

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

SEVENTIETH DAY

St. Paul, Minnesota, Wednesday, February 20, 2002

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Gerry Rafferty.

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

Anderson	Frederickson	Langseth	Orfield	Sams
Bachmann	Higgins	Larson	Ourada	Samuelson
Belanger	Hottinger	Lesewski	Pappas	Scheid
Berg	Johnson, Dean	Lessard	Pariseau	Solon, Y.P.
Berglin	Johnson, Debbie	Limmer	Pogemiller	Stevens
Betzold	Johnson, Doug	Lourey	Price	Stumpf
Chaudhary	Kelley, S.P.	Marty	Ranum	Tomassoni
Cohen	Kierlin	Metzen	Reiter	Vickerman
Day	Kinkel	Moua	Rest	Wiener
Dille	Kiscaden	Murphy	Ring	Wiger
Fischbach	Kleis	Neuville	Robertson	
Foley	Knutson	Oliver	Robling	
Fowler	Krentz	Olson	Sabo	

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 3207.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 18, 2002

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2655.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 19, 2002

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3116.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 18, 2002

FIRST READING OF HOUSE BILLS

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

H.F. No. 3116: A bill for an act relating to natural resources; modifying certain responsibilities of the advisory committee and the legislative commission on Minnesota resources regarding the environmental and natural resources trust fund; modifying availability of funds for disbursement; providing a penalty for failure to comply with restrictions on certain state-funded acquisitions of land; requiring recipients of certain state funding for acquisitions of interests in land to record a notice of funding agreement regarding the interests; amending Minnesota Statutes 2000, sections 116P.06, subdivision 2; 116P.07; 116P.11; Minnesota Statutes 2001 Supplement, section 116P.15.

Referred to the Committee on Environment and Natural Resources.

REPORTS OF COMMITTEES

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

Senator Vickerman from the Committee on State and Local Government Operations, to which was referred

S.F. No. 2757: A bill for an act relating to state government; regulating contested case procedures; amending Minnesota Statutes 2000, sections 14.57; 14.59; 14.61; 14.62, subdivision 1, by adding a subdivision; 14.63; repealing Minnesota Statutes 2000, section 14.62, subdivision 2.

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

Page 1, line 20, after "parties" insert ", subsequent to agency approval,"

Page 2, line 1, delete "binding"

Page 2, line 18, delete "hearing" and insert "contested case"

Page 2, line 19, delete everything after "upon"

Page 2, line 20, delete everything before "exceptions" and insert "the filing of any"

Page 2, line 21, delete everything after "1"

Page 2, delete line 22

Page 2, line 23, delete "exceptions"

Page 3, line 4, delete everything after "modification"

Page 3, line 5, delete everything before the period

Page 3, line 21, after the period, insert "Upon a showing of good cause by a party or the agency, the chief administrative law judge may order a reasonable extension of either of the two 90-day deadlines specified in this subdivision."

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

Senator Vickerman from the Committee on State and Local Government Operations, to which was referred

S.F. No. 2531: A bill for an act relating to retirement; correcting Minneapolis firefighters relief association provisions; amending certain administrative procedures; amending Minnesota Statutes 2001 Supplement, sections 423C.01, subdivisions 17, 25; 423C.03, subdivisions 4, 6; 423C.04, subdivision 4; 423C.05, subdivisions 7, 9.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2001 Supplement, section 423C.01, subdivision 17, is amended to read:

Subd. 17. [EXCESS INVESTMENT INCOME.] "Excess investment income" means the amount, if any, by which the average time-weighted total rate of return earned by the special fund in the most recent prior five fiscal years has exceeded the actual average percentage increase in the current monthly salary of a first grade firefighter in the most recent prior five fiscal year years plus two percent. The excess investment income must be expressed as a dollar amount and may not exceed one percent of the total assets of the special fund, except when the actuarial value of assets of the special fund, according to the most recent annual actuarial valuation prepared in accordance with sections 356.215 and 356.216, is greater than 102 percent of its actuarial accrued liabilities, in which case the amount must not exceed 1.5 percent of the assets of the special fund.

Sec. 2. Minnesota Statutes 2001 Supplement, section 423C.01, subdivision 25, is amended to read:

Subd. 25. [SURVIVING SPOUSE MEMBER.] "Surviving spouse member" means a person who was:

(1) legally married to, and residing with, an active, deferred, or retired member both during the time the member was regularly entered on the payroll and serving on active duty in the fire department and at the time of the member's death;

~~(2) not in a common-law marriage; and~~

~~(3) (2) in the event the person was married to a retired or deferred member, married to that retired or deferred member for at least two years~~ one year prior to the member's discharge from the fire department.

Sec. 3. Minnesota Statutes 2001 Supplement, section 423C.03, subdivision 4, is amended to read:

Subd. 4. [BOND FOR EXECUTIVE SECRETARY AND TREASURER.] (a) The executive secretary and the treasurer must furnish to the relief association a corporate bond for the faithful performance of the duties of that office in an amount as the board of trustees from time to time may determine, subject to the minimum amount specified in section 69.051, subdivision 2.

(b) The relief association must pay the premiums on these bonds from the ~~general~~ special fund of the relief association.

Sec. 4. Minnesota Statutes 2001 Supplement, section 423C.03, subdivision 6, is amended to read:

Subd. 6. [ADDITIONAL BOARD POWERS.] (a) In addition to the powers granted the board by this chapter, chapter 317A, other applicable state and federal law, and its articles and bylaws, the board shall authorize and create a board of examiners.

(b) The board of examiners shall investigate and report on all applications for disability pensions and make recommendations as to the amount to be paid to each applicant; investigate and report on all disability pensioners and make recommendations as to the amount of pension to be paid to them, from year to year; and investigate and report on all applications for service pensions and claims for relief. This board shall consist of a competent physician selected by the association and at least three members of the board of the relief association ~~on active duty with the fire department.~~

Sec. 5. Minnesota Statutes 2001 Supplement, section 423C.04, subdivision 1, is amended to read:

Subdivision 1. [DUTIES.] The association shall create, maintain, and administer the funds and accounts in this section. The association shall have full and permanent charge and the responsibility for the proper management and control of all funds that may come into its possession under this section. The sources of revenue and authorized disbursements of each fund and account are governed by this section.

Sec. 6. Minnesota Statutes 2001 Supplement, section 423C.04, subdivision 4, is amended to read:

Subd. 4. [HEALTH INSURANCE ACCOUNTS.] Notwithstanding any law to the contrary, special fund contributions of active members of the association with at least 25 years of service made after the 25th year of service must be deposited in a separate account and used to pay health care costs of the individual member upon retirement. The board shall adopt rules regarding the frequency and amounts of distributions from these accounts. A member with an account established pursuant to this section is entitled, upon retirement or disability, to receive periodic distributions from the account, in the amount and with the frequency specified by the ~~retiring~~ member consistent with the board's rules.

Sec. 7. Minnesota Statutes 2001 Supplement, section 423C.05, subdivision 5, is amended to read:

Subd. 5. [SERVICE-RELATED PERMANENT DISABILITY PENSION.] An active member who becomes permanently disabled as the result of a service-related disease or injury shall, upon application and approval of the board, be entitled to a pension of ~~42~~ 41 units or in the amount determined under subdivision 8. The application for service-related permanent disability shall include a certificate from a qualified medical professional setting forth the permanent nature of the disability or disease and that it was service related. ~~The board shall utilize the board of examiners established pursuant to section 423C.03, subdivision 6, to investigate and make recommendations on an application for a pension pursuant to this subdivision.~~

Sec. 8. Minnesota Statutes 2001 Supplement, section 423C.05, subdivision 6, is amended to read:

Subd. 6. [NON-SERVICE-RELATED PERMANENT DISABILITY PENSION.] An active member who, by sickness or accident, becomes permanently disabled ~~from performing and unable to perform~~ firefighter duties for the fire department due to non-service-related disease or injury shall be entitled to a permanent disability pension. No allowance for disability shall be made unless notice of the disability and an application for benefits is made by or on behalf of the disabled member within 90 days after the beginning of the disability. This application shall include a certificate from a qualified medical professional setting forth the cause, nature, and extent of the disability. ~~The board shall utilize the board of examiners established pursuant to section 423C.03, subdivision 6, to investigate and report on an application for benefits pursuant to this section and make recommendations as to eligibility and the benefit amount to be paid.~~ A member entitled to a disability pension under this subdivision shall receive benefits in the amount and manner determined by the board, not to exceed 41 units.

Sec. 9. Minnesota Statutes 2001 Supplement, section 423C.05, subdivision 7, is amended to read:

Subd. 7. [SURVIVING SPOUSE AND DEPENDENT PENSIONS.] Notwithstanding any other law to the contrary, when a service pensioner, disability pensioner, deferred pensioner, or active member of the association dies, recipient beneficiaries are entitled to a pension or pensions, as follows:

(1) to a surviving spouse, a pension of 22 units per month;

(2) a surviving spouse of a deceased service pensioner, disability pensioner, or deferred pensioner who is otherwise not qualified for a pension may receive a benefit if the surviving spouse was legally married to the decedent for a period of two years and was residing with the decedent at the time of death. The surviving spouse benefit provided in this clause is the same as that provided to those who meet the definition of surviving spouse under section 423C.01, subdivision 25, except that if the surviving spouse is younger than the decedent, the surviving spouse benefit must be actuarially equivalent to a surviving spouse benefit that would have been paid to the member's spouse had the member been married to a person of the same or greater age than the member's age prior to retirement. A benefit paid in this circumstance may be less than 17 units notwithstanding the minimum set out in this ~~clause~~ subdivision;

(3) to each dependent, if the dependent's other parent is living, a pension not to exceed eight units per month. Dependents between the ages of 18 and 22 may continue to receive a pension upon board determination that the dependent complies with the requirements of section 423C.01, subdivision 11, and applicable association bylaws, except that if the dependent marries before the age of 22 years the pension shall cease as of the date of the marriage. The board shall make the final determination with respect to eligibility for benefits and compliance with section 423C.01, subdivision 11;

(4) each dependent of a deceased member after the death of the dependent's other parent, or in the event the other parent predeceases the member, is entitled to receive a pension in the amount the board deems necessary to properly support each dependent until the dependent reaches the age of not less than 16 and not more than 18 years. Dependents between the ages of 18 and 22 may be entitled to continue receiving a pension upon board determination that the dependent complies with the requirements of section 423C.01, subdivision 11, and applicable association bylaws, except that if the dependent marries before the age of 22 years the pension shall cease as of the date of the marriage. The board shall make the final determination with respect to eligibility for benefits and compliance; and

(5) the total pension payable to a surviving spouse and all dependents of a deceased member shall in no event exceed ~~41~~ 42 units per month.

Sec. 10. Minnesota Statutes 2001 Supplement, section 423C.05, subdivision 9, is amended to read:

Subd. 9. [ALTERNATIVE SERVICE PENSION FOR UNMARRIED MEMBER.] A retired member submitting an application for a service pension who is was not legally married on September 1, 1997, and ~~remains remained~~ unmarried on the effective date of Laws 2001, First Special Session chapter 10, article 15 October 25, 2001, may, if the member had obtained 25 years of service credit on or before October 25, 2001, select a service pension of 42.3 units in lieu of a service pension under subdivision 2.

Sec. 11. [INTENT.]

Laws 2001, First Special Session chapter 10, article 15, other than section 5, subdivision 9, of that article, was intended to recodify the prior local laws applicable to the Minneapolis firefighters relief association as they then existed. The provisions in sections 1, 2, 7, 9, and 10 are intended to clarify eligibility for various benefits and to correct provisions of Laws 2001, First Special Session chapter 10, article 15. If any provision of this act or Laws 2001, First Special Session chapter 10, article 15, other than section 5, subdivision 9, of that article, result in a member receiving a benefit that the member would not have otherwise been entitled to receive prior to the effective date of Laws 2001, First Special Session chapter 10, article 15, the secretary of the Minneapolis firefighters relief association shall notify the executive director of the legislative commission on pensions and retirement and the mayor of the city of Minneapolis.

Sec. 12. [EFFECTIVE DATE.]

The provisions of sections 1, 2, 7, 9, and 10 are effective retroactive to October 25, 2001. The provisions of sections 3 to 6 and 8 are effective the day following final enactment.

Amend the title as follows:

Page 1, line 7, delete everything after the first comma and insert "subdivisions 1, 4; 423C.05, subdivisions 5, 6, 7, 9."

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

Senator Pappas from the Committee on Education, to which was referred

S.F. No. 2828: A bill for an act relating to education finance; modifying a limitation on the ability of the board of trustees of the Minnesota state colleges and universities and intermediate school districts to enter into certain property agreements; amending Minnesota Statutes 2000, section 136F.68.

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

Page 1, line 12, delete "or other law to the" and insert "and Laws 2000, chapter 489, article 11, section 6,"

Page 1, line 13, delete "contrary,"

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

Senator Pappas from the Committee on Education, to which was referred

S.F. No. 2573: A bill for an act relating to education; allowing independent school district No. 801, Browns Valley, to begin the school year as early as August 27 to accommodate Browns Valley high school students enrolled in school in Sisseton, South Dakota and Sisseton, South Dakota elementary students enrolled in school in Browns Valley; making this authorization applicable to the 2001-2002 school year and later.

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

Page 1, line 14, delete "or other law to the contrary,"

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

Senator Anderson from the Committee on Jobs, Housing and Community Development, to which was referred

S.F. No. 3065: A bill for an act relating to families; appropriating money for emergency assistance and transitional housing.

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

Senator Anderson from the Committee on Jobs, Housing and Community Development, to which was re-referred

S.F. No. 2881: A bill for an act relating to housing; specifying certain discretionary municipal subdivision authority; amending Minnesota Statutes 2000, section 462.358, by adding a subdivision.

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

Senator Anderson from the Committee on Jobs, Housing and Community Development, to which was referred

S.F. No. 3118: A bill for an act relating to landlords and tenants; providing for residential tenant reports; increasing a penalty; amending Minnesota Statutes 2000, sections 504B.173, subdivision 4; 504B.245; proposing coding for new law in Minnesota Statutes, chapter 504B.

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

Senator Anderson from the Committee on Jobs, Housing and Community Development, to which was referred

S.F. No. 2652: A bill for an act relating to housing; the housing finance agency; appropriating money to the family homeless prevention and assistance program.

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

Senator Anderson from the Committee on Jobs, Housing and Community Development, to which was referred

S.F. No. 2968: A bill for an act relating to manufactured homes; prohibiting discrimination; proposing coding for new law in Minnesota Statutes, chapter 327C.

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

Senator Anderson from the Committee on Jobs, Housing and Community Development, to which was referred

S.F. No. 3169: A bill for an act relating to housing; defining mixed housing development; requiring negotiation on proposed mixed income developments; changing the burden of proof under certain circumstances; requiring housing fiscal impact notes; authorizing collector street utilities; amending Minnesota Statutes 2000, section 462.361, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 462; proposing coding for new law as Minnesota Statutes, chapter 444A.

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

Page 1, line 14, delete "444A.08" and insert "444A.07"

Page 2, after line 4, insert:

"Subd. 5. [TRAVEL SHED.] "Travel shed" means a geographic area designated by a municipality within which street utilities are undertaken and financed in accordance with sections 1 to 7."

Page 2, line 8, after "increase" insert "or maintain"

Page 2, line 9, after "of" insert "new or"

Page 2, line 25, delete "may" and insert "shall"

Page 3, line 22, delete "routine"

Page 5, delete section 8

Renumber the sections in sequence

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

Senator Pappas from the Committee on Education, to which was re-referred

S.F. No. 2753: A bill for an act relating to human services; modifying consent requirements for billing medical assistance and MinnesotaCare for covered individual education plan services; amending Minnesota Statutes 2000, sections 125A.21, subdivision 2; 256B.0625, subdivision 26; Minnesota Statutes 2001 Supplement, sections 256B.0625, subdivision 19a; 256B.0627, subdivision 1.

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

Pages 1 to 4, delete sections 1 and 2 and insert:

"Section 1. [125A.021] [DEPARTMENT DUTY.]

The department of children, families, and learning shall enforce all federal and state laws, federal regulations, and state rules for special education.

Sec. 2. Minnesota Statutes 2000, section 125A.03, is amended to read:

125A.03 [SPECIAL INSTRUCTION FOR CHILDREN WITH A DISABILITY.]

(a) As defined in paragraph (b), every district or other entity providing public education must provide special instruction and a free appropriate public education through specialized instruction and related services, either within the district or in another district, for all children with a disability who are residents of the district and who are disabled as set forth in section 125A.02 in conformance with sections 121A.40 to 121A.56.

(b) Notwithstanding any age limits in laws to the contrary, special instruction and related services must be provided from birth until July 1 after the child with a disability becomes 21 years old but shall not extend beyond secondary school or its equivalent, except as provided in section 124D.68, subdivision 2. Local health, education, and social service agencies must refer children under age five who are known to need or suspected of needing special instruction and services to the school district. Districts with less than the minimum number of eligible children with a disability as determined by the commissioner must cooperate with other districts to maintain a full range of programs for education and services for children with a disability. This section does not alter the compulsory attendance requirements of section 120A.22.

Sec. 3. Minnesota Statutes 2001 Supplement, section 125A.09, subdivision 3, is amended to read:

Subd. 3. [INITIAL ACTION; PARENT CONSENT.] (a) The district must not proceed with the initial formal assessment of a child, the initial placement of a child in a special education program, or the initial provision of special education services for a child without the prior written consent of the child's parent or guardian. The refusal of a parent or guardian to consent to an initial evaluation or reevaluation may be overridden by the decision in a hearing held pursuant to subdivision 6 at the district's initiative.

(b) A parent, after consulting with health care, education, or other professional providers, may agree or disagree to provide the parent's child with sympathomimetic medications unless section 144.344 applies.

Sec. 4. Minnesota Statutes 2000, section 125A.27, subdivision 10, is amended to read:

Subd. 10. [INDIVIDUALIZED FAMILY SERVICE PLAN.] "Individualized family service plan" or "IFSP" means a written plan for providing services to a child age birth to three years and the child's family.

Sec. 5. Minnesota Statutes 2000, section 125A.76, subdivision 7, is amended to read:

Subd. 7. [REVENUE ALLOCATION FROM COOPERATIVE CENTERS AND INTERMEDIATES.] For the purposes of this section, a special education cooperative, a service cooperative, an education district, or an intermediate district must allocate its approved expenditures for special education programs among participating school districts."

Page 6, line 4, delete everything after the comma and insert "and provided as an individual education plan health-related service, are eligible for medical assistance payment if they are otherwise a covered service in the medical assistant program."

Page 6, line 9, delete "July 1, 2002" and insert "the day following final enactment"

Pages 6 to 11, delete sections 4 and 5

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to human services; modifying requirements for billing medical assistance and MinnesotaCare for covered individual education plan services; amending provisions relating to special education; amending Minnesota Statutes 2000, sections 125A.03; 125A.27, subdivision 10; 125A.76, subdivision 7; 256B.0625, subdivision 26; Minnesota Statutes 2001 Supplement, section 125A.09, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 125A."

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

Senator Pappas from the Committee on Education, to which was referred

S.F. No. 2488: A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, section 3; providing for appointment of members of the University of Minnesota board of regents; amending Minnesota Statutes 2000, section 137.023; proposing coding for new law in Minnesota Statutes, chapter 137; repealing Minnesota Statutes 2000, sections 137.024; 137.0245.

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

Page 2, line 35, delete "sections" and insert "section" and delete "and 137.0245, are" and insert ", is"

Amend the title as follows:

Page 1, line 8, delete "sections" and insert "section" and delete "; 137.0245"

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

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

S.F. No. 2550: A bill for an act relating to human services; modifying consent requirements for billing medical assistance and MinnesotaCare for covered individual education plan services; amending Minnesota Statutes 2000, section 125A.21, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 125A.21, subdivision 2, is amended to read:

Subd. 2. [THIRD PARTY REIMBURSEMENT.] (a) Beginning July 1, 2000, districts shall seek reimbursement from insurers and similar third parties for the cost of services provided by the district whenever the services provided by the district are otherwise covered by the child's health coverage. Districts shall request, but may not require, the child's family to provide information

about the child's health coverage when a child with a disability begins to receive services from the district of a type that may be reimbursable, and shall request, but may not require, updated information after that as needed.

(b) For children enrolled in medical assistance under chapter 256B or MinnesotaCare under chapter 256L who have no other health coverage, a district shall provide an initial written notice to the enrolled child's parent or legal representative of its intent to seek reimbursement from medical assistance or MinnesotaCare for the individual education plan health-related services provided by the district.

(c) The district shall give the parent or legal representative annual written notice of:

(1) the district's intent to seek reimbursement from medical assistance or MinnesotaCare for individual education plan health-related services provided by the district;

(2) the right of the parent or legal representative to request a copy of all records concerning individual education plan health-related services disclosed by the district to any third party; and

(3) the right of the parent or legal representative to withdraw consent for disclosure of a child's records at any time without consequence.

The written notice shall be provided as part of the written notice required by Code of Federal Regulations, title 34, section 300.503.

~~Districts shall request, but may not require, the child's parent or legal representative to sign a consent form, permitting the school district to apply for and receive reimbursement directly from the insurer or other similar third party, to the extent permitted by the insurer or other third party and subject to their networking credentialing, prior authorization, and determination of medical necessity criteria.~~

(d) When a district proposes to access the private health care coverage of a child who is covered by private health care coverage in whole or in part, the district must:

(1) obtain written informed consent from the parent or legal representative, in compliance with subdivision 5; and

(2) inform the parent or legal representative that a refusal to permit the district or state Medicaid agency to access their private health care coverage does not relieve the district of its responsibility to provide all services necessary to provide free and appropriate public education at no cost to the parent or legal representative.

(e) If the commissioner of human services obtains federal approval to exempt covered individual education plan health-related services from the requirement that private health care coverage refuse payment before medical assistance may be billed, paragraphs (b), (c), and (d) shall also apply to students with a combination of private health care coverage and health care coverage through medical assistance or MinnesotaCare.

(f) In the event that Congress or any federal agency or the Minnesota legislature or any state agency establishes lifetime limits, limits for any health care services, cost-sharing provisions, or otherwise provides that individual education plan health-related services impact benefits for persons enrolled in medical assistance or MinnesotaCare, the amendments to this subdivision adopted in 2002 are repealed on the effective date of any federal or state law or regulation that imposes the limits. In that event, districts must obtain informed consent consistent with this subdivision as it existed prior to the 2002 amendments and subdivision 5, before seeking reimbursement for children enrolled in medical assistance under Minnesota Statutes, section 256B.055, or MinnesotaCare under Minnesota Statutes, chapter 256L, who have no other health care coverage."

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

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

S.F. No. 2865: A bill for an act relating to professions; modifying terms of temporary licensure for occupational therapists; amending Minnesota Statutes 2000, section 148.6418, subdivision 5.

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

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

S.F. No. 3025: A bill for an act relating to health occupations; modifying registration requirements for speech-language pathologists and audiologists whose registrations have lapsed for more than three years; amending Minnesota Statutes 2000, section 148.518, subdivision 2.

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

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

S.F. No. 3006: A bill for an act relating to professions; providing for a clinical nurse specialist waiver; amending Minnesota Statutes 2001 Supplement, section 148.284.

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

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

S.F. No. 3005: A bill for an act relating to professions; modifying certain protocols for nurses; amending Minnesota Statutes 2000, sections 148.235, by adding subdivisions; 148.281, subdivision 1; 151.37, subdivision 2.

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

Senator Vickerman from the Committee on State and Local Government Operations, to which was referred

S.F. No. 2930: A bill for an act relating to metropolitan government; providing for the annual financing of metropolitan area transit and paratransit capital expenditures; authorizing the issuance of certain obligations; amending Minnesota Statutes 2000, section 473.39, by adding a subdivision.

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

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

S.F. No. 2604: A bill for an act relating to waste management; specifying that a sanitary district is to be treated like a county for the purpose of receiving processing payments; amending Minnesota Statutes 2000, section 115A.554.

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

Senator Anderson from the Committee on Jobs, Housing and Community Development, to which was referred

S.F. No. 3148: A bill for an act relating to housing; affordable housing; providing for accessory dwelling units; requiring municipalities to report separate permit totals for certain types of residential units; amending Minnesota Statutes 2000, sections 462.352, by adding a subdivision; 462.357, by adding a subdivision; 462A.33, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 16B.685.

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

Page 3, delete section 6

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

Senator Vickerman from the Committee on State and Local Government Operations, to which was referred

S.F. No. 2834: A bill for an act relating to Steele county; permitting the appointment of the county recorder.

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

Senator Anderson from the Committee on Jobs, Housing and Community Development, to which was re-referred

S.F. No. 2680: A bill for an act relating to energy codes; adding a member to the construction codes advisory council; changing certain requirements; providing for adoption of a new energy code; amending Minnesota Statutes 2000, sections 16B.617; 16B.70, subdivision 1; Minnesota Statutes 2001 Supplement, section 16B.76, subdivision 1.

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

Page 5, line 2, delete "the" and insert "practitioners in residential construction and building science."

Page 5, delete lines 3 and 4

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

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

S.F. No. 2650: A bill for an act relating to financial institutions; providing for the organization, operation, and regulation of credit unions; proposing coding for new law as Minnesota Statutes, chapter 52A; repealing Minnesota Statutes 2000, sections 52.01; 52.02; 52.03; 52.04, subdivisions 2a, 3; 52.05; 52.06; 52.062; 52.063; 52.064; 52.07; 52.08; 52.09; 52.10; 52.11; 52.12; 52.13; 52.131; 52.137; 52.14; 52.141; 52.15; 52.16; 52.165; 52.17; 52.18; 52.19; 52.191; 52.20; 52.201; 52.202; 52.203; 52.21; 52.211; 52.212; 52.24; Minnesota Statutes 2001 Supplement, section 52.04, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. [52.001] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] For purposes of this chapter, the terms defined in this section have the meanings given.

Subd. 2. [BOARD.] "Board" means the board of directors of a credit union.

Subd. 3. [COMMISSIONER.] "Commissioner" means the commissioner of the department of commerce.

Subd. 4. [CREDIT UNION.] "Credit union" means a cooperative, not-for-profit financial institution formed and operating under this chapter.

Subd. 5. [COMMUNITY.] "Community" means an identifiable neighborhood, community,

rural district, or other geographically well-defined area in which individuals have common interests or interact. "Well-defined" means the proposed area has specific geographic boundaries, including a school district, city, township, county, or clearly identifiable neighborhood, but does not include the state as a whole.

Subd. 6. [DIRECTOR.] "Director" means a member of the board.

Subd. 7. [FEDERAL CREDIT UNION.] "Federal credit union" means a credit union organized and operating under the laws of the United States.

Subd. 8. [INSOLVENT.] "Insolvent" means the condition that results when the cash value of assets realizable in a reasonable period of time is less than the liabilities that must be met within that time.

Subd. 9. [MEMBER.] "Member" means a person whose application for membership has been approved as meeting the membership criteria of the credit union, who has paid any required entrance or membership fee, and who has paid for one or more shares.

Subd. 10. [ORGANIZATION.] "Organization" means any corporation, association, partnership, limited liability company, cooperative, trust, or other legal entity.

Subd. 11. [OUT-OF-STATE CREDIT UNION.] "Out-of-state credit union" means a credit union organized under the laws of another state or United States territory or possession.

Subd. 12. [SMALL GROUP.] "Small group" means a group that has less than 3,000 potential members that has made a written request to a credit union for credit union services.

Subd. 13. [UNSAFE OR UNSOUND PRACTICE.] "Unsafe or unsound practice" means any action or lack of action that is contrary to generally accepted standards of prudent operation and that poses an abnormal risk of loss to the credit union or its members.

Sec. 2. Minnesota Statutes 2000, section 52.02, subdivision 2, is amended to read:

Subd. 2. [BYLAW AMENDMENTS BY DIRECTORS.] The bylaws themselves, or the members may, pursuant to subdivision 1, may provide for the bylaws to be amended by the board of directors. If the bylaws permit amendment by the directors, any amendments shall be approved by a two-thirds vote of the total number of directors authorized. The board of directors shall not adopt, amend, or repeal a bylaw fixing a quorum for meetings of members, prescribing procedures for removing directors or filling vacancies in the board, or fixing the number of directors or their classifications, qualifications, or terms of office, but may adopt or amend a bylaw to increase the number of directors. If three percent or more of all members propose a resolution for action by the members to adopt, amend, or repeal bylaws adopted, amended, or repealed by the board and the resolution sets forth the provisions proposed for adoption, amendment, or repeal, the resolution shall be submitted to the members for a vote as provided in subdivision 1.

Sec. 3. Minnesota Statutes 2000, section 52.02, subdivision 3, is amended to read:

Subd. 3. [APPROVAL.] Amendments to the certificate of organization or bylaws, other than the addition of a small group to the field of membership, must be approved by the commissioner of commerce before they become operative. The commissioner shall not unreasonably withhold approval if the amendments do not violate any provision of this chapter or other state law. In any event, the commissioner shall approve or disapprove the proposed amendment within 60 days of the date the proposed amendment is submitted to the commissioner by the credit union. In case of disapproval the credit union shall have the right to appeal to a court of competent jurisdiction within the time limits stated in section 52.01, clause (6). In case any amendment to the certificate of organization is adopted, the resolution, containing a full text of the amendment and verified by its president or treasurer and approved by the commissioner of commerce, shall be recorded in the office of the secretary of state. Upon addition of a small group to the field of membership, a credit union must provide timely written notice to the commissioner. The commissioner shall have 30 days from receipt of the notice to reject the addition of the small group; if the commissioner does not reject the addition within that period, it is deemed approved.

Sec. 4. Minnesota Statutes 2001 Supplement, section 52.04, subdivision 1, is amended to read:

Subdivision 1. A credit union has the following powers:

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

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

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

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

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

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

(7) to borrow money as hereinafter indicated;

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

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

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

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

(12) upon written authorization from a member, retained at the credit union, to make payments to third parties by withdrawals from the member's share or deposit accounts or through proceeds of loans made to such member, or by permitting the credit union to make those payments from the member's funds prior to deposit; to permit draft withdrawals from member accounts, but a credit union proposing to permit draft withdrawals shall notify the commissioner of commerce, in the form prescribed, of its intent not less than 90 days prior to authorizing draft withdrawals. The board of directors of a credit union may restrict one class of shares to the extent that it may not be redeemed, withdrawn, or transferred except upon termination of membership in the credit union;

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

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

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

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

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

(18) notwithstanding the provisions of section 52.05, to accept deposits of public funds in an amount secured by insurance or other means pursuant to chapter 118A or section 9.031 or other applicable law and to receive deposits of trust funds and offer related trust services provided that either the provider ~~or the~~ beneficial owner, or trustee of the funds is a member of the credit union accepting the deposit. Prior to offering trust-related services, a credit union must receive approval from the commissioner under sections 48.36 to 48.41. The powers granted in this clause must be interpreted as identical in extent and permitted method of exercise to those granted to federal credit unions under federal law;

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

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

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

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

(b) the board of directors approves the sale;

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

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

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

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

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

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

(vi) provide for loan status reports;

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

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

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

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

(iii) allows substitution of one loan for another;

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

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

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

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

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

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

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

(26) to impose reasonable charges for the services it provides to its members;

(27) to impose financing charges and reasonable late charges in the event of default on loans, and recover reasonable costs and expenses, including, but not limited to, actual collection costs and attorneys' fees incurred both before and after judgment, incurred in the collection of sums due, if provided for in the note or agreement signed by the borrower;

(28) to acquire, lease, hold, assign, pledge, sell, or otherwise dispose of interests in personal property and in real property;

(29) to acquire, lease, hold, assign, pledge, sell, or otherwise dispose of interests in a loan or groups of loans other than a self-replenishing line of credit; and

(30) to enter into lease agreements, lease contracts, and lease-purchase agreements with members, provided that a credit union must comply with section 48.152 in leasing personal property to members.

Sec. 5. Minnesota Statutes 2000, section 52.04, subdivision 3, is amended to read:

Subd. 3. [~~COMPARABILITY WITH FEDERAL CREDIT UNIONS PARITY.~~] ~~The commissioner of commerce may authorize credit union activity in which credit unions subject to the jurisdiction of the federal government may be authorized to engage by federal legislation, ruling, or regulation. Notwithstanding any other provision of law, and in addition to all powers and activities, express, implied, or incidental, that a credit union has under the laws of this state, a credit union may exercise the powers and activities of a federal credit union, upon approval of the commissioner. The commissioner must approve or deny a request under this subdivision within 60 days after submission of the request by a credit union. The commissioner may not authorize state credit unions subject to this chapter to engage in credit union activity prohibited by the laws of this state.~~

Sec. 6. Minnesota Statutes 2000, section 52.05, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENTS.] Credit union membership consists of the incorporators and other persons as may be elected to membership and subscribe to at least one share as designated by the board of directors, pay the initial installment thereon and the entrance fee if any. In addition to a regularly qualified member, the spouse of a member, the blood or adoptive relatives of either of them and their spouses may be members. When an individual member of a credit union leaves the field of membership, the member, and all persons who became members by virtue of that individual's membership may continue as members. The surviving spouse of a regularly qualified member, and the blood or adoptive relatives of either of them and their spouses may become members. Organizations, incorporated or otherwise, composed for the most part of the same general group as the credit union membership may be members. Credit unions chartered by this or any other state, or any federal credit union may be members. Credit union organizations shall be limited to persons within one or more groups or any combination of groups, of both large and small membership, having a common bond of occupation, or association, or to residents within a well-defined neighborhood, community, or rural district.

Sec. 7. Minnesota Statutes 2000, section 52.05, subdivision 2, is amended to read:

Subd. 2. [APPLICATION.] Any two persons representing a group of 30 or less or any 15 persons representing a larger group may apply to the commissioner, advising the commissioner of the common bond of the group and its number of potential members, for a determination whether it is feasible for the group to form a credit union. Upon a determination that it is not feasible to organize because the number of potential members is too small, the applicants will be certified by the commissioner as eligible to petition for membership in an existing credit union capable of serving the group. If the credit union so petitioned resolves to accept the group into membership, it shall follow the bylaw amendment and approval procedure set forth in section 52.02.

The commissioner shall may adopt rules to implement this subdivision. If adopted, these rules must provide that:

(1) for the purpose of this subdivision, groups with a potential membership of less than ~~1,500~~ 3,000 will be considered too small to be feasible as a separate credit union, unless there are compelling reasons to the contrary, relevant to the objectives of this subdivision;

(2) groups with a potential membership in excess of ~~1,500~~ 3,000 will be considered in light of all circumstances relevant to the objectives of this subdivision; and

(3) all group applications, except for applications from groups made up of members of existing credit unions or groups made up of people who have a common employer which qualifies them for membership in an existing credit union, will be considered separately from any consideration of

the membership provisions of existing credit unions; except that, groups made up of members of an existing credit union may be certified under this subdivision with the agreement of the credit union.

Sec. 8. Minnesota Statutes 2000, section 52.09, subdivision 3, is amended to read:

Subd. 3. [OFFICERS, BYLAWS; COMPENSATION.] The duties of the officers shall be as determined in the bylaws, except that the treasurer may be the general manager. No member of the board, the supervisory committee or an elected credit committee shall receive a salary as such, but may be reimbursed for necessary expenses incidental to serving in such capacity and may be compensated for time actually spent in official duties at an hourly rate as determined by the annual meeting of members. Provision of reasonable life, health, accident, and similar insurance protection shall not be considered compensation.

Sec. 9. Minnesota Statutes 2000, section 52.12, is amended to read:

52.12 [CAPITAL; ENTRANCE FEES; CREDIT UNION TO HAVE LIEN.]

The capital of a credit union includes shares, share certificates, any special class of shares, undivided earnings, reserves, member investment shares, non-member subordinated debt, member paid-in capital, and any entrance or membership fees. The credit union shall have a lien on the shares and deposits of a member for any sum due to the credit union from the member, or for any loan endorsed by that member. In addition to any other statutory right of setoff or lien and subject to any contractual provision, if any party to an account is indebted to a credit union, the credit union has a right to setoff against any account in which the party has or had immediately before death a present right of withdrawal. A credit union may, at its discretion, charge an entrance or annual membership fee if authorized by the bylaws.

Sec. 10. Minnesota Statutes 2000, section 52.15, subdivision 1, is amended to read:

Subdivision 1. [~~40~~ 50 PERCENT OF UNIMPAIRED ASSETS.] A credit union may borrow from any source, or sources, sums not exceeding in the aggregate ~~40~~ 50 percent of its unimpaired assets. For the purposes of this subdivision, "unimpaired assets" mean total assets less borrowings, including all forms of indebtedness, accounts payable, and any amount by which reserves and undivided earnings will not be adequate to meet the reserve requirements caused by classified assets.

Sec. 11. Minnesota Statutes 2000, section 52.19, subdivision 2, is amended to read:

Subd. 2. The board of directors may adopt a procedure and policy for expulsion of members for cause and for nonparticipation in the affairs of the credit union. The nonparticipation policy must be based on:

- (1) failure to purchase and maintain at least one credit union share or to pay entrance or membership fees, if any; or
- (2) causing monetary loss to the credit union.

If adopted, written notice of the procedure and policy and their effective date shall be mailed not less than 30 days before their effective date to each member of the credit union at the member's address on the credit union records. Each new member shall be provided written notice of the procedure and policy before or upon applying for membership."

Delete the title and insert:

"A bill for an act relating to financial institutions; modifying regulation of credit unions; amending Minnesota Statutes 2000, sections 52.02, subdivisions 2, 3; 52.04, subdivision 3; 52.05, subdivisions 1, 2; 52.09, subdivision 3; 52.12; 52.15, subdivision 1; 52.19, subdivision 2; Minnesota Statutes 2001 Supplement, section 52.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 52."

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

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

S.F. No. 3026: A bill for an act relating to health; regulating the provision of interstate telemedicine services; amending Minnesota Statutes 2000, sections 147.081, subdivision 1; 147.091, subdivision 1; 147.141; Minnesota Statutes 2001 Supplement, section 144.335, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 147.

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

Page 3, line 8, delete "to be established by the board" and insert "of \$75 annually and an initial application fee of \$100."

Page 3, delete lines 9 and 10

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

Senator Vickerman from the Committee on State and Local Government Operations, to which was referred

S.F. No. 1755: A bill for an act relating to public employees; establishing a mandatory statewide health insurance plan for school district employees; providing for postretirement health insurance coverage through individual trust funds; establishing a labor-management team to design the insurance plan; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 43A.

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

Delete everything after the enacting clause and insert:

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

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

(1) "eligible employee" means a person who is a public employee within the definition of section 179A.03 who is insurance eligible and is employed by an eligible employer, or by an exclusive representative of employees of an eligible employer, so long as the plan meets the requirements of a governmental plan under United States Code, title 29, section 1002(32); and

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

Subd. 2. [INSURANCE PLAN.] All eligible employers may participate in the school employee insurance plan. The plan provides health insurance coverage for all eligible employees of eligible employers, except that an eligible employer may elect not to have its employees participate in the plan so long as they are eligible for health coverage through another plan, the cost of which is fully or partially covered by the eligible employer. In addition, the plan provides an individual trust fund for each retired eligible employee, to be used for health care cost, funded through contributions made while the retiree was an active eligible employee.

Subd. 3. [PLAN PROVIDER.] The school employee insurance plan is provided through the public employees insurance program under section 43A.316.

Subd. 4. [LABOR-MANAGEMENT BOARD.] The plan is governed by a labor-management board that makes determinations regarding plan specifications, structure, benefits, and premiums.

Each statewide affiliate of an exclusive representative of eligible employees with at least 1,500 employees participating in the plan is entitled to appoint one member to the board. A statewide affiliate of an exclusive representative of eligible employees is entitled to appoint one additional member for each additional 9,000 employees represented statewide who are participants in the plan. The Minnesota school boards association is entitled to appoint an equal number of members representing eligible employers to the board. Board members are eligible for expense reimbursement in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2.

Subd. 5. [FUNDING MECHANISM.] Each school district that participates in the school employee insurance plan shall receive \$..... per pupil unit to be applied to the costs of providing employee health insurance. No school district shall require employees to pay premium costs that exceed an amount equal to the total premium cost less the pro rata amount of state aid applicable to the employee.

Sec. 2. [PLAN CREATION.]

The plan specifications, structure, benefits, and premiums must be determined by an interim labor-management committee consisting of members appointed by the statewide affiliates of exclusive representatives of eligible employees and an equal number of members appointed by eligible employers. The plan specifications must include the following:

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

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

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

The final determination regarding plan specifications, structure, benefits, and premiums must be completed by March 1, 2003, allowing implementation no later than July 1, 2003.

Sec. 3. [CREATION OF INTERIM LABOR-MANAGEMENT COMMITTEE.]

(a) Each eligible statewide affiliate of an exclusive representative of eligible employees, as defined in Minnesota Statutes, section 43A.3175, subdivision 1, with at least 1,500 members statewide is entitled to appoint one member to serve on the interim labor-management committee. A statewide affiliate of an exclusive representative of eligible employees is entitled to appoint one additional member for each additional 9,000 members statewide.

(b) The Minnesota school boards association is entitled to appoint an equal number of members representing eligible employers as defined in Minnesota Statutes, section 43A.3175, subdivision 1.

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

(d) The commissioner of employee relations or the commissioner's designee shall also be a member of the interim labor-management committee, and the commissioner shall provide administrative support to the committee.

(e) Committee members are eligible for expense reimbursement in the same manner and amount as authorized by the commissioner's plan adopted under Minnesota Statutes, section 43A.18, subdivision 2.

(f) The committee expires upon appointment of a labor-management board, under Minnesota Statutes, section 43A.3175, subdivision 4.

Sec. 4. [APPROPRIATION.]

\$..... is appropriated from the general fund to the commissioner of employee relations for purposes of section 3.

Sec. 5. [EFFECTIVE DATES.]

Sections 2 to 4 are effective the day following final enactment. Section 1 is effective July 1, 2003."

Delete the title and insert:

"A bill for an act relating to public employees; establishing a statewide health insurance plan for school district employees; providing for postretirement health insurance coverage; establishing a labor-management team to design the insurance plan; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 43A."

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

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

S.F. No. 2311: A bill for an act relating to environment; requiring toxic pollution prevention plans to include specific provisions on reducing persistent bioaccumulative toxics; providing a surcharge on releases of persistent bioaccumulative toxics; providing for information on persistent bioaccumulative toxics for pollution permits; providing funding for the pollution prevention program relating to persistent bioaccumulative toxics; appropriating money; amending Minnesota Statutes 2000, sections 115D.03, by adding subdivisions; 115D.07, subdivision 2; 115D.08, subdivision 1; 115D.10; 115D.12, subdivision 1, by adding a subdivision; 116.07, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 17.135, is amended to read:

17.135 [FARM DISPOSAL OF SOLID WASTE.]

(a) A permit is not required from a state agency, except under sections 88.16, 88.17, and 88.22 for a person who owns or operates land used for farming that buries, or burns and buries, solid waste generated from the person's household or as part of the person's farming operation if the burying is done in a nuisance free, pollution free, and aesthetic manner on the land used for farming. ~~This exception does not apply if applies only in areas of a county where the county board by resolution has determined that regularly scheduled pickup of solid waste is not reasonably available at the person's farm, as determined by resolution of the county board of the county where the person's farm is located.~~

(b) This exemption does not apply to burning tires or plastics, except plastic baling twine, or to burning or burial of the following materials:

- (1) household hazardous waste as defined in section 115A.96, subdivision 1;
- (2) appliances, including but not limited to, major appliances as defined in section 115A.03, subdivision 17a;
- (3) household batteries;
- (4) used motor oil; and
- (5) lead acid batteries from motor vehicles.

(c) Not later than ten business days before adopting a resolution under paragraph (a), the county must provide notice to:

- (1) the office of environmental assistance;

(2) each resident and each owner of real property within the exempt area; and

(3) each resident and each owner of real property within 5,000 feet of the perimeter of the exempt area. The notice may be delivered by first class mail, in person, or by the publication in a newspaper of general circulation within the exempt area.

Sec. 2. Minnesota Statutes 2000, section 88.171, subdivision 8, is amended to read:

Subd. 8. [GARBAGE.] (a) No person shall conduct, cause, or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving, or consumption of food, unless specifically allowed under section 17.135.

(b) A county may allow a resident to conduct open burning of material described in paragraph (a) that is generated from the resident's household if the county board by resolution determines that regularly scheduled pickup of the material is not reasonably available to the resident.

(c) Not later than ten business days before adopting a resolution under paragraph (b), the county must provide notice to:

(1) the office of environmental assistance;

(2) each resident and each owner of real property within the exempt area; and

(3) each resident and each owner of real property within 5,000 feet of the perimeter of the exempt area. The notice may be delivered by first class mail, in person, or by the publication in a newspaper of general circulation within the exempt area."

Delete the title and insert:

"A bill for an act relating to the environment; modifying requirements for the on-site burning and disposal of solid waste by persons who do not have regularly scheduled pickup of solid waste that is reasonably available; amending Minnesota Statutes 2000, sections 17.135; 88.171, subdivision 8."

And when so amended the bill do pass and be re-referred to the Committee on Agriculture, General Legislation and Veterans Affairs. Amendments adopted. Report adopted.

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

S.F. No. 2625: A bill for an act relating to assisted reproduction; authorizing collaborative reproduction agreements and embryo agreements; proposing coding for new law as Minnesota Statutes, chapter 257C.

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

Delete everything after the enacting clause and insert:

"Section 1. [257C.01] [TITLE.]

This chapter may be cited as the "Assisted Reproduction Act."

Sec. 2. [257C.02] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to this chapter.

Subd. 2. [ASSISTED REPRODUCTION.] "Assisted reproduction" means an attempt to achieve a pregnancy through fertilization of a woman's egg with a man's sperm by a means other than sexual intercourse.

Subd. 3. [ASSISTED REPRODUCTIVE TECHNOLOGY.] "Assisted reproductive technology" means any treatment provided for the purpose of achieving assisted reproduction.

Subd. 4. [COLLABORATIVE REPRODUCTION.] "Collaborative reproduction" means an attempt, by an intended parent who provides genetic or biological components, to create a child through assisted reproduction that involves one or more participants who provide genetic or biological components, but who do not intend to rear or have any legal relationship with the resulting child. Collaborative reproduction does not include artificial insemination under section 257.56 or artificial insemination of an intended parent.

Subd. 5. [COLLABORATIVE REPRODUCTION AGREEMENT.] "Collaborative reproduction agreement" means a written agreement between an intended parent or parents and a gestational carrier or surrogate carrier, that the gestational carrier or surrogate carrier will gestate and bear a child that is conceived through assisted reproduction for the intended parent or parents.

Subd. 6. [DONOR.] "Donor" means an individual who is not an intended parent and who provides the egg or sperm used for assisted reproduction.

Subd. 7. [EMBRYO AGREEMENT.] "Embryo agreement" means a written agreement governing the creation, use, and disposition of embryos created by the participants.

Subd. 8. [EMBRYO TRANSFER.] "Embryo transfer" means to transfer an embryo into or place an embryo in the body of a woman intended to gestate the embryo with the intent to achieve live birth of a child.

Subd. 9. [GAMETE.] "Gamete" means male reproductive cells or female reproductive cells, including sperm or oocytes.

Subd. 10. [GESTATIONAL CARRIER.] "Gestational carrier" means a woman, who is not an intended parent, who enters into an agreement to gestate and bear a child conceived through assisted reproduction for an intended parent or parents, and who is not related to the resulting child through the provision of her gametes.

Subd. 11. [INTENDED PARENT.] "Intended parent" means an individual and the individual's spouse, if any, who enter into a written agreement with a donor, gestational carrier, surrogate carrier, provider, or another intended parent providing that the intended parent is legally bound as the parent of any child or children born through assisted reproduction.

Subd. 12. [PARTICIPANT.] "Participant" means any person whose identity is known to the provider who is contemplating or participating in collaborative reproduction or embryo creation, including a gamete donor, embryo donor, gestational or surrogate carrier and spouse, if any, and an intended parent or parents.

Subd. 13. [PROVIDER.] "Provider" means any person who furnishes assisted reproduction health services, is appropriately credentialed to render assisted reproduction health services in the state, and has a provider-patient relationship with one or more intended parent, donor, gestational carrier, or surrogate carrier.

Subd. 14. [SURROGATE CARRIER.] "Surrogate carrier" means a woman who is not an intended parent, who enters into an agreement to gestate and bear a child conceived through assisted reproduction for an intended parent or parents, and who is related to the resulting child through the provision of her gametes.

Sec. 3. [257C.03] [MENTAL HEALTH EVALUATION AND COUNSELING.]

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

(b) "Counseling" means evaluation for the purpose of assessing a person's suitability to participate in collaborative reproduction.

(c) "Counselor" means a mental health professional who meets the requirements of subdivision 2.

(d) "Evaluation" means a meeting in person with a counselor to conduct a psychological

assessment of the individual's suitability to participate in assisted reproduction and the individual's understanding and acceptance of the psychological issues relating to participation.

Subd. 2. [QUALIFICATION FOR PRACTICE IN ASSISTED REPRODUCTION COUNSELING.] A person is qualified to practice in assisted reproduction counseling if the person has:

(1) a master's or doctorate degree in the field of psychiatry, psychology, mental health counseling, social work, psychiatric nursing, or marriage and family therapy;

(2) a currently valid credential to practice in the mental health field in which the person holds a degree as required by the state in which the individual practices; and

(3) knowledge of the psychosocial issues related to infertility and collaborative reproduction.

Subd. 3. [COUNSELING AND EVALUATION REQUIREMENT.] (a) A provider must not initiate an assisted reproductive technology procedure that involves the transfer of donor gametes to an intended parent or parents or the transfer of gametes or an embryo provided by an intended parent to a gestational or surrogate carrier until:

(1) the gestational or surrogate carrier has an evaluation by a counselor and is offered additional counseling, if required, at the expense of the intended parent or parents, for a period up to 180 days after the birth of the child;

(2) the intended parent or parents each have an evaluation by a counselor; and

(3) any counselor who meets with the gestational or surrogate carrier or intended parent or parents prepares a written statement (i) stating that the counselor has met with the gestational or surrogate carrier or the intended parent or parents; (ii) stating whether the gestational or surrogate carrier or intended parent or parents are suitable for participation in collaborative reproduction; (iii) stating that the gestational or surrogate carrier has been offered the opportunity to receive additional counseling; and (iv) making any other recommendations the counselor may have.

(b) A provider has no duty to investigate the existence of participants not made known to the provider by the provider's patient or the participants.

(c) A participant who is evaluated or receives counseling under this subdivision may meet with a counselor of the participant's own choosing.

Subd. 4. [EVIDENCE OF MEETING COUNSELING REQUIREMENTS.] The counseling requirements under subdivision 3 are met if:

(1) each counselor who has met with the gestational or surrogate carrier or intended parent or parents prepares a written recommendation regarding a gestational or surrogate carrier's or the intended parent's or parents' suitability for participation in collaborative reproduction as required under subdivision 3, paragraph (a), clause (3); and

(2) the gestational or surrogate carrier signs, in the presence of a notary public, a statement containing the following language:

"I understand that counseling is recommended for a gestational or surrogate carrier involved in assisted reproduction and that counseling is a separate process from any psychological evaluation that [NAME OF PROVIDER] has required me to complete. [NAME OF PROVIDER] has given me the option to meet with and receive counseling from a mental health professional with specialized knowledge of the social and psychological effect of collaborative reproduction on participants at the intended parent's or parents' sole expense. My signature on this document indicates that I have met with a counselor and been offered the opportunity to consult further with a counselor for a period up to 180 days after the birth of the child, even if I elect not to receive further counseling."

Subd. 5. [WRITTEN SUMMARY OF EVALUATION AVAILABLE TO PARTICIPANTS IN

COUNSELING.] A counselor's written summary of the counselor's recommendations regarding the participants the counselor evaluates may be made available to the other participants. Before the participants enter a collaborative reproduction agreement, a provider must disclose to any prospective gamete or embryo donor, gestational or surrogate carrier, and intended parent or parents, that the participants that any counselor has evaluated may request and receive a copy of a written summary of the counselor's recommendations.

Subd. 6. [CONFIDENTIALITY.] The written summary under subdivision 5 must only state the conclusion as to whether the individual is suitable for participation and must not reveal the detailed reasons for the counselor's recommendations. Access to all other counseling records is governed by section 144.335.

Sec. 4. [257C.04] [GAMETE DONATION.]

Subdivision 1. [COMPENSATION AUTHORIZED.] A donor may receive reasonable compensation for the time, effort, and health risks the donor experiences in undergoing evaluation for and in creating and obtaining gametes.

Subd. 2. [COMPENSATION AMOUNT.] Compensation, as permitted under this section, may vary depending upon the length of time, health risk, and degree of inconvenience associated with the donor's effort. Notwithstanding this, compensation must not:

- (1) with respect to oocyte donation, be dependent upon the quality or number of oocytes retrieved or embryos created;
- (2) with respect to sperm donation, be dependent upon the quality of sperm provided; or
- (3) be conditioned upon the donor's genotypic or phenotypic characteristics.

Subd. 3. [PAYMENT OF EXPENSES.] The intended parent must pay for the full costs of evaluating, testing, and storing a known donor's gametes, including medical costs, unless the parties agree in writing otherwise.

Sec. 5. [257C.05] [EMBRYO AGREEMENT.]

Subdivision 1. [EMBRYO AGREEMENT REQUIRED.] (a) Before commencing embryo creation using assisted reproduction, all participants must enter into a binding embryo agreement. A provider may not assist in embryo creation unless the participants have entered into a binding embryo agreement. The agreement must address all of the following issues, if relevant:

- (1) within what time period and for what purpose the participants intend to use the embryos;
- (2) whether either intended parent, and if so which intended parent, may use the embryos in the event of a divorce or other termination of the relationship, or upon the illness or death of one of the intended parents;
- (3) following the death of one intended parent who had consented to the posthumous use of cryopreserved embryos, whether the surviving intended parent may donate or transfer the embryos for the surviving intended parent's own parenting purposes;
- (4) after what time period and under what conditions any resulting embryos are deemed abandoned; and
- (5) if the embryos are subsequently deemed abandoned, the disposition or use of the embryos.

(b) In addition to the provisions of paragraph (a), an embryo agreement must provide that neither intended parent may transfer the embryos with the intent to create a child without the express contemporaneous written consent of the other intended parent, if living. No agreement to the contrary is legally enforceable. If one of two intended parents transfers the embryos to create a child without the express contemporaneous written consent of the other living intended parent, the nonconsenting intended parent is not considered a legal parent of any resulting child and has no parental rights or obligations to any resulting child, unless the nonconsenting parent commences

an action for paternity under sections 257.51 to 257.74 within 90 days after that parent knows of the birth of the resulting child and the court establishes paternity.

Subd. 2. [TERMINATION OF EMBRYO AGREEMENT.] After the participants execute an embryo agreement, but before embryo transfer, any intended parent may terminate the embryo agreement by giving notice of termination to all other participants. If the agreement is terminated, the embryos are deemed abandoned, and disposition of the embryos is determined under the provisions of the embryo agreement governing abandoned embryos. All embryo agreements must include each participant's current residential address and permanent identifier, such as a participant's social security number.

Sec. 6. [257C.06] [COLLABORATIVE REPRODUCTION AGREEMENT.]

Subdivision 1. [PARTIES; TERMS.] (a) A prospective gestational or surrogate carrier, and spouse, if any, any known donor, and each intended parent must enter into a written agreement providing that:

(1) at least one intended parent agrees to provide the intended parent's own genetic or biological components to create a child through assisted reproduction;

(2) the prospective gestational or surrogate carrier agrees to attempt to achieve pregnancy by means of assisted reproduction and the parties agree that the gestational or surrogate carrier will receive the current standard of care that is recognized by the medical community and that is not experimental;

(3) the prospective gestational or surrogate carrier can attempt to achieve pregnancy for no more than 18 months from the date of court approval of the agreement;

(4) the prospective gestational or surrogate carrier and spouse, if any, and any known donor relinquish all rights and duties as the parents of any children conceived through assisted reproduction and are not the parents of any such children for any purpose; and

(5) the intended parent or parents become the parent or parents of any child or children conceived through assisted reproduction, regardless of the number, health, or physical condition of the resulting child or children.

(b) If the intended parent is married, the spouse of the intended parent must be a party to the collaborative reproduction agreement.

(c) The intended parent or parents must bear the cost of a gestational or surrogate carrier's mental health evaluation and counseling under section 257C.03.

(d) At least 14 days before entering a collaborative reproduction agreement, the intended parent or parents must notify the gestational or surrogate carrier of the carrier's right to separate legal counsel of the carrier's own choosing at the sole expense of the intended parent or parents. The intended parent or parents must pay for the gestational or surrogate carrier's legal counsel and for any court filing fees and other costs associated with the negotiation, execution, and judicial approval of the collaborative reproduction agreement.

(e) The intended parent or parents may reasonably compensate a gestational or surrogate carrier for her time, effort, and the health risks attendant to medical evaluation, gestation, and delivery.

(f) A collaborative reproduction agreement may not limit the gestational or surrogate carrier's right to make decisions to safeguard her mental or physical health or the health of the embryo or fetus.

(g) Any known donor of gametes under a collaborative reproduction agreement must provide the intended parent or parents the detailed social and medical history that is required of a birth parent under section 259.43.

(h) A collaborative reproduction agreement must address whether and to what extent the

intended parents will have access to medical records for treatment of the gestational or surrogate carrier related to the pregnancy.

Subd. 2. [PREGESTATION DETERMINATION OF PARENTAGE.] (a) Before embryo or gamete transfer, a gestational or surrogate carrier or intended parent must petition the district court for review and approval of the collaborative reproduction agreement.

(b) A proceeding to approve a collaborative reproduction agreement may not be maintained unless:

(1) the gestational or surrogate carrier or the intended parent or parents are residents of this state for at least 90 days;

(2) the prospective gestational or surrogate carrier's husband, if any, is joined in the proceeding;

(3) all parties to the collaborative reproduction agreement are at least 21 years old;

(4) all parties voluntarily entered into the collaborative reproduction agreement and understand its terms;

(5) adequate provision is made for all reasonable health care expenses associated with the collaborative reproduction agreement until the birth of the child, including responsibility for those expenses if the agreement is terminated;

(6) the gestational or surrogate carrier received notice of her right to separate legal counsel under subdivision 1, paragraph (d), and the parties understand that they have a right to separate legal counsel and, if a party proceeds without legal counsel, that party knowingly and voluntarily waives the right to counsel;

(7) the gestational or surrogate carrier and the intended parent or parents have completed the mental health evaluation and counseling requirements under section 257C.03 and have been identified as suitable participants in collaborative reproduction;

(8) the female intended parent's or parents', if any, reproductive history or other reasonable evidence indicates that the female intended parent or parents are physically unable to safely bear a healthy child;

(9) the gestational or surrogate carrier has had at least one previous successful pregnancy and delivery and bearing another child will not present an unreasonable health risk to the intended child or the carrier's physical or mental health. The court may waive this requirement if the gestational or surrogate carrier is a sister of an intended parent;

(10) the original copy of the collaborative reproduction agreement and the original copies of all other related agreements, if any, are attached to the petition and there are no other collateral oral or written agreements between the parties that are not received and reviewed by the court;

(11) all parties expressly agree in the petition that, for a period of 180 days after the birth of the child, the Minnesota district court in the county in which the agreement was originally approved has exclusive and continuing jurisdiction over all disputes, if any, regarding the collaborative reproduction agreement and the parentage or custody of the resulting child; and

(12) the gestational or surrogate carrier has given consent to participation in collaborative reproduction after receiving a full explanation of the carrier's role in collaborative reproduction.

Subd. 3. [PROCEEDING FOR DETERMINATION OF PARENTAGE.] The court must issue an order approving the collaborative reproduction agreement and declaring that the intended parent or parents will be the parent or parents of a child born during the term of the agreement on finding that:

(1) all of the requirements of subdivision 2, paragraph (b), are met; and

(2) the consideration, if any, paid to the prospective gestational or surrogate carrier is reasonable.

Subd. 4. [JUDICIAL DETERMINATION OF PARENTAGE WITHOUT REPRESENTATION.] Upon petition by the gestational or surrogate carrier or an intended parent, either or both of whom are not represented by legal counsel, the court must hold a hearing within 30 days of the filing of the petition. Notice of the hearing must be given as required by the applicable rules of civil procedure. If the court reviews and approves the collaborative reproduction agreement, the court must enter an order within 30 days after the hearing date approving the agreement and ordering that the intended parent or parents be listed on the birth record as the child's legal parent or parents in accordance with the terms of the agreement.

Subd. 5. [JUDICIAL DETERMINATION OF PARENTAGE WITH REPRESENTATION.] Upon petition by the gestational or surrogate carrier or an intended parent where both parties are represented by legal counsel, the court may review and approve the collaborative reproduction agreement without a hearing and without an appearance by either party or legal counsel on the party's behalf. If the court approves the collaborative reproduction agreement, it must enter an order without a hearing within 30 days after the filing of the petition approving the agreement and ordering that the intended parent or parents be listed on the birth record as the child's legal parent or parents in accordance with the terms of the agreement.

Subd. 6. [ENFORCEABILITY OF COURT-APPROVED COLLABORATIVE REPRODUCTION AGREEMENT.] If a court reviews and approves a collaborative reproduction agreement before embryo or gamete transfer, the agreement is enforceable pursuant to the terms of the agreement.

Subd. 7. [ENFORCEABILITY OF COLLABORATIVE REPRODUCTION AGREEMENT THAT IS NOT COURT-APPROVED.] (a) A collaborative reproduction agreement not approved by a court under this section is not effective and enforceable under this chapter. This section does not affect the validity of an agreement that is not approved by a court under this section that is entered into either before or after August 1, 2002, if the agreement is valid under any other state law.

(b) If a birth results under an agreement not approved by a court under this section, the parent-child relationship is determined under sections 257.51 to 257.74.

(c) An intended parent who is a party to a collaborative reproduction agreement that is not approved by a court under this section may be held liable for support of the resulting child even if the agreement is otherwise unenforceable. The liability under this section includes assessing filing fees, reasonable attorneys fees, fees for genetic testing, other costs and necessary travel, and other reasonable expenses incurred to adjudicate parentage.

(d) This subdivision applies to collaborative reproduction agreements not approved by the court under this section regardless of whether the agreement is submitted to the court for approval.

Subd. 8. [PROCEEDINGS AND RECORDS, CONFIDENTIAL.] The proceedings, records, and identities of the individual parties to a collaborative reproduction agreement under this section are subject to the standards of confidentiality applicable to adoptions under sections 259.61 and 259.79.

Subd. 9. [EXCLUSIVE, CONTINUING JURISDICTION.] Pursuant to the express agreement of the parties, as required under subdivision 2, paragraph (b), the court conducting a proceeding under this section has exclusive, continuing jurisdiction over all matters arising out of the collaborative reproduction agreement until a child born to the gestational or surrogate carrier during the period governed by the agreement attains the age of 180 days.

Subd. 10. [PROHIBITION.] No party may enter into a collaborative reproduction agreement regarding the birth of a child conceived by sexual intercourse. An agreement of this kind is void and unenforceable.

Subd. 11. [TERMINATION OF COLLABORATIVE REPRODUCTION AGREEMENT.] (a)

After a court issues an order under this section, but before the prospective gestational or surrogate carrier becomes pregnant by means of assisted reproduction, the prospective gestational or surrogate carrier, her spouse, if any, or an intended parent may terminate the collaborative reproduction agreement by giving written notice of termination to all other parties and any participating provider.

(b) The court, for good cause shown, such as the death or divorce of an intended parent, may also, before the prospective gestational or surrogate carrier becomes pregnant by means of assisted reproduction, terminate the collaborative reproduction agreement. Written notice of the court's termination of the agreement must be served upon all parties and any participating provider.

(c) A party who terminates a collaborative reproduction agreement must file notice of the termination with the court. On receipt of the notice, the court must vacate any order issued under this section. A party who does not notify the court of the termination of the agreement is subject to appropriate sanctions.

(d) No party is liable to the other parties for terminating a collaborative reproduction agreement under this section. Notwithstanding this, the intended parent or parents remain liable for any medical, counseling, legal, travel, or other reasonable expenses related to the gestational or surrogate carrier's performance of the agreement that the carrier incurs before the date the agreement is terminated.

Subd. 12. [GESTATIONAL OR SURROGATE CARRIER; EFFECT OF SUBSEQUENT MARRIAGE.] After a court issues an order under this section, a gestational or surrogate carrier's subsequent marriage does not affect the validity of a collaborative reproduction agreement, her spouse's consent to the agreement is not required, and her spouse is not a presumed father of the resulting child.

Sec. 7. [257C.07] [PARENTAGE.]

Subdivision 1. [INTENDED PARENT.] (a) Upon execution of an embryo or collaborative reproduction agreement, but before gamete or embryo transfer, the intended parent or parents have all rights, responsibilities, interests, and control over the gametes or embryos they intend to transfer.

(b) Upon the birth of a child to a gestational or surrogate carrier within 300 days of the last procedure using assisted reproduction under a court-approved collaborative reproduction agreement, the intended parent or parents of the child are, in all respects, the parent or parents of the child.

(c) Upon the birth of the child to a gestational or surrogate carrier, the intended parent or parents or the gestational or surrogate carrier must immediately furnish a certified copy of the court order issued under section 257C.06 to the facility in which the birth takes place or to any other person required to prepare and file a birth record as provided in section 144.215. A birth record must be filed in accordance with the provisions of section 144.215. A certified copy of the court order issued under section 257C.06 must be sent to the state registrar by the facility or person required to prepare and file a birth record.

(d) On application, the court may issue an order supplemental to the order issued under section 257C.06. As necessary, the court, in its supplemental order, may:

(1) confirm that the intended parent or parents are the parent or parents of the child;

(2) order that the child be surrendered to the intended parent or parents;

(3) if a birth record has not been prepared and filed under section 144.215, direct that a birth record be prepared and filed that names the gestational or surrogate carrier as the mother of the child, and direct the state registrar to replace the birth record of the child, naming the intended parent or parents as the parent or parents of the child on the replacement record;

(4) if a birth record has already been prepared and filed pursuant to section 144.215, direct the

state registrar to replace the birth record and remove the names of any participants other than the intended parent or parents, add the names of an intended parent or parents, and, if necessary, change the name of the child;

(5) if the birth is not consistent with the collaborative reproduction agreement approved under section 257C.06, determine the parentage of the child; and

(6) make any other order necessary to carry out the purposes of a collaborative reproduction agreement approved under section 257C.06.

Subd. 2. [DONOR.] (a) Upon execution of a written agreement at the time of donation of a gamete or embryo, the donor relinquishes all rights, responsibilities, interests, and control over the gamete or embryo.

(b) Any known donor who executes a court-approved written collaborative reproduction agreement or any anonymous or other donor is not the parent of a child conceived through the use of the donor's gamete or embryo for any purpose.

Subd. 3. [GESTATIONAL OR SURROGATE CARRIER.] The gestational or surrogate carrier and the gestational or surrogate carrier's spouse, if any, who execute a court-approved written collaborative reproduction agreement are not the parents of a child conceived through assisted reproduction and born to the gestational or surrogate carrier pursuant to a collaborative reproduction agreement.

Sec. 8. [257C.08] [INHERITANCE.]

Subdivision 1. [INHERITANCE RIGHTS UNDER COLLABORATIVE REPRODUCTION AGREEMENTS.] In all cases involving collaborative reproduction agreements, in the absence of a testamentary document executed by an intended parent, the following principles apply:

(1) if an intended parent dies before gamete or embryo transfer, the resulting child has no rights of inheritance against the estate of that intended parent unless the transfer is subsequently completed for the unmarried surviving intended parent's own parenting purposes; and

(2) if one or both intended parents die at any time during the pregnancy of a gestational or surrogate carrier, the resulting child is an heir of both intended parents, but is not an heir of the gestational or surrogate carrier and spouse, if any.

Subd. 2. [INHERITANCE RIGHTS UNDER EMBRYO AGREEMENTS.] In all cases involving embryo agreements, in the absence of a testamentary document executed by an intended parent, the following principles apply:

(1) if an intended parent dies after creation or storage of an embryo, but before embryo transfer, the resulting child is not the heir of the deceased intended parent unless the embryo is used for the unmarried surviving intended parent's own parenting purposes; and

(2) if one or both intended parents die after embryo transfer, but before birth of the child, the resulting child is an heir of both intended parents.

Subd. 3. [DONOR.] In all cases involving collaborative reproduction or embryo agreements, the following principles apply:

(1) a child resulting from assisted reproduction is not an heir of a donor; and

(2) a donor has no rights of inheritance against the child or the child's estate.

Sec. 9. [INSTRUCTION TO REVISOR.]

The revisor shall renumber Minnesota Statutes, section 257.56 to be section 257C.09 and correct all references to that section in Minnesota Statutes and Minnesota Rules.

Sec. 10. [EFFECTIVE DATE.]

This act is effective August 1, 2002."

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

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

S.F. No. 2768: A bill for an act relating to human services; changing provisions in the medical assistance demonstration project; adding requirements for the prepaid medical assistance and prepaid general assistance medical programs; amending Minnesota Statutes 2000, section 256B.69, subdivision 2; Minnesota Statutes 2001 Supplement, section 256B.692, subdivision 2.

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

Delete everything after the enacting clause and insert:

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

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

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

(b) "Demonstration provider" means a health maintenance organization, community integrated service network, or accountable provider network authorized and operating under chapter 62D, 62N, or 62T that participates in the demonstration project according to criteria, standards, methods, and other requirements established for the project and approved by the commissioner. For purposes of this section, a county board, or group of county boards operating under a joint powers agreement, is considered a demonstration provider if the county or group of county boards meets the requirements of section 256B.692. Notwithstanding the above, Itasca county may continue to participate as a demonstration provider until July 1, 2002 2007.

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

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

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

Amend the title as follows:

Page 1, line 7, delete everything after "2" and insert a period

Page 1, delete line 8

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

Senator Johnson, Dean from the Committee on Transportation, to which was referred

S.F. No. 3278: A bill for an act relating to drivers' licenses; requiring commissioner of public safety to adopt rules requiring education in organ donation as part of driver education programs; proposing coding for new law in Minnesota Statutes, chapter 171.

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

Senator Johnson, Dean from the Committee on Transportation, to which was referred

S.F. No. 3076: A bill for an act relating to traffic regulations; imposing misdemeanor penalty for intentionally obstructing emergency vehicle during emergency duty; making clarifying changes; appropriating money; amending Minnesota Statutes 2000, section 169.20, subdivision 5a; Minnesota Statutes 2001 Supplement, section 169.20, subdivision 5.

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

Page 3, delete section 3

Amend the title as follows:

Page 1, line 5, delete "appropriating money;"

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

Senator Metzen from the Committee on Telecommunications, Energy and Utilities, to which was re-referred

S.F. No. 2908: A bill for an act relating to data privacy; regulating electronic mail solicitations; protecting privacy of Internet consumers; regulating use of information about Internet users; providing penalties; proposing coding for new law in Minnesota Statutes, chapters 325F; 325M.

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

Page 2, line 21, delete "who" and insert "may not" and delete "discloses" and insert "disclose"

Page 2, line 23, delete everything after "provider"

Page 2, line 24, delete everything before the period

Page 5, line 26, delete "an existing" and insert "a prior or current"

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

Senator Metzen from the Committee on Telecommunications, Energy and Utilities, to which was referred

S.F. No. 3272: A bill for an act relating to telecommunications; enacting Telecommunications Consumer Privacy Act; providing for privacy of telecommunications customer information; requiring consent for disclosure of customer information; providing penalties; proposing coding for new law in Minnesota Statutes, chapters 13; 237.

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

Page 4, lines 6 and 7, delete "237.88" and insert "237.84"

Page 4, line 24, delete "237.82" and insert "237.84"

Page 4, after line 24, insert:

"The exception in clause (5) does not apply to unlisted numbers disclosed by means other than a directory assistance request or unpublished numbers."

Page 6, line 4, delete "impartial and"

Page 6, line 10, delete "promptly"

Page 7, line 21, delete "237.82" and insert "237.83"

Page 8, line 5, delete "237.87" and insert "237.84"

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

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

S.F. No. 3074: A bill for an act relating to data practices; clarifying the status of health records and medical information; amending Minnesota Statutes 2000, section 144.335, subdivision 3a.

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

Delete everything after the enacting clause and insert:

"Section 1. [181.981] [DISCLOSURE OF EMPLOYEE HEALTH RECORD.]

Subdivision 1. [DEFINITION.] (a) For purposes of this section, "employer" means a person located in or doing business in this state who has ten or more employees in this state. Employer does not include a government entity subject to chapter 13 or an entity contractually required to comply with chapter 13.

(b) "Health record information" includes a health record generated by a provider as defined in section 144.335. Health record also includes a disclosure from the subject of the information of medical information relating to a request for, or the potential need for, medical leave or a reasonable or necessary accommodation.

Subd. 2. [EMPLOYEE CONSENT TO DISCLOSURE.] An employer who receives health record information about an employee may not disclose the information to a person whose work assignment does not require a need for the information without the written consent of the employee. This subdivision does not prohibit the disclosure of health record information:

(1) to the extent that, concurrent with receiving a disclosure of health record information from the employee who is the subject of the information, the employer notifies the employee of the employee's rights under this section and the employee does not prohibit disclosure of the information;

(2) to the extent the disclosure is authorized or required by other law;

(3) in the case of an emergency where the employer is unable to obtain consent; or

(4) to the extent the disclosure is necessary to make a reasonable or necessary accommodation for the employee under chapter 363 or other law relating to disability discrimination.

Subd. 3. [NOTIFICATION.] An employer shall make a reasonable effort to notify employees of their rights under this section.

Subd. 4. [REMEDY.] An employer who negligently or intentionally violates subdivision 2 is liable to the employee for damages, plus costs and reasonable attorney fees."

Delete the title and insert:

"A bill for an act relating to privacy; regulating disclosure of employee health record information by employers; proposing coding for new law in Minnesota Statutes, chapter 181."

And when so amended the bill do pass and be re-referred to the Committee on Jobs, Housing and Community Development. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2757, 2531, 2828, 2573, 2881, 3118, 2968, 2753, 2550, 2865, 3025, 3005, 2604, 3148, 2834, 2680, 2650, 3026 and 2768 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Wiger moved that the name of Senator Moua be added as a co-author to S.F. No. 309. The motion prevailed.

Senator Pappas moved that the name of Senator Marty be added as a co-author to S.F. No. 3030. The motion prevailed.

Senator Limmer moved that the name of Senator Scheid be added as a co-author to S.F. No. 3062. The motion prevailed.

Senator Samuelson moved that the name of Senator Tomassoni be added as a co-author to S.F. No. 3102. The motion prevailed.

Senator Cohen moved that the names of Senators Pappas, Moua, Anderson and Wiger be added as co-authors to S.F. No. 3245. The motion prevailed.

Senator Cohen moved that the name of Senator Moe, R.D. be added as a co-author to S.F. No. 3246. The motion prevailed.

Senator Kelley, S.P. moved that the name of Senator Marty be added as a co-author to S.F. No. 3272. The motion prevailed.

Senator Lessard introduced--

Senate Resolution No. 175: A Senate resolution congratulating David Scott Baumgartner of Aitkin, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Johnson, Dave introduced--

S.F. No. 3286: A bill for an act relating to adoption; modifying provision for notice to a registered putative father; amending Minnesota Statutes 2000, section 259.52, subdivisions 9, 10; Minnesota Statutes 2001 Supplement, section 259.49, subdivision 1.

Referred to the Committee on Judiciary.

Senators Belanger and Johnson, Dave introduced--

S.F. No. 3287: A bill for an act relating to taxation; authorizing the city of Bloomington to increase its lodging tax; amending Laws 1990, chapter 604, article 6, section 9, subdivision 1, as amended.

Referred to the Committee on Taxes.

Senator Kelley, S.P. introduced--

S.F. No. 3288: A bill for an act relating to public employment labor relations; extending the expiration of an interest arbitration provision governing firefighters; amending Minnesota Statutes 2000, section 179A.16, subdivision 7a.

Referred to the Committee on Jobs, Housing and Community Development.

Senator Anderson introduced--

S.F. No. 3289: A bill for an act relating to economic development; reinstating notice requirement for certain employee layoffs; amending Minnesota Statutes 2001 Supplement, section 116L.17, by adding subdivisions.

Referred to the Committee on Jobs, Housing and Community Development.

Senators Kleis and Foley introduced--

S.F. No. 3290: A bill for an act relating to crime prevention; expanding the scope of the DNA collection law; amending Minnesota Statutes 2000, section 299C.155, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 609.117.

Referred to the Committee on Crime Prevention.

Senator Langseth introduced--

S.F. No. 3291: A bill for an act relating to taxation; property; requiring amounts for lake improvement districts be shown separately on the proposed notice and the property tax statement; amending Minnesota Statutes 2001 Supplement, sections 275.065, subdivision 3; 276.04, subdivision 2.

Referred to the Committee on Taxes.

Senator Neuville introduced--

S.F. No. 3292: A bill for an act relating to family law; clarifying procedures for certain counseling; amending Minnesota Statutes 2000, section 518.17, by adding a subdivision.

Referred to the Committee on Judiciary.

Senator Chaudhary introduced--

S.F. No. 3293: A bill for an act relating to highways; transferring three state highways and vacating one state highway; repealing Minnesota Statutes 2000, section 161.115, subdivisions 122, 197, 204, 233.

Referred to the Committee on Transportation.

Senator Kinkel introduced--

S.F. No. 3294: A bill for an act relating to taxation; delaying date by which taxes on certain resort property must be paid; amending Minnesota Statutes 2000, sections 278.03, subdivision 1; 279.01, subdivision 1, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Krentz, Foley and Scheid introduced--

S.F. No. 3295: A bill for an act relating to education finance; creating an equalized aid and levy to pay for one-half of up to \$150 per pupil of each school district's unfunded special education costs; proposing coding for new law in Minnesota Statutes, chapter 125A.

Referred to the Committee on Education.

Senators Kiscaden and Ourada introduced--

S.F. No. 3296: A bill for an act relating to public safety; requiring commissioner of public safety to adopt rules establishing certification program to train and qualify towing and recovery vehicle operators to recover vehicles under extraordinary conditions; proposing coding for new law in Minnesota Statutes, chapter 299A.

Referred to the Committee on Crime Prevention.

Senator Kiscaden introduced--

S.F. No. 3297: A bill for an act relating to transportation; providing for high-speed rail transportation under authority of commissioner of transportation; proposing coding for new law in Minnesota Statutes, chapter 174; repealing Laws 2001, First Special Session chapter 8, article 2, section 53.

Referred to the Committee on Transportation.

Senator Johnson, Dean introduced--

S.F. No. 3298: A bill for an act relating to transportation; establishing conditions for closing highway right-of-way to all-terrain vehicles; modifying motor carrier provisions to reduce certain regulatory obligations; modifying budget reduction of department of transportation construction district 1; making clarifying changes; amending Minnesota Statutes 2000, sections 84.928, by adding a subdivision; 221.0252, subdivision 3; 221.0314, by adding a subdivision; 221.221, subdivision 4; 221.605, subdivision 1; Minnesota Statutes 2001 Supplement, section 221.221, subdivision 2; Laws 2001, First Special Session chapter 8, article 1, section 8; repealing Minnesota Statutes 2000, section 221.0313.

Referred to the Committee on Transportation.

Senator Johnson, Dean introduced--

S.F. No. 3299: A bill for an act relating to capital improvements; appropriating trunk highway fund money to acquire and improve public land and buildings, and other public improvements of a capital nature.

Referred to the Committee on Finance.

Senator Limmer introduced--

S.F. No. 3300: A bill for an act relating to education; providing that school districts need not comply with mandates unless revenue to comply is identified; proposing coding for new law in Minnesota Statutes, chapter 123B.

Referred to the Committee on Education.

Senator Chaudhary introduced--

S.F. No. 3301: A bill for an act relating to taxes; sales and use taxes; exempting the purchase of

construction materials used in constructing a public safety facility for the city of New Brighton; amending Minnesota Statutes 2000, section 297A.71, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Knutson, Hottinger, Betzold, Cohen and Neuville introduced--

S.F. No. 3302: A bill for an act relating to judgments; changing the formula for certain calculations; amending Minnesota Statutes 2000, section 549.09, subdivision 1.

Referred to the Committee on Judiciary.

Senator Rest introduced--

S.F. No. 3303: A bill for an act relating to taxes; sales and use tax; taxing delivery charges for aggregate materials and concrete block; providing transition language for certain contracts signed prior to a change in sales tax definitions; amending Minnesota Statutes 2001 Supplement, sections 297A.61, subdivision 3; 297A.67, subdivision 25; 297A.68, subdivision 3; Laws 2001, First Special Session chapter 5, article 12, section 11.

Referred to the Committee on Taxes.

Senator Ranum introduced--

S.F. No. 3304: A bill for an act relating to state government; reorganizing the Minnesota center for crime victim services as a division of the department of public safety; providing for its duties; transferring its powers and duties to the commissioner of public safety; transferring the powers and duties of the commissioner of corrections concerning victims services to the commissioner of public safety and the Minnesota center for crime victim services; authorizing the director of the Minnesota center for crime victim services to administer grants for crime victims; amending Minnesota Statutes 2000, sections 609.3241; 611A.01; 611A.07, subdivision 1; 611A.25, subdivision 1; 611A.31; 611A.361, subdivision 1; 611A.77, subdivision 1; 629.342, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 611A; repealing Minnesota Statutes 2000, sections 611A.21; 611A.22; 611A.221; 611A.33; 611A.345; 611A.35; 611A.41; 611A.43; 611A.78.

Referred to the Committee on Crime Prevention.

Senators Vickerman, Robertson and Stevens introduced--

S.F. No. 3305: A bill for an act relating to the building code; providing the method for inspection of certain residential buildings; proposing coding for new law in Minnesota Statutes, chapter 16B.

Referred to the Committee on State and Local Government Operations.

Senators Pappas, Anderson, Cohen, Moua and Murphy introduced--

S.F. No. 3306: A bill for an act relating to agriculture; prohibiting payments to ethanol plants that are in violation of certain ordinances; amending Minnesota Statutes 2000, section 41A.09, subdivision 3a.

Referred to the Committee on Agriculture, General Legislation and Veterans Affairs.

Senators Pappas, Anderson, Robertson, Higgins and Vickerman introduced--

S.F. No. 3307: A bill for an act relating to accessibility of buildings; clarifying provisions relating to accessible entrances; amending Minnesota Statutes 2000, section 16B.61, subdivision 5.

Referred to the Committee on State and Local Government Operations.

Senators Pappas, Olson and Kelley, S.P. introduced--

S.F. No. 3308: A bill for an act relating to education finance; authorizing a charter school to purchase and own school facilities; amending Minnesota Statutes 2000, sections 124D.10, subdivision 17; 124D.11, subdivision 7, by adding a subdivision.

Referred to the Committee on Education.

Senator Hottinger introduced--

S.F. No. 3309: A bill for an act relating to human services; establishing hearing procedures; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Health and Family Security.

Senator Chaudhary introduced--

S.F. No. 3310: A bill for an act relating to school buses; authorizing the commissioner of public safety to cancel the school bus driver's endorsement of a person who has been convicted of a gross misdemeanor or of multiple violations that show evidence of a risk to public safety; proposing coding for new law in Minnesota Statutes, chapter 171.

Referred to the Committee on Transportation.

Senator Krentz introduced--

S.F. No. 3311: A bill for an act relating to health; providing protection of drinking water, air, and land from chemicals found to cause cancer or reproductive toxicity; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Family Security.

Senator Johnson, Dave introduced--

S.F. No. 3312: A bill for an act relating to lawful gambling; modifying lawful purpose expenditures; amending Minnesota Statutes 2001 Supplement, section 349.12, subdivision 25.

Referred to the Committee on State and Local Government Operations.

Senators Kelley, S.P. and Limmer introduced--

S.F. No. 3313: A bill for an act relating to real property; providing for the electronic recording and authentication of certain documents as part of a pilot project; delaying the expiration date of the electronic real estate filing task force; amending Minnesota Statutes 2000, section 507.093; Minnesota Statutes 2001 Supplement, section 507.24, subdivision 2; Laws 2000, chapter 391, section 1, subdivision 2.

Referred to the Committee on Commerce.

Senators Pappas, Fowler, Sabo, Neuville and Larson introduced--

S.F. No. 3314: A resolution memorializing Congress to enact legislation to remove trade, financial, and travel restrictions relating to Cuba.

Referred to the Committee on Commerce.

Senator Scheid introduced--

S.F. No. 3315: A bill for an act relating to insurance; making certain changes involving the joint underwriting association's procedures; amending Minnesota Statutes 2000, section 62F.04, by adding a subdivision; repealing Minnesota Statutes 2000, section 62F.04, subdivision 1a.

Referred to the Committee on Commerce.

Senators Fowler, Vickerman and Hottinger introduced--

S.F. No. 3316: A bill for an act relating to juvenile justice; appropriating money for a temporary holdover facility in Fairmont county.

Referred to the Committee on Finance.

Senator Bachmann introduced--

S.F. No. 3317: A bill for an act relating to state government; providing four percent salary decreases for legislators and constitutional officers until June 30, 2004.

Referred to the Committee on State and Local Government Operations.

Senators Betzold and Cohen introduced--

S.F. No. 3318: A bill for an act relating to human rights; clarifying the definition of sexual harassment; amending Minnesota Statutes 2001 Supplement, section 363.01, subdivision 41.

Referred to the Committee on Judiciary.

Senator Rest introduced--

S.F. No. 3319: A bill for an act relating to government data practices; providing for victim support data; amending Minnesota Statutes 2000, section 13.80.

Referred to the Committee on Judiciary.

Senator Foley introduced--

S.F. No. 3320: A bill for an act relating to crimes; establishing staggered sentencing program for DWI offenders; amending Minnesota Statutes 2000, sections 169A.03, subdivisions 3, 21; 169A.20, subdivision 2; 169A.44; 609.135, subdivision 2; Minnesota Statutes 2001 Supplement, sections 169A.275, subdivisions 3, 4, and by adding a subdivision; 169A.40, subdivision 3; 169A.54, subdivision 6; 169A.63, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 169A.

Referred to the Committee on Crime Prevention.

Senator Foley introduced--

S.F. No. 3321: A bill for an act relating to vehicle forfeiture; clarifying and modifying certain standards and procedures for vehicle forfeitures associated with driving while impaired; amending Minnesota Statutes 2000, section 169A.63, subdivisions 2, 6, 8, 9; Minnesota Statutes 2001 Supplement, sections 169A.60, subdivisions 1, 14; 169A.63, subdivisions 1, 7, 10, 11.

Referred to the Committee on Crime Prevention.

Senator Orfield introduced--

S.F. No. 3322: A bill for an act relating to the metropolitan council; providing for the external use of existing service capacity; modifying the depreciation rate when assuming ownership of existing facilities; repealing obsolete rules; amending Minnesota Statutes 2000, sections 473.129, by adding a subdivision; 473.511, subdivision 4; repealing Minnesota Rules, parts 5900.0100; 5900.0200; 5900.0300; 5900.0400; 5900.0500; 5900.0600; 5900.0700; 5900.0800; 5900.0900; 5900.1000; 5900.1100; 5900.1200; 5900.1300; 5900.1400; 5900.1500; 5900.1600; 5900.1700; 5900.1800; 5900.1900; 5900.2000; 5900.2100; 5900.2200; 5900.2300; 5900.2400; 5900.2500; 5900.2600; 5900.2700; 5900.2800; 5900.2900; 5900.3000; 5900.3100; 5900.3200; 5900.3300; 5900.3400; 5900.3500; 5900.3600; 5900.3700; 5900.3800; 5900.3900; 5900.4000; 5900.4100; 5900.4200; 5900.4300; 5900.4400; 5900.4500; 5900.4600; 5900.4700; 5900.4800; 5900.4900; 5900.5000; 5900.5100; 5900.5200; 5900.5300; 5900.5400; 5900.5500; 5900.5600; 5900.5700; 5900.5800; 5900.5900; 5900.6000; 5900.6100; 5900.6200; 5900.6300; 5900.6400; 5900.6500; 5900.6800; 5900.6900; 5900.7000; 5900.7100; 5900.7200; 5900.7300; 5900.7400; 5900.7500.

Referred to the Committee on State and Local Government Operations.

Senator Samuelson introduced--

S.F. No. 3323: A bill for an act relating to traffic regulations; imposing restriction on placement of safety inspection stickers or decals on windshields; amending Minnesota Statutes 2000, section 169.71, by adding a subdivision.

Referred to the Committee on Transportation.

Senator Samuelson introduced--

S.F. No. 3324: A bill for an act relating to the military; providing education-related protections for certain persons called to active military service; proposing coding for new law in Minnesota Statutes, chapter 192.

Referred to the Committee on Agriculture, General Legislation and Veterans Affairs.

Senators Murphy, Dille, Vickerman and Frederickson introduced--

S.F. No. 3325: A bill for an act relating to agriculture; clarifying certain requirements under agricultural contracts; amending Minnesota Statutes 2000, section 17.90, subdivision 1a, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 17.9442.

Referred to the Committee on Agriculture, General Legislation and Veterans Affairs.

Senator Bachmann introduced--

S.F. No. 3326: A bill for an act relating to health; providing for record of birth to be filed for birth resulting in stillbirth; amending Minnesota Statutes 2001 Supplement, section 144.215, subdivision 2, by adding a subdivision.

Referred to the Committee on Health and Family Security.

Senators Bachmann and Johnson, Debbie introduced--

S.F. No. 3327: A resolution urging the Congress of the United States to repeal a provision of federal law that requires each state to record the social security number of a citizen on an application for a driver's license for the state to receive certain federal funding.

Referred to the Committee on Transportation.

Senators Hottinger and Oliver introduced--

S.F. No. 3328: A bill for an act relating to state government; authorizing chartered performance organizations within state agencies; proposing coding for new law as Minnesota Statutes, chapter 16F.

Referred to the Committee on State and Local Government Operations.

Senators Tomassoni and Chaudhary introduced--

S.F. No. 3329: A bill for an act relating to education finance; creating a levy to reimburse school districts for their unfunded special education costs; proposing coding for new law in Minnesota Statutes, chapter 125A.

Referred to the Committee on Education.

Senator Berglin introduced--

S.F. No. 3330: A bill for an act relating to landlords and tenants; clarifying factors for granting funds to housing administrators; amending Minnesota Statutes 2000, section 504B.445, subdivision 8.

Referred to the Committee on Jobs, Housing and Community Development.

Senator Berglin introduced--

S.F. No. 3331: A bill for an act relating to health; modifying access to health records; amending Minnesota Statutes 2000, section 144.335, subdivisions 2, 4, 5; Minnesota Statutes 2001 Supplement, section 144.335, subdivision 1; repealing Minnesota Statutes 2000, section 144.335, subdivision 3.

Referred to the Committee on Health and Family Security.

Senator Price introduced--

S.F. No. 3332: A bill for an act relating to municipalities; authorizing collector street utilities; proposing coding for new law as Minnesota Statutes, chapter 444A.

Referred to the Committee on State and Local Government Operations.

Senators Terwilliger, Belanger and Oliver introduced--

S.F. No. 3333: A bill for an act relating to game and fish; permitting the use of silencers for deer management; amending Minnesota Statutes 2000, sections 97B.031, subdivision 4; 609.66, subdivision 1a.

Referred to the Committee on Environment and Natural Resources.

Senator Sams introduced--

S.F. No. 3334: A bill for an act relating to taxation; property; decreasing the class rate on certain agricultural homestead property; amending Minnesota Statutes 2001 Supplement, section 273.13, subdivision 23.

Referred to the Committee on Taxes.

Senators Fowler, Murphy, Vickerman and Lessard introduced--

S.F. No. 3335: A bill for an act relating to taxes; sales and use taxes; exempting the purchase of construction materials used in constructing a wastewater collection and treatment system for the city of Lewisville; amending Minnesota Statutes 2000, section 297A.71, by adding a subdivision.

Referred to the Committee on Taxes.

Senator Robling introduced--

S.F. No. 3336: A bill for an act relating to children; child protection proceedings; marriage dissolution; requiring criminal background checks for court services personnel and individuals who supervise parenting time; increasing the penalty for a false report of child abuse; reducing the immunity of child protection workers; requiring the use of certain guidelines; amending Minnesota Statutes 2000, sections 609.507; 626.561, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 626.556, subdivisions 10, 10b; 626.559, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 518.

Referred to the Committee on Judiciary.

Senator Kiscaden introduced--

S.F. No. 3337: A bill for an act relating to education finance; authorizing certain school districts to levy additional funds for integration revenue; amending Minnesota Statutes 2001 Supplement, section 124D.86, subdivision 3.

Referred to the Committee on Education.

Senator Kiscaden introduced--

S.F. No. 3338: A bill for an act relating to taxation; authorizing the city of Rochester to impose a lodging tax.

Referred to the Committee on Taxes.

Senator Lesewski introduced--

S.F. No. 3339: A bill for an act relating to education; modifying secondary sparsity revenue; amending Minnesota Statutes 2000, section 126C.10, subdivision 7.

Referred to the Committee on Education.

Senators Ourada and Bachmann introduced--

S.F. No. 3340: A bill for an act relating to local government; providing for local governments to opt out of certain state mandates; proposing coding for new law as Minnesota Statutes, chapter 471B.

Referred to the Committee on Education.

Senator Ourada introduced--

S.F. No. 3341: A bill for an act relating to health; establishing plumbing and sewage requirements; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Family Security.

Senator Lourey introduced--

S.F. No. 3342: A bill for an act relating to advertising devices; allowing advertising devices that promote certain organized youth recreational activities; amending Minnesota Statutes 2000, section 173.08, subdivision 1.

Referred to the Committee on Transportation.

Senators Rest and Pogemiller introduced--

S.F. No. 3343: A bill for an act relating to public finance; changing certain definitions and authorizations; changing certain election requirements; amending Minnesota Statutes 2000, sections 373.01, subdivision 3; 410.32; 412.301; 444.075, subdivision 1a; 465.73; 469.034, subdivision 2; 469.102, subdivision 2; 469.153, by adding a subdivision; 469.155, subdivisions 3, 4, 8; 469.157; 641.23; Minnesota Statutes 2001 Supplement, section 475.58, subdivision 1.

Referred to the Committee on State and Local Government Operations.

Senators Lourey and Anderson introduced--

S.F. No. 3344: A bill for an act relating to health; requiring all ambulance services to provide epinephrine treatment for allergic reactions; modifying EMT training requirements; amending Minnesota Statutes 2000, sections 144E.101, subdivision 7, by adding a subdivision; 144E.28, subdivision 7; Minnesota Statutes 2001 Supplement, section 144E.101, subdivision 6.

Referred to the Committee on Health and Family Security.

Senator Tomassoni introduced--

S.F. No. 3345: A bill for an act relating to insurance; regulating certain credit scoring procedures; proposing coding for new law in Minnesota Statutes, chapter 60K.

Referred to the Committee on Commerce.

Senator Kelley, S.P. introduced--

S.F. No. 3346: A bill for an act relating to telecommunications; enacting Minnesota Broadband Access Availability Act; appropriating money; amending Minnesota Statutes 2000, section 237.461, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 238A.

Referred to the Committee on Telecommunications, Energy and Utilities.

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

S.F. No. 3347: A resolution Urging Congress to ensure replacement of Indian trust land in the event of a nuclear incident at Prairie Island.

Referred to the Committee on State and Local Government Operations.

ADJOURNMENT

Senator Hottinger moved that the Senate do now adjourn until 12:00 noon, Thursday, February 21, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Wednesday, February 20, 2002

MESSAGES FROM THE HOUSE AND FIRST READINGS OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
2655	4499	3116	4500	4500
3207	4499			

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
1755	4517				
2311	4519				
2488	4507				
2531	4501	4532			
2550	4507	4532			
2573	4504	4532			
2604	4509	4532			
2625	4520				
2650	4510	4532			
2652	4505				
2680	4510	4532			
2753	4506	4532			
2757	4500	4532			
2768	4529	4532			
2828	4504	4532			
2834	4510	4532			
2865	4509	4532			
2881	4504	4532			
2908	4530				
2930	4509				
2968	4505	4532			
3005	4509	4532			
3006	4509				
3025	4509	4532			
3026	4517	4532			
3065	4504				
3074	4531				
3076	4530				
3118	4505	4532			
3148	4509	4532			
3169	4505				
3272	4530				
3278	4530				

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
3094532		
30304532		
30624532		
31024532		
32454532		
32464532		
32724532		
Sen. Res. No. 1754532		

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F. Nos. 3286 to 3347	Pages 4532 to 4541
------------------------	-------	--------------------