E1/2-SE1/4 of Section 27; NW1/4-NE1/4 and

NW1/4-SW1/4 of Section 28; NW1/4-SW1/4 of Section 29; W1/2-SE1/4 of Section 30; Lot 2 of Section 31; Lot 1 and Lot 2 of Section 34; Lot 2 of Section 35; all in Township 155 North, Range 31 West;

(4) all of Section 1; all of Section 2; all of Section 3; all of Section 4; Lot 1, Lot 2, SE1/4-NE1/4, Lot 3, Lot 4, NE1/4-SE1/4, and E1/2-SE1/4-SE1/4 of Section 5; E1/2-NE1/4-NE1/4 of Section 8; E1/2, N1/2-NW1/4, that part of SW1/4-NW1/4 lying northeasterly of a line running from the northwest corner to the southeast corner thereof, SE1/4-NW1/4, NE1/4-SW1/4, and that part of SE1/4-SW1/4 lying northeasterly of a line running from the northwest corner to the southeast corner thereof, of Section 9; all of Section 10; all of Section 11; all of Section 12; N1/2, SW1/4, and N1/2-SE1/4 of Section 13; all of Section 14; N1/2, NE1/4-SW1/4, that part of NW1/4-SW1/4 lying northeasterly of a line running from the northwest corner to the southeast corner thereof, that part of the SE1/4-SW1/4 lying northeasterly of a line running from the northwest corner to the southeast corner thereof, and SE1/4 of Section 15; NE1/4-NE1/4, that part of NW1/4-NE1/4 lying northeasterly of a line running from the northwest corner to the southeast corner thereof, and that part of the SE1/4-NE1/4 lying northeasterly of a line running from the northwest corner to the southeast corner thereof, of Section 16; E1/2, that part of NE1/4-SW1/4 lying southeasterly of a line running from the northeast corner to the southwest corner thereof, that part of the SW1/4-SW1/4 lying southeasterly of a line running from the northeast corner to the southwest corner thereof, and SE1/4-SW1/4, of Section 22; all of Section 23; N1/2, SW1/4, and S1/2-SE1/4 of Section 24; all of Section 25; all of Section 26; all of Section 27; E1/2 of Section 28; NE1/4, NE1/4-SE1/4, that part of NW1/4-SE1/4 lying northeasterly of a line running from the northwest corner to the southeast corner thereof, and that part of the SE1/4-SE1/4 lying northeasterly of a line running from the northwest corner to the southeast corner thereof, of Section 33; all of Section 34; N1/2 and SW1/4 of Section 35; N1/2, SW1/4, W1/2-SE1/4, and SE1/4-SE1/4 of Section 36; all in Township 156 North, Range 31 West;

(5) Lot 1, Section 6, Township 154 North, Range 32 West;

(6) S1/2-NE1/4, that part of the SE1/4-SW1/4 lying southeasterly of a line running from the northeast corner to the southwest corner thereof, and SE1/4 of Section 8; that part of SW1/4-NE1/4 lying southwesterly of a line running from the northwest corner to the southeast corner thereof, S1/2-NW1/4, and S1/2 of Section 9; that part of the NE1/4-SW1/4 lying southwesterly of a line running from the northwest corner to the southeast corner thereof, NW1/4-SW1/4, S1/2-SW1/4, and S1/2-SE1/4 of Section 10; Lot 1, S1/2 of Lot 2, S1/2 of Lot 3, Lot 4, Lot 5, Lot 6, S1/2-NE1/4-NW1/4, S1/2-NW1/4-NW1/4, S1/2-NW1/4, SW1/4, Lot 7, Lot 8, Lot 9, Lot 10, Lot 11, and Lot 12 of Section 13; S1/2-NE1/4-NE1/4, SE1/4-NE1/4, NW1/4, and S1/2 of Section 14; all of Section 15; all of Section 16; E1/2, E1/2-NW1/4, E1/2-SW1/4, and that part of the SW1/4-SW1/4 lying southeasterly of a line running from the northeast corner to the southwest corner thereof, of Section 17; N1/2 and SE1/4 of Section 19; S1/2 of Section 20; NW1/4 and S1/2 of Section 21; NE1/4-NE1/4, SW1/4-NE1/4, and S1/2 of Section 22; N1/2-NE1/4, SE1/4-NE1/4, NW1/4, and S1/2 of Section 23; all of Section 24; Lot 2 except the East 330 feet thereof, Lot 3, Lot 4, Lot 5, Lot 6 except the North 330 feet thereof, NW1/4, N1/2-SW1/4, SW1/4-SW1/4, Lot 7, Lot 8, Lot 9, Lot 10, Lot 11, and Lot 12 of Section 25; N1/2-NE1/4, SE1/4-NE1/4, SW1/4, NE1/4-SE1/4, and S1/2-SE1/4 of Section 26; NE1/4, NE1/4-NW1/4, SW1/4, and E1/2-SE1/4 of Section 27; S1/2-SW1/4 and SE1/4 of Section 28; NE1/4 and S1/2 of Section 29; all of Section 30; N1/2, N1/2-SW1/4, Lot 3, Lot 4, Lot 1, NW1/4-SE1/4, and Lot 2 of Section 31; N1/2-NE1/4, Lot 1, N1/2-NW1/4, SW1/4-NW1/4, SE1/4-NW1/4 except the East 560 feet thereof, Lot 3 except the North 242.5 feet of the East 560 feet thereof, and Lot 4 of Section 32; Lot 1, Lot 2, N1/2-NW1/4, Lot 3, and Lot 4 of Section 33; Lot 1 and Lot 2 of Section 34; Lot 1, Lot 2, Lot 3, and Lot 4 of Section 35; Lot 2, Lot 3, Lot 4, and Lot 5 of Section 36; all in Township 155 North, Range 32 West;

(7) that part of Lots 1, 2, 7, and 8 lying northwesterly of a line running from the southwest corner of Lot 7 to the northeast corner of Lot 1, of Section 1; Lot 2, SW1/4-NE1/4, Lot 3, Lot 4, S1/2-NW1/4, and SW1/4 of Section 4; all of Section 5; all of Section 6; N1/2 and SE1/4 of Section 7; all of Section 8; NW1/4, that part of NE1/4-SW1/4 lying northwesterly of a line running from the northeast corner to the southwest corner thereof, NW1/4-SW1/4, and that part of the SW1/4-SW1/4 lying northwesterly of a line running from the northeast corner to the southwest

corner thereof, of Section 9; W1/2 and that part of NW1/4-SE1/4 lying northwesterly of a line running from the northeast corner to the southwest corner thereof, of Section 17; all of Section 18; that part of NE1/4-NW1/4 lying northwesterly of a line running from the northeast corner to the southwest corner thereof and NW1/4-NW1/4 of Section 19; all in Township 156 North, Range 32 West;

(8) Lot 3 and Lot 4 of Section 1; Lot 1, Lot 2, Lot 3, and Lot 4 of Section 2; Lot 1, Lot 2, Lot 3, and Lot 4 of Section 3; Lot 1, Lot 2, Lot 3, and Lot 4 of Section 4; Lot 1, Lot 2, and Lot 3 of Section 5; all in Township 154 North, Range 33 West;

(9) E1/2-SW1/4, Lot 3, Lot 4, and S1/2-SE1/4 of Section 7; S1/2-S1/2 of Section 8; S1/2-SW1/4 of Section 9; SW1/4, that part of NE1/4-SE1/4 lying southwesterly of a line running from the northwest corner to the southeast corner thereof, W1/2-SE1/4, and SE1/4-SE1/4 of Section 14; all of Section 15; all of Section 16; all of Section 17; all of Section 18; all of Section 19; all of Section 20; all of Section 21; all of Section 22; N1/2 and SW1/4 of Section 23; that part of NW1/4-NW1/4 lying southwesterly of a line from the northwest corner to the southeast corner thereof, SW1/4-NW1/4, that part of SE1/4-NW1/4 lying southwesterly of a line from the northwest corner to the southeast corner thereof, and S1/2 of Section 24; all of Section 25; W1/2 of Section 26; all of Section 27; W1/2 and SE1/4 of Section 28; all of Section 29; all of Section 30; all of Section 31; all of Section 32; all of Section 33; all of Section 34; N1/2 of Section 35; W1/2 and SE1/4 of Section 36; all in Township 155 North, Range 33 West; and

(10) all of Section 1; all of Section 2; all of Section 3; all of Section 4; all of Section 5; all of Section 6; all of Section 7; all of Section 8; all of Section 9; all of Section 10; all of Section 11; all of Section 12; all of Section 13; all of Section 14; all of Section 15; N1/2 and SW1/4 of Section 16; all of Section 17; all of Section 18; all of Section 19; all of Section 20; all of Section 21; all of Section 22; all of Section 23; NE1/4 and W1/2 of Section 24; that part of NW1/4-NE1/4 lying northwesterly of a line from the northeast corner to the southwest corner thereof and N1/2-NW1/4 of Section 26; N1/2-NE1/4, N1/2-NW1/4, and that part of SW1/4-NW1/4 lying northwesterly of a line from the northeast corner to the southwest corner thereof, of Section 27; N1/2 and that part of NW1/4-SW1/4 lying northwesterly of a line from the northeast corner to the southwest corner thereof, of Section 28; N1/2, SW1/4, N1/2-SE1/4, and that part of SW1/4-SE1/4 lying northwesterly of a line from the northeast corner to the southwest corner thereof, of Section 29; NE1/4, E1/2-NW1/4, Lot 1, Lot 2, that part of NE1/4-SW1/4, Lot 3, SE1/4-SW1/4 lying northeasterly of a line running from the northwest corner of Lot 3 to the southeast corner of SE1/4-SW1/4, and SE1/4 of Section 30; all in Township 156 North, Range 33 West.

Subd. 29. [97A.133] [Subd. 45.] [ROBERT WICKSTROM WILDLIFE MANAGEMENT AREA; AITKIN COUNTY.] The following area is added to the Robert Wickstrom wildlife management area: Lot 4, N1/2-NW1/4, SW1/4-NW1/4, Lot 3, Lot 8, and Lot 10 of Section 15, Township 49 North, Range 25 West.

Subd. 30. [97A.133] [Subd. 46.] [ROCKY POINT WILDLIFE MANAGEMENT AREA; LAKE OF THE WOODS COUNTY.] The following area is added to Rocky Point wildlife management area: SW1/4-SW1/4 of Section 3; Lot 3, Lot 4, S1/2-SW1/4, Lot 1, Lot 2, and S1/2-SE1/4 of Section 4; Lot 1 and SE1/4-SE1/4 of Section 5; N1/2-NE1/4 and NE1/4-NW1/4 of Section 9; NW1/4-NW1/4 of Section 10; all in Township 163 North, Range 34 West.

Subd. 31. [97A.133] [Subd. 47.] [ROSEAU LAKE WILDLIFE MANAGEMENT AREA; ROSEAU COUNTY.] The following areas are added to Roseau Lake wildlife management area:

(1) SE1/4-SW1/4, E1/2-SE1/4, and S1/2-SW1/4-SE1/4 of Section 7; SW1/4 and SE1/4-SE1/4 of Section 8; N1/2, NE1/4-SE1/4, and S1/2-SE1/4 of Section 9; N1/2-NE1/4 and SW1/4-NE1/4 of Section 17; Lot 2 and Lot 6 of Section 18; Subdivision 1, Subdivision 2, Subdivision 8, Subdivision 9, East equal 2/3 of Subdivision 10, Subdivision 12 north of ditch, Subdivision 13, Subdivision 14, and Subdivision 15 of the subdivision of the meandered bed of Roseau lake (part of Sections 18, 19, 20, 29 and 30); E1/2-NE1/4 of Section 21; Lot 4 and SW1/4 of Section 29; all in Township 163 North, Range 40 West; and

(2) SW1/4-NW1/4 and NW1/4-SW1/4 of Section 24, Township 163 North, Range 41 West.

Subd. 32. [97A.133] [Subd. 49.] [SALO WILDLIFE MANAGEMENT AREA; AITKIN COUNTY.] The following areas are added to the Salo wildlife management area: E1/2-NE1/4 and E1/2-SE1/4 of Section 25; SE1/4-NE1/4 and SE1/4 of Section 36; all in Township 48 North, Range 22 West.

Subd. 33. [97A.133] [Subd. 50.] [SAW-WHET WILDLIFE MANAGEMENT AREA; BELTRAMI COUNTY.] The following area is added to Saw-Whet wildlife management area: the SE1/4-NW1/4 of Section 4; S1/2-NE1/4 and NW1/4 of Section 9; all in Township 155 North, Range 37 West.

Subd. 34. [97A.133] [Subd. 51.] [SEM WILDLIFE MANAGEMENT AREA; MARSHALL COUNTY.] The following areas are added to Sem wildlife management area:

(1) SE1/4-NW1/4 of Section 5, Township 154 North, Range 39 West; and

(2) East 660 feet of South 660 feet of SW1/4-NE1/4, West 660 feet of South 660 feet of SE1/4-NE1/4, NE1/4-SE1/4, and N1/2-SE1/4-SE1/4 of Section 29; Lot 4 and SE1/4-SW1/4 of Section 30; N1/2-SE1/4-NE1/4 of Section 33; N1/2-SW1/4-NW1/4, and E1/2-SW1/4 of Section 34; all in Township 155 North, Range 39 West.

Subd. 35. [97A.133] [Subd. 53.] [SKIME WILDLIFE MANAGEMENT AREA; ROSEAU COUNTY.] The following area is added to Skime wildlife management area: E1/2-NW1/4-SW1/4 of Section 26, Township 159 North, Range 39 West.

Subd. 36. [97A.133] [Subd. 55.] [SOUTH SHORE WILDLIFE MANAGEMENT AREA; LAKE OF THE WOODS AND ROSEAU COUNTIES.] The following areas are added to South Shore wildlife management area: Lot 1 and Lot 2 of Section 7; NE1/4-NE1/4, Lot 1, S1/2-NE1/4, Lot 2, Lot 3, and Lot 4 of Section 18; NE1/4-NW1/4, Lot 1, Lot 2, SE1/4-NW1/4, and Lot 3 of Section 19; all in Township 163 North, Range 34 West.

Subd. 37. [97A.133] [Subd. 56.] [SPOONER WILDLIFE MANAGEMENT AREA; LAKE OF THE WOODS COUNTY.] The following area is added to Spooner wildlife management area: the NW1/4-NW1/4, S1/2-NW1/4, and N1/2-SW1/4 of Section 16; NE1/4 of Section 17; all in Township 160 North, Range 31 West.

Subd. 38. [97A.133] [Subd. 57.] [THIEF LAKE WILDLIFE MANAGEMENT AREA; MARSHALL COUNTY.] The following areas are added to Thief Lake wildlife management area:

(1) that part of Lot 6 described as follows: beginning at the SW corner of Lot 6, said point being within the right-of-way of state trunk highway No. 89, thence due N 400 feet; thence at right angles in an easterly direction 400 feet; thence at right angles in a southerly direction 400 feet; thence at right angles in a westerly direction 400 feet to the point of beginning, of Section 6, Township 158 North, Range 39 West; and

(2) NW1/4-SE1/4 of Section 3; S1/2-NW1/4 of Section 5; all in Township 157 North, Range 40 West.

Subd. 39. [97A.133] [Subd. 59.] [VANOSE WILDLIFE MANAGEMENT AREA; MAHNOMEN COUNTY.] The following areas are added to the Vanose wildlife management area:

(1) SE1/4-SE1/4 of Section 31, Township 146 North, Range 40 West; and

(2) the West 66 feet of the W1/2-NW1/4 of Section 25, Township 146 North, Range 41 West.

Subd. 40. [97A.133] [Subd. 60.] [WABUN WILDLIFE MANAGEMENT AREA; MAHNOMEN COUNTY.] The following areas are added to the Wabun wildlife management area:

(1) SW1/4-SE1/4 of Section 31, Township 143 North, Range 41 West; and

(2) SW1/4-SW1/4 of Section 13; and E1/2-NE1/4 of Section 23; all in Township 143 North, Range 42 West.

Subd. 41. [97A.133] [Subd. 62.] [WAPITI WILDLIFE MANAGEMENT AREA; BELTRAMI COUNTY.] The following areas are added to Wapiti wildlife management area: SW1/4-SW1/4 of Section 12, Township 157 North, Range 38 West.

Subd. 42. [97A.133] [Subd. 63.] [WILLOW RUN WILDLIFE MANAGEMENT AREA; BELTRAMI COUNTY.] The following area is added to Willow Run wildlife management area: SE1/4-SE1/4 of Section 7; SW1/4-NE1/4 of Section 17; and SE1/4-SE1/4 of Section 20; all in Township 155 North, Range 38 West.

Subd. 43. [97A.133] [Subd. 64.] [WILLOWSIPPI WILDLIFE MANAGEMENT AREA; AITKIN COUNTY.] The following areas are added to the Willowsippi wildlife management area: W1/2-NE1/4 and N1/2-SW1/4 of Section 10; NE1/4 and NW1/4-SE1/4 of Section 11; NW1/4-NW1/4 of Section 12; and S1/2-NE1/4 and S1/2-NW1/4 of Section 15; all in Township 50 North, Range 25 West.

Subd. 44. [97A.133] [Subd. 65.] [WOLF TRAIL MANAGEMENT AREA; BELTRAMI COUNTY.] The following areas are added to Wolf Trail wildlife management area:

(1) N1/2-NW1/4 of Section 16; and S1/2-SE1/4 of Section 21; all in Township 155 North, Range 37 West; and

(2) SW1/4-NW1/4 and NW1/4-SW1/4 of Section 11; S1/2-NE1/4 and S1/2-NW1/4 of Section 15; all in Township 155 North, Range 38 West.

Sec. 8. [DELETIONS FROM STATE WILDLIFE MANAGEMENT AREAS.]

Subdivision 1. [CLEAR LAKE WILDLIFE MANAGEMENT AREA, AITKIN COUNTY.] The following areas are deleted from the Clear Lake wildlife management area: NE1/4-SW1/4 and Lot 5 of Section 3; Lot 1 and Lot 2 of Section 9; and NE1/4-NW1/4 of Section 10; all in Township 49 North, Range 25 West.

Subd. 2. [LONE PINE WILDLIFE MANAGEMENT AREA, AITKIN COUNTY.] The following area is deleted from Lone Pine wildlife management area: S1/2-NW1/4 of Section 26, Township 48 North, Range 23 West.

Sec. 9. [MCGREGOR MARSH SCIENTIFIC AND NATURAL AREA.]

No dedication of any additional consolidated conservation lands to the McGregor Marsh scientific and natural area may be made until completion of the Aitkin county water planning task force study regarding water issues in the city of McGregor. Prior to any proposed dedication, the commissioner of natural resources must hold a public hearing in the city of McGregor concerning any proposed dedication. Notice of the hearing must be published at least once in a qualified newspaper that has its known office of issue in the county seat of Aitkin county, and the notice must be published at least seven days in advance of the hearing. Any lands dedicated must be subject to the implementation of the water management actions, if any, identified in the study.

Sec. 10. [EXCHANGE PARCELS.]

Subdivision 1. [LAND EXCHANGE.] If a land exchange is offered to the state that, after evaluation by the department of natural resources, is determined to (1) meet the state's natural resources goals, and (2) meet all other land exchange requirements under existing law, the parcels in subdivisions 2 to 6 shall be exchanged.

Subd. 2. [AITKIN COUNTY.] Waukenabo state forest: SW1/4-NE1/4 except part in Aitkin Municipal Airport runway clear zone, NE1/4-SW1/4 except part in Aitkin Municipal Airport runway clear zone, and NE1/4-SE1/4 of Section 18; that part of NE1/4-SW1/4 lying north of Soo Railway right-of-way of Section 19; NE1/4-NE1/4 of Section 21; NW1/4 of Section 23; and S1/2-NE1/4, NW1/4-SE1/4, and W1/2-NE1/4-SE1/4 less railroad right-of-way of Section 24; all in Township 47 North, Range 26 West.

Subd. 3. [KOOCHICHING COUNTY.] Pine Island state forest:

(1) W1/2-SE1/4 of Section 1; and SW1/4-NW1/4 of Section 12; all in Township 159 North, Range 27 West;

(2) NE1/4-SW1/4 of Section 34, Township 160 North, Range 28 West; and

(3) SW1/4-NE1/4 of Section 7, Township 160 North, Range 29 West.

Subd. 4. [LAKE OF THE WOODS COUNTY.] Lake of the Woods state forest:

(1) SW1/4-NE1/4, E1/2-NW1/4, and SW1/4-SW1/4 of Section 21, Township 159 North, Range 30 West;

(2) a tract of land in the SE1/4-NE1/4 beginning at a point where the western boundary of the right-of-way of state trunk highway No. 72 intersects the southern boundary of the SE1/4-NE1/4, thence West along the southern boundary a distance of 150 feet to a point; thence North at right angles a distance of 80 feet to a point; thence East parallel to the southern boundary a distance of 150 feet to a point in the western boundary line of right-of-way; thence South along the western boundary of right-of-way a distance of 80 feet to place of beginning of Section 1; NE1/4-SW1/4 of Section 3; SW1/4-NW1/4 beginning at a point 700 feet north from 1/4 post on the section line between Sections 16 and 17; North 82-1/2 feet; East 528 feet; South 82-1/2 feet; West 528 feet to point of beginning of Section 16; all in Township 158 North, Range 31 West; and

(3) SW1/4-SW1/4, beginning at a point on north boundary state rural highway No. 32, 177.88 feet easterly from southeast corner of Lot 14, Block 4, Pitt; going North 19 degrees 14 minutes East 139-1/2 feet; South 70 degrees 46 minutes East 50 feet; South 19 degrees 14 minutes West 139-1/2 feet to north boundary state rural highway No. 32; northwest along said boundary 50 feet to beginning of Section 35, Township 161 North, Range 32 West.

Subd. 5. [MARSHALL COUNTY.] (a) Agder wildlife management area: NE1/4-NE1/4 of Section 34, Township 155 North, Range 42 West.

(b) Cedar wildlife management area: SE1/4-NW1/4 and W1/2-NE1/4 a strip of land 2 rods wide, lying 1 rod on either side of the quarter line running north and south through Section 14; and NE1/4 of Section 29; all in Township 157 North, Range 42 West.

(c) Espelie wildlife management area: SW1/4-SW1/4 of Section 28; Lot 1 of Section 31; and SE1/4-NW1/4 of Section 34; all in Township 156 North, Range 39 West.

(d) Moylan wildlife management area:

(1) Lot 5 of Section 6, Township 154 North, Range 40 West;

(2) SE1/4-NW1/4 of Section 13; and NE1/4-SW1/4 of Section 14; all in Township 155 North, Range 40 West; and

(3) S1/2-SW1/4 of Section 36, Township 156 North, Range 40 West.

(e) Sem wildlife management area:

(1) SE1/4-NW1/4 of Section 5, Township 154 North, Range 39 West; and

(2) Lot 4 and SE1/4-SW1/4 of Section 30, Township 155 North, Range 39 West.

(f) Thief Lake wildlife management area:

(1) that part of Lot 6 described as follows: beginning at the SW corner of Lot 6, said point being within the right-of-way of state trunk highway No. 89, thence due North 400 feet, thence at right angles in an easterly direction 400 feet, thence at right angles in a southerly direction 400 feet, thence at right angles in a westerly direction 400 feet to the point of beginning of Section 6, Township 158 North, Range 39 West; and

(2) NW1/4-SE1/4 of Section 3 and S1/2-NW1/4 of Section 5; all in Township 157 North, Range 40 West.

Subd. 6. [ROSEAU COUNTY.] (a) Beltrami Island state forest:

(1) Lot 1 lying south of railroad of Section 4, Township 162 North, Range 36 West; and

(2) Lot 1, Lot 2, and S1/2-NE1/4 of Section 2; and SE1/4-NE1/4 of Section 10; all in Township 161 North, Range 37 West.

(b) Lost River state forest:

(1) SE1/4-SW1/4 and W1/2-SE1/4 of Section 2; S1/2-SW1/4 and S1/2-SE1/4 of Section 5; SE1/4-NE1/4 of Section 19; N1/2-NW1/4 of Section 23; and SW1/4-SE1/4 of Section 30; all in Township 163 North, Range 37 West;

(2) E1/2-NW1/4 of Section 35, Township 164 North, Range 37 West;

(3) N1/2-SE1/4 of Section 3, Township 162 North, Range 38 West; and

(4) NW1/4-NW1/4 of Section 24; NE1/4-NW1/4 of Section 25; and SW1/4-NW1/4 of Section 34; all in Township 163 North, Range 38 West.

Sec. 11. [CONSOLIDATED-CONSERVATION LAND DISPOSITION REPORT.]

(a) The commissioner of natural resources shall develop recommendations on the designation of undesignated consolidated-conservation lands that were subject to the 1991 commissioner's order classifying the lands as suitable for wildlife management, research and habitat programs, public hunting, and other recreational purposes.

(b) By June 30, 2000, a county with lands subject to the 1991 commissioner's order referenced in paragraph (a) may submit a county board resolution to the commissioner of natural resources requesting that the lands be reviewed by the commissioner in consultation with the county board.

(c) By September 1, 2000, the commissioner shall hold at least one public meeting on the designation of the consolidated-conservation lands in each county for which the commissioner receives a resolution from the county board under paragraph (b).

(d) The commissioner, in consultation with a county board that submitted a resolution in paragraph (b), shall develop recommendations on the disposition of the lands referenced in paragraph (a), including designating the lands:

(1) as state forests;

(2) as wildlife management areas;

(3) for both motorized and nonmotorized trail management;

(4) for other recreational or conservation management, including joint management between the department's divisions that would allow for multiple recreational uses; or

(5) sale or exchange of lands that are not appropriate for conservation or recreation purposes.

(e) By October 1, 2000, the commissioner must report the commissioner's draft recommendations on the disposition of the lands to the county boards with lands subject to paragraph (a).

(f) By December 1, 2000, each county board that submitted a resolution under paragraph (b) may submit a resolution providing comments on the proposed draft recommendations in paragraph (e).

(g) By January 15, 2001, the commissioner shall report to the legislative policy and finance committees with jurisdiction over natural resources on final recommendations for disposition of the consolidated-conservation lands referenced in paragraph (a). The report must include copies of the resolutions submitted under paragraph (f).

Sec. 12. [ISOLATED CONSOLIDATED-CONSERVATION LANDS.]

(a) By January 15, 2001, the commissioner of natural resources shall report to the legislative policy and finance committees with jurisdiction over natural resources on recommendations for disposition of isolated consolidated-conservation lands in areas that were subject to the 1989 and 1991 commissioner's orders classifying the lands as suitable for wildlife management, research and habitat programs, public hunting, and other recreational purposes.

(b) The recommendations under paragraph (a) may include designation, exchange, or sale of isolated consolidated-conservation lands. Isolated consolidated-conservation lands that are not appropriate for conservation and recreation purposes may be recommended for sale or exchange.

(c) For the purposes of this section, "isolated consolidated-conservation lands" are parcels of consolidated-conservation land of 40 acres or less that are not contiguous with other public land.

Sec. 13. [INSTRUCTION TO REVISOR; EFFECT OF SESSION LAW DESCRIPTIONS.]

(a) The revisor need not include the legal descriptions for state wildlife management areas under Minnesota Statutes, section 97A.133, but must include a history of the session laws establishing or amending the boundaries of state wildlife management areas under each subdivision in the same manner as provided for state parks under Minnesota Statutes, section 85.012.

(b) The lands described in the session laws establishing or changing the boundaries of each state wildlife management area are included in the state wildlife management areas as established or changed.

Sec. 14. [EFFECTIVE DATE.]

Sections 1 to 3 and 6 to 13 are effective the day following final enactment. Sections 4 and 5 apply to payments made in calendar year 2001 and thereafter."

Delete the title and insert:

"A bill for an act relating to natural resources; designating certain wildlife management areas; adding land to certain state forests; deleting land from certain wildlife management areas; providing for all-terrain vehicle use in certain wildlife management areas; providing for certain exchanges; requiring a report; appropriating money; amending Minnesota Statutes 1998, sections 97A.135, subdivision 2a; and 477A.11, subdivisions 3 and 4; proposing coding for new law in Minnesota Statutes, chapter 97A."

And when so amended the bill do pass. Senator Laidig questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Senator Cohen introduced--

Senate Resolution No. 172: A Senate resolution honoring Hugh Wolff on his career and final concerts as Music Director of the Saint Paul Chamber Orchestra.

Referred to the Committee on Rules and Administration.

Senator Novak introduced--

Senate Resolution No. 173: A Senate resolution congratulating the Totino-Grace High School Girls Hockey Team on being named the State Academic Team Champions.

Referred to the Committee on Rules and Administration.

Senator Runbeck introduced--

Senate Resolution 174: A Senate resolution congratulating the Roseville Area High School Girls Basketball team on their outstanding 1999-2000 season.

Referred to the Committee on Rules and Administration.

Senators Moe, R.D. and Day introduced--

Senate Concurrent Resolution No. 12: A Senate concurrent resolution relating to adjournment for more than three days.

BE IT RESOLVED, by the Senate of the State of Minnesota, the House of Representatives concurring:

1. Upon their adjournments on May 4, 2000, the Senate and House of Representatives may each set its next day of meeting for May 9, 2000.
2. Each house consents to adjournment of the other house for more than three days.

Senator Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

S.F. No. 3028 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 3028

A bill for an act relating to vulnerable adults; specifying rights for reconsideration and review of determinations regarding maltreatment; amending Minnesota Statutes 1998, section 626.557, subdivisions 9c, 9d, and 12b; Minnesota Statutes 1999 Supplement, section 13.99, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256.

April 26, 2000

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 3028, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 3028 be further amended as follows:

Page 10, after line 7, insert:

"Sec. 6. Laws 1995, chapter 207, article 8, section 37, is amended to read:

Sec. 37. [256.0121] [SOUTHERN CITIES COMMUNITY HEALTH CLINIC.]

Subdivision 1. [SERVICE PROVISION.] The commissioner of human services shall offer medically necessary psychiatric and dental services to developmentally disabled clients in the Faribault service area through the Southern Cities Community Health Clinic. For purposes of this requirement, the Faribault service area is expanded to also include geographic areas of the state within 100 miles of Faribault.

Subd. 2. [CONSULTATION REQUIRED.] The commissioner of human services shall consult with the Faribault community task force providers of psychiatric and dental services to developmentally disabled clients, family members of developmentally disabled clients, the chairs

of the house and senate committees with jurisdiction over health and human services fiscal issues, and the exclusive representatives before making any decisions about when considering policy changes related to:

- (1) the future of the Southern Cities Community Health Clinic;
- (2) the services currently provided by that clinic to developmentally disabled clients in the Faribault regional center catchment area; and
- (3) changes in the model for providing those services.

Subd. 3. [GUARANTEE OF SERVICE AVAILABILITY; LEGISLATIVE NOTICE.] (a) The department of human services shall guarantee the provision of medically necessary psychiatric and dental services to developmentally disabled clients in the Faribault service area through the Southern Cities Community Health Clinic until or unless other appropriate arrangements have been made to provide those clients with those services and the requirements of paragraph (b) are met.

(b) The commissioner shall notify the chairs of the house and senate committees with jurisdiction over health and human services fiscal issues of plans to use other arrangements to provide medically necessary psychiatric and dental services to developmentally disabled clients in the Faribault service area. The commissioner must not implement these arrangements unless a regular legislative session has convened and adjourned since the date notice was given under this paragraph."

Amend the title as follows:

Page 1, line 2, delete "vulnerable adults" and insert "human services"

Page 1, line 4, before the semicolon, insert "of vulnerable adults; modifying provisions governing the Southern Cities Community Health Clinic"

Page 1, line 7, after the semicolon, insert "Laws 1995, chapter 207, article 8, section 37;"

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Allan H. Spear, Thomas M. Neuville, Don Samuelson

House Conferees: (Signed) Lee Greenfield, Lynda Boudreau, Kevin Goodno

Senator Spear moved that the foregoing recommendations and Conference Committee Report on S.F. No. 3028 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 3028 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Kelley, S.P.	Larson	Novak
Belanger	Frederickson	Kelly, R.C.	Lesewski	Oliver
Berg	Hanson	Kierlin	Lessard	Olson
Berglin	Higgins	Kinkel	Limmer	Ourada
Betzold	Hottinger	Kiscaden	Lourey	Pappas
Cohen	Janezich	Kleis	Marty	Pariseau
Day	Johnson, D.E.	Knutson	Metzen	Piper
Dille	Johnson, D.H.	Krentz	Moe, R.D.	Pogemiller
Fischbach	Johnson, D.J.	Laidig	Murphy	Price
Flynn	Junge	Langseth	Neuville	Ranum

Ring
Robling
Runbeck
Sams

Samuelson
Scheevel
Scheid

Solon
Spear
Stevens

Stumpf
Terwilliger
Vickerman

Wiener
Wiger
Ziegler

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Moe, R.D. moved that H.F. No. 849 be taken from the table. The motion prevailed.

H.F. No. 849: A bill for an act relating to metropolitan government; modifying the authority to expand or upgrade minor use airports; amending Minnesota Statutes 1998, section 473.641, subdivision 4.

SUSPENSION OF RULES

Senator Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 849 and that the rules of the Senate be so far suspended as to give H.F. No. 849 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 849 was read the second time.

Senator Johnson, D.H. moved to amend H.F. No. 849 as follows:

Page 1, after line 19, insert:

"Sec. 2. [FINDINGS.]

The legislature finds that:

(1) the legislature has directed the metropolitan airports commission to develop a plan to mitigate aircraft noise associated with the operation of the Minneapolis/St. Paul International Airport;

(2) the metropolitan airports commission has developed a noise mitigation plan in conjunction with communities adjacent to the airport and is in the process of updating its FAR Part 150 noise mitigation program for submission to and approval by the Federal Aviation Administration;

(3) the legislature also established the governor's airport community stabilization funding task force that recommended further mitigation funding to address federal, state, and local participation in mitigation of noise and other impacts associated with expansion of the Minneapolis/St. Paul International Airport at its present location;

(4) the task force concluded that:

(i) the metropolitan airports commission has committed significant resources toward mitigating the negative impacts associated with airport expansion, but the FAR Part 150 noise program is insufficient to address all impacts;

(ii) the metropolitan airports commission is neither capable of, nor should it be required to, finance mitigation of all airport impacts;

(iii) the decision to keep and expand the airport at its current location was a state decision, and as such, the state should be a financial partner in mitigation projects resulting from the expansion of the airport; and

(iv) no single funding source is adequate for the range and scope of proposed mitigation activities; and

(5) appropriate measures to mitigate adverse impacts include, but are not limited to, insulation, redevelopment and housing replacement activities, and property value assurance and expenditures for all such measures are for a public purpose.

Sec. 3. [DEFINITIONS.]

Subdivision 1. [APPLICATION.] For the purposes of sections 2 to 6, the terms defined in this section have the meanings given them.

Subd. 2. [AIRPORT IMPACT DISTRICT.] "Airport impact district" means an airport impact tax increment financing district described in section 5.

Subd. 3. [AIRPORT IMPACT ZONE.] "Airport impact zone" means a contiguous or noncontiguous geographic area designated by a city and approved by the council as part of a mitigation plan under section 4.

Subd. 4. [CITY.] "City" means the cities of Bloomington, Burnsville, Eagan, Mendota Heights, Minneapolis, Richfield, and St. Paul or any of them.

Subd. 5. [COUNCIL.] "Council" means the metropolitan council.

Subd. 6. [GOVERNING BODY.] "Governing body" means the city council of a city.

Subd. 7. [HOUSING REPLACEMENT ACTIVITIES.] "Housing replacement activities" means rehabilitation, acquisition, demolition relocation assistance, relocation of existing dwelling units, and construction of new dwelling units, for the purpose of replacing dwelling units eliminated by airport mitigation activities.

Subd. 8. [IMPACT REPORT.] "Impact report" means a written report identifying airport impacts adopted by a city under section 4.

Subd. 9. [MITIGATION PLAN.] "Mitigation plan" means a plan for airport impact mitigation developed by a city and approved by the council under section 4.

Subd. 10. [OBLIGATION.] "Obligation" has the meaning given it in Minnesota Statutes, section 475.51, subdivision 3. The term includes obligations issued to refund prior obligations issued under sections 2 to 6.

Subd. 11. [SCHOOL DISTRICT.] "School district" means a school district whose jurisdiction includes all or any portion of a city.

Sec. 4. [AIRPORT IMPACT MITIGATION PLANNING.]

Subdivision 1. [IMPACT REPORT.] A city may study and identify airport impacts and the scope of those impacts on the city. At the conclusion of an impact study, a city must adopt a report of the impacts on the city. In studying airport impacts and preparing a report, a city must take into account airport noise impacts and additional environmental, transportation, and economic impacts associated with expansion of the Minneapolis/St. Paul International Airport. A city must also consider and incorporate the overhead noise guidelines established by the Federal Aviation Administration and recommendations of the low frequency noise policy committee concerning noise impacts.

Subd. 2. [MITIGATION PLAN.] (a) After adopting an airport impact report, a city must develop an airport mitigation plan for an airport impact zone in the city. In developing the mitigation plan, a city must seek to determine the most effective measures for mitigating the impacts identified in the impact report. A city may consider any measures for mitigating airport impacts, including, but not limited to, noise insulation of residential and commercial buildings, land use conversion, development of housing to replace units lost through mitigation activities, and property value assurance programs. The mitigation plan must include:

(1) designated boundaries of the airport impact zone;

- (2) a description of recommended impact mitigation measures;
 - (3) if the plan includes establishment of one or more airport impact tax increment financing districts, the proposed boundaries of each district consistent with the terms of section 5;
 - (4) if the plan includes conversion of residential land use, a description of proposed housing replacement activities;
 - (5) estimates of costs of the recommended mitigation measures and possible financing sources;
 - (6) an analysis of the feasibility of property tax abatement under Minnesota Statutes, sections 469.1813 to 469.1815, as a financing source; and
 - (7) the estimated amount of obligations, if any, to be issued under section 6, including a description of the proposed security for the obligations and whether the city requests credit enhancement by the council as provided in section 6, subdivision 2.
- (b) Before initial approval of a mitigation plan, a city must conduct a public hearing after publishing at least ten days before the hearing a notice in a newspaper of general circulation in the city. The hearing notice must state that the mitigation plan and the mitigation report are available for review in the administrative offices of the city. After initial approval of the mitigation plan by the governing body, the city must submit the mitigation plan and the mitigation report to the council for approval, and must also submit copies to the metropolitan airports commission for review and comment. No more than 60 days after receipt of the city's submission, the council must approve, disapprove, or otherwise comment on the mitigation plan. Failure by the council to approve or comment within 60 days is considered approval of the mitigation plan. An action described in a mitigation plan must not be financed by the mitigation fund or an airport impact district until the mitigation plan has been approved by the council and then approved by the governing body.
- (c) Before approving any mitigation plan, the council must establish criteria for evaluating proposed airport impact zones, airport impact districts, and mitigation measures. The council must consult with the cities and the metropolitan airports commission in developing the criteria. The council must approve final criteria by December 31, 2000. Any mitigation plan approved under sections 2 to 6 must be consistent with the criteria established under this paragraph.
- (d) A mitigation plan may be changed for the following purposes after the notice, hearing, and approvals required for approval of the original plan to:
- (1) increase the total estimated cost of mitigation activities;
 - (2) increase the total estimated amount of obligations to be issued;
 - (3) secure any obligations by the pledge described in section 6, subdivision 2, if the pledge was not included in the original plan;
 - (4) expand the boundaries of an airport impact zone;
 - (5) create or expand the boundaries of an airport impact district; or
 - (6) add mitigation activities beyond the scope of activities described in the original plan.
- (e) Expenditures to implement a mitigation plan are not considered a business subsidy under Minnesota Statutes, sections 116J.993 to 116J.995.

Sec. 5. [AIRPORT IMPACT TAX INCREMENT FINANCING DISTRICTS.]

Subdivision 1. [AUTHORIZATION.] A city may establish one or more airport impact tax increment financing districts within an airport impact zone. At least 75 percent of the area of an airport impact district must be located within the 60 DNL contour surrounding the Minneapolis/St. Paul International Airport. The boundaries of each district must be described in a mitigation plan.

Subd. 2. [SPECIAL RULES.] (a) An airport impact district is considered a redevelopment district within the meaning of, and is subject to, Minnesota Statutes, sections 469.174 to 469.179, except as otherwise provided in this subdivision. For the purposes of Minnesota Statutes, section 469.174, subdivision 8, "project" means an airport impact zone described in section 4.

(b) For the purposes of Minnesota Statutes, section 469.174, subdivision 10, the governing body must find that parcels consisting of 70 percent of the area of the district are occupied by buildings, streets, utilities, or other improvements, and more than 50 percent of the buildings, not including outbuildings, currently or upon completion of airport expansion are reasonably expected to experience airport impacts identified in the mitigation plan to a degree requiring land use conversion to accommodate uses compatible with the airport. This finding may be made at the time of approval of the mitigation plan.

(c) For the purposes of Minnesota Statutes, section 469.1763, subdivision 2, the in-district percentage is 75 percent, except that any expenditures within the boundaries of any other airport impact tax increment financing district in the city are considered activities within the district whenever made notwithstanding anything to the contrary in Minnesota Statutes, section 469.1763, subdivision 3, and the 25 percent pooling percentage may be used only to pay for administrative expenses and housing replacement activities.

(d) For the purposes of Minnesota Statutes, section 469.176, subdivision 4j, the cost of correcting conditions that allow designation of the airport impact district includes the cost of a mitigation measure described in an approved mitigation plan.

(e) Minnesota Statutes, sections 273.1399 and 469.1782, subdivision 1, do not apply to the district if the city elects either or both of the following:

(1) the exemption under Minnesota Statutes, section 273.1399, subdivision 6, paragraph (d); or

(2) at least 15 percent of the revenue generated from tax increments from the airport impact district in any year is deposited in the housing replacement account of the city and spent for housing replacement activities described in the mitigation plan.

(f) Housing replacement activities may be located in the city within or outside the airport impact district.

(g) Minnesota Statutes, chapter 473F, does not apply to property within an airport impact district beginning in the first year in which tax increment is paid to the city and continuing until decertification of the district. Tax increment from the district is calculated according to Minnesota Statutes, section 469.177, subdivision 3, paragraph (a), without regard to the fiscal disparities provisions of Minnesota Statutes, chapter 473F.

Sec. 6. [BONDS; SECURITY.]

Subdivision 1. [TERMS.] (a) A city may issue obligations secured by:

(1) tax increments;

(2) abatements;

(3) any other revenues available to the city under law; or

(4) any combination of revenue described in clauses (1) to (3).

(b) The proceeds of obligations must be used to pay or reimburse any costs to implement a mitigation plan, including, without limitation, costs of preparing the impact report and the mitigation plan. The governing body may provide by resolution that the obligations are additionally secured by the full faith and credit of the city. Notwithstanding any other law or charter provision, voter approval is not required and net debt limits do not apply to obligations issued under this section. Obligations secured in whole or in part with tax increments from an airport impact district must be issued according to sections 2 to 6 and Minnesota Statutes, section 469.178.

Subd. 2. [METROPOLITAN AREA CREDIT ENHANCEMENT PROGRAM.] (a) The council may establish an airport impact mitigation bond credit enhancement program as provided in this section. The council may pledge its full faith and credit and taxing powers to obligations issued under sections 2 to 6 if:

(1) the city so requests and the council approves that pledge as part of the city's mitigation plan; and

(2) the council finds that revenues pledged for payment of the obligations will produce, as estimated at the time of the pledge, at least 125 percent of the principal and interest due on the obligations.

(b) The pledge must be made by resolution of the council. Voter approval of obligations secured by the pledge described in this subdivision is not required and net debt limits do not apply.

(c) Before pledging its full faith and credit, the council must, in consultation with the cities and the metropolitan airports commission, establish criteria for approving requests for credit enhancement under this section. The criteria may contain limits on the total amount of obligations that may be credit enhanced under this subdivision.

(d) If there is a deficiency in revenues pledged to obligations credit enhanced under this subdivision, the council must levy a tax against all taxable property in the metropolitan area and advance the proceeds of the levy to the city for deposit in the debt service fund for the obligations. The city must reimburse the council for the advance to the extent the deficient revenues are later collected.

(e) Taxes levied by the council because of credit enhancement under this subdivision do not affect the amount or rate of taxes that may be levied by the council for other purposes and are not subject to limit as to rate or amount.

(f) The council and each city that participates in the credit enhancement program may enter into agreements they determine to be necessary to implement the credit enhancement program. The agreements may extend over any period, notwithstanding any law to the contrary."

Page 1, line 22, after the period, insert "Sections 2, 3, 4, and 6 do not require local approval because Minnesota Statutes, section 645.023, subdivision 1, paragraph (a), applies. Sections 2, 3, 4, and 6 are effective June 1, 2000. Section 5 is effective for each of the cities of Bloomington, Burnsville, Eagan, Mendota Heights, Minneapolis, Richfield, and St. Paul the day after the governing body of each city and its chief clerical officer, together with the governing body of each affected county and school district and its chief clerical officer, timely complete their compliance with Minnesota Statutes, sections 469.1782, subdivision 2, and 645.021, subdivisions 2 and 3."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Betzold moved to amend the Johnson, D.H. amendment to H.F. No. 849 as follows:

Pages 1 and 2, delete section 2

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail. So the amendment to the amendment was not adopted.

The question recurred on the adoption of the Johnson, D.H. amendment. The motion prevailed. So the amendment was adopted.

H.F. No. 849 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Novak moved that S.F. No. 751, No. 5 on General Orders, be stricken and laid on the table. The motion prevailed.

Pursuant to Rule 10, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 3095 a Special Order to be heard immediately.

SPECIAL ORDER

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 182.661, subdivision 1; and 182.666, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 182.

Senator Ourada moved to amend S.F. No. 3095 as follows:

Page 2, after line 25, insert:

"Sec. 3. Minnesota Statutes 1998, section 182.666, subdivision 1, is amended to read:

Subdivision 1. Any employer who willfully or repeatedly violates the requirements of section 182.653, or any standard, rule, or order adopted under the authority of the commissioner as provided in this chapter, may be assessed a fine not to exceed \$70,000 for each violation if an employer has fewer than 100 employees or not to exceed \$140,000 for each violation if the employer has 100 or more employees. The minimum fine for a willful violation is \$5,000."

Page 3, line 6, delete "and the maximum total fine that may be"

Page 3, line 7, delete "assessed is \$200,000"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "increasing a penalty;"

Page 1, line 8, delete the first "subdivision" and insert "subdivisions 1,"

Senator Runbeck moved to amend the Ourada amendment to S.F. No. 3095 as follows:

Page 1, lines 10 and 11, delete "100" and insert "50"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the adoption of the Ourada amendment, as amended. The motion did not prevail. So the amendment, as amended, was not adopted.

Senator Ourada moved that S.F. No. 3095 be laid on the table. The motion prevailed.

Pursuant to Rule 10, Senator Junge, designee of the Chair of the Committee on Rules and Administration, designated S.F. No. 3031 a Special Order to be heard immediately.

SPECIAL ORDER

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.

Senator Berg moved to amend S.F. No. 3031 as follows:

Page 5, line 7, strike "or" and insert "the farm,"

Page 5, line 8, after the comma, insert "or the agricultural land was owned by one or more of the related persons for a period of five years before its transfer to the limited partnership,"

Page 6, after line 18, insert:

"(1) "Family farm limited liability company" means a limited liability company founded for the purpose of farming and the ownership of agricultural land in which the majority of the membership interests are held by and the majority of the members are persons or the spouses of persons related to each other within the third degree of kindred according to the rules of the civil law, at least one of the related persons is residing on or actively operating the farm, and none of the members are corporations or limited liability companies. A family farm limited liability company does not cease to qualify as a family farm limited liability company because of:

(1) a transfer of a membership interest to a person or spouse of a person related within the third degree of kindred according to the rules of civil law to the person making the transfer or to a family farm trust of which the member, spouse, or related person is a current beneficiary; or

(2) distribution from a family farm trust of a membership interest to a beneficiary related within the third degree of kindred according to the rules of civil law to a majority of the current beneficiaries of the trust, or to a family farm trust of which the member, spouse, or related person is a current beneficiary.

For the purposes of this section, a transfer may be made with or without consideration, either directly or indirectly, during life or at death, whether or not in trust, of a membership interest in the family farm limited liability company, and interest owned by a family farm trust is considered to be owned in equal shares by the current beneficiaries.

(m) "Authorized farm limited liability company" means a limited liability company meeting the following standards:

(1) it has no more than five members;

(2) all its members, other than any estate, are natural persons;

(3) it does not have more than one class of membership interests;

(4) its revenue from rent, royalties, dividends, interest, and annuities does not exceed 20 percent of its gross receipts;

(5) members holding 51 percent or more of both the governance rights and financial rights in the limited liability company reside on the farm or are actively engaged in farming;

(6) it does not, directly or indirectly, own or otherwise have an interest in any title to more than 1,500 acres of agricultural land; and

(7) none of its members are members in other authorized farm limited liability companies that directly or indirectly in combination with the authorized farm limited liability company own more than 1,500 acres of agricultural land."

Page 6, line 19, delete "(l)" and insert "(n)"

Page 6, line 24, delete "(m)" and insert "(o)"

Page 6, line 28, delete "(n)" and insert "(p)"

Page 6, line 29, strike the first "or" and after "pension" insert ", limited liability company,"

Page 6, line 34, before the first "or" insert "limited liability company,"

Page 7, line 5, delete "(o)" and insert "(q)" and strike "or" and insert a comma

Page 7, lines 6 and 19, before "that" insert ", or limited liability company,"

Page 7, line 18, delete "(p)" and insert "(r)" and strike "or" and insert a comma

Page 7, line 22, delete "(q)" and insert "(s)"

Page 7, line 25, delete "(r)" and insert "(t)"

Page 7, line 31, delete the new language and strike "or" and insert "a family farm trust,"

Page 7, line 32, before the period, insert ", or a family farm limited liability company"

Page 8, line 4, strike "(s)" and insert "(u)"

Page 8, lines 5 and 7, before the first "or" insert "limited liability company,"

Page 8, line 11, before "or" insert "limited liability company,"

Page 8, line 19, after the comma, insert "a family farm limited liability company, or an authorized farm limited liability company,"

Page 8, line 26, strike "(t)" and insert "(v)"

Page 9, line 10, strike "(u)" and insert "(w)"

Page 9, lines 12 and 16, after the second comma, insert "limited liability company,"

Page 9, line 15, strike "(v)" and insert "(x)"

Page 9, line 23, strike the second "or" and before the period, insert ", or limited liability company"

Page 9, line 28, before the period, insert ", a family farm limited liability company, or an authorized farm limited liability company,"

Page 9, line 34, strike the second "or" and after "partnership" insert ", or limited liability company"

Page 10, line 5, strike "(w)" and insert "(y)"

Page 10, line 6, strike "(x)" and insert "(z)"

Page 10, line 15, delete "(y)" and insert "(aa)"

Page 10, line 30, delete "(z)" and insert "(bb)"

Page 11, line 14, after "(j)" insert "to (m)" and delete "(k)," and delete "(n)" and strike "to (v)" and insert "(p) to (x)"

Page 11, line 15, strike "(x)" and insert "(z)" and delete "(z)" and insert "(bb)"

Page 11, line 19, after "(j)" insert "to (m)" and delete "(k), (n) to (v)" and insert "(p) to (x)" and delete "(x)" and insert "(z)"

Page 11, line 20, delete "(z)" and insert "(bb)"

Page 11, after line 35, insert:

"Sec. 3. Minnesota Statutes 1998, section 500.24, subdivision 3a, is amended to read:

Subd. 3a. [LEASE AGREEMENT; CONSERVATION PRACTICE PROTECTION CLAUSE.] A corporation, pension or investment fund, ~~or~~ limited partnership, or limited liability company other than a family farm corporation, an authorized farm corporation, an authorized livestock farm corporation, a family farm partnership, or an authorized farm partnership those meeting any of the definitions in subdivision 2, paragraphs (c) to (f) or (j) to (m), when leasing farm land to a family farm unit, a family farm corporation, an authorized farm corporation, an authorized livestock farm corporation, a family farm partnership, ~~or~~ an authorized farm partnership, a family farm limited liability company, or an authorized farm limited liability company, under provisions of subdivision 2, paragraph ~~(v)~~ (x), must include within the lease agreement a provision prohibiting intentional damage or destruction to a conservation practice on the agricultural land.

Sec. 4. Minnesota Statutes 1998, section 500.24, subdivision 3b, is amended to read:

Subd. 3b. [PROTECTION OF CONSERVATION PRACTICES.] A corporation, pension or investment fund, or limited partnership, or limited liability company other than a family farm corporation, an authorized farm corporation, an authorized livestock farm corporation, a family farm partnership, or authorized farm partnership those meeting any of the definitions in subdivision 2, paragraphs (c) to (f) or (j) to (m), which, during the period of time it holds agricultural land under subdivision 2, paragraph ~~(v)~~ (x), intentionally destroys a conservation practice as defined in section 103F.401, subdivision 3, to which the state has made a financial contribution, must pay the commissioner, for deposit in the general fund, an amount equal to the state's total contributions to that conservation practice plus interest from the time of investment in the conservation practice. Interest must be calculated at an annual percentage rate of 12 percent."

Page 12, line 4, before "or" insert "limited liability company,"

Page 12, line 16, strike "or" and after "partnership" insert ", or limited liability company"

Page 12, line 21, strike "or" and insert a comma

Page 12, line 22, before "the" insert "or limited liability company,"

Page 12, line 28, strike "or" and before the semicolon, insert ", or limited liability company"

Page 12, line 33, strike "and"

Page 12, line 34, before the comma, insert ", and the members of the limited liability company"

Page 13, line 2, strike the first "or" and after "corporation" insert ", or limited liability company"

Page 13, line 12, before "or" insert "limited liability company,"

Page 13, line 15, after the second comma, insert "a family farm limited liability company, or an authorized farm limited liability company,"

Page 13, line 18, strike "or the" and insert a comma and after "interests" insert ", or governance and financial rights"

Page 13, line 23, strike "or" and insert a comma

Page 13, line 24, delete the semicolon and insert "or governance and financial rights owned by each member,"

Page 13, lines 27 and 32, strike "or" and after "corporation" insert ", or limited liability company"

Page 14, line 1, strike "or" and after "corporation" insert ", or limited liability company"

Page 15, after line 12, insert:

"Sec. 6. Minnesota Statutes 1999 Supplement, section 500.245, subdivision 1, is amended to read:

Subdivision 1. [DISPOSAL OF LAND.] (a) A state or federal agency, limited partnership, ~~or a~~ corporation, or limited liability company may not lease or sell agricultural land or a farm homestead before offering or making a good faith effort to offer the land for sale or lease to the immediately preceding former owner at a price no higher than the highest price offered by a third party that is acceptable to the seller or lessor. The offer must be made on the notice to offer form under subdivision 2. The requirements of this subdivision do not apply to a sale or lease by a corporation that is a family farm corporation or an authorized farm corporation or to a sale or lease by the commissioner of agriculture of property acquired by the state under the family farm security program under chapter 41. This subdivision applies only to a sale or lease when the seller or lessor acquired the property by enforcing a debt against the agricultural land or farm homestead, including foreclosure of a mortgage, accepting a deed in lieu of foreclosure, terminating a contract for deed, or accepting a deed in lieu of terminating a contract for deed. Selling or leasing property to a third party at a price is prima facie evidence that the price is acceptable to the seller or lessor. The seller must provide written notice to the immediately preceding former owner that the agricultural land or farm homestead will be offered for sale at least 14 days before the agricultural land or farm homestead is offered for sale.

(b) An immediately preceding former owner is the entity with record legal title to the agricultural land or farm homestead before acquisition by the state or federal agency or corporation except: if the immediately preceding former owner is a bankruptcy estate, the debtor in bankruptcy is the immediately preceding former owner; and if the agricultural land or farm homestead was acquired by termination of a contract for deed or deed in lieu of termination of a contract for deed, the immediately preceding former owner is the purchaser under the contract for deed. For purposes of this subdivision, only a family farm, family farm corporation, ~~or family farm partnership~~ or family farm limited liability company can be an immediately preceding former owner.

(c) An immediately preceding former owner may elect to purchase or lease the entire property or an agreed to portion of the property. If the immediately preceding former owner elects to purchase or lease a portion of the property, the election must be reported in writing to the seller or lessor prior to the time the property is first offered for sale or lease. If election is made to purchase or lease a portion of the property, the portion must be contiguous and compact so that it does not unreasonably reduce access to or the value of the remaining property.

(d) For purposes of this subdivision, the term "a price no higher than the highest price offered by a third party" means the acceptable cash price offered by a third party or the acceptable time-price offer made by a third party. A cash price offer is one that involves simultaneous transfer of title for payment of the entire amount of the offer. If the acceptable offer made by a third party is a time-price offer, the seller or lessor must make the same time-price offer or an equivalent cash offer to the immediately preceding former owner. An equivalent cash offer is equal to the total of the payments made over a period of the time-price offer discounted by yield curve of the United States treasury notes and bonds of similar maturity on the first business day of

the month in which the offer is personally delivered or mailed for time periods similar to the time period covered by the time-price offer, plus 2.0 percent. A time-price offer is an offer that is financed entirely or partially by the seller and includes an offer to purchase under a contract for deed or mortgage. An equivalent cash offer is not required to be made if the state participates in an offer to a third party through the rural finance authority.

(e) This subdivision applies to a seller when the property is sold and to a lessor each time the property is leased, for the time period specified in section 500.24, subdivision 2, paragraph (v), after the agricultural land is acquired except:

(1) an offer to lease to the immediately preceding former owner is required only until the immediately preceding owner fails to accept an offer to lease the property or the property is sold;

(2) an offer to sell to the immediately preceding former owner is required until the property is sold; and

(3) if the immediately preceding former owner elects to lease or purchase a portion of the property, this subdivision does not apply to the seller with regard to the balance of the property after the election is made under paragraph (c).

(f) The notice of an offer under subdivision 2 that is personally delivered with a signed receipt or sent by certified mail with a receipt of mailing to the immediately preceding former owner's last known address is a good faith offer.

(g) This subdivision does not apply to a sale or lease that occurs after the seller or lessor has held the property for the time period specified in section 500.24, subdivision 2, paragraph (v).

(h) For purposes of this subdivision, if the immediately preceding former owner is a bankruptcy estate the debtor in the bankruptcy is the immediately preceding owner.

(i) The immediately preceding former owner must exercise the right to lease all or a portion of the agricultural land or a homestead located on agricultural land in writing within 15 days after an offer to lease under this subdivision is mailed with a receipt of mailing or personally delivered. If election is made to lease only the homestead or a portion of the agricultural land, the portion to be leased must be clearly identified in writing. The immediately preceding former owner must exercise the right to buy the agricultural land, a portion of the agricultural land, or a farm homestead located on agricultural land, in writing, within 65 days after an offer to buy under this subdivision is mailed with a receipt of mailing or is personally delivered. Within ten days after exercising the right to lease or buy by accepting the offer, the immediately preceding owner must fully perform according to the terms of the offer including paying the amounts due. A seller may sell and a lessor may lease the agricultural land or farm homestead subject to this subdivision to the third party in accordance with their lease or purchase agreement if:

(1) the immediately preceding former owner does not accept an offer to lease or buy before the offer terminates; or

(2) the immediately preceding former owner does not perform the obligations of the offer, including paying the amounts due, within ten days after accepting the offer.

(j) A certificate indicating whether or not the property contains agricultural land or a farm homestead that is signed by the county assessor where the property is located and recorded in the office of the county recorder or the registrar of titles where the property is located is prima facie evidence of whether the property is agricultural land or a farm homestead.

(k) As prima facie evidence that an offer to sell or lease agricultural land or a farm homestead has terminated, a receipt of mailing the notice under subdivision 2 and an affidavit, signed by a person authorized to act on behalf of a state, federal agency, or corporation selling or leasing the agricultural land or a farm homestead may be filed in the office of the county recorder or registrar of titles of the county where the agricultural land or farm homestead is located. The affidavit must state that:

(1) notice of an offer to buy or lease the agricultural land or farm homestead was provided to the immediately preceding former owner at a price not higher than the highest price offered by a third party that is acceptable;

(2) the time during which the immediately preceding former owner is required to exercise the right to buy or lease the agricultural land or farm homestead has expired;

(3) the immediately preceding former owner has not exercised the right to buy or lease the agricultural land or farm homestead as provided in this subdivision or has accepted an offer and has not fully performed according to the terms of the offer; and

(4) the offer to the immediately preceding former owner has terminated.

(1) The right of an immediately preceding former owner to receive an offer to lease or purchase agricultural land under this subdivision or to lease or purchase at a price no higher than the highest price offered by a third party that is acceptable to the seller or lessor may be extinguished or limited by an express statement signed by the immediately preceding owner that complies with the plain language requirements of section 325G.31. The right may not be extinguished or limited except by:

(1) an express statement in a deed in lieu of foreclosure of the agricultural land;

(2) an express statement in a deed in lieu of a termination of a contract for deed for the agricultural land;

(3) an express statement conveying the right to the state or federal agency or corporation owning the agricultural land that is required to make an offer under this subdivision; however, the preceding former owner may rescind the conveyance by notifying the state or federal agency or corporation in writing within 20 calendar days after signing the express statement;

(4) to cure a title defect, an express statement conveying the right may be made to a person to whom the agricultural land has been transferred by the state or federal agency or corporation; or

(5) an express statement conveying the right to a contract for deed vendee to whom the agricultural land or farm homestead was sold under a contract for deed by the immediately preceding former owner if the express statement and the contract for deed are recorded.

(m) The right of an immediately preceding former owner to receive an offer to lease or purchase agricultural land under this subdivision may not be assigned or transferred except as provided in paragraph (l), but may be inherited.

(n) An immediately preceding former owner, except a former owner who is actively engaged in farming as defined in section 500.24, subdivision 2, paragraph (a), and who agrees to remain actively engaged in farming on a portion of the agricultural land or farm homestead for at least one year after accepting an offer under this subdivision, may not sell agricultural land acquired by accepting an offer under this subdivision if the arrangement of the sale was negotiated or agreed to prior to the former owner accepting the offer under this subdivision. A person who sells property in violation of this paragraph is liable for damages plus reasonable attorney fees to a person who is damaged by a sale in violation of this paragraph. There is a rebuttable presumption that a sale by an immediately preceding former owner is in violation of this paragraph if the sale takes place within 270 days of the former owner accepting the offer under this subdivision. This paragraph does not apply to a sale by an immediately preceding former owner to the owner's spouse, the owner's parents, the owner's sisters and brothers, the owner's spouse's sisters and brothers, or the owner's children.

Sec. 7. Minnesota Statutes 1998, section 500.245, subdivision 2, is amended to read:

Subd. 2. [NOTICE OF OFFER.] (a) The state, a federal agency, limited partnership, ~~or~~ a corporation, or limited liability company subject to subdivision 1 must provide a notice of an offer to sell or lease agricultural land substantially as follows, after inserting the appropriate terms within the parentheses:

"NOTICE OF OFFER TO (LEASE, BUY) AGRICULTURAL LAND

TO: (...Immediately preceding former owner...)

FROM: (...The state, federal agency, limited partnership, or corporation, or limited liability company subject to subdivision 1...)

DATE: (...date notice is mailed or personally delivered...)

(...The state, federal agency, limited partnership, or corporation, or limited liability company...) HAS ACQUIRED THE AGRICULTURAL LAND DESCRIBED BELOW AND HAS RECEIVED AN ACCEPTABLE OFFER TO (LEASE, SELL) THE AGRICULTURAL LAND FROM ANOTHER PARTY. UNDER MINNESOTA STATUTES, SECTION 500.245, SUBDIVISION 1, AN OFFER FROM (...the state, federal agency, limited partnership, or corporation, or limited liability company...) MUST BE MADE TO YOU AT A PRICE NO HIGHER THAN THE HIGHEST OFFER MADE BY ANOTHER PARTY.

THE AGRICULTURAL LAND BEING OFFERED CONTAINS APPROXIMATELY (...approximate number of acres...) ACRES AND IS INFORMALLY DESCRIBED AS FOLLOWS:

(Informal description of the agricultural land being offered that reasonably describes the land. This description does not need to be a legal description.)

(...The state, federal agency, limited partnership, or corporation, or limited liability company...) OFFERS TO (SELL, LEASE) THE AGRICULTURAL LAND DESCRIBED ABOVE FOR A CASH PRICE OF \$(...cash price or equivalent cash price for lease and lease period, or cash price or equivalent cash price for sale of land...), WHICH IS NOT HIGHER THAN THE PRICE OFFERED BY ANOTHER PARTY. THE PRICE IS OFFERED ON THE FOLLOWING TERMS:

(Terms, if any, of acceptable offer)

IF YOU WANT TO ACCEPT THIS OFFER YOU MUST NOTIFY (...the state, federal agency, limited partnership, or corporation, or limited liability company...) IN WRITING THAT YOU ACCEPT THE OFFER OR SIGN UNDERNEATH THE FOLLOWING PARAGRAPH AND RETURN A COPY OF THIS NOTICE BY (15 for a lease, 65 for a sale) DAYS AFTER THIS NOTICE IS PERSONALLY DELIVERED OR MAILED TO YOU. THE OFFER IN THIS NOTICE TERMINATES ON (...date of termination - 15 days for lease and 65 days for sale after date of mailing or personal delivery...)

ACCEPTANCE OF OFFER

I ACCEPT THE OFFER TO (BUY, LEASE) THE AGRICULTURAL LAND DESCRIBED ABOVE AT THE PRICE OFFERED TO ME IN THIS NOTICE. AS PART OF ACCEPTING THIS OFFER I WILL PERFORM ACCORDING TO THE TERMS OF THE OFFER, INCLUDING MAKING PAYMENTS DUE UNDER THE OFFER, WITHIN TEN DAYS AFTER THE DATE I ACCEPT THIS OFFER. I UNDERSTAND THAT NEGOTIATING OR AGREEING TO AN ARRANGEMENT TO SELL THE AGRICULTURAL LAND TO ANOTHER PERSON PRIOR TO ACCEPTING THIS OFFER MAY BE A VIOLATION OF LAW AND I MAY BE LIABLE TO A PERSON DAMAGED BY THE SALE.

..... Signature of Former Owner Accepting Offer

..... Date"

IMPORTANT NOTICE

ANY ACTION FOR THE RECOVERY OF THE AGRICULTURAL LAND DESCRIBED ABOVE OR ANY ACTION FOR DAMAGES, EXCEPT FOR DAMAGES FOR FRAUD, REGARDING THIS OFFER MUST BE COMMENCED BY A LAWSUIT BEFORE THE EXPIRATION OF THREE YEARS AFTER THIS LAND IS SOLD TO ANOTHER PARTY. UPON FILING A LAWSUIT, YOU MUST ALSO FILE A NOTICE OF LIS PENDENS WITH THE COUNTY RECORDER OR REGISTRAR OF TITLES IN THE COUNTY WHERE THE LAND IS LOCATED.

(b) For an offer to sell, a copy of the purchase agreement containing the price and terms of the highest offer made by a third party that is acceptable to the seller and a signed affidavit by the seller affirming that the purchase agreement is true, accurate, and made in good faith must be included with the notice under this subdivision. At the seller's discretion, reference to the third party's identity may be deleted from the copy of the purchase agreement.

(c) For an offer to lease, a copy of the lease containing the price and terms of the highest offer made by a third party that is acceptable to the lessor and a signed affidavit by the lessor affirming that the lease is true, accurate, and made in good faith must be included with the notice under this subdivision. At the lessor's discretion, reference to the third party's identity may be deleted from the copy of the lease agreement.

(d) The affidavit under paragraphs (b) and (c) is subject to section 609.48."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Berg imposed a call of the Senate for the balance of the proceedings on S.F. No. 3031. The Sergeant at Arms was instructed to bring in the absent members.

Senator Junge moved to amend the Berg amendment to S.F. No. 3031 as follows:

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

Page 1, line 35, after the period, insert "A member of a family farm limited liability company may not transfer a membership interest, including a financial interest, to a person who is not otherwise eligible to be a member under this paragraph."

Page 2, line 11, delete "or" and insert "and"

Page 2, line 18, before the period, insert " .

A member of an authorized farm limited liability company may not transfer a membership interest, including a financial interest, to a person who is not otherwise eligible to be a member under this paragraph"

The motion prevailed. So the amendment to the amendment was adopted.

Senator Hottinger moved to amend the Berg amendment to S.F. No. 3031 as follows:

Page 1, lines 10 and 11, delete "the majority" and insert "all"

The question was taken on the adoption of the Hottinger amendment to the Berg amendment.

The roll was called, and there were yeas 30 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson
Berglin
Betzold

Cohen
Flynn
Foley

Hanson
Higgins
Hottinger

Janezich
Johnson, D.E.
Johnson, D.H.

Kelly, R.C.
Kinkel
Krentz

Laidig	Moe, R.D.	Piper	Ranum	Vickerman
Lourey	Novak	Pogemiller	Ring	Wiener
Marty	Pappas	Price	Solon	Wiger

Those who voted in the negative were:

Belanger	Kierlin	Lessard	Pariseau	Spear
Berg	Kiscaden	Limmer	Robling	Stevens
Day	Kleis	Murphy	Runbeck	Stumpf
Dille	Knutson	Neuville	Sams	Terwilliger
Fischbach	Langseth	Oliver	Samuelson	Ziegler
Frederickson	Larson	Olson	Scheevel	
Junge	Lesewski	Ourada	Scheid	

The motion did not prevail. So the amendment to the amendment was not adopted.

The question recurred on the Berg amendment, as amended.

The roll was called, and there were yeas 39 and nays 25, as follows:

Those who voted in the affirmative were:

Belanger	Junge	Larson	Ourada	Scheid
Berg	Kelly, R.C.	Lesewski	Pariseau	Solon
Day	Kierlin	Lessard	Price	Spear
Dille	Kinkel	Limmer	Robling	Stevens
Fischbach	Kiscaden	Murphy	Runbeck	Stumpf
Frederickson	Kleis	Neuville	Sams	Terwilliger
Johnson, D.H.	Knutson	Oliver	Samuelson	Ziegler
Johnson, D.J.	Langseth	Olson	Scheevel	

Those who voted in the negative were:

Anderson	Foley	Johnson, D.E.	Moe, R.D.	Ranum
Berglin	Hanson	Krentz	Novak	Ring
Betzold	Higgins	Laidig	Pappas	Vickerman
Cohen	Hottinger	Lourey	Piper	Wiener
Flynn	Janezich	Marty	Pogemiller	Wiger

The motion prevailed. So the Berg amendment, as amended, was adopted.

Senator Moe, R.D. moved to amend S.F. No. 3031 as follows:

Page 15, after line 12, insert:

"Sec. 5. [CORPORATE FARM LAW USE, OVERSIGHT, AND ENFORCEMENT REPORT.]

(a) The commissioner of agriculture, in conjunction with the attorney general, shall report on the use of limited liability organizations by farmers in Minnesota and the oversight and enforcement of Minnesota's corporate farm law. The study shall include:

(1) information on the current and projected use by farmers of corporations, limited partnerships, limited liability partnerships, and limited liability limited partnerships, including the number, size, and type of farming operations using each type of limited liability organizational structure;

(2) information on the types of corporations, limited liability companies, and limited liability partnerships allowed for use by farmers in other states that have corporate farm laws;

(3) information on all corporate farm law investigations, violations, and enforcement actions taken in calendar years 1998, 1999, and 2000;

(4) a discussion of the adequacy of oversight and enforcement provisions in the corporate farm law and any recommendations for improvements; and

(5) any other relevant information, as determined by the commissioner or the attorney general.

(b) Not later than February 15, 2001, the commissioner and the attorney general shall provide the report, including any recommendations for law changes, to the senate and house agriculture and judiciary policy committees.

Sec. 6. [EFFECTIVE DATE.]

Section 5 is effective the day following final enactment. The remaining sections of this act are effective on August 1, 2000, except that changes in this act that relate to limited liability companies are effective on August 1, 2001."

Amend the title accordingly

Senator Junge moved to amend the Moe, R.D. amendment to S.F. No. 3031 as follows:

Page 1, delete lines 33 to 35

The question was taken on the adoption of the Junge amendment to the Moe, R.D. amendment.

The roll was called, and there were yeas 33 and nays 29, as follows:

Those who voted in the affirmative were:

Belanger	Junge	Lesewski	Pariseau	Spear
Berg	Kierlin	Lessard	Robling	Stevens
Day	Kiscaden	Limmer	Runbeck	Stumpf
Dille	Kleis	Neuville	Sams	Terwilliger
Fischbach	Knutson	Oliver	Samuelson	Ziegler
Frederickson	Langseth	Olson	Scheevel	
Johnson, D.H.	Larson	Ourada	Scheid	

Those who voted in the negative were:

Anderson	Hanson	Kinkel	Murphy	Ring
Berglin	Higgins	Krentz	Pappas	Solon
Betzold	Hottinger	Laidig	Piper	Vickerman
Cohen	Janezich	Lourey	Pogemiller	Wiener
Flynn	Johnson, D.E.	Marty	Price	Wiger
Foley	Johnson, D.J.	Moe, R.D.	Ranum	

The motion prevailed. So the amendment to the amendment was adopted.

Senator Moe, R.D. withdrew his amendment.

S.F. No. 3031 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 37 and nays 26, as follows:

Those who voted in the affirmative were:

Belanger	Junge	Larson	Pariseau	Spear
Berg	Kelly, R.C.	Lesewski	Robling	Stevens
Day	Kierlin	Lessard	Runbeck	Stumpf
Dille	Kinkel	Murphy	Sams	Terwilliger
Fischbach	Kiscaden	Neuville	Samuelson	Ziegler
Frederickson	Kleis	Oliver	Scheevel	
Johnson, D.H.	Knutson	Olson	Scheid	
Johnson, D.J.	Langseth	Ourada	Solon	

Those who voted in the negative were:

Anderson	Hanson	Laidig	Piper	Wiener
Berglin	Higgins	Lourey	Pogemiller	Wiger
Betzold	Hottinger	Marty	Price	
Cohen	Janezich	Moe, R.D.	Ranum	
Flynn	Johnson, D.E.	Novak	Ring	
Foley	Krentz	Pappas	Vickerman	

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

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:

S.F. No. 2893: Senators Hottinger; Johnson, D.H. and Janezich.

Senator Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 3557 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 3557: A bill for an act relating to appropriations; modifying certain state government provisions; amending Minnesota Statutes 1999 Supplement, section 16A.129, subdivision 3; Laws 1999, chapter 250, article 1, sections 11 and 14, subdivision 3; repealing Laws 1999, chapter 250, article 1, section 15, subdivision 4.

Senator Samuelson moved to amend H.F. No. 3557 as follows:

Page 1, after line 8, insert:

"ARTICLE 1
STATE GOVERNMENT"

Page 6, after line 24, insert:

"ARTICLE 2
DEPARTMENT OF HUMAN SERVICES

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

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

Sec. 2. Minnesota Statutes 1998, section 256B.501, is amended by adding a subdivision to read:

Subd. 13. [ICF/MR RATE INCREASES BEGINNING OCTOBER 1, 1999, AND OCTOBER 1, 2000.] (a) For the rate years beginning October 1, 1999, and October 1, 2000, the commissioner shall make available to each facility reimbursed under this section, section 256B.5011, and Laws 1993, First Special Session chapter 1, article 4, section 11, an adjustment to the total operating payment rate. For each facility, total operating costs shall be separated into costs that are compensation-related and all other costs. "Compensation-related costs" means the facility's allowable program operating cost category employee training expenses, and the facility's allowable salaries, payroll taxes, and fringe benefits. The term does not include these same salary-related costs for both administrative or central office employees.

For the purpose of determining the adjustment to be granted under this subdivision, the commissioner must use the most recent cost report that has been subject to desk audit.

(b) For the rate year beginning October 1, 1999, the commissioner shall make available a rate increase for compensation-related costs of 4.6 percent and a rate increase for all other operating costs of 3.2 percent.

(c) For the rate year beginning October 1, 2000, the commissioner shall make available a rate increase for compensation-related costs of 3.6 percent and a rate increase for all other operating costs of two percent.

(d) For each facility, the commissioner shall determine the payment rate adjustment using the categories specified in paragraph (a) multiplied by the rate increases specified in paragraph (b) or (c), and then dividing the resulting amount by the facility's actual resident days.

(e) Any facility whose payment rates are governed by closure agreements, receivership agreements, or Minnesota Rules, part 9553.0075, are not eligible for an adjustment otherwise granted under this subdivision.

(f) A facility may apply for the compensation-related payment rate adjustment calculated under this subdivision. The application must be made to the commissioner and contain a plan by which the facility will distribute the compensation-related portion of the payment rate adjustment to employees of the facility. For facilities in which the employees are represented by an exclusive bargaining representative, an agreement negotiated and agreed to by the employer and the exclusive bargaining representative constitutes the plan. The commissioner shall review the plan to ensure that the payment rate adjustment per diem is used as provided in this subdivision. To be eligible, a facility must submit its plan for the compensation distribution by December 31 each year. A facility may amend its plan for the second rate year by submitting a revised plan by December 31, 2000. If a facility's plan for compensation distribution is effective for its employees after October 1 of the year that the funds are available, the payment rate adjustment per diem shall be effective the same date as its plan.

(g) A copy of the approved distribution plan must be made available to all employees. This must be done by giving each employee a copy or by posting it in an area of the facility to which all employees have access. If an employee does not receive the compensation adjustment described in their facility's approved plan and is unable to resolve the problem with the facility's management or through the employee's union representative, the employee may contact the commissioner at an address or phone number provided by the commissioner and included in the approved plan.

Sec. 3. Minnesota Statutes 1999 Supplement, section 256B.77, subdivision 10, is amended to read:

Subd. 10. [CAPITATION PAYMENT.] (a) The commissioner shall pay a capitation payment to the county authority and, when applicable under subdivision 6, paragraph (a), to the service delivery organization for each medical assistance eligible enrollee. The commissioner shall develop capitation payment rates for the initial contract period for each demonstration site in consultation with an independent actuary, to ensure that the cost of services under the demonstration project does not exceed the estimated cost for medical assistance services for the covered population under the fee-for-service system for the demonstration period. For each year of the demonstration project, the capitation payment rate shall be based on 96 percent of the

projected per person costs that would otherwise have been paid under medical assistance fee-for-service during each of those years. Rates shall be adjusted within the limits of the available risk adjustment technology, as mandated by section 62Q.03. In addition, the commissioner shall implement appropriate risk and savings sharing provisions with county administrative entities and, when applicable under subdivision 6, paragraph (a), service delivery organizations within the projected budget limits. Capitation rates shall be adjusted, at least annually, to include any rate increases and payments for expanded or newly covered services for eligible individuals. The initial demonstration project rate shall include an amount in addition to the fee-for-service payments to adjust for underutilization of dental services. Any savings beyond those allowed for the county authority, county administrative entity, or service delivery organization shall be first used to meet the unmet needs of eligible individuals. Payments to providers participating in the project are exempt from the requirements of sections 256.966 and 256B.03, subdivision 2.

(b) The commissioner shall monitor and evaluate annually the effect of the discount on consumers, the county authority, and providers of disability services. Findings shall be reported and recommendations made, as appropriate, to ensure that the discount effect does not adversely affect the ability of the county administrative entity or providers of services to provide appropriate services to eligible individuals, and does not result in cost shifting of eligible individuals to the county authority.

(c) For risk-sharing to occur under this subdivision, the aggregate fee-for-service cost of covered services provided by the county administrative entity under this section must exceed the aggregate sum of capitation payments made to the county administrative entity under this section. The county authority is required to maintain its current level of nonmedical assistance spending on enrollees. If the county authority spends less in nonmedical assistance dollars on enrollees than it spent the year prior to the contract year, the amount of underspending shall be deducted from the aggregate fee-for-service cost of covered services. The commissioner shall then compare the fee-for-service costs and capitation payments related to the services provided for the term of this contract. The commissioner shall base its calculation of the fee-for-service costs on application of the medical assistance fee schedule to services identified on the county administrative entity's encounter claims submitted to the commissioner. The aggregate fee-for-service cost shall not include any third-party recoveries or cost-avoided amounts.

If the commissioner finds that the aggregate fee-for-service cost is greater than the sum of the capitation payments, the commissioner shall settle according to the following schedule:

(1) For the first contract year for each project, the commissioner shall pay the county administrative entity 50 percent of the difference between the sum of the capitation payments and 100 percent of projected fee-for-service costs. For aggregate fee-for-service costs in excess of 100 percent of projected fee-for-service costs, the commissioner shall pay ~~250~~ 25 percent of the difference between the aggregate fee-for-service costs and the projected fee-for-service costs, up to 104 percent of the projected fee-for-service costs. The county administrative entity shall be responsible for all costs in excess of 104 percent of projected fee-for-service costs.

(2) For the second contract year for each project, the commissioner shall pay the county administrative entity 37.5 percent of the difference between the sum of the capitation payments and 100 percent of projected fee-for-service costs. The county administrative entity shall be responsible for all costs in excess of 100 percent of projected fee-for-service costs.

(3) For the third contract year for each project, the commissioner shall pay the county administrative entity 25 percent of the difference between the sum of the capitation payments and 100 percent of projected fee-for-service costs. The county administrative entity shall be responsible for all costs in excess of 100 percent of projected fee-for-service costs.

(4) For the fourth and subsequent contract years for each project, the county administrative entity shall be responsible for all costs in excess of the capitation payments.

(d) In addition to other payments under this subdivision, the commissioner may increase payments by up to 0.25 percent of the projected per person costs that would otherwise have been paid under medical assistance fee-for-service. The commissioner may make the increased payments to:

(1) offset rate increases for regional treatment services under subdivision 22 which are higher than was expected by the commissioner when the capitation was set at 96 percent; and

(2) implement incentives to encourage appropriate, high quality, efficient services.

Sec. 4. Laws 1999, chapter 245, article 1, section 3, subdivision 2, is amended to read:

Subd. 2. Health Systems
and Special Populations

	66,999,000	66,269,000
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	Summary	by Fund
General	46,593,000	46,299,000
State Government Special Revenue	10,557,000	10,012,000
Health Care Access	9,849,000	9,958,000

[MERC ADMINISTRATIVE COSTS.] Of the general fund appropriation for the medical education and research fund, \$150,000 in fiscal year 2000 and \$150,000 in fiscal year 2001 is for the commissioner for administrative costs in implementing Minnesota Statutes, sections 62J.692 and 62J.693.

[WIC TRANSFERS.] The general fund appropriation for the women, infants, and children (WIC) food supplement program is available for either year of the biennium. Transfers of these funds between fiscal years must either be to maximize federal funds or to minimize fluctuations in the number of program participants.

[MINNESOTA CHILDREN WITH SPECIAL HEALTH NEEDS CARRYOVER.] General fund appropriations for treatment services in the services for Minnesota children with special health needs program are available for either year of the biennium.

[SUICIDE PREVENTION STUDY.] Of the general fund appropriation, \$100,000 in fiscal year 2000 is for the commissioner to study suicide issues and develop a suicide prevention plan. The study must be conducted in consultation with local community health boards, mental health professionals, schools, and other interested parties. The plan must be reported to the legislature by January 15, 2000.

[FAMILY PRACTICE RESIDENCY PROGRAM.] Of the general fund appropriation, \$300,000 in fiscal year 2000 is to the commissioner to make a grant to the city of Duluth for a family practice residency program for northeastern Minnesota.

[UNCOMPENSATED CARE.] The commissioner shall study and report to the legislature by January 15, 2000, with:

(1) statistical information on the amount of uncompensated health care provided in Minnesota, the types of care provided, the settings in which the care is provided, and, if known, the most common reasons why the care is uncompensated; and

(2) recommendations for reducing the level of uncompensated care, including, but not limited to, methods to enroll eligible persons in public health care programs through simplification of the application process and other efforts.

[RURAL HOSPITAL CAPITAL IMPROVEMENT GRANT PROGRAM.] (a) Of this appropriation, \$2,800,000 for each fiscal year is from the health care access fund to the commissioner for the rural hospital capital improvement grant program described in Minnesota Statutes, section 144.148. This appropriation shall not become part of the base for the 2002-2003 biennium.

(b) The commissioner may provide up to \$300,000 for the Westbrook health center for hospital and clinic improvements, upon receipt of information from the Westbrook health center indicating how it has fulfilled the requirements of Minnesota Statutes, section 144.148, and evidence that it has raised at least a dollar-for-dollar match from nonstate sources.

[ACCESS TO SUMMARY MINIMUM DATA SET (MDS).] The commissioner, in cooperation with the commissioner of administration, shall work to obtain access to Minimum Data Set (MDS) data that is electronically transmitted by nursing facilities to the health department. The MDS data shall be made available on a quarterly basis to industry trade associations for use in quality improvement efforts and comparative analysis. The MDS data shall be provided to the industry trade associations in the form of summary aggregate data, without patient identifiers, to ensure patient privacy. The commissioner may charge for the actual cost of production of these documents.

[NURSING HOME MORATORIUM REPORT.] In preparing the report required by Minnesota Statutes, section 144A.071, subdivision 5, the commissioner and the commissioner of human services shall analyze

the adequacy of the supply of nursing home beds by measuring the ability of hospitals to promptly discharge patients to a nursing home within the hospital's primary service area. If it is determined that a shortage of beds exists, the report shall present a plan to correct the service deficits. The report shall also analyze the impact of assisted living services on the medical assistance utilization of nursing homes.

[HEALTH CARE PURCHASING ALLIANCES.] Of the health care access fund appropriation, \$100,000 each year is to the commissioner for grants to two local organizations to develop health care purchasing alliances under Minnesota Statutes, section 62T.02, to negotiate the purchase of health care services from licensed entities. Of this amount, \$50,000 each year is for a grant to the Southwest Regional Development Commissioner to coordinate purchasing alliance development in the southwest area of the state, and \$50,000 each year is for a grant to the University of Minnesota extension services in Crookston to coordinate purchasing alliance development in the northwest area of the state. This is a one-time appropriation and shall not become part of base level funding for this activity for the 2002-2003 biennium.

[GENERAL FUND TOBACCO BASE REDUCTION.] The general fund base level appropriation for tobacco prevention and control programs and activities shall be reduced by \$1,100,000 each year of the biennium beginning July 1, 2001. Section 13, sunset of uncodified language, does not apply to this provision.

[STANDARDS FOR SPECIAL CASE AUTOPSIES.] Of this general fund appropriation, \$20,000 for the biennium is for a grant to a professional association representing coroners and medical examiners in Minnesota to conduct case studies, and develop and disseminate guidelines, for autopsy practice in special cases. This is a one-time appropriation and shall not become part of base level funding for the 2002-2003 biennium.

Sec. 5. Laws 1999, chapter 245, article 4, section 121, is amended to read:

Sec. 121. [EFFECTIVE DATE.]

(a) Sections 3, 4, 5, 45, 95, and 97, subdivision 3, paragraph (d), are effective July 1, 2000.

(b) Section 56 is effective upon federal approval.

Sec. 6. [EFFECTIVE DATE.]

Section 1 is effective July 1, 2000. Sections 2 to 4 are effective retroactive to July 1, 1999.

ARTICLE 3

EDUCATION CODE: PREKINDERGARTEN-GRADE 12

Section 1. Minnesota Statutes 1999 Supplement, section 124D.65, subdivision 4, is amended to read:

Subd. 4. [STATE TOTAL LEP REVENUE.] (a) The state total limited English proficiency programs revenue for fiscal year 2000 equals \$27,454,000. ~~The state total limited English proficiency programs revenue for fiscal year 2001 equals \$31,752,000.~~

(b) The state total limited English proficiency programs revenue for later fiscal years equals:

(1) the state total limited English proficiency programs revenue for the preceding fiscal year; times

(2) the program growth factor under section 125A.76 subdivision 1; times

(3) the ratio of the state total number of pupils with limited English proficiency for the current fiscal year to the state total number of pupils with limited English proficiency for the preceding fiscal year.

Sec. 2. Minnesota Statutes 1999 Supplement, section 126C.052, is amended to read:

126C.052 [CLASS SIZE, ALL-DAY KINDERGARTEN, AND SPECIAL EDUCATION STUDENT-TO-INSTRUCTOR RATIO RESERVE.]

A district is required to reserve \$3 in fiscal year 2000 and \$11 in fiscal year 2001 and later per adjusted marginal cost pupil unit for class size reduction, all-day kindergarten, or for reducing special education student-to-instructor ratios. The school board of each district must pass a resolution stating which one of these three programs will be funded with this reserve. The reserve amount under this section must be allocated to the education site as defined in section 123B.04, subdivision 1, according to a plan adopted by the school board.

Sec. 3. Minnesota Statutes 1999 Supplement, section 126C.10, subdivision 2, is amended to read:

Subd. 2. [BASIC REVENUE.] The basic revenue for each district equals the formula allowance times the ~~resident~~ adjusted marginal cost pupil units for the school year. The formula allowance for fiscal year 1998 is \$3,581. The formula allowance for fiscal year 1999 is \$3,530. The formula allowance for fiscal year 2000 is \$3,740. The formula allowance for fiscal year 2001 and subsequent fiscal years is \$3,875.

Sec. 4. Minnesota Statutes 1999 Supplement, section 126C.10, subdivision 23, is amended to read:

Subd. 23. [REFERENDUM OFFSET ADJUSTMENT.] A district that qualifies for the referendum allowance reduction under section 126C.17, subdivision 12, and whose referendum allowance under section 126C.17, subdivision 1, as adjusted under section 126C.17, subdivisions 2 and 12, does not exceed the referendum allowance limit under section 126C.17, subdivision 2, clause (2), shall receive a referendum offset adjustment. In fiscal year 2000 and thereafter, the referendum offset adjustment is equal to \$25 per ~~resident~~ adjusted marginal cost pupil unit.

Sec. 5. Minnesota Statutes 1999 Supplement, section 126C.12, subdivision 1, is amended to read:

Subdivision 1. [REVENUE.] Of a district's general education revenue for fiscal year 2000 and thereafter each school district shall reserve an amount equal to the formula allowance multiplied by the following calculation:

(1) the sum of adjusted marginal cost ~~pupil units~~ pupils in average daily membership, according to section 126C.05, subdivision 5, in kindergarten times .057; plus

(2) the sum of adjusted marginal cost ~~pupil units~~ pupils in average daily membership, according to section 126C.05, subdivision 5, in grades 1 to 3 times .115; plus

(3) the sum of adjusted marginal cost ~~pupil units~~ pupils in average daily membership, according to section 126C.05, subdivision 5, in grades 4 to 6 times .06.

Sec. 6. Laws 1999, chapter 241, article 1, section 70, is amended to read:

Sec. 70. [EFFECTIVE DATES.]

Sections 13, 14, 26, 30, 37, and 39 are effective for revenue for fiscal year 2000 and later. Section 41 is effective for revenue for fiscal year 2001 and later. Sections 46, 47, and 55 to 60 are effective the day following final enactment. Section 61 is effective for taxes payable in 2000 and later.

Sec. 7. Laws 1999, chapter 241, article 4, section 29, is amended to read:

Sec. 29. [REPEALER.]

(a) Minnesota Statutes 1998, sections ~~123A.44; 123A.441; 123A.442; 123A.443; 123A.444; 123A.445; 123A.446; 123B.57, subdivisions 4, 5, and 7; 123B.59, subdivision 7; 123B.63, subdivisions 1 and 2; section 123B.66; 123B.67; 123B.68; and 123B.69, are, is~~ repealed effective the day following final enactment.

(b) ~~Minnesota Statutes 1998, section 123B.58, is repealed effective July 1, 2004.~~

(e) Minnesota Statutes 1998, section 123B.64, subdivision 4, is repealed effective for revenue for fiscal year 2000.

(d) (c) Minnesota Statutes 1998, section 123B.64, subdivisions 1, 2, and 3, are repealed effective for revenue for fiscal year 2001.

(e) (d) Minnesota Rules, parts 3500.3900; 3500.4000; 3500.4100; 3500.4200; and 3500.4300, are repealed.

Sec. 8. [DEPARTMENT OF CHILDREN, FAMILIES, AND LEARNING.]

(a) The sums indicated in this section are appropriated from the general fund unless otherwise indicated to the department of children, families, and learning for the fiscal years designated.

<u>\$32,316,000</u>	<u>.....</u>	<u>2000</u>
<u>\$29,785,000</u>	<u>.....</u>	<u>2001</u>

(b) Any balance the first year does not cancel but is available in the second year.

(c) \$21,000 each year is from the trunk highway fund.

(d) \$673,000 in 2000 and \$678,000 in 2001 is for the board of teaching.

(e) Notwithstanding Minnesota Statutes, section 15.53, subdivision 2, the commissioner of children, families, and learning may contract with a school district for a period no longer than five consecutive years to work in the development or implementation of the graduation rule. The commissioner may contract for services and expertise as necessary. The contracts are not subject to Minnesota Statutes, section 16C.05.

(f) \$165,000 in 2000 is for the state board of education. Any functions of the state board of education that are not specifically transferred to another agency are transferred to the department of children, families, and learning under Minnesota Statutes, section 15.039. For the position that is classified, upon transferring the responsibilities, the current incumbent is appointed to the classified position without exam or probationary period.

(g) \$2,000,000 in 2000 is for litigation costs and may only be used for those purposes. This is a one-time appropriation.

Sec. 9. [REPEALER WITHOUT EFFECT.]

The repeal of Minnesota Statutes 1998, sections 123A.44; 123A.441; 123A.442; 123A.443; 123A.444; 123A.445; 123A.446; 123B.57, subdivisions 4, 5, and 7; 123B.59, subdivision 7; 123B.63, subdivisions 1 and 2; 123B.67; 123B.68; and 123B.69, by Laws 1999, chapter 241, article 4, section 29, with an effective date of May 26, 1999, is without effect and Minnesota Statutes 1998, sections 123A.44; 123A.441; 123A.442; 123A.443; 123A.444; 123A.445; 123A.446; 123B.57, subdivisions 4, 5, and 7; 123B.59, subdivision 7; 123B.63, subdivisions 1 and 2; 123B.67; 123B.68; and 123B.69, remain in effect after May 25, 1999.

Sec. 10. [REPEALER.]

Laws 1999, chapter 241, article 10, section 5, is repealed retroactive to July 1, 1999.

Sec. 11. [EFFECTIVE DATE.]

Section 8 is effective retroactive to July 1, 1999. Sections 7, paragraph (a), and 9 are effective retroactive to May 26, 1999."

Delete the title and insert:

"A bill for an act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, unintended results, and technical errors in state government, human services, and prekindergarten-grade 12 education code appropriations acts; appropriating money; amending Minnesota Statutes 1998, sections 125A.21, subdivision 1; and 256B.501, by adding a subdivision; Minnesota Statutes 1999 Supplement, sections 16A.129, subdivision 3; 124D.65, subdivision 4; 126C.052; 126C.10, subdivisions 2 and 23; 126C.12, subdivision 1; and 256B.77, subdivision 10; Laws 1999, chapters 241, articles 1, section 70; and 4, section 29; 245, articles 1, section 3, subdivision 2; and 4, section 121; 250, article 1, sections 11 and 14, subdivision 3; repealing Laws 1999, chapter 241, article 10, section 5; and 250, article 1, section 15, subdivision 4."

The motion prevailed. So the amendment was adopted.

H.F. No. 3557 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Knutson moved that S.F. No. 2845 be taken from the table. The motion prevailed.

S.F. No. 2845: A bill for an act relating to crimes; increasing criminal penalties and driver license sanctions for underage persons who use any type of false identification to purchase or attempt to purchase alcoholic beverages or tobacco; authorizing peace officers to transport alleged truants from the child's home to school or to a truancy service center; authorizing retailers to seize false identification; amending Minnesota Statutes 1998, sections 171.171; 340A.702; and 609.685, subdivisions 1a, 2, and 3; Minnesota Statutes 1999 Supplement, sections 260B.235, subdivision 4; 260C.143, subdivision 4; and 340A.503, subdivision 6.

RECONSIDERATION

Senator Knutson then moved that the vote whereby S.F. No. 2845 was repassed by the Senate on April 27, 2000, be now reconsidered. The motion prevailed. So the vote was reconsidered.

RECONSIDERATION

Senator Knutson then moved that the vote whereby the Conference Committee Report on S.F. No. 2845 was adopted by the Senate on April 27, 2000, be now reconsidered. The motion prevailed. So the vote was reconsidered.

Senator Knutson then moved that S.F. No. 2845 be re-referred to the Conference Committee as formerly constituted for further consideration. The motion prevailed.

Senator Johnson, D.H. moved that S.F. No. 3036 and the Conference Committee Report be taken from the table. The motion prevailed.

S.F. No. 3036: A bill for an act relating to natural resources; providing for seizure and administrative forfeiture of certain firearms and abandoned property; modifying authority to issue trespass citations; modifying provisions for forfeited vehicles; modifying definition of peace officer; providing civil penalties; appropriating money; amending Minnesota Statutes 1998, sections 97B.002, subdivision 1; and 609.5312, subdivision 4; Minnesota Statutes 1999 Supplement, sections 169.1217, subdivision 9; and 169.123, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 97A.

RECONSIDERATION

Senator Johnson, D.H. then moved that the vote whereby S.F. No. 3036 was repassed by the Senate on April 27, 2000, be now reconsidered. The motion prevailed. So the vote was reconsidered.

RECONSIDERATION

Senator Johnson, D.H. then moved that the vote whereby the Conference Committee Report on S.F. No. 3036 was adopted by the Senate on April 27, 2000, be now reconsidered. The motion prevailed. So the vote was reconsidered.

Senator Johnson, D.H. then moved that S.F. No. 3036 be re-referred to the Conference Committee as formerly constituted for further consideration. The motion prevailed.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2865: A bill for an act relating to homeless and runaway youth; requiring the commissioner of human services to establish and support a comprehensive initiative for homeless youth, youth at risk of homelessness, and runaways to the extent that funding is provided; providing for street outreach, drop-in services, basic center shelter, and transitional living programs; proposing coding for new law as Minnesota Statutes, chapter 257B.

Senate File No. 2865 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 2000

Senator Kiscaden moved that S.F. No. 2865 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 3839 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 3839 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 1, 2000

CONFERENCE COMMITTEE REPORT ON H.F. NO. 3839

A bill for an act relating to health; modifying provisions for speech-language pathologists, audiologists, unlicensed mental health practitioners, alcohol and drug counselors, and hearing instrument dispensers; requiring a study; extending a board; amending Minnesota Statutes 1998, sections 148.512, subdivision 5; 148.515, subdivision 3; 148.517, by adding a subdivision; 148.518, subdivision 2; 148.5193, subdivisions 1, 2, 4, 6, and by adding a subdivision; 148.5196, subdivision 3; 148B.60, subdivision 3; 148B.68, subdivision 1; 148B.69, by adding a subdivision; 148B.71, subdivision 1; 148C.01, subdivisions 2, 7, 9, 10, and by adding a subdivision; 148C.03, subdivision 1; 148C.04, by adding subdivisions; 148C.06, subdivisions 1 and 2; 148C.09, subdivisions 1 and 1a; 148C.10, by adding a subdivision; 148C.11, subdivision 1; 153A.13, subdivision 9, and by adding subdivisions; 153A.14, subdivisions 1, 2a, 2h, 4, 4a, and by adding subdivisions; and 153A.15, subdivision 1; Laws 99, chapter 223, article 2, section 81, as amended; repealing Minnesota Statutes 1998, sections 148.5193, subdivisions 3 and 5; and 148C.04, subdivision 5.

April 26, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 3839, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 3839 be further amended as follows:

Delete everything after the enacting clause and insert:

"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. Minnesota Statutes 1998, section 62J.51, is amended by adding a subdivision to read:

Subd. 19a. [UNIFORM EXPLANATION OF BENEFITS DOCUMENT.] "Uniform explanation of benefits document" means the document associated with and explaining the details of a group purchaser's claim adjudication for services rendered, which is sent to a patient.

Sec. 3. Minnesota Statutes 1998, section 62J.51, is amended by adding a subdivision to read:

Subd. 19b. [UNIFORM REMITTANCE ADVICE REPORT.] "Uniform remittance advice report" means the document associated with and explaining the details of a group purchaser's claim adjudication for services rendered, which is sent to a provider.

Sec. 4. Minnesota Statutes 1998, section 62J.52, subdivision 1, is amended to read:

Subdivision 1. [UNIFORM BILLING FORM HCFA 1450.] (a) On and after January 1, 1996, all institutional inpatient hospital services, ancillary services, and institutionally owned or operated outpatient services rendered by providers in Minnesota, and institutional or noninstitutional home health services that are not being billed using an equivalent electronic billing format, must be billed using the uniform billing form HCFA 1450, except as provided in subdivision 5.

(b) The instructions and definitions for the use of the uniform billing form HCFA 1450 shall be in accordance with the uniform billing form manual specified by the commissioner. In promulgating these instructions, the commissioner may utilize the manual developed by the National Uniform Billing Committee, as adopted and finalized by the Minnesota uniform billing committee.

(c) Services to be billed using the uniform billing form HCFA 1450 include: institutional inpatient hospital services and distinct units in the hospital such as psychiatric unit services, physical therapy unit services, swing bed (SNF) services, inpatient state psychiatric hospital services, inpatient skilled nursing facility services, home health services (Medicare part A), and hospice services; ancillary services, where benefits are exhausted or patient has no Medicare part A, from hospitals, state psychiatric hospitals, skilled nursing facilities, and home health (Medicare part B); and institutional owned or operated outpatient services such as waivered services, hospital outpatient services, including ambulatory surgical center services, hospital referred laboratory services, hospital-based ambulance services, and other hospital outpatient services, skilled nursing facilities, home health, including infusion therapy, freestanding renal dialysis centers, comprehensive outpatient rehabilitation facilities (CORF), outpatient rehabilitation facilities (ORF), rural health clinics, and community mental health centers; home health services such as home health intravenous therapy providers, waivered services, personal care attendants, and hospice; and any other health care provider certified by the Medicare program to use this form.

(d) On and after January 1, 1996, a mother and newborn child must be billed separately, and must not be combined on one claim form.

Sec. 5. Minnesota Statutes 1998, section 62J.52, subdivision 2, is amended to read:

Subd. 2. [UNIFORM BILLING FORM HCFA 1500.] (a) On and after January 1, 1996, all noninstitutional health care services rendered by providers in Minnesota except dental or pharmacy providers, that are not currently being billed using an equivalent electronic billing format, must be billed using the health insurance claim form HCFA 1500, except as provided in subdivision 5.

(b) The instructions and definitions for the use of the uniform billing form HCFA 1500 shall be in accordance with the manual developed by the administrative uniformity committee entitled standards for the use of the HCFA 1500 form, dated February 1994, as further defined by the commissioner.

(c) Services to be billed using the uniform billing form HCFA 1500 include physician services and supplies, durable medical equipment, noninstitutional ambulance services, independent ancillary services including occupational therapy, physical therapy, speech therapy and audiology, podiatry services, optometry services, mental health licensed professional services, substance abuse licensed professional services, nursing practitioner professional services, certified registered nurse anesthetists, chiropractors, physician assistants, laboratories, medical suppliers, and other health care providers such as ~~home health intravenous therapy providers, personal care attendants, day activity centers, waived services, hospice, and other home health services,~~ and freestanding ambulatory surgical centers.

Sec. 6. Minnesota Statutes 1998, section 62J.52, subdivision 5, is amended to read:

Subd. 5. [STATE AND FEDERAL HEALTH CARE PROGRAMS.] (a) Skilled nursing facilities and ICF/MR services billed to state and federal health care programs administered by the department of human services shall use the form designated by the department of human services.

(b) On and after July 1, 1996, state and federal health care programs administered by the department of human services shall accept the HCFA 1450 for community mental health center services and shall accept the HCFA 1500 for freestanding ambulatory surgical center services.

(c) State and federal health care programs administered by the department of human services shall be authorized to use the forms designated by the department of human services for pharmacy services ~~and for child and teen checkup services.~~

(d) State and federal health care programs administered by the department of human services shall accept the form designated by the department of human services, and the HCFA 1500 for supplies, medical supplies, or durable medical equipment. Health care providers may choose which form to submit.

(e) Personal care attendant and waived services billed on a fee-for-service basis directly to state and federal health care programs administered by the department of human services shall use either the HCFA 1450 or the HCFA 1500 form, as designated by the department of human services.

Sec. 7. [62J.581] [STANDARDS FOR MINNESOTA UNIFORM HEALTH CARE REIMBURSEMENT DOCUMENTS.]

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

Subd. 2. [MINNESOTA UNIFORM EXPLANATION OF BENEFITS DOCUMENT.] All group purchasers and payers shall provide a uniform explanation of benefits document to health care patients when a claim is adjudicated. The uniform explanation of benefits document shall comply with the standards prescribed in this section.

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

Subd. 4. [SPECIFICATIONS.] The uniform remittance advice report and the uniform

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

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

Sec. 8. Minnesota Statutes 1998, section 62J.60, subdivision 1, is amended to read:

Subdivision 1. [MINNESOTA HEALTH CARE IDENTIFICATION CARD.] All individuals with health care coverage shall be issued health care identification cards by group purchasers as of January 1, 1998, unless the requirements of section 62A.01, subdivisions 2 and 3, are met. The health care identification cards shall comply with the standards prescribed in this section.

Sec. 9. [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.] (a) "Unlicensed complementary and alternative health care practitioner" means a person who:

(1) either:

(i) is not licensed or registered by a health-related licensing board or the commissioner of health; or

(ii) is licensed or registered by the commissioner of health or a health-related licensing board other than the board of medical practice, the board of dentistry, the board of chiropractic examiners, or the board of podiatric medicine, but does not hold oneself out to the public as being licensed or registered by the commissioner or a health-related licensing board when engaging in complementary and alternative health care;

(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.

(b) A health care practitioner licensed or registered by the commissioner or a health-related licensing board, who engages in complementary and alternative health care while practicing under the practitioner's license or registration, shall be regulated by and be under the jurisdiction of the applicable health-related licensing board with regard to the complementary and alternative health care practices.

Sec. 10. [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. 11. [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 consistent with the requirements of sections 609.378 and 626.556. 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. 12. [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 incompetent or may be mentally 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. 13. [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. 14. [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 portions of the administrative record that contain data on a

complementary and alternative health care client or a complainant under section 146A.03, and shall not make those portions of the administrative record available to the public.

Sec. 15. [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. 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. [DATA.] (a) Data relating to investigations of complaints and disciplinary actions involving unlicensed complementary and alternative health care practitioners are governed by this subdivision and section 13.41 does not apply. Except as provided in section 13.39, subdivision 2, and paragraph (b), data relating to investigations of complaints and disciplinary actions involving unlicensed complementary and alternative health care practitioners are public data, regardless of the outcome of any investigation, action, or proceeding.

(b) The following data are private data on individuals, as defined in section 13.02:

(1) data on a complementary and alternative health care client;

(2) data on a complainant under section 146A.03; and

(3) data on the nature or content of unsubstantiated complaints when the information is not maintained in anticipation of legal action.

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. 16. [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. 17. [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 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.

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. 18. [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. 3. [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. 4. [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. 5. [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. 6. [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.

Subd. 7. [LICENSED OR REGULATED PRACTITIONERS.] If a practitioner investigated under this section is licensed or registered by the commissioner of health or a health-related licensing board, is subject to the jurisdiction of the commissioner under section 146A.01, subdivision 6, paragraph (a), clause (1), item (ii), and the commissioner determines that the practitioner has violated any provision of this chapter, the commissioner, in addition to taking disciplinary action under this section:

(1) may, if the practitioner is licensed or regulated in another capacity by the commissioner, take further disciplinary action against the practitioner in that capacity; or

(2) shall, if the practitioner is licensed or registered in another capacity by a health-related licensing board, report the commissioner's findings under this section, and may make a nonbinding recommendation that the board take further action against the practitioner in that capacity.

Sec. 19. [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. 20. [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, complementary and alternative health care 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 regarding the complimentary and alternative health care being provided, 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. 21. 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. 22. Minnesota Statutes 1998, section 148.512, subdivision 5, is amended to read:

Subd. 5. [APPROVED CONTINUING EDUCATION SPONSOR.] "Approved Continuing education sponsor" means an organization that offers a learning experience designed to promote continuing competency in the procedures and techniques of the practice of speech-language pathology or audiology and ~~that meets whose activities meet the criteria in section 148.5193, subdivision 3, or is a preapproved sponsor listed in section 148.5193, subdivision 2.~~

Sec. 23. Minnesota Statutes 1998, section 148.515, subdivision 3, is amended to read:

Subd. 3. [SUPERVISED CLINICAL TRAINING REQUIRED.] (a) An applicant must complete at least 375 hours of supervised clinical training as a student that meets the requirements of paragraphs (b) to (f).

(b) The supervised clinical training must be provided by the educational institution or by one of its cooperating programs.

(c) The first 25 hours of the supervised clinical training must be spent in clinical observation. Those 25 hours must concern the evaluation and treatment of children and adults with disorders of speech, language, or hearing.

(d) All applicants must complete at least 350 hours of supervised clinical training that concern the evaluation and treatment of children and adults with disorders of speech, language, and hearing. At least 250 of the 350 hours must be at the graduate level in the area in which registration is sought. At least 50 hours must be spent in each of three types of clinical settings including, but not limited to, university clinics, hospitals, private clinics, and schools, including secondary and elementary.

(e) An applicant seeking registration as a speech-language pathologist must:

(1) obtain 250 of the 350 supervised hours in speech-language pathology;

(2) complete a minimum of 20 hours of the 250 hours in each of the following eight categories:

- (i) evaluation: speech disorders in children;
 - (ii) evaluation: speech disorders in adults;
 - (iii) evaluation: language disorders in children;
 - (iv) evaluation: language disorders in adults;
 - (v) treatment: speech disorders in children;
 - (vi) treatment: speech disorders in adults;
 - (vii) treatment: language disorders in children; and
 - (viii) treatment: language disorders in adults;
- (3) complete a minimum of ~~35 hours in audiology including:~~
- ~~(i) 15 hours in the evaluation or screening of individuals with hearing disorders; and~~
 - ~~(ii) 15 hours in habilitation or rehabilitation of individuals with hearing impairment~~ 20 of the 350 hours in audiology; and
- (4) obtain no more than 20 hours in the major professional area that are in related disorders.
- (f) An applicant seeking registration as an audiologist must:
- (1) obtain 250 of the 350 hours in audiology;
 - (2) complete a minimum of ~~40 hours in each of the following four categories of the 250 hours~~ in each of the first two of the following categories, complete at least 80 hours in categories (iii) and (iv), with at least ten hours in each of categories (i) to (iv), and complete at least 20 hours in category (v):
- (i) evaluation: hearing in children;
 - (ii) evaluation: hearing in adults;
 - (iii) selection and use: amplification and assistive devices for children; ~~and~~
 - (iv) selection and use: amplification and assistive devices for adults; and
 - (v) treatment: hearing disorders in children and adults;
- (3) ~~complete a minimum of 20 hours in the category of the treatment of hearing disorders in children and adults;~~
- (4) ~~complete a minimum of 35 hours~~ 20 of the 350 hours in speech-language pathology unrelated to hearing impairment as follows:
- ~~(i) 15 hours in evaluation or screening; and~~
 - ~~(ii) 15 hours in treatment; and~~
- ~~(5)~~ (4) obtain no more than 20 hours in the major professional area that are in related disorders.
- Sec. 24. Minnesota Statutes 1998, section 148.517, is amended by adding a subdivision to read:
- Subd. 4. [TEMPORARY REGISTRATION.] (a) The commissioner shall issue temporary registration as a speech-language pathologist, an audiologist, or both, to an applicant who has applied for registration under this section and who:
- (1) submits a signed and dated affidavit stating that the applicant is not the subject of a disciplinary action or past disciplinary action in this or another jurisdiction and is not disqualified on the basis of section 148.5195, subdivision 3; and

(2) either:

(i) provides a copy of a current credential as a speech-language pathologist, an audiologist, or both, held in the District of Columbia or a state or territory of the United States; or

(ii) provides a copy of a current certificate of clinical competence issued by the American Speech-Language-Hearing Association or its equivalent.

(b) A temporary registration issued to a person under this subdivision expires 90 days after it is issued or on the date the commissioner grants or denies registration, whichever occurs first.

(c) Upon application, a temporary registration shall be renewed once to a person who is able to demonstrate good cause for failure to meet the requirements for registration within the initial temporary registration period and who is not the subject of a disciplinary action or disqualified on the basis of section 148.5195, subdivision 3.

Sec. 25. Minnesota Statutes 1998, section 148.518, subdivision 2, is amended to read:

Subd. 2. [LAPSE OF MORE THAN THREE YEARS.] For an applicant whose registered status has lapsed for more than three years, the applicant must:

(1) apply for registration renewal according to section 148.5191 and obtain a qualifying score on the examination described in section 148.515, subdivision 5, within one year of the application date for registration renewal; or

(2) apply for renewal according to section 148.5191, provide evidence to the commissioner that the applicant holds a current and unrestricted credential for the practice of speech-language pathology from the Minnesota board of teaching or for the practice of speech-language pathology or audiology in another jurisdiction that has requirements equivalent to or higher than those in effect for Minnesota and provide evidence of compliance with Minnesota board of teaching or that jurisdiction's continuing education requirements;

(3) apply for renewal according to section 148.5191 and submit documentation of having completed a combination of speech-language pathology or audiology courses or a speech-language pathology or audiology refresher program that contains both a theoretical and clinical component preapproved or approved by the commissioner. Only courses completed within one year preceding the date of the application or one year after the date of the application will qualify for approval; or

(4) apply for renewal according to section 148.5191 and submit proof of successful completion and verified documentation of 160 hours of supervised practice approved by the commissioner. To participate in a supervised practice, the applicant shall first apply and obtain temporary registration according to section 148.5161.

Sec. 26. Minnesota Statutes 1998, section 148.5193, subdivision 1, is amended to read:

Subdivision 1. [NUMBER OF CONTACT HOURS REQUIRED.] (a) An applicant for registration renewal must meet the requirements for continuing education according to paragraphs (b) to (e).

(b) An applicant for registration renewal as either a speech-language pathologist or an audiologist must provide evidence to the commissioner of a minimum of 30 contact hours of continuing education offered by an approved continuing education sponsor within the two years immediately preceding registration renewal. A minimum of 20 contact hours of continuing education must be directly related to the registrant's area of registration. Ten contact hours of continuing education may be in areas generally related to the registrant's area of registration.

(c) An applicant for registration renewal as both a speech-language pathologist and an audiologist must attest to and document completion of a minimum of 36 contact hours of continuing education offered by an approved continuing education sponsor within the two years immediately preceding registration renewal. A minimum of 15 contact hours must be received in

the area of speech-language pathology and a minimum of 15 contact hours must be received in the area of audiology. Six contact hours of continuing education may be in areas generally related to the registrant's areas of registration.

(d) If the registrant is licensed by the board of teaching:

(1) activities that are approved in the categories of Minnesota Rules, part 8700.1000, subpart 3, items A and B, and that relate to speech-language pathology, shall be considered:

(i) offered by ~~an approved~~ a sponsor of continuing education; and

(ii) directly related to speech-language pathology;

(2) activities that are approved in the categories of Minnesota Rules, part 8700.1000, subpart 3, shall be considered:

(i) offered by ~~an approved~~ a sponsor of continuing education; and

(ii) generally related to speech-language pathology; and

(3) one clock hour as defined in Minnesota Rules, part 8700.1000, subpart 1, is equivalent to 1.2 contact hours of continuing education.

(e) Contact hours cannot be accumulated in advance and transferred to a future continuing education period.

Sec. 27. Minnesota Statutes 1998, section 148.5193, subdivision 2, is amended to read:

Subd. 2. [~~PREAPPROVED CONTINUING EDUCATION PROVIDED BY SPONSORS.~~] The commissioner will accept continuing education ~~approved or sponsored by the Minnesota department of health, the Minnesota Speech-Language-Hearing Association, the American Speech-Language-Hearing Association, the American Academy of Audiology, the Minnesota Academy of Audiology, the Academy of Rehabilitative Audiologists, the Acoustical Society of America, Twin Cities Clinical Speech-Language Pathologists, Minnesota Foundation for Acoustical Education and Research, or universities accredited by the American Speech-Language-Hearing Association.~~ provided by sponsors if the continuing education activity meets the following standards:

(1) constitutes an organized program of learning;

(2) reasonably expects to advance the knowledge and skills of the speech-language pathologist or audiologist;

(3) pertains to subjects that relate to the practice of speech-language pathology or audiology;

(4) is conducted by individuals who have education, training, and experience by reason of which said individuals should be considered experts concerning the subject matter of the activity; and

(5) is presented by a sponsor who has a mechanism to verify participation and maintains attendance records for four years.

Sec. 28. Minnesota Statutes 1998, section 148.5193, subdivision 4, is amended to read:

Subd. 4. [EARNING CONTINUING EDUCATION CONTACT HOURS THROUGH CONTACT HOUR EQUIVALENTS.] (a) A registrant who teaches continuing education courses may obtain contact hour equivalents according to paragraphs (b) to (d).

(b) The sponsor of the course must ~~be approved by the commissioner~~ meet the requirements of subdivision 2.

(c) A registrant may not obtain more than six contact hours in any two-year continuing education period by teaching continuing education courses.

(d) A registrant may obtain two contact hours for each hour spent teaching a course ~~if the course is sponsored by an approved continuing education sponsor~~. Contact hours may be claimed only once for teaching the same course in any two-year continuing education period.

Sec. 29. Minnesota Statutes 1998, section 148.5193, subdivision 6, is amended to read:

Subd. 6. [EVIDENCE RECORDS OF ATTENDANCE.] (a) A registrant must maintain for four years records of attending the continuing education contact hours required for registration renewal.

(b) An applicant for registration renewal must submit the following information on a form provided by the commissioner: the sponsoring organization, the dates of the course, the course name, the number of contact hours completed, and the name and signature of the registrant. The form must be submitted with the renewal application under section 148.5191, subdivision 1.

Sec. 30. Minnesota Statutes 1998, section 148.5193, is amended by adding a subdivision to read:

Subd. 6a. [VERIFICATION OF ATTENDANCE.] An applicant for registration renewal must submit verification of attendance as follows:

(1) a certificate of attendance from the sponsor with the continuing education course name, course date, and registrant's name;

(2) a copy of a record of attendance from the sponsor of the continuing education course;

(3) a signature of the presenter or a designee at the continuing education activity on the continuing education report form;

(4) a summary or outline of the educational content of an audio or video educational activity if a designee is not available to sign the continuing education report form;

(5) for self-study programs, a certificate of completion or other documentation indicating that the individual has demonstrated knowledge and has successfully completed the program; and

(6) for attendance at a university, college, or vocational course, an official transcript.

Sec. 31. Minnesota Statutes 1998, section 148.5196, subdivision 3, is amended to read:

Subd. 3. [DUTIES.] The advisory council shall:

(1) advise the commissioner regarding speech-language pathologist and audiologist registration standards;

(2) advise the commissioner on enforcement of sections 148.511 to 148.5196;

(3) provide for distribution of information regarding speech-language pathologist and audiologist registration standards;

(4) review applications and make recommendations to the commissioner on granting or denying registration or registration renewal;

(5) review reports of investigations relating to individuals and make recommendations to the commissioner as to whether registration should be denied or disciplinary action taken against the individual;

(6) advise the commissioner regarding approval of continuing education activities provided by sponsors using the criteria in section 148.5193, subdivision 3 ~~2~~; and

(7) perform other duties authorized for advisory councils under chapter 214, or as directed by the commissioner.

Sec. 32. Minnesota Statutes 1998, section 148B.60, subdivision 3, is amended to read:

Subd. 3. [UNLICENSED MENTAL HEALTH PRACTITIONER OR PRACTITIONER.] "Unlicensed mental health practitioner" or "practitioner" means a person who provides or purports to provide, for remuneration, mental health services as defined in subdivision 4. It does not include persons licensed by the board of medical practice under chapter 147 or registered by the board of medical practice under chapter 147A; the board of nursing under sections 148.171 to 148.285; the board of psychology under sections 148.88 to 148.98; the board of social work under sections 148B.18 to 148B.289; the board of marriage and family therapy under sections 148B.29 to 148B.39; or another licensing board if the person is practicing within the scope of the license; or members of the clergy who are providing pastoral services in the context of performing and fulfilling the salaried duties and obligations required of a member of the clergy by a religious congregation; American Indian medicine men and women; licensed attorneys; probation officers; school counselors employed by a school district while acting within the scope of employment as school counselors; registered occupational therapists; or occupational therapy assistants. For the purposes of complaint investigation or disciplinary action relating to an individual practitioner, the term includes:

- (1) persons employed by a program licensed by the commissioner of human services who are acting as mental health practitioners within the scope of their employment;
- (2) persons employed by a program licensed by the commissioner of human services who are providing chemical dependency counseling services; persons who are providing chemical dependency counseling services in private practice; and
- (3) clergy who are providing mental health services that are equivalent to those defined in subdivision 4.

Sec. 33. Minnesota Statutes 1998, section 148B.68, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITED CONDUCT.] The commissioner may impose disciplinary action as described in section 148B.69 against any unlicensed mental health 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 the provision of mental health services. Conviction, as used in this subdivision, includes a conviction of an offense which, if committed in this state, would be deemed a felony or gross 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 crimes against persons. 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, clause (1); 609.561; 609.562; 609.595; and 609.72, subdivision 3.
- (c) Failure to comply with the self-reporting requirements of section 148B.63, subdivision 7.
- (d) Engaging in sexual contact with a client or former client as defined in section 148A.01, or engaging in contact that may be reasonably interpreted by a client as sexual, or 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.
- (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 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 provide mental health services with reasonable safety to 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 client except when otherwise required or permitted by law.

(l) Failure to comply with a client's request made under section 144.335, or to furnish a 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 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 148B.63, or cooperate with an investigation of the office.

(p) Obtaining money, property, or services from a 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 client in which the objectivity of the professional would be impaired.

(r) Failure to provide the 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 sections 148B.60 to 148B.71, 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 the mental health practitioner's license, certificate, registration, or right of practice 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 of mental health practice that charges regarding the practitioner's license, certificate, registration, or right of practice have been brought in this or another state or jurisdiction.

(w) Bartering for services with a client.

Sec. 34. Minnesota Statutes 1998, section 148B.69, is amended by adding a subdivision to read:

Subd. 7. [RELEASE TO OBTAIN NONPUBLIC DATA.] An unlicensed mental health practitioner who is the subject of an investigation must sign a release authorizing the commissioner to obtain criminal conviction data, reports about abuse or neglect of clients, and other information pertaining to investigations of violations of statutes or rules from the bureau of criminal apprehension, the Federal Bureau of Investigation, the department of human services, the office of health facilities complaints, private certification organizations, county social service

agencies, the division of driver and vehicle services in the department of public safety, adult protection services, child protection services, and other agencies that regulate provision of health care services. After the commissioner gives written notice to an individual who is the subject of an investigation, the agencies shall assist the commissioner with the investigation by giving the commissioner the requested data.

Sec. 35. Minnesota Statutes 1998, section 148B.71, subdivision 1, is amended to read:

Subdivision 1. [SCOPE.] All unlicensed mental health practitioners, other than those providing services in a facility regulated under section 144.651 or a government agency or program licensed by the commissioner of health or the commissioner of human services, shall provide to each client prior to providing treatment a written copy of the mental health client bill of rights. A copy must also be posted in a prominent location in the office of the mental health 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 mental health client bill of rights shall include the following:

- (a) the name, title, business address, and telephone number of the practitioner;
- (b) 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 UNIFORM EDUCATIONAL AND TRAINING STANDARDS FOR ALL MENTAL HEALTH PRACTITIONERS. THIS STATEMENT OF CREDENTIALS IS FOR INFORMATION PURPOSES ONLY."
- (c) the name, business address, and telephone number of the practitioner's supervisor, if any;
- (d) notice that a client has the right to file a complaint with the practitioner's supervisor, if any, and the procedure for filing complaints;
- (e) the name, address, and telephone number of the office of mental health practice and notice that a client may file complaints with the office;
- (f) 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;
- (g) a statement that the client has a right to reasonable notice of changes in services or charges;
- (h) a brief summary, in plain language, of the theoretical approach used by the practitioner in treating patients;
- (i) notice that the client has a right to complete and current information concerning the practitioner's assessment and recommended course of treatment, including the expected duration of treatment;
- (j) a statement that clients may expect courteous treatment and to be free from verbal, physical, or sexual abuse by the practitioner;
- (k) 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;
- (l) a statement of the client's right to be allowed access to records and written information from records in accordance with section 144.335;
- (m) a statement that other services may be available in the community, including where information concerning services is available;

(n) 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;

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

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

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

Sec. 36. Minnesota Statutes 1998, section 148C.01, subdivision 2, is amended to read:

Subd. 2. [ALCOHOL AND DRUG COUNSELOR.] "Alcohol and drug counselor" or "counselor" means a person who:

(1) uses, as a representation to the public, any title, initials, or description of services incorporating the words "alcohol and drug counselor";

(2) offers to render professional alcohol and drug counseling services relative to the abuse of or the dependency on alcohol or other drugs to the general public or groups, organizations, corporations, institutions, or government agencies for compensation, implying that the person is licensed and trained, experienced or expert in alcohol and drug counseling;

(3) holds a valid license issued under sections 148C.01 to 148C.11 to engage in the practice of alcohol and drug counseling; or

(4) is an applicant for an alcohol and drug counseling license.

Sec. 37. Minnesota Statutes 1998, section 148C.01, subdivision 7, is amended to read:

Subd. 7. [ACCREDITED SCHOOL OR EDUCATIONAL PROGRAM.] "Accredited school or educational program" means a school of alcohol and drug counseling, university, college, or other post-secondary education program ~~that offers no less than the required number of education and practicum hours as described in section 148C.04, subdivision 3, and the core functions as defined in subdivision 9, and that, at the time the student completes the program, is accredited by a regional accrediting association whose standards are substantially equivalent to those of the North Central Association of Colleges and Post-Secondary Education Institutions or an accrediting association that evaluates schools of alcohol and drug counseling for inclusion of the education, practicum, and core function standards in this chapter.~~

Sec. 38. Minnesota Statutes 1998, section 148C.01, subdivision 9, is amended to read:

Subd. 9. [CORE FUNCTIONS.] "Core functions" means the following services provided in alcohol and drug ~~dependency~~ treatment:

(1) "Screening" means the process by which a client is determined appropriate and eligible for admission to a particular program.

(2) "Intake" means the administrative and initial assessment procedures for admission to a program.

(3) "Orientation" means describing to the client the general nature and goals of the program; rules governing client conduct and infractions that can lead to disciplinary action or discharge from the program; in a nonresidential program, the hours during which services are available; treatment costs to be borne by the client, if any; and client's rights.

(4) "Assessment" means those procedures by which a counselor identifies and evaluates an individual's strengths, weaknesses, problems, and needs ~~for the development of the~~ to develop a treatment plan or make recommendations for level of care placement.

(5) "Treatment planning" means the process by which the counselor and the client identify and rank problems needing resolution; establish agreed upon immediate and long-term goals; and decide on a treatment process and the sources to be utilized.

(6) "Counseling" means the utilization of special skills to assist individuals, families, or groups in achieving objectives through exploration of a problem and its ramifications; examination of attitudes and feelings; consideration of alternative solutions; and decision making.

(7) "Case management" means activities which bring services, agencies, resources, or people together within a planned framework of action toward the achievement of established goals.

(8) "Crisis intervention" means those services which respond to an alcohol or other drug user's needs during acute emotional or physical distress.

(9) "Client education" means the provision of information to clients who are receiving or seeking counseling concerning alcohol and other drug abuse and the available services and resources.

(10) "Referral" means identifying the needs of the client which cannot be met by the counselor or agency and assisting the client to utilize the support systems and available community resources.

(11) "Reports and recordkeeping" means charting the results of the assessment and treatment plan, writing reports, progress notes, discharge summaries, and other client-related data.

(12) "Consultation with other professionals regarding client treatment and services" means communicating with other professionals in regard to client treatment and services to assure comprehensive, quality care for the client.

Sec. 39. Minnesota Statutes 1998, section 148C.01, subdivision 10, is amended to read:

Subd. 10. [PRACTICE OF ALCOHOL AND DRUG COUNSELING.] "Practice of alcohol and drug counseling" means the observation, description, evaluation, interpretation, and modification of human behavior as it relates to the harmful or pathological use or abuse of alcohol or other drugs by the application of the core functions. The practice of alcohol and drug counseling includes, but is not limited to, the following activities, regardless of whether the counselor receives compensation for the activities:

(1) assisting clients who use alcohol or drugs, evaluating that use, and recognizing dependency if it exists;

(2) assisting clients with alcohol or other drug problems to gain insight and motivation aimed at resolving those problems;

(3) providing experienced professional guidance, assistance, and support for the client's efforts to develop and maintain a responsible functional lifestyle;

(4) recognizing problems outside the scope of the counselor's training, skill, or competence and referring the client to other appropriate professional services;

(5) assessing the level of alcohol or other drug use involvement;

(6) individual planning to prevent a return to harmful alcohol or chemical use;

(7) alcohol and other drug abuse education for clients;

(8) consultation with other professionals; ~~and~~

(9) gaining cultural competence through ongoing training and education according to standards established by rule; and

(10) providing the above services, as needed, to family members or others who are directly affected by someone using alcohol or other drugs.

Sec. 40. Minnesota Statutes 1998, section 148C.01, is amended by adding a subdivision to read:

Subd. 18. [PSYCHOMETRICALLY VALID AND RELIABLE.] "Psychometrically valid and reliable" means developed on the basis of role delineation, validation, reliability, passing point, and sensitivity review factors, according to generally accepted standards.

Sec. 41. Minnesota Statutes 1998, section 148C.03, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] The commissioner shall, after consultation with the advisory council or a committee established by rule:

(a) adopt and enforce rules for licensure of alcohol and drug counselors, including establishing standards and methods of determining whether applicants and licensees are qualified under section 148C.04. The rules must provide for examinations and establish standards for the regulation of professional conduct. The rules must be designed to protect the public;

(b) develop and, at least twice a year, administer an examination to assess applicants' knowledge and skills. The commissioner may contract for the administration of an examination approved by the ~~International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC/AODA)~~ with an entity designated by the commissioner. The examinations must be psychometrically valid and reliable; must be written and oral, with the oral examination based on a written case presentation; must minimize cultural bias; and must be balanced in various theories relative to the practice of alcohol and drug counseling;

(c) issue licenses to individuals qualified under sections 148C.01 to 148C.11;

(d) issue copies of the rules for licensure to all applicants;

(e) adopt rules to establish and implement procedures, including a standard disciplinary process and rules of professional conduct;

(f) carry out disciplinary actions against licensees;

(g) establish, with the advice and recommendations of the advisory council, written internal operating procedures for receiving and investigating complaints and for taking disciplinary actions as appropriate;

(h) educate the public about the existence and content of the rules for alcohol and drug counselor licensing to enable consumers to file complaints against licensees who may have violated the rules;

(i) evaluate the rules in order to refine and improve the methods used to enforce the commissioner's standards;

(j) set, collect, and adjust license fees for alcohol and drug counselors so that the total fees collected will as closely as possible equal anticipated expenditures during the biennium, as provided in section 16A.1285; fees for initial and renewal application and examinations; late fees for counselors who submit license renewal applications after the renewal deadline; and a surcharge fee. The surcharge fee must include an amount necessary to recover, over a five-year period, the commissioner's direct expenditures for the adoption of the rules providing for the licensure of alcohol and drug counselors. All fees received shall be deposited in the state treasury and credited to the special revenue fund; and

(k) prepare reports on activities related to the licensure of alcohol and drug counselors according to this subdivision by October 1 of each even-numbered year. Copies of the reports shall be delivered to the legislature in accordance with section 3.195 and to the governor. The reports shall contain the following information on the commissioner's activities relating to the licensure of alcohol and drug counselors, for the two-year period ending the previous June 30:

(1) a general statement of the activities;

(2) the number of staff hours spent on the activities;

- (3) the receipts and disbursements of funds;
- (4) the names of advisory council members and their addresses, occupations, and dates of appointment and reappointment;
- (5) the names and job classifications of employees;
- (6) a brief summary of rules proposed or adopted during the reporting period with appropriate citations to the State Register and published rules;
- (7) the number of persons having each type of license issued by the commissioner as of June 30 in the year of the report;
- (8) the locations and dates of the administration of examinations by the commissioner;
- (9) the number of persons examined by the commissioner with the persons subdivided into groups showing age categories, sex, and states of residency;
- (10) the number of persons licensed by the commissioner after taking the examinations referred to in clause (8) with the persons subdivided by age categories, sex, and states of residency;
- (11) the number of persons not licensed by the commissioner after taking the examinations referred to in clause (8) with the persons subdivided by age categories, sex, and states of residency;
- (12) the number of persons not taking the examinations referred to in clause (8) who were licensed by the commissioner or who were denied licensing, the reasons for the licensing or denial, and the persons subdivided by age categories, sex, and states of residency;
- (13) the number of persons previously licensed by the commissioner whose licenses were revoked, suspended, or otherwise altered in status with brief statements of the reasons for the revocation, suspension, or alteration;
- (14) the number of written and oral complaints and other communications received by the commissioner which allege or imply a violation of a statute or rule which the commissioner is empowered to enforce;
- (15) a summary, by specific category, of the substance of the complaints and communications referred to in clause (14) and, for each specific category, the responses or dispositions; and
- (16) any other objective information which the commissioner believes will be useful in reviewing the commissioner's activities.

Sec. 42. Minnesota Statutes 1998, section 148C.04, subdivision 3, is amended to read:

Subd. 3. [LICENSING REQUIREMENTS FOR THE FIRST FIVE YEARS.] For five years after the effective date of the rules authorized in section 148C.03, the applicant, unless qualified under section 148C.06 during the ~~two-year~~ 25-month period authorized therein, under section 148C.07, or under subdivision 4, must furnish evidence satisfactory to the commissioner that the applicant has met all the requirements in clauses (1) to (3). The applicant must have:

- (1) received an associate degree, or an equivalent number of credit hours, and a certificate in alcohol and drug counseling including 270 clock hours of alcohol and drug counseling classroom education from an accredited school or educational program and 880 clock hours of alcohol and drug counseling practicum;
- (2) completed a written case presentation and satisfactorily passed an oral examination that demonstrates competence in the core functions; and
- (3) satisfactorily passed a written examination as established by the commissioner.

Sec. 43. Minnesota Statutes 1998, section 148C.04, is amended by adding a subdivision to read:

Subd. 6. [TEMPORARY PRACTICE REQUIREMENTS.] (a) A person may temporarily practice alcohol and drug counseling prior to being licensed under this chapter if the person:

(1) either:

(i) meets the associate degree education and practicum requirements of subdivision 3, clause (1); or

(ii) meets the bachelor's degree education and practicum requirements of subdivision 4, clause (1), item (i);

(2) within 60 days of meeting the requirements of subdivision 3, clause (1), or subdivision 4, clause (1), item (i), requests, in writing, temporary practice status with the commissioner on an application form according to section 148C.0351, which includes the nonrefundable license fee and an affirmation by the person's supervisor, as defined in paragraph (b), clause (1), and which is signed and dated by the person and the person's supervisor;

(3) has not been disqualified to practice temporarily on the basis of a background investigation under section 148C.09, subdivision 1a; and

(4) has been notified in writing by the commissioner that the person is qualified to practice under this subdivision.

(b) A person practicing under this subdivision:

(1) may practice only in a program licensed by the department of human services and under the direct, on-site supervision of a person who is licensed under this chapter and employed in that licensed program;

(2) is subject to the rules of professional conduct set by rule;

(3) is not subject to the continuing education requirements of section 148C.05; and

(4) must be licensed according to this chapter within 12 months of meeting the requirements of subdivision 3, clause (1), or subdivision 4, clause (1), item (i).

(c) Upon written request, the commissioner may extend a person's temporary status if the person practices in a program described in section 148C.11, subdivision 3, paragraph (b), clause (2).

(d) A person practicing under this subdivision may not hold himself or herself out to the public by any title or description stating or implying that the person is licensed to engage in the practice of alcohol and drug counseling.

Sec. 44. Minnesota Statutes 1998, section 148C.04, is amended by adding a subdivision to read:

Subd. 7. [EFFECT AND SUSPENSION OF TEMPORARY PRACTICE.] Approval of a person's application for temporary practice creates no rights to or expectation of approval from the commissioner for licensure as an alcohol and drug counselor. The commissioner may suspend or restrict a person's temporary practice status according to section 148C.09.

Sec. 45. Minnesota Statutes 1998, section 148C.06, subdivision 1, is amended to read:

Subdivision 1. [QUALIFICATIONS.] For two years 25 months from the effective date of the rules authorized in section 148C.03, subdivision 1, the commissioner shall issue a license to an applicant if the applicant meets one of the following qualifications:

(a) is credentialed as a certified chemical dependency counselor (CCDC) or certified chemical dependency counselor reciprocal (CCDCR) by the Institute for Chemical Dependency Professionals of Minnesota, Inc.; graduates from an accredited school or education program with a certificate of completion in alcohol and drug counselor studies that includes a minimum of 270 clock hours of formal classroom education and 880 clock hours of alcohol and drug counselor

internship and passes both the written and oral examinations according to this chapter; or has 2,080 hours of supervised alcohol and drug counselor experience, 270 clock hours of alcohol and drug counselor training with a minimum of 60 hours of the training occurring within the past five years, and 300 hours of alcohol and drug counselor internship and successfully completes the examination requirements in section 148C.04, subdivision 3, clauses (2) and (3);

(b) has 6,000 hours of supervised alcohol and drug counselor experience as defined by the core functions, 270 clock hours of alcohol and drug counselor training with a minimum of 60 hours of this training occurring within the past five years, 300 hours of alcohol and drug counselor internship, and has successfully completed the examination requirements in section 148C.04, subdivision 3, clauses (2) and (3);

(c) has 10,000 hours of supervised alcohol and drug counselor experience as defined by the core functions, 270 clock hours of alcohol and drug training with a minimum of 60 hours of this training occurring within the past five years, and has successfully completed the requirements in section 148C.04, subdivision 3, clause (2) or (3), or is credentialed as a certified chemical dependency practitioner (CCDP) by the Institute for Chemical Dependency Professionals of Minnesota, Inc.; or

(d) has 14,000 hours of supervised alcohol and drug counselor experience as defined by the core functions and 270 clock hours of alcohol and drug training with a minimum of 60 hours of this training occurring within the past five years; ~~or~~

~~(e) has met the special licensing criteria established pursuant to section 148C.11.~~

Sec. 46. Minnesota Statutes 1998, section 148C.06, subdivision 2, is amended to read:

Subd. 2. [DOCUMENTATION OF STATUS; CERTAIN APPLICANTS.] (a) A licensure applications applicant under subdivision 1, paragraphs (a) and (c), may document certified status by submitting to the commissioner an original and current certificate issued by an international certification and reciprocity consortium board in this or another jurisdiction.

(b) A licensure applicant under subdivision 1, paragraphs (b) and (c), must be deemed eligible for licensure within the transition period, provided the applicant:

(1) made the application to the administrator of the exam or exams required by the commissioner before January 28, 2000;

(2) passed the required examinations before January 28, 2001; and

(3) meets all other requirements for licensure under this section.

Sec. 47. Minnesota Statutes 1998, section 148C.09, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS.] The commissioner may refuse to grant a license to, or may suspend, revoke, or restrict the license of an individual if the commissioner determines that a licensee or applicant:

(1) is incompetent to engage in alcohol and drug counseling practice or is found to be engaged in alcohol and drug counseling practice in a manner harmful or dangerous to a client or the public;

(2) has violated the rules of the commissioner or the statutes the commissioner is empowered to enforce; or any law, rule order, stipulation and consent order, agreement, or settlement;

(3) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent misrepresentation;

(4) has knowingly made a false statement on the form required to be submitted to the commissioner for licensing or license renewal;

(5) has failed to obtain continuing education credits required by the commissioner;

(6) has failed to demonstrate the qualifications or satisfy the requirements for a license contained in this chapter or rules of the commissioner. The burden of proof shall be upon the applicant to demonstrate qualifications or satisfaction of requirements;

(7) has been convicted 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 the provision of alcohol and drug counseling services. Conviction, as used in this subdivision, includes conviction of an offense which, if committed in this state, would be deemed a felony or gross 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;

(8) has been convicted of a crime against another person. For purposes of this chapter, a crime against another person means an offense listed in section 148B.68, subdivision 1, paragraph (b);

(9) has failed to comply with the self-reporting requirements of section 148C.095, subdivision 7;

(10) has engaged in sexual contact with a client, or a former client, as defined in section 148A.01, or has engaged in conduct that may be reasonably interpreted by a client as sexual, or has engaged in any verbal behavior that is seductive or sexually demeaning to the client, or has engaged in sexual exploitation of a client or former client;

(11) has engaged in false, fraudulent, deceptive, or misleading advertising;

(12) has engaged in conduct likely to deceive, defraud, or harm the public; or has demonstrated a willful or careless disregard for the health, welfare, or safety of a 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;

(13) has been adjudicated as mentally incompetent, or as a person who has a psychopathic personality, or who is dangerous to self, or has been adjudicated as chemically dependent, mentally ill, mentally retarded, or mentally ill and dangerous to the public pursuant to chapter 253B;

(14) is unable to provide alcohol and drug counseling services with reasonable safety to clients;

(15) ~~is has habitually overindulgent~~ overindulged in the use of or the dependence on alcohol within the past two years;

(16) has engaged in the improper or unauthorized personal or other use of any legend drugs as defined in section 151.01, any chemicals as defined in section 151.01, or any controlled substance as defined in section 152.01 within the past two years;

(17) reveals a communication from, or relating to, a client except when required or permitted by law;

(18) fails to comply with a client's request for health records made under section 144.335, or to furnish a client record or report required by law;

(19) has engaged in fee splitting or promises to pay a portion of a fee to any other professional other than for services rendered by the other professional to the client;

(20) has engaged in abusive or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws;

(21) fails to make reports as required by section 148C.095, or cooperate with an investigation of the commissioner;

(22) obtains money, property, or services from a client, other than reasonable fees for services provided to the client, through the use of undue influence, harassment, duress, deception, or fraud;

(23) undertakes or continues a professional relationship with a client in which the objectivity of the alcohol and drug counselor may be impaired;

(24) engages in conduct that constitutes grounds for discipline as established by the commissioner in rule; or

(25) engages in bartering for services with a client.

Sec. 48. Minnesota Statutes 1998, section 148C.09, subdivision 1a, is amended to read:

Subd. 1a. [BACKGROUND INVESTIGATION.] The applicant must sign a release authorizing the commissioner to obtain information from the bureau of criminal apprehension, the Federal Bureau of Investigation, the office of mental health practice, the department of human services, the office of health facilities complaints, and other agencies specified in the rules. After the commissioner has given written notice to an individual who is the subject of a background investigation, the agencies shall assist the commissioner with the investigation by giving the commissioner criminal conviction data, reports about ~~abuse or neglect of clients~~ substantiated maltreatment of minors and vulnerable adults, and other information specified in the rules. The commissioner may contract with the commissioner of human services to obtain criminal history data from the bureau of criminal apprehension.

Sec. 49. Minnesota Statutes 1998, section 148C.10, is amended by adding a subdivision to read:

Subd. 1a. [PRACTICE ALLOWED; CERTAIN INDIVIDUALS.] (a) Notwithstanding subdivision 1, individuals may engage in alcohol and drug counseling practice only until the commissioner issues a license or denies the license application, whichever occurs sooner, provided the individual:

(1) was employed as an alcohol and drug counselor before January 28, 2000;

(2) is under the supervision of an alcohol and drug counselor who is licensed under this chapter or employed in a program licensed by the department of human services;

(3) has not applied and been rejected or denied a license by the commissioner on any grounds under this chapter, other than failure to satisfy examination requirements, or on the basis of an investigation under chapter 148B; and

(4) either:

(i) made application to the commissioner for a license as an alcohol and drug counselor before January 28, 2000; or

(ii) made application to the administrator of the exam or exams required by the commissioner before January 28, 2000, passes the examinations before January 28, 2001, and within 60 calendar days of passing the examinations makes application to the commissioner for a license under this chapter.

(b) As used in this subdivision, supervision means monitoring activities of and accepting legal liability for the individual practicing without a license.

(c) Practice allowed under this subdivision creates no rights or expectations of approval from the commissioner for licensing as an alcohol and drug counselor. The commissioner may suspend or restrict practice under this subdivision as authorized under section 148C.09.

Sec. 50. Minnesota Statutes 1998, section 148C.11, subdivision 1, is amended to read:

Subdivision 1. [OTHER PROFESSIONALS.] Nothing in sections 148C.01 to 148C.10 shall prevent members of other professions or occupations from performing functions for which they are qualified or licensed. This exception includes, but is not limited to, licensed physicians, registered nurses, licensed practical nurses, licensed psychological practitioners, members of the clergy, American Indian medicine men and women, licensed attorneys, probation officers, licensed marriage and family therapists, licensed social workers, licensed professional counselors,

school counselors employed by a school district while acting within the scope of employment as school counselors, and registered occupational therapists or occupational therapy assistants. These persons must not, however, use a title incorporating the words "alcohol and drug counselor" or "licensed alcohol and drug counselor" or otherwise hold themselves out to the public by any title or description stating or implying that they are engaged in the practice of alcohol and drug counseling, or that they are licensed to engage in the practice of alcohol and drug counseling. Persons engaged in the practice of alcohol and drug counseling are not exempt from the commissioner's jurisdiction solely by the use of one of the above titles.

Sec. 51. Minnesota Statutes 1998, section 153A.13, subdivision 9, is amended to read:

Subd. 9. [SUPERVISION.] "Supervision" means ~~on-site observing and~~ monitoring activities of, and accepting responsibility for, the hearing instrument dispensing activities of a trainee.

Sec. 52. Minnesota Statutes 1998, section 153A.13, is amended by adding a subdivision to read:

Subd. 10. [DIRECT SUPERVISION OR DIRECTLY SUPERVISED.] "Direct supervision" or "directly supervised" means the on-site and contemporaneous location of a supervisor and trainee, when the supervisor observes the trainee engaging in hearing instrument dispensing with a consumer.

Sec. 53. Minnesota Statutes 1998, section 153A.13, is amended by adding a subdivision to read:

Subd. 11. [INDIRECT SUPERVISION OR INDIRECTLY SUPERVISED.] "Indirect supervision" or "indirectly supervised" means the remote and independent performance of hearing instrument dispensing by a trainee when authorized under section 153A.14, subdivision 4a, paragraph (b).

Sec. 54. Minnesota Statutes 1998, section 153A.14, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION FOR CERTIFICATE.] An applicant must:

- (1) be 18 ~~21~~ years of age or older;
- (2) apply to the commissioner for a certificate to dispense hearing instruments on application forms provided by the commissioner;
- (3) at a minimum, provide the applicant's name, social security number, business address and phone number, employer, and information about the applicant's education, training, and experience in testing human hearing and fitting hearing instruments;
- (4) include with the application a statement that the statements in the application are true and correct to the best of the applicant's knowledge and belief;
- (5) include with the application a written and signed authorization that authorizes the commissioner to make inquiries to appropriate regulatory agencies in this or any other state where the applicant has sold hearing instruments;
- (6) submit certification to the commissioner that the applicant's audiometric equipment has been calibrated to meet current ANSI standards within 12 months of the date of the application;
- (7) submit evidence of continuing education credits, if required; and
- (8) submit all fees as required under section 153A.17.

Sec. 55. Minnesota Statutes 1998, section 153A.14, subdivision 2a, is amended to read:

Subd. 2a. [EXEMPTION FROM WRITTEN EXAMINATION REQUIREMENT.] Persons completing the audiology registration requirements of section 148.515 after January 1, 1996, are exempt from the written examination requirements of subdivision 2h, paragraph (a), clause (1).

Minnesota registration or American Speech-Language-Hearing Association certification as an audiologist is not required but may be submitted as evidence qualifying for exemption from the written examination if the requirements are completed after January 1, 1996. Persons qualifying for written examination exemption must fulfill the other credentialing requirements under subdivisions 1 and 2 before a certificate may be issued by the commissioner.

Sec. 56. Minnesota Statutes 1998, section 153A.14, subdivision 2h, is amended to read:

Subd. 2h. [CERTIFICATION BY EXAMINATION.] An applicant must achieve a passing score, as determined by the commissioner, on an examination according to paragraphs (a) to (c).

(a) The examination must include, but is not limited to:

(1) A written examination approved by the commissioner covering the following areas as they pertain to hearing instrument selling:

- (i) basic physics of sound;
- (ii) the anatomy and physiology of the ear;
- (iii) the function of hearing instruments;
- (iv) the principles of hearing instrument selection; and
- (v) state and federal laws, rules, and regulations.

(2) Practical tests of proficiency in the following techniques as they pertain to hearing instrument selling:

- (i) pure tone audiometry, including air conduction testing and bone conduction testing;
- (ii) live voice or recorded voice speech audiometry including speech recognition (discrimination) testing, most comfortable loudness level, and uncomfortable loudness measurements of tolerance thresholds;
- (iii) masking when indicated;
- (iv) recording and evaluation of audiograms and speech audiometry to determine proper selection and fitting of a hearing instrument;
- (v) taking ear mold impressions; and
- (vi) using an otoscope for the visual observation of the entire ear canal.

(b) The examination shall be administered by the commissioner at least twice a year.

(c) An applicant must achieve a passing score on all portions of the examination within a two-year period. An applicant who does not achieve a passing score on all portions of the examination within a two-year period must retake the entire examination and achieve a passing score on each portion of the examination. An applicant who does not apply for certification within one year of successful completion of the examination must retake the examination and achieve a passing score on each portion of the examination. An applicant may not take any part of the examination more than three times in a two-year period.

Sec. 57. Minnesota Statutes 1998, section 153A.14, subdivision 4, is amended to read:

Subd. 4. [DISPENSING OF HEARING INSTRUMENTS WITHOUT CERTIFICATE.] Except as provided in ~~subdivision~~ subdivisions 4a and 4c, it is unlawful for any person not holding a valid certificate to dispense a hearing instrument as defined in section 153A.13, subdivision 3. A person who dispenses a hearing instrument without the certificate required by this section is guilty of a gross misdemeanor.

Sec. 58. Minnesota Statutes 1998, section 153A.14, subdivision 4a, is amended to read:

Subd. 4a. [TRAINEES.] (a) A person who is not certified under this section may dispense hearing instruments as a trainee for a period not to exceed 12 months if the person:

- (1) submits an application on forms provided by the commissioner;
- (2) is under the supervision of a certified dispenser meeting the requirements of this subdivision; and
- (3) meets all requirements for certification except passage of the examination required by this section.

(b) A certified hearing instrument dispenser may not supervise more than two trainees at the same time and may not directly supervise more than one trainee at a time. The certified dispenser is responsible for all actions or omissions of a trainee in connection with the dispensing of hearing instruments. A certified dispenser may not supervise a trainee if there are any commissioner, court, or other orders, currently in effect or issued within the last five years, that were issued with respect to an action or omission of a certified dispenser or a trainee under the certified dispenser's supervision.

Trainees Until taking and passing the practical examination testing the techniques described in subdivision 2h, paragraph (a), clause (2), trainees must be directly supervised in all areas described in subdivision 4b, and the activities tested by the practical examination. Two hundred hours of on-site observations must be completed within the trainee period with a minimum of 100 hours involving the supervisor, trainee, and a consumer. In addition Thereafter, trainees may dispense hearing instruments under indirect supervision until expiration of the trainee period. Under indirect supervision, the trainee must complete two monitored activities a week. Monitored activities may be executed by correspondence, telephone, or other telephonic devices, and include, but are not limited to, evaluation of audiograms, written reports, and contracts. The time spent in supervision must be recorded and the record retained by the supervisor.

Sec. 59. Minnesota Statutes 1998, section 153A.14, is amended by adding a subdivision to read:

Subd. 4c. [RECIPROCITY.] (a) A person applying for certification as a hearing instrument dispenser under subdivision 1 who has dispensed hearing instruments in another jurisdiction may dispense hearing instruments as a trainee under indirect supervision if the person:

- (1) satisfies the provisions of subdivision 4a, paragraph (a);
- (2) submits a signed and dated affidavit stating that the applicant is not the subject of a disciplinary action or past disciplinary action in this or another jurisdiction and is not disqualified on the basis of section 153A.15, subdivision 1; and
- (3) provides a copy of a current credential as a hearing instrument dispenser, an audiologist, or both, held in the District of Columbia or a state or territory of the United States.

(b) A person becoming a trainee under this subdivision who fails to take and pass the practical examination described in subdivision 2h, paragraph (a), clause (2), when next offered must cease dispensing hearing instruments unless under direct supervision.

Sec. 60. Minnesota Statutes 1998, section 153A.14, is amended by adding a subdivision to read:

Subd. 4d. [EXPIRATION OF TRAINEE PERIOD.] The trainee period automatically expires two months following notice of passing all examination requirements of subdivision 2h.

Sec. 61. Minnesota Statutes 1998, section 153A.15, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITED ACTS.] The commissioner may take enforcement action as provided under subdivision 2 against a dispenser of hearing instruments for the following acts and conduct:

(1) prescribing or otherwise recommending to a consumer or potential consumer the use of a hearing instrument, unless the prescription from a physician or recommendation from a hearing instrument dispenser or audiologist is in writing, is based on an audiogram that is delivered to the consumer or potential consumer when the prescription or recommendation is made, and bears the following information in all capital letters of 12-point or larger boldface type: "THIS PRESCRIPTION OR RECOMMENDATION MAY BE FILLED BY, AND HEARING INSTRUMENTS MAY BE PURCHASED FROM, THE CERTIFIED DISPENSER OF YOUR CHOICE";

(2) failing to give a copy of the audiogram, upon which the prescription or recommendation is based, to the consumer when there has been a charge for the audiogram and the consumer requests a copy;

(3) dispensing a hearing instrument to a minor person 18 years or younger unless evaluated by an audiologist for hearing evaluation and hearing aid evaluation;

(4) failing to provide the consumer rights brochure required by section 153A.14, subdivision 9;

(4) (5) being disciplined through a revocation, suspension, restriction, or limitation by another state for conduct subject to action under this chapter;

(5) (6) presenting advertising that is false or misleading;

(6) (7) providing the commissioner with false or misleading statements of credentials, training, or experience;

(7) (8) engaging in conduct likely to deceive, defraud, or harm the public; or demonstrating a willful or careless disregard for the health, welfare, or safety of a consumer;

(8) (9) splitting fees or promising to pay a portion of a fee to any other professional other than a fee for services rendered by the other professional to the client;

(9) (10) engaging in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws, Food and Drug Administration regulations, or state medical assistance laws;

(10) (11) obtaining money, property, or services from a consumer through the use of undue influence, high pressure sales tactics, harassment, duress, deception, or fraud;

(11) (12) failing to comply with restrictions on sales of hearing aids in sections 153A.14, subdivision 9, and 153A.19;

(12) (13) performing the services of a certified hearing instrument dispenser in an incompetent or negligent manner;

(13) (14) failing to comply with the requirements of this chapter as an employer, supervisor, or trainee;

(14) (15) failing to provide information in a timely manner in response to a request by the commissioner, commissioner's designee, or the advisory council;

(15) (16) being convicted within the past five years of violating any laws of the United States, or any state or territory of the United States, and the violation is a felony, gross misdemeanor, or misdemeanor, an essential element of which relates to hearing instrument dispensing, except as provided in chapter 364;

(16) (17) failing to cooperate with the commissioner, the commissioner's designee, or the advisory council in any investigation;

(17) (18) failing to perform hearing instrument dispensing with reasonable judgment, skill, or safety due to the use of alcohol or drugs, or other physical or mental impairment;

~~(18)~~ (19) failing to fully disclose actions taken against the applicant or the applicant's legal authorization to dispense hearing instruments in this or another state;

~~(19)~~ (20) violating a state or federal court order or judgment, including a conciliation court judgment, relating to the activities of the applicant in hearing instrument dispensing;

~~(20)~~ (21) having been or being disciplined by the commissioner of the department of health, or other authority, in this or another jurisdiction, if any of the grounds for the discipline are the same or substantially equivalent to those in sections 153A.13 to 153A.19;

~~(21)~~ (22) misrepresenting the purpose of hearing tests, or in any way communicating that the hearing test or hearing test protocol required by section 153A.14, subdivision 4b, is a medical evaluation, a diagnostic hearing evaluation conducted by an audiologist, or is other than a test to select a hearing instrument, except that the hearing instrument dispenser can determine the need for or recommend the consumer obtain a medical evaluation consistent with requirements of the United States Food and Drug Administration;

~~(22)~~ (23) violating any of the provisions of sections 153A.13 to 153A.19; and

~~(23)~~ (24) aiding or abetting another person in violating any of the provisions of sections 153A.13 to 153A.19.

Sec. 62. 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. 63. Laws 1999, chapter 223, article 2, section 81, as amended by Laws 1999, chapter 249, section 12, is amended to read:

Sec. 81. [EFFECTIVE DATES.]

Section 48 is effective March 1, 2000.

Sections 59, 61, 62, 64, 65, and 79 are effective the day following final enactment.

Section 67 is effective June 30, 1999.

Section 80, paragraph (a), is effective July 1, 1999.

Section 80, ~~paragraphs paragraph~~ paragraph (b) ~~and (c), are~~ is effective July 1, 2000.

Section 80, paragraph (c), is effective July 1, 2001.

Sec. 64. [EMPLOYEE HEALTH INSURANCE.]

The commissioner of health shall examine issues related to rising health insurance costs and shall develop recommendations for providing employer-subsidized affordable health insurance to

employees of programs and facilities that serve the elderly and disabled. In conducting this study, the commissioner may also examine the affordability and availability of health insurance coverage for lower-income Minnesotans generally. In developing these recommendations, the commissioner shall consult with affected employers, consumers, and providers and may require facilities to provide information on health insurance offered to their employees, including information on eligibility, enrollment, cost and level of benefits. The commissioner shall provide recommendations by January 15, 2002, to the chairs of the house health and human services policy and finance committees and the senate health and family security committee and health and family security budget division.

Sec. 65. [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. 66. [REPEALER.]

Minnesota Statutes 1998, sections 148.5193, subdivisions 3 and 5; and 148C.04, subdivision 5, are repealed.

Sec. 67. [EFFECTIVE DATE.]

Sections 1, 9 to 21, 62, and 65 are effective July 1, 2001. Sections 2 to 8, 22 to 61, 63, 64, and 66 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to health; modifying the Health Care Administrative Simplification Act; providing for regulation of unlicensed complementary and alternative health care practitioners; modifying provisions for speech-language pathologists, audiologists, unlicensed mental health practitioners, alcohol and drug counselors, and hearing instrument dispensers; providing civil penalties; requiring reports; amending Minnesota Statutes 1998, sections 62J.51, by adding subdivisions; 62J.52, subdivisions 1, 2, and 5; 62J.60, subdivision 1; 148.512, subdivision 5; 148.515, subdivision 3; 148.517, by adding a subdivision; 148.518, subdivision 2; 148.5193, subdivisions 1, 2, 4, 6, and by adding a subdivision; 148.5196, subdivision 3; 148B.60, subdivision 3; 148B.68, subdivision 1; 148B.69, by adding a subdivision; 148B.71, subdivision 1; 148C.01, subdivisions 2, 7, 9, 10, and by adding a subdivision; 148C.03, subdivision 1; 148C.04, subdivision 3, and by adding subdivisions; 148C.06, subdivisions 1 and 2; 148C.09, subdivisions 1 and 1a; 148C.10, by adding a subdivision; 148C.11, subdivision 1; 153A.13, subdivision 9, and by adding subdivisions; 153A.14, subdivisions 1, 2a, 2h, 4, 4a, and by adding subdivisions; and 153A.15, subdivision 1; Minnesota Statutes 1999 Supplement, sections 13.99, by adding a subdivision; 147.09; and 214.01, subdivision 2; Laws 1999, chapter 223, article 2, section 81, as amended; proposing coding for new law in Minnesota Statutes, chapter 62J; proposing coding for new law as Minnesota Statutes, chapter 146A; repealing Minnesota Statutes 1998, sections 148.5193, subdivisions 3 and 5; and 148C.04, subdivision 5."

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Kevin Goodno, Lynda Boudreau, Linda Wejcman

Senate Conferees: (Signed) Sheila M. Kiscaden, Twyla Ring

Senator Kiscaden moved that the foregoing recommendations and Conference Committee Report on H.F. No. 3839 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 3839 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 58 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Betzold

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 12: A Senate concurrent resolution relating to adjournment for more than three days.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 4, 2000

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Runbeck, Oliver and Lesewski introduced--

S.F. No. 3832: A resolution memorializing the Congress of the United States to remove restrictions on medical savings accounts.

Referred to the Committee on Health and Family Security.

Senator Ranum introduced--

S.F. No. 3833: A bill for an act relating to natural resources; prohibiting the discharge of unsterilized ballast water; requiring a permit; amending Minnesota Statutes 1998, section 84D.01, by adding subdivisions; Minnesota Statutes 1999 Supplement, section 84D.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84D.

Referred to the Committee on Environment and Natural Resources.

Senator Moe, R.D. introduced--

S.F. No. 3834: A bill for an act relating to data practices; allowing certain licensees to request that their data not be used for commercial purposes; requiring payment of a fee to licensees whose data are used for commercial purposes; requiring development of an implementation plan and report; proposing coding for new law in Minnesota Statutes, chapter 13.

Referred to the Committee on Judiciary.

MEMBERS EXCUSED

Senator Kelley, S.P. was excused from the Session of today at 2:55 p.m. Senator Metzen was excused from the Session of today at 4:20 p.m. Senator Limmer was excused from the Session of today at 5:00 p.m. Senator Frederickson was excused from the Session of today at 5:05 p.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Tuesday, May 9, 2000. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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