

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-THIRD LEGISLATURE

THIRTY-SECOND DAY

St. Paul, Minnesota, Wednesday, April 2, 2003

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, Monsignor James D. Habiger.

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

Anderson	Frederickson	Kubly	Nienow	Saxhaug
Bachmann	Gaither	Langseth	Olson	Scheid
Bakk	Hann	Larson	Ortman	Senjem
Belanger	Higgins	LeClair	Ourada	Skoe
Berglin	Hottinger	Limmer	Pappas	Skoglund
Betzold	Johnson, D.E.	Lourey	Pariseau	Solon
Chaudhary	Johnson, D.J.	Marko	Ranum	Sparks
Cohen	Jungbauer	Marty	Reiter	Tomassoni
Day	Kelley	Metzen	Rest	Vickerman
Dibble	Kierlin	Michel	Robling	Wergin
Dille	Kiscaden	Moua	Rosen	Wiger
Fischbach	Kleis	Murphy	Ruud	
Foley	Knutson	Neuville	Sams	

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

**S.F. No. 287:** A bill for an act relating to education; requiring recitation of the pledge of allegiance in all public schools; providing for instruction in the proper etiquette, display, and respect of the United States flag; amending Minnesota Statutes 2002, sections 121A.11, by adding subdivisions; 124D.10, subdivision 8.

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

Anderson, B.; Seifert and Pelowski.

Senate File No. 287 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 31, 2003

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 268, 677, 294, 645, 647 and 668.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 31, 2003

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 268:** A bill for an act relating to peace officers; authorizing the state fair police department to employ more part-time peace officers; amending Minnesota Statutes 2002, section 626.8468, subdivision 1.

Pursuant to Rule 45, placed on the Comparison Calendar.

**H.F. No. 677:** A bill for an act relating to occupations and professions; modifying licensure requirements for architects, engineers, surveyors, landscape architects, geoscientists, and interior designers; amending Minnesota Statutes 2002, sections 326.10, by adding subdivisions; 326.107, subdivisions 4, 8; repealing Minnesota Statutes 2002, sections 326.10, subdivision 5; 326.107, subdivisions 6, 9.

Pursuant to Rule 45, placed on the Comparison Calendar.

**H.F. No. 294:** A bill for an act relating to the military; requiring payment of a salary differential and continuation of certain benefits to certain state employees who are members of the national guard or other military reserve units and who reported for active military duty; permitting local governments to pay a similar salary differential for their employees who are members of the national guard or other military reserve units and who have reported for active military service; amending Minnesota Statutes 2002, section 471.975; proposing coding for new law in Minnesota Statutes, chapter 43A.

Pursuant to Rule 45, placed on the Comparison Calendar.

**H.F. No. 645:** A bill for an act relating to technology business; providing for exemptions from Minnesota Electrical Act; amending Minnesota Statutes 2002, sections 326.01, subdivision 6m; 326.242, subdivisions 3d, 8, 12; 326.2421, subdivision 2; 326.244, subdivisions 1a, 5; repealing Minnesota Statutes 2002, sections 326.01, subdivision 6d; 326.2421, subdivisions 3, 4, 6, 8.

Pursuant to Rule 45, placed on the Comparison Calendar.

**H.F. No. 647:** A bill for an act relating to human services; providing an exception to the nursing home construction moratorium; modifying special provisions for moratorium exceptions; amending Minnesota Statutes 2002, sections 144A.071, by adding a subdivision; 256B.431, subdivision 17.

Pursuant to Rule 45, placed on the Comparison Calendar.

**H.F. No. 668:** A bill for an act relating to health; requiring informed consent of a female upon whom an abortion is performed; providing civil remedies; appropriating money; amending Minnesota Statutes 2002, section 145.4134; proposing coding for new law in Minnesota Statutes, chapter 145.

Pursuant to Rule 45, placed on the Comparison Calendar.

### REPORTS OF COMMITTEES

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

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

**S.F. No. 335:** A bill for an act relating to welfare; extending food assistance for certain noncitizens; modifying MFIP exemptions and extensions; modifying MFIP sanctions; amending Minnesota Statutes 2002, sections 256D.053, subdivision 1; 256J.37, subdivision 9; 256J.42, subdivision 5; 256J.425, subdivisions 4, 6, by adding a subdivision; repealing Minnesota Statutes 2002, section 256J.425, subdivision 7; Laws 1997, chapter 203, article 9, section 21, as amended.

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

Pages 2 and 3, delete section 3

Page 6, after line 25, insert:

"Sec. 5. Minnesota Statutes 2002, section 256J.425, subdivision 5, is amended to read:

Subd. 5. [ACCRUAL OF CERTAIN EXEMPT MONTHS.] (a) A participant who received TANF assistance that counted ~~towards~~ toward the federal 60-month time limit while the participant was exempt under section 256J.56, paragraph (a), clause (7), from employment and training services requirements and who is no longer eligible for assistance under a hardship extension under subdivision 2, paragraph (a), clause (3), is eligible for assistance under a hardship extension for a period of time equal to the number of months that were counted toward the federal 60-month time limit while the participant was exempt under section 256J.56, paragraph (a), clause (7), from the employment and training services requirements.

(b) A participant who received TANF assistance that counted ~~towards~~ toward the federal 60-month time limit while the participant met the state time limit exemption criteria under section 256J.42, subdivision 4 or 5, is eligible for assistance under a hardship extension for a period of time equal to the number of months that were counted toward the federal 60-month time limit while the participant met the state time limit exemption criteria under section 256J.42, subdivision 5.

(c) A participant who received TANF assistance that counted ~~towards~~ toward the federal 60-month time limit while the participant was ~~exempt under section 256J.56, paragraph (a), clause (3), from employment and training services requirements, who demonstrates at the time of the case review required under section 256J.42, subdivision 6, that the participant met the exemption criteria under section 256J.56, paragraph (a), clause (7), during one or more months the participant was exempt under section 256J.56, paragraph (a), clause (3), before or after July 1, 2002, is eligible for assistance under a hardship extension for a period of time equal to the number of months that were counted toward the federal 60-month time limit during the time the participant met the criteria under section 256J.56, paragraph (a), clause (7) was in any of the following categories under clauses (1) to (3) during one or more months, before or after July 1, 2003, is eligible for assistance under a hardship extension for a period of time equal to the number of months that were counted toward the 60-month time limit during the time the participant was:~~

(1) exempt from employment and training requirements under section 256J.56;

(2) earning income and participating in work activities, as defined in section 256J.49, subdivision 13, for at least 40 hours per week for a two-parent family, 20 hours per week for a single-parent family with a child under six years of age, or 30 hours per week for a single-parent family with all children age six or older; or

(3) in an education or training program, including, but not limited to, an English as a second language (ESL) program, in which the combination of work activities and education are at least 40 hours per week for a two-parent family, 20 hours per week for a single-parent family with a child under age six years, or 30 hours per week for a single-parent family with all children age six years or older.

For clauses (2) and (3), if the individualized plan requires fewer hours of work activities, then it is the number of hours required in the plan.

At the time of the case review, a county agency must explain to the participant the basis for receiving a hardship extension based on the accrual of exempt months. The participant must provide documentation necessary to enable the county agency to determine whether the participant is eligible to receive a hardship extension based on the accrual of exempt months or authorize a county agency to verify the information."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "256J.42,"

Page 1, line 7, delete "subdivision 5;" and after "4," insert "5,"

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

#### **Senator Cohen from the Committee on Finance, to which was referred**

**S.F. No. 314:** A bill for an act relating to drivers' licenses; removing sunset provisions to allow certain school buses to continue to be operated by licensed child care providers and by holders of Class D drivers' licenses under limited conditions; amending Laws 2001, chapter 97, section 5.

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 2002, section 169.448, subdivision 1, is amended to read:

Subdivision 1. [RESTRICTIONS ON APPEARANCE; MISDEMEANOR.] (a) A bus that is not used as a school bus may not be operated on a street or highway unless it is painted a color significantly different than national school bus glossy yellow.

(b) A bus that is not used as a school bus or Head Start bus may not be operated if it is equipped with school bus or Head Start bus-related equipment and printing.

(c) A violation of this subdivision is a misdemeanor.

(d) This subdivision does not apply to a school bus owned by or under contract to a school district operated as a charter or leased bus.

(e) This subdivision does not apply to a school bus operated by a licensed child care provider if:

(1) the stop arm is removed;

(2) the eight-light system is deactivated;

(3) the school bus is identified as a "child care bus" in letters at least eight inches high on the front and rear top of the bus; ~~and~~

(4) the name, address, and telephone number of the owner or operator of the bus is identified on each front door of the bus in letters not less than three inches high; and

(5) the conditions under section 171.02, subdivision 2a, paragraph (b), have been met.

**[EFFECTIVE DATE.]** This section is effective July 1, 2003.

Sec. 2. Minnesota Statutes 2002, section 171.02, subdivision 2a, is amended to read:

Subd. 2a. [EXCEPTIONS.] (a) Notwithstanding subdivision 2, (1) a hazardous materials endorsement is not required to operate a vehicle having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 200 gallons of petroleum products and (2) a class C license or hazardous materials endorsement is not required to operate a farm vehicle as defined in Code of Federal Regulations, title 49, section 390.5, having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 1,500 gallons of liquid fertilizer.

(b) Notwithstanding subdivision 2, paragraph (c), the holder of a class D driver's license, without a school bus endorsement, may operate a type A school bus described in subdivision 2, paragraph (b), under the following conditions:

(1) The operator is an employee of the entity that owns, leases, or contracts for the school bus and is not solely hired to provide transportation services under this paragraph.

(2) The operator drives the school bus only from points of origin to points of destination, not including home-to-school trips to pick up or drop off students.

(3) The operator is prohibited from using the eight-light system. Violation of this clause is a misdemeanor.

(4) The operator's employer has adopted and implemented a policy that provides for annual training and certification of the operator in:

(i) safe operation of the type of school bus the operator will be driving;

(ii) understanding student behavior, including issues relating to students with disabilities;

(iii) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;

(iv) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;

(v) handling emergency situations; and

(vi) safe loading and unloading of students.

(5) A background check or background investigation of the operator has been conducted that meets the requirements under section 122A.18, subdivision 8, or 123B.03 for teachers; section 144.057 or 245A.04 for day care employees; or section 171.321, subdivision 3, for all other persons operating a type A school bus under this paragraph.

(6) Operators shall submit to a physical examination as required by section 171.321, subdivision 2.

(7) The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the school bus.

(8) A person who sustains a conviction, as defined under section 609.02, of violating section 169A.25, 169A.26, 169A.27, 169A.31, 169A.51, or 169A.52, or a similar statute or ordinance of another state is precluded from operating a school bus for five years from the date of conviction.

(9) A person who has ever been convicted of a disqualifying offense as defined in section 171.3215, subdivision 1, paragraph (c), may not operate a school bus under this paragraph.

~~(10)~~ (10) A person who sustains a conviction, as defined under section 609.02, of a fourth moving offense in violation of chapter 169 is precluded from operating a school bus for one year from the date of the last conviction.

~~(40)~~ (11) Students riding the school bus must have training required under section 123B.90, subdivision 2.

~~(41)~~ (12) An operator must be trained in the proper use of child safety restraints as set forth in the National Highway Traffic Safety Administration's "Guideline for the Safe Transportation of Pre-school Age Children in School Buses."

~~(42)~~ (13) Annual certification of the requirements listed in this paragraph must be maintained under separate file at the business location for each operator licensed under this paragraph and subdivision 2, paragraph (b), clause (5). The business manager, school board, governing body of a nonpublic school, or any other entity that owns, leases, or contracts for the school bus operating under this paragraph is responsible for maintaining these files for inspection.

~~(43)~~ (14) The school bus must bear a current certificate of inspection issued under section 169.451.

~~(44)~~ (15) The word "School" on the front and rear of the bus must be covered by a sign that reads "Activities" when the bus is being operated under authority of this paragraph.

Sec. 3. Laws 2001, chapter 97, section 5, is amended to read:

Sec. 5. [EFFECTIVE DATE; EXPIRATION.]

(a) Sections 1 to 4 are effective July 1, 2001.

~~(b) The amendments in sections 3 and 4 to Minnesota Statutes, section 171.02, expire July 1, 2003.~~

~~(c) The amendment in section 1 to Minnesota Statutes, section 169.01, subdivision 75, expires July 1, 2003."~~

Delete the title and insert:

"A bill for an act relating to drivers' licenses; removing sunset provisions to allow certain school buses to continue to be operated by licensed child care providers and by holders of Class D drivers' licenses under limited conditions; amending Minnesota Statutes 2002, sections 169.448, subdivision 1; 171.02, subdivision 2a; Laws 2001, chapter 97, section 5."

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

**Senator Cohen from the Committee on Finance, to which was referred**

**S.F. No. 791:** A bill for an act relating to traffic regulations; clarifying when vehicle lights must be displayed; amending Minnesota Statutes 2002, section 169.48, subdivision 1.

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

**Senator Cohen from the Committee on Finance, to which was re-referred**

**S.F. No. 533:** A bill for an act relating to human services; providing an exception to the nursing home construction moratorium; modifying special provisions for moratorium exceptions; amending Minnesota Statutes 2002, sections 144A.071, by adding a subdivision; 256B.431, subdivision 17.

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

Page 6, after line 21, insert:

"Sec. 3. [CARRYFORWARD.]

Of the amount appropriated in Laws 2001, First Special Session chapter 9, article 17, section 2, subdivision 9, paragraph (g), for nursing home moratorium exceptions under Minnesota Statutes, section 144A.073, \$94,562 allocated for a project in Nicollet county shall not cancel but shall be available to the commissioner of human services until expended for the additional medical assistance costs authorized in section 1."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "authorizing an appropriation carryforward;"

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

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

**S.F. No. 479:** A bill for an act relating to auditing; allowing certified public accountants to perform annual audits for county nursing homes; amending Minnesota Statutes 2002, section 6.552.

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

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

**S.F. No. 609:** A bill for an act relating to human services; providing for a planned closure rate adjustment for certain nursing facilities; amending Minnesota Statutes 2002, section 256B.437, subdivision 6.

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

Page 2, delete lines 25 to 32 and insert:

"(g) A 26-bed facility that voluntarily delicensed its beds in June 2002 for which no closure plan was submitted shall be permitted to assign a planned closure rate adjustment, effective 30 days after final enactment and then delayed in accordance with section 144A.161, subdivision 10, to a 22-bed facility under common ownership. The commissioner shall not rescind the planned closure rate adjustments that were assigned to the five nursing facilities with the lowest rates in the development region."

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

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

**S.F. No. 574:** A bill for an act relating to health occupations; modifying the scope of practice for pharmacists; amending Minnesota Statutes 2002, section 151.01, subdivision 27.

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

Page 1, line 24, delete "practitioner authorized to prescribe" and insert "physician licensed under chapter 147"

Page 1, line 25, delete "or nurse practitioner" and insert " provided that:

(i) the pharmacist is trained in a program approved by the American Council of Pharmaceutical

Education for the administration of immunizations or graduated from a college of pharmacy in 2001 or thereafter; and

(ii) the pharmacist reports the administration of the immunization to the patient's primary physician or clinic"

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. 177:** A bill for an act relating to transportation; requiring metropolitan airports commission to set certain taxicab vehicle qualifications; allowing quarterly payment of taxicab permit fee; authorizing certain transfers of taxicab permits.

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 2002, section 221.091, subdivision 3, is amended to read:

Subd. 3. [AUTHORITY OF METROPOLITAN AIRPORTS COMMISSION.]  
Notwithstanding any other law:

(a) The metropolitan airports commission may regulate ground transportation to and from an airport under its jurisdiction, subject to the provisions of paragraph (b). The authority under this paragraph includes, but is not limited to, regulating the number and types of transportation services, making concession agreements, and establishing vehicle standards.

(b) The metropolitan airports commission may regulate small passenger vehicles, including taxicabs, serving an airport under its jurisdiction only by ordinance. An ordinance adopted under this paragraph must at a minimum define taxicabs and provide for driver qualifications, insurance, and vehicle safety, and may provide for issuance of permits to taxicabs and other small passenger vehicles and limits on the number of permits issued. An ordinance under this paragraph may not provide for making concession agreements relating to small passenger vehicle service, including taxicabs.

(c) The metropolitan airports commission must not limit the age of a vehicle that is permitted to be operated as a taxicab at the Minneapolis-St. Paul International Airport to less than six years if the vehicle is subject to an annual safety inspection as provided by ordinance.

(d) Notwithstanding an ordinance to the contrary, the metropolitan airports commission must allow a taxicab owner to pay in quarterly installments the annual taxicab permit fee for use of permitted taxi lanes at the Minneapolis-St. Paul International Airport.

(e) Notwithstanding an ordinance to the contrary, if a taxicab permit holder dies, the deceased permit holder's personal representative may transfer the permit to a member of the permit holder's immediate family. For the purpose of this paragraph, "immediate family" means the spouse, adult child, brother, or sister of the permit holder, but not a person under legal disability. Within five days of the transfer of the permit, and before the transferee may operate a taxicab at the Minneapolis-St. Paul International Airport, the transferee must comply with all metropolitan airports commission ordinance requirements to which the original permit holder was subject.

Sec. 2. [PERMIT FEE.]

The metropolitan airports commission may not increase the annual taxicab permit fee as a result of section 1.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day after final enactment."

Delete the title and insert:

"A bill for an act relating to transportation; requiring metropolitan airports commission to set certain taxicab vehicle qualifications; allowing quarterly payment of taxicab permit fee; authorizing certain transfers of taxicab permits; amending Minnesota Statutes 2002, section 221.091, subdivision 3."

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

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

**S.F. No. 364:** A bill for an act relating to the judiciary; creating a task force to study and make recommendations on judicial selection and retention.

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

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

**S.F. No. 547:** A bill for an act relating to Anoka county; changing the name of its housing and redevelopment authority to community development authority; describing its powers and duties; providing for joint action of the county's regional rail authority with other public bodies; amending Laws 1978, chapter 464, sections 1, 2, by adding sections.

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

Delete everything after the enacting clause and insert:

"Section 1. [469.1083] [COUNTY ECONOMIC DEVELOPMENT SERVICE PROVIDER; METROPOLITAN AREA.]

Subdivision 1. [ECONOMIC DEVELOPMENT POWERS AND DUTIES.] A county located in the metropolitan area may, by resolution of the county board, grant an existing housing and redevelopment authority any of the powers and duties of an economic development authority under sections 469.090 to 469.093, 469.095 to 469.106, 469.108, and 469.1081. For the purposes of this section, a county community development authority is a county housing and redevelopment authority that has been granted economic development authority powers and duties. In applying sections 469.090 to 469.093, 469.095 to 469.106, 469.108, and 469.1081 to a county community development authority, the county is considered to be the city and the county board is considered to be the city council.

Subd. 2. [RELATION TO LOCAL AUTHORITIES.] Nothing in this section shall alter or impair the powers or duties of a city, a municipal housing and redevelopment authority, or a municipal economic development authority.

Subd. 3. [LOCAL APPROVAL.] If an economic development project is constructed in the county under this section and the project is within the boundaries of a home rule charter or statutory city, the location of the project must be approved by the governing body of the city.

Sec. 2. Laws 1978, chapter 464, section 1, is amended to read:

Section 1. [ANOKA COUNTY; HOUSING AND REDEVELOPMENT.]

Subdivision 1. There is created in the county of Anoka a public body corporate and politic, to be known as the Anoka county housing and redevelopment authority, having all of the powers and duties of a housing and redevelopment authority under the provisions of the municipal housing and redevelopment act, Minnesota Statutes, ~~Section 462.411 to 462.711~~ sections 469.001 to

469.047. For the purposes of applying the provisions of the municipal housing and redevelopment act to Anoka county, the county has all of the powers and duties of a municipality, the county board has all of the powers and duties of a governing body, the chairman of the county board has all of the powers and duties of a mayor, and the area of operation includes the area within the territorial boundaries of the county.

Subd. 2. This section shall not limit or restrict any existing housing and redevelopment authority or prevent a municipality from creating an authority. ~~The county shall not exercise jurisdiction in any municipality where a municipal housing and redevelopment authority is established.~~ If a municipal housing and redevelopment authority requests the Anoka county housing and redevelopment authority to handle the housing duties of the municipal authority, the Anoka county housing and redevelopment authority shall act and have exclusive jurisdiction for housing in the municipality. A transfer of duties relating to housing shall not transfer any duties relating to redevelopment.

Sec. 3. [EFFECTIVE DATE; APPLICATION.]

Section 1 is effective the day following final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. Section 2 is effective the day after the governing body of Anoka county and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

Delete the title and insert:

"A bill for an act relating to economic development; authorizing counties in the seven-county metropolitan area to grant economic development authority powers to existing county housing and redevelopment authorities; amending Laws 1978, chapter 464, section 1; proposing coding for new law in Minnesota Statutes, chapter 469."

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

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

**S.F. No. 967:** A bill for an act relating to public employees; providing an exclusion from the political subdivision compensation limit; amending Minnesota Statutes 2002, section 43A.17, subdivision 9.

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

Page 1, line 13, reinstate the stricken language

Page 1, line 20, delete "or" and insert a comma and after "clinic" insert ", or health maintenance organization"

Page 1, line 21, delete "or a school district"

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

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

**S.F. No. 904:** A bill for an act relating to state government; state vehicles; regulating the leasing or other acquisition of motor vehicles for the use of state officials and employees; amending Minnesota Statutes 2002, section 16B.54, by adding a subdivision.

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

Page 1, line 13, after the period, insert "The annual salary of an official or employee for whom a motor vehicle is provided in violation of this subdivision is reduced by an amount equal to the annual cost of the vehicle. This reduction is in effect during the period in which the vehicle is provided."

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

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

**S.F. No. 789:** A bill for an act relating to counties; allowing counties to have a private certified public accountant examine its books; removing the mandate of audits by the state auditor; amending Minnesota Statutes 2002, section 6.55; repealing Minnesota Statutes 2002, section 6.48.

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

Page 2, line 18, delete "section 6.48, is" and insert "sections 6.48; and 6.49, are"

Amend the title as follows:

Page 1, line 2, delete "counties" and insert "local government"

Page 1, line 6, delete "section" and insert "sections" and after "6.48" insert "; 6.49"

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

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

**S.F. No. 816:** A bill for an act relating to the metropolitan radio board; extending the expiration date for the board; proposing coding for new law in Minnesota Statutes, chapter 473.

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

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

**S.F. No. 675:** A bill for an act relating to agriculture; eliminating the expiration date for the Minnesota agriculture education leadership council; repealing Minnesota Statutes 2002, section 41D.01, subdivision 4.

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 Commerce and Utilities, to which was referred**

**S.F. No. 638:** A bill for an act relating to occupations and professions; modifying licensure requirements for architects, engineers, surveyors, landscape architects, geoscientists, and interior designers; amending Minnesota Statutes 2002, sections 326.10, by adding subdivisions; 326.107, subdivisions 4, 8; repealing Minnesota Statutes 2002, sections 326.10, subdivision 5; 326.107, subdivisions 6, 9.

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

Page 3, line 7, delete "honorably"

Page 4, after line 23, insert:

"Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective the day following final enactment."

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

**Senator Anderson from the Committee on Commerce and Utilities, to which was referred**

**S.F. No. 69:** A bill for an act relating to telecommunications; prohibiting toll charges for telephone calls originating and terminating within a school district; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Delete everything after the enacting clause and insert:

"Section 1. [DEPARTMENT OF COMMERCE PLAN.]

The department of commerce shall present a plan to the legislature by January 15, 2004, to expand local calling areas to include entire secondary school attendance areas."

Amend the title as follows:

Page 1, delete lines 2 to 5 and insert "relating to telecommunications; requiring the department of commerce to present a plan to expand local calling areas to include secondary school attendance areas."

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

**Senator Marty from the Committee on Environment and Natural Resources, to which was re-referred**

**S.F. No. 905:** A bill for an act relating to environment; modifying expenditure limits for upgrading feedlots; amending Minnesota Statutes 2002, section 116.07, subdivision 7.

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

**Senator Marty from the Committee on Environment and Natural Resources, to which was re-referred**

**S.F. No. 981:** A bill for an act relating to appropriations; appropriating money for a high-resolution digital elevation and flood plain management mapping pilot project.

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

**Senator Murphy from the Committee on Agriculture, General Legislation and Veterans Affairs, to which was referred**

**S.F. No. 1080:** A bill for an act relating to veterans homes; updating and correcting certain language; amending Minnesota Statutes 2002, sections 198.001, by adding a subdivision; 198.004, subdivision 1; 198.005; 198.007; repealing Minnesota Statutes 2002, sections 198.001, subdivision 7; 198.002, subdivision 5; 198.003, subdivision 2.

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

**Senator Murphy from the Committee on Agriculture, General Legislation and Veterans Affairs, to which was referred**

**S.F. No. 1195:** A bill for an act relating to natural resources; authorizing a drainage authority to compensate landowners for the removal of a bridge; amending Minnesota Statutes 2002, section 103E.701, by adding a subdivision.

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

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

**S.F. No. 1001:** A bill for an act relating to environment; modifying requirements for solid waste plans; amending Minnesota Statutes 2002, section 115A.46, subdivision 1.

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

**Senator Foley from the Committee on Crime Prevention and Public Safety, to which was referred**

**S.F. No. 351:** A bill for an act relating to crime prevention; providing that in certain cases authorized representatives of entities possessing a permit to use radio equipment capable of receiving police emergency transmissions may use and possess the equipment without a permit; amending Minnesota Statutes 2002, section 299C.37, subdivisions 1, 3.

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

Page 2, line 7, delete "as an authorized" and insert "by the chief law enforcement officer"

Page 2, line 8, delete "representative" and delete "firm," and delete ", or corporation"

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

**Senator Foley from the Committee on Crime Prevention and Public Safety, to which was referred**

**S.F. No. 96:** A bill for an act relating to crime prevention; expanding the fourth-degree assault law; amending Minnesota Statutes 2002, section 609.2231, subdivision 3.

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

**Senator Foley from the Committee on Crime Prevention and Public Safety, to which was referred**

**S.F. No. 1014:** A bill for an act relating to victims; increasing parental liability owed to a victim for acts of certain juvenile offenders; amending certain laws to enhance victim rights; amending Minnesota Statutes 2002, sections 260B.163, subdivision 1; 260B.171, subdivision 4; 540.18, subdivision 1; 611A.01.

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

**Senator Foley from the Committee on Crime Prevention and Public Safety, to which was re-referred**

**S.F. No. 972:** A bill for an act relating to child support enforcement; classifying certain data; requiring additional information; clarifying and improving certain procedures and support

enforcement provisions; clarifying a funding provision; amending Minnesota Statutes 2002, sections 13.69, subdivision 1; 171.06, subdivision 3; 518.551, subdivisions 5, 12, 13; 518.6111, subdivision 7; 518.68, subdivision 2; 548.091, subdivision 1a; 552.01, subdivisions 2, 3, 5, 7; 552.04, subdivision 15; 552.06, subdivisions 1, 2, 5, 6; 609.375, subdivision 2b; Laws 1997, chapter 245, article 2, section 11; proposing coding for new law in Minnesota Statutes, chapter 97A.

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

Page 32, line 25, after "must" insert "previously"

Page 32, line 29, before the period, insert "36 months"

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

**Senator Foley from the Committee on Crime Prevention and Public Safety, to which was referred**

**S.F. No. 42:** A bill for an act relating to crime prevention; requiring law enforcement agencies and prosecuting authorities in cities of the first class to notify community crime prevention groups of the outcome of criminal proceedings; proposing coding for new law in Minnesota Statutes, chapter 611A.

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

Page 1, line 18, delete "and/or" and insert "and"

Page 1, line 20, after "is" insert "previously"

Page 2, line 18, after "reported" insert "specific"

Page 2, line 25, after "receive" insert "written or Internet"

Page 2, line 26, after "agency" insert "and the prosecuting authority" and after "the" insert "specific"

Page 2, line 30, before the period, insert "and the preferred method of communication"

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

**Senator Foley from the Committee on Crime Prevention and Public Safety, to which was referred**

**S.F. No. 840:** A bill for an act relating to crime prevention; requiring the bureau of criminal apprehension to establish and maintain an Internet Web site containing public criminal history data; amending Minnesota Statutes 2002, section 13.87, subdivision 3.

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

**Senator Foley from the Committee on Crime Prevention and Public Safety, to which was referred**

**S.F. No. 41:** A bill for an act relating to crime prevention; establishing a pilot project to enhance community policing efforts; providing competitive grants to certain law enforcement agencies; appropriating money.

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

Page 1, line 22, delete "and" and insert "or"

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

**Senator Murphy from the Committee on Agriculture, General Legislation and Veterans Affairs, to which was referred**

**S.F. No. 1185:** A bill for an act relating to veterans affairs; providing authority to the Department of Veterans Affairs to access certain state databases to verify eligibility; amending Minnesota Statutes 2002, section 13.461, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 197.

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

Page 1, line 22, delete everything after "effective" and insert "October 1, 2004"

Page 1, line 23, delete everything before the period

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

**Senator Murphy from the Committee on Agriculture, General Legislation and Veterans Affairs, to which was referred**

**S.F. No. 1120:** A bill for an act relating to agriculture; suspending ethanol producer payments to certain producers after majority ownership of a plant is transferred; amending Minnesota Statutes 2002, section 41A.09, subdivision 3a, by adding a subdivision.

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

Page 5, after line 9, insert:

"(d) This subdivision does not apply to a transfer of more than 50 percent equity ownership to a farmer-owned cooperative organized under chapter 308A."

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

**Senator Foley from the Committee on Crime Prevention and Public Safety, to which was referred**

**S.F. No. 43:** A bill for an act relating to crime prevention; creating a gross misdemeanor for assaulting a member of a community crime prevention group; amending Minnesota Statutes 2002, section 609.2231, by adding a subdivision.

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

Page 1, line 13, delete "knows" and insert "should reasonably know"

Page 1, line 19, delete "meets regularly" and insert "is organized"

Page 1, line 20, delete "and/or" and insert "and"

Page 1, line 22, after "designated" insert "and trained"

Page 1, line 23, delete "and" and insert "or"

Page 1, line 24, delete "regularly"

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

**Senator Foley from the Committee on Crime Prevention and Public Safety, to which was referred**

**S.F. No. 241:** A bill for an act relating to crime prevention; eliminating the prohibition on double bunking inmates at custody level five and six state correctional institutions; amending Minnesota Statutes 2002, section 243.53, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 243.53, subdivision 1, is amended to read:

Subdivision 1. [SEPARATE CELLS.] (a) When there are sufficient cells available, each inmate shall be confined in a separate cell. Each inmate shall be confined in a separate cell in institutions classified by the commissioner as custody level ~~five and six~~ institutions, except where the commissioner deems necessary. This requirement does not apply to the following:

- (1) ~~geriatric dormitory-type facilities;~~
- (2) ~~honor dormitory-type facilities; and~~
- (3) ~~any other multiple occupancy facility at a custody level five or six institution that confines inmates who could be confined in an institution at custody level four or lower.~~

(b) Correctional institutions classified by the commissioner as custody level one, two, three, or four institutions must permit multiple occupancy, except segregation units, to the greatest extent possible.

(c) Correctional institutions classified by the commissioner as custody level five must permit multiple occupancy not to exceed the limits of facility infrastructure and programming space.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to crime prevention; increasing double bunking at state correctional institutions; amending Minnesota Statutes 2002, section 243.53, subdivision 1."

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

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

**S.F. No. 1086:** A bill for an act relating to the environment; modifying provisions relating to the petroleum tank release cleanup fund; amending Minnesota Statutes 2002, sections 115C.02, subdivision 14; 115C.09, subdivision 3; 115C.11, subdivision 1; 115C.13.

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 2002, section 115C.02, subdivision 14, is amended to read:

Subd. 14. [TANK.] "Tank" means any one or a combination of containers, vessels, and enclosures, including structures and appurtenances connected to them, that is, or has been, used to contain ~~or~~, dispense, store, or transport petroleum.

"Tank" does not include:

~~(1) a mobile storage tank used to transport petroleum from one location to another, except a mobile storage tank with a capacity of 500 gallons or less used only to transport home heating fuel on private property; or~~

(2) pipeline facilities, including gathering lines, regulated under the Natural Gas Pipeline Safety Act of 1968, United States Code, title 49, chapter 24, or the Hazardous Liquid Pipeline Safety Act of 1979, United States Code, title 49, chapter 29.

Sec. 2. Minnesota Statutes 2002, section 115C.08, subdivision 4, is amended to read:

Subd. 4. [EXPENDITURES.] (a) Money in the fund may only be spent:

- (1) to administer the petroleum tank release cleanup program established in this chapter;
- (2) for agency administrative costs under sections 116.46 to 116.50, sections 115C.03 to 115C.06, and costs of corrective action taken by the agency under section 115C.03, including investigations;
- (3) for costs of recovering expenses of corrective actions under section 115C.04;
- (4) for training, certification, and rulemaking under sections 116.46 to 116.50;
- (5) for agency administrative costs of enforcing rules governing the construction, installation, operation, and closure of aboveground and underground petroleum storage tanks;
- (6) for reimbursement of the environmental response, compensation, and compliance account under subdivision 5 and section 115B.26, subdivision 4;
- (7) for administrative and staff costs as set by the board to administer the petroleum tank release program established in this chapter;
- (8) for corrective action performance audits under section 115C.093; ~~and~~
- (9) for contamination cleanup grants, as provided in paragraph (c); and
- (10) to assess and remove abandoned underground storage tanks under section 115C.094 and, if a release is discovered, to pay for the specific consultant and contractor services costs necessary to complete the tank removal project, including, but not limited to, excavation soil sampling, groundwater sampling, soil disposal, and completion of an excavation report.

(b) Except as provided in paragraph (c), money in the fund is appropriated to the board to make reimbursements or payments under this section.

(c) \$6,200,000 is annually appropriated from the fund to the commissioner of trade and economic development for contamination cleanup grants under section 116J.554. Of this amount, the commissioner may spend up to \$120,000 annually for administration of the contamination cleanup grant program. The appropriation does not cancel and is available until expended. The appropriation shall not be withdrawn from the fund nor the fund balance reduced until the funds are requested by the commissioner of trade and economic development. The commissioner shall schedule requests for withdrawals from the fund to minimize the necessity to impose the fee authorized by subdivision 2. Unless otherwise provided, the appropriation in this paragraph may be used for:

- (1) project costs at a qualifying site if a portion of the cleanup costs are attributable to petroleum contamination; and
- (2) the costs of performing contamination investigation if there is a reasonable basis to suspect the contamination is attributable to petroleum.

Sec. 3. Minnesota Statutes 2002, section 115C.09, subdivision 3, is amended to read:

Subd. 3. [REIMBURSEMENTS; SUBROGATION; APPROPRIATION.] (a) The board shall

reimburse an eligible applicant from the fund for 90 percent of the total reimbursable costs incurred at the site, except that the board may reimburse an eligible applicant from the fund for greater than 90 percent of the total reimbursable costs, if the applicant previously qualified for a higher reimbursement rate. For costs associated with a release from a tank in transport, the board may reimburse 90 percent of costs over \$10,000, with the maximum reimbursement not to exceed \$100,000.

Not more than \$1,000,000 may be reimbursed for costs associated with a single release, regardless of the number of persons eligible for reimbursement, and not more than \$2,000,000 may be reimbursed for costs associated with a single tank facility.

(b) A reimbursement may not be made from the fund under this chapter until the board has determined that the costs for which reimbursement is requested were actually incurred and were reasonable.

(c) When an applicant has obtained responsible competitive bids or proposals according to rules promulgated under this chapter prior to June 1, 1995, the eligible costs for the tasks, procedures, services, materials, equipment, and tests of the low bid or proposal are presumed to be reasonable by the board, unless the costs of the low bid or proposal are substantially in excess of the average costs charged for similar tasks, procedures, services, materials, equipment, and tests in the same geographical area during the same time period.

(d) When an applicant has obtained a minimum of two responsible competitive bids or proposals on forms prescribed by the board and where the rules promulgated under this chapter after June 1, 1995, designate maximum costs for specific tasks, procedures, services, materials, equipment and tests, the eligible costs of the low bid or proposal are deemed reasonable if the costs are at or below the maximums set forth in the rules.

(e) Costs incurred for change orders executed as prescribed in rules promulgated under this chapter after June 1, 1995, are presumed reasonable if the costs are at or below the maximums set forth in the rules, unless the costs in the change order are above those in the original bid or proposal or are unsubstantiated and inconsistent with the process and standards required by the rules.

(f) A reimbursement may not be made from the fund in response to either an initial or supplemental application for costs incurred after June 4, 1987, that are payable under an applicable insurance policy, except that if the board finds that the applicant has made reasonable efforts to collect from an insurer and failed, the board shall reimburse the applicant.

(g) If the board reimburses an applicant for costs for which the applicant has insurance coverage, the board is subrogated to the rights of the applicant with respect to that insurance coverage, to the extent of the reimbursement by the board. The board may request the attorney general to bring an action in district court against the insurer to enforce the board's subrogation rights. Acceptance by an applicant of reimbursement constitutes an assignment by the applicant to the board of any rights of the applicant with respect to any insurance coverage applicable to the costs that are reimbursed. Notwithstanding this paragraph, the board may instead request a return of the reimbursement under subdivision 5 and may employ against the applicant the remedies provided in that subdivision, except where the board has knowingly provided reimbursement because the applicant was denied coverage by the insurer.

(h) Money in the fund is appropriated to the board to make reimbursements under this chapter. A reimbursement to a state agency must be credited to the appropriation account or accounts from which the reimbursed costs were paid.

(i) The board may reduce the amount of reimbursement to be made under this chapter if it finds that the applicant has not complied with a provision of this chapter, a rule or order issued under this chapter, or one or more of the following requirements:

(1) the agency was given notice of the release as required by section 115.061;

(2) the applicant, to the extent possible, fully cooperated with the agency in responding to the release;

(3) the state rules applicable after December 22, 1993, to operating an underground storage tank and appurtenances without leak detection;

(4) the state rules applicable after December 22, 1998, to operating an underground storage tank and appurtenances without corrosion protection or spill and overflow protection; and

(5) the state rule applicable after November 1, 1998, to operating an aboveground tank without a dike or other structure that would contain a spill at the aboveground tank site.

(j) The reimbursement may be reduced as much as 100 percent for failure by the applicant to comply with the requirements in paragraph (i), clauses (1) to (5). In determining the amount of the reimbursement reduction, the board shall consider:

(1) the reasonable determination by the agency that the noncompliance poses a threat to the environment;

(2) whether the noncompliance was negligent, knowing, or willful;

(3) the deterrent effect of the award reduction on other tank owners and operators;

(4) the amount of reimbursement reduction recommended by the commissioner; and

(5) the documentation of noncompliance provided by the commissioner.

(k) ~~An applicant may assign the right to receive reimbursement to request that the board issue a multiparty check that includes each lender who advanced funds to pay the costs of the corrective action or to each contractor or consultant who provided corrective action services. An assignment~~ This request must be made by filing with the board a document, in a form prescribed by the board, ~~indicating the identity of the applicant, the identity of the assignee lender, contractor, or consultant, the dollar amount of the assignment, and the location of the corrective action. An assignment signed by the applicant is valid unless terminated by filing a termination with the board, in a form prescribed by the board, which must include the written concurrence of the assignee. The board shall maintain an index of assignments filed under this paragraph. The board shall pay the reimbursement to the applicant and to one or more assignees by a multiparty check. The applicant must submit a request for the issuance of a multiparty check for each application submitted to the board. Payment under this paragraph does not constitute the assignment of the applicant's right to reimbursement to the consultant, contractor, or lender. The board has no liability to an applicant for a payment under an assignment meeting issued as a multiparty check that meets the requirements of this paragraph.~~

Sec. 4. Minnesota Statutes 2002, section 115C.09, is amended by adding a subdivision to read:

Subd. 3i. [REIMBURSEMENT; NATURAL DISASTER AREA.] (a) As used in this subdivision, "natural disaster area" means a geographical area that has been declared a disaster by the governor and President of the United States.

(b) Notwithstanding subdivision 3, paragraph (a), the board may reimburse:

(1) up to 50 percent of an applicant's pre-natural-disaster estimated building market value as recorded by the county assessor; or

(2) if the applicant conveys title of the real estate to local or state government, up to 50 percent of the pre-natural-disaster estimated total market value, not to exceed one acre, as recorded by the county assessor.

(c) Paragraph (b) applies only if the applicant documents that:

(1) the natural disaster area has been declared eligible for state or federal emergency aid;

(2) the building is declared uninhabitable by the commissioner because of damage caused by the release of petroleum from a petroleum storage tank; and

(3) the applicant has submitted a claim under any applicable insurance policies and has been denied benefits under those policies.

(d) In determining the percentage for reimbursement, the board shall consider the applicant's eligibility to receive other state or federal financial assistance and determine a lesser reimbursement rate to the extent that the applicant is eligible to receive financial assistance that exceeds 50 percent of the applicant's pre-natural-disaster estimated building market value or total market value.

Sec. 5. [115C.094] [ABANDONED UNDERGROUND STORAGE TANKS.]

(a) As used in this section, an abandoned underground petroleum storage tank means an underground petroleum storage tank that was:

(1) taken out of service prior to December 22, 1988; or

(2) taken out of service on or after December 22, 1988, if the current property owner did not know of the existence of the underground petroleum storage tank and could not have reasonably been expected to have known of the tank's existence at the time the owner first acquired right, title, or interest in the tank.

(b) The board may contract for:

(1) a statewide assessment in order to determine the quantity, location, cost, and feasibility of removing abandoned underground petroleum storage tanks;

(2) the removal of an abandoned underground petroleum storage tank; and

(3) the removal and disposal of petroleum-contaminated soil if the removal is required by the commissioner at the time of tank removal.

(c) Before the board may contract for removal of an abandoned petroleum storage tank, the tank owner must provide the board with written access to the property and release the board from any potential liability for the work performed.

(d) Money in the fund is appropriated to the board for the purposes of this section.

Sec. 6. Minnesota Statutes 2002, section 115C.11, subdivision 1, is amended to read:

Subdivision 1. [REGISTRATION.] (a) All consultants and contractors who perform corrective action services must register with the board. In order to register, consultants must meet and demonstrate compliance with the following criteria:

(1) provide a signed statement to the board verifying agreement to abide by this chapter and the rules adopted under it and to include a signed statement with each claim that all costs claimed by the consultant are a true and accurate account of services performed;

(2) provide a signed statement that the consultant shall make available for inspection any records requested by the board for field or financial audits under the scope of this chapter;

(3) certify knowledge of the requirements of this chapter and the rules adopted under it;

(4) obtain and maintain professional liability coverage, including pollution impairment liability; and

(5) agree to submit to the board a certificate or certificates verifying the existence of the required insurance coverage.

(b) The board must maintain a list of all registered consultants and a list of all registered contractors.

(c) All corrective action services must be performed by registered consultants and contractors.

(d) Reimbursement for corrective action services performed by an unregistered consultant or contractor is subject to reduction under section 115C.09, subdivision 3, paragraph (i).

(e) Corrective action services performed by a consultant or contractor prior to being removed from the registration list may be reimbursed without reduction by the board.

(f) If the information in an application for registration becomes inaccurate or incomplete in any material respect, the registered consultant or contractor must promptly file a corrected application with the board.

(g) Registration is effective 30 days after a complete application is received by the board. The board may reimburse without reduction the cost of work performed by an unregistered contractor if the contractor performed the work within 60 days of the effective date of registration.

(h) Registration for consultants under this section remains in force until the expiration date of the professional liability coverage, including pollution impairment liability, required under paragraph (a), clause (4), or until voluntarily terminated by the registrant, or until suspended or revoked by the commissioner of commerce. Registration for contractors under this section expires each year on the anniversary of the effective date of the contractor's most recent registration and must be renewed on or before expiration. Prior to its annual expiration, a registration remains in force until voluntarily terminated by the registrant, or until suspended or revoked by the commissioner of commerce. All registrants must comply with registration criteria under this section.

(i) The board may deny a consultant or contractor registration or request for renewal under this section if the consultant or contractor:

(1) does not intend to or is not in good faith carrying on the business of an environmental consultant or contractor;

(2) has filed an application for registration that is incomplete in any material respect or contains any statement which, in light of the circumstances under which it is made, contains any misrepresentation, or is false, misleading, or fraudulent;

(3) has engaged in any fraudulent, coercive, deceptive, or dishonest act or practice whether or not the act or practice involves the business of environmental consulting or contracting;

(4) has forged another's name to any document whether or not the document relates to a document approved by the board;

(5) has plead guilty, with or without explicitly admitting guilt; plead nolo contendere; or been convicted of a felony, gross misdemeanor, or misdemeanor involving moral turpitude, including, but not limited to, assault, harassment, or similar conduct;

(6) has been subject to disciplinary action in another state or jurisdiction; or

(7) has not paid subcontractors hired by the consultant or contractor after they have been paid in full by the applicant.

Sec. 7. Minnesota Statutes 2002, section 115C.13, is amended to read:

115C.13 [REPEALER.]

Sections 115C.01, 115C.02, 115C.021, 115C.03, 115C.04, 115C.045, 115C.05, 115C.06, 115C.065, 115C.07, 115C.08, 115C.09, 115C.093, 115C.094, 115C.10, 115C.11, 115C.111, 115C.112, 115C.113, 115C.12, and 115C.13, are repealed effective June 30, ~~2005~~ 2007."

Amend the title as follows:

Page 1, line 5, after "14;" insert "115C.08, subdivision 4;" and after "3" insert ", by adding a subdivision"

Page 1, line 6, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 115C"

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

**Senator Foley from the Committee on Crime Prevention and Public Safety, to which was re-referred**

**S.F. No. 1065:** A bill for an act relating to agriculture; recodifying and clarifying plant pest, pest control, and seed laws; changing certain procedures, requirements, and fees; imposing penalties; appropriating money; amending Minnesota Statutes 2002, sections 21.81, subdivision 8, by adding subdivisions; 21.82; 21.83, subdivision 2; 21.84; 21.85, subdivisions 11, 13; 21.86; 21.88; 21.89, subdivisions 2, 4; 21.90, subdivisions 2, 3; 21.901; proposing coding for new law in Minnesota Statutes, chapter 21; proposing coding for new law as Minnesota Statutes, chapters 18G; 18H; 18J; repealing Minnesota Statutes 2002, sections 18.012; 18.021; 18.022; 18.0223; 18.0225; 18.0227; 18.0228; 18.0229; 18.023; 18.024; 18.041; 18.051; 18.061; 18.071; 18.081; 18.091; 18.101; 18.111; 18.121; 18.131; 18.141; 18.151; 18.161; 18.331; 18.332; 18.333; 18.334; 18.335; 18.44; 18.45; 18.46; 18.47; 18.48; 18.49; 18.50; 18.51; 18.52; 18.525; 18.53; 18.54; 18.55; 18.56; 18.57; 18.59; 18.60; 18.61; 21.85, subdivisions 1, 3, 4, 5, 6, 7, 8, 9.

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

Page 3, line 22, delete everything after "pest" and insert "from a defined geographic area."

Page 3, delete line 23

Page 3, line 25, delete "indigenous or" and after the period, insert "Exotic species also means a species occurring outside its natural range."

Page 4, line 9, delete everything after "species" and insert "whose introduction and establishment causes, or may"

Page 4, delete lines 10 and 11

Page 4, line 12, delete everything before "cause"

Page 13, delete section 8

Page 14, line 10, after the period, insert "For interstate movement,"

Page 14, line 14, after the period, insert "This section does not apply to intrastate shipments of federal or state approved biological control agents used in this state for control of plant pests. Shipping containers must be escape-proof and the commissioner shall specify labeling and shipping protocols."

Page 17, line 29, delete "and curb" and insert "the introduction and"

Page 52, line 7, delete "AND"

Page 52, line 8, delete everything before the period

Page 52, line 9, delete "Subdivision 1. [POLITICAL SUBDIVISION ORDINANCES.]"

Page 52, delete lines 12 to 22

Page 72, line 33, after the headnote, insert "Until August 1, 2006, and"

Page 73, after line 3, insert:

"Subd. 3a. [DISCONTINUATION OF REGISTRATION AND TESTING.] The commissioner, in consultation with the Minnesota agricultural experiment station, shall develop a

standardized testing method for labelers to determine relative maturity for the hybrid seed corn sold in this state. Standards may be developed without regard to chapter 14 and without complying with section 14.386. After development of the standardized method, the registration and testing of hybrids sold in this state will no longer be required."

Page 75, line 19, after the period, insert "Minnesota Statutes, section 21.891, subdivisions 3 and 3a, as added by this article, are repealed August 1, 2006."

Renumber the sections in sequence

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

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

**S.F. No. 755:** A bill for an act relating to state government; prohibiting state contracts with tax haven countries; amending Minnesota Statutes 2002, section 16C.03, by adding a subdivision.

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

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

**S.F. No. 1079:** A bill for an act relating to human services; providing for medical assistance asset recovery; providing for recovery of expenditures for alternative care for nonmedical assistance recipients; establishing an alternative care lien; changing the funding source for activities under the health care access fund to the general fund; changing the funding for MinnesotaCare to the general fund; mandating a children's mental health screening in certain circumstances; amending Minnesota Statutes 2002, sections 16A.724; 256B.15, subdivisions 1, 1a, 2, 3, 4, by adding subdivisions; 256L.02, by adding a subdivision; 260B.157, subdivision 1; 260B.176, subdivision 2; 260B.178, subdivision 1; 260B.193, subdivision 2; 260B.235, subdivision 6; 261.063; 295.58; 514.981, subdivision 6; 524.3-805; proposing coding for new law in Minnesota Statutes, chapter 514.

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

Pages 1 to 22, delete sections 1 to 14 and insert:

"Section 1. Minnesota Statutes 2002, section 518.551, subdivision 7, is amended to read:

Subd. 7. [~~SERVICE FEE FEES AND COST RECOVERY FEES FOR IV-D SERVICES.~~] ~~When the public agency responsible for child support enforcement provides child support collection services either to a public assistance recipient or to a party who does not receive public assistance, the public agency may upon written notice to the obligor charge a monthly collection fee equivalent to the full monthly cost to the county of providing collection services, in addition to the amount of the child support which was ordered by the court. The fee shall be deposited in the county general fund. The service fee assessed is limited to ten percent of the monthly court ordered child support and shall not be assessed to obligors who are current in payment of the monthly court ordered child support. (a) When a recipient of IV-D services is no longer receiving assistance under the state's title IV-A, IV-E foster care, medical assistance, or MinnesotaCare programs, the public authority responsible for child support enforcement must notify the recipient, within five working days of the notification of ineligibility, that IV-D services will be continued unless the public authority is notified to the contrary by the recipient. The notice must include the implications of continuing to receive IV-D services, including the available services and fees, cost recovery fees, and distribution policies relating to fees.~~

(b) An application fee of \$25 shall be paid by the person who applies for child support and maintenance collection services, except persons who are receiving public assistance as defined in section 256.741 and, if enacted, the diversionary work program under section 256J.95, persons

who transfer from public assistance to nonpublic assistance status, and minor parents and parents enrolled in a public secondary school, area learning center, or alternative learning program approved by the commissioner of children, families, and learning.

(c) When the public authority provides full IV-D services to an obligee who has applied for those services, upon written notice to the obligee, the public authority must charge a cost recovery fee of one percent of the amount collected. This fee must be deducted from the amount of the child support and maintenance collected and not assigned under section 256.741, before disbursement to the obligee. This fee applies to an obligee who:

(1) has never received assistance under the state's title IV-A, IV-E foster care, medical assistance, or MinnesotaCare programs;

(2) has received assistance under the state's medical assistance or MinnesotaCare programs. The fee must be charged immediately upon becoming ineligible; or

(3) has received assistance under the state's title IV-A or IV-E foster care programs. The fee must not be charged until the person has not received these services for 24 consecutive months.

(d) When the public authority provides full IV-D services to an obligor who has applied for such services, upon written notice to the obligor, the public authority must charge a cost recovery fee of one percent of the monthly court ordered child support and maintenance obligation. The fee may be collected through income withholding, as well as by any other enforcement remedy available to the public authority responsible for child support enforcement.

(e) Fees assessed by state and federal tax agencies for collection of overdue support owed to or on behalf of a person not receiving public assistance must be imposed on the person for whom these services are provided. The public authority upon written notice to the obligee shall assess a fee of \$25 to the person not receiving public assistance for each successful federal tax interception. The fee must be withheld prior to the release of the funds received from each interception and deposited in the general fund.

(f) Cost recovery fees collected under paragraphs (c) and (d) shall be considered child support program income according to Code of Federal Regulations, title 45, section 304.50, and shall be deposited in the cost recovery fee account established under paragraph (h). The commissioner of human services must elect to recover costs based on either actual or standardized costs.

~~However,~~ (g) The limitations of this subdivision on the assessment of fees shall not apply to the extent inconsistent with the requirements of federal law for receiving funds for the programs under Title IV-A and Title IV-D of the Social Security Act, United States Code, title 42, sections 601 to 613 and United States Code, title 42, sections 651 to 662.

(h) The commissioner of human services is authorized to establish a special revenue fund account to receive child support cost recovery fees. A portion of the nonfederal share of these fees may be retained for expenditures necessary to administer the fee, and must be transferred to the child support system special revenue account. The remaining nonfederal share of the cost recovery fee must be retained by the commissioner and dedicated to the child support general fund county performance based grant account authorized under sections 256.979 and 256.9791.

**[EFFECTIVE DATE.]** This section is effective July 1, 2004, except paragraph (d) is effective July 1, 2005.

Sec. 2. Minnesota Statutes 2002, section 518.6111, subdivision 2, is amended to read:

Subd. 2. **[APPLICATION.]** This section applies to all support orders issued by a court or an administrative tribunal and orders for or notices of withholding issued by the public authority ~~according to section 518.5513, subdivision 5, paragraph (a), clause (5).~~

**[EFFECTIVE DATE.]** This section is effective July 1, 2004.

Sec. 3. Minnesota Statutes 2002, section 518.6111, subdivision 3, is amended to read:

Subd. 3. [ORDER.] Every support order must address income withholding. Whenever a support order is initially entered or modified, the full amount of the support order must be withheld subject to income withholding from the income of the obligor. If the obligee or obligor applies for either full IV-D services or for income withholding only services from the public authority responsible for child support enforcement, the full amount of the support order must be withheld from the income of the obligor and forwarded to the public authority. Every order for support or maintenance shall provide for a conspicuous notice of the provisions of this section that complies with section 518.68, subdivision 2. An order without this notice remains subject to this section. This section applies regardless of the source of income of the person obligated to pay the support or maintenance.

A payor of funds shall implement income withholding according to this section upon receipt of an order for or notice of withholding. The notice of withholding shall be on a form provided by the commissioner of human services.

**[EFFECTIVE DATE.]** This section is effective July 1, 2004.

Sec. 4. Minnesota Statutes 2002, section 518.6111, subdivision 4, is amended to read:

Subd. 4. [COLLECTION SERVICES.] (a) The commissioner of human services shall prepare and make available to the courts a notice of services that explains child support and maintenance collection services available through the public authority, including income withholding, and the fees for such services. Upon receiving a petition for dissolution of marriage or legal separation, the court administrator shall promptly send the notice of services to the petitioner and respondent at the addresses stated in the petition.

(b) Either the obligee or obligor may at any time apply to the public authority for either full IV-D services or for income withholding only services.

~~Upon receipt of a support order requiring income withholding, a petitioner or respondent, who is not a recipient of public assistance and does not receive child support services from the public authority, shall apply to the public authority for either full child support collection services or for income withholding only services.~~

(c) For those persons applying for income withholding only services, a monthly service fee of \$15 must be charged to the obligor. This fee is in addition to the amount of the support order and shall be withheld through income withholding. The public authority shall explain the service options in this section to the affected parties and encourage the application for full child support collection services.

(d) If the obligee is not a current recipient of public assistance as defined in section 256.741, the person who applied for services may at any time choose to terminate either full IV-D services or income withholding only services regardless of whether income withholding is currently in place. The obligee or obligor may reapply for either full IV-D services or income withholding only services at any time. Unless the applicant is a recipient of public assistance as defined in section 256.741, a \$25 application fee shall be charged at the time of each application.

(e) When a person terminates IV-D services, if an arrearage for public assistance as defined in section 256.741 exists, the public authority may continue income withholding, as well as use any other enforcement remedy for the collection of child support, until all public assistance arrears are paid in full. Income withholding shall be in an amount equal to 20 percent of the support order in effect at the time the services terminated.

**[EFFECTIVE DATE.]** This section is effective July 1, 2004.

Sec. 5. Minnesota Statutes 2002, section 518.6111, subdivision 16, is amended to read:

Subd. 16. [WAIVER.] (a) If the public authority is providing child support and maintenance enforcement services and child support or maintenance is not assigned under section 256.741, the court may waive the requirements of this section if the court finds there is no arrearage in child support and maintenance as of the date of the hearing and:

(1) one party demonstrates and the court ~~finds~~ determines there is good cause to waive the requirements of this section or to terminate an ~~order for~~ or notice of income withholding previously entered under this section. The court must make written findings to include the reasons income withholding would not be in the best interests of the child. In cases involving a modification of support, the court must also make a finding that support payments have been timely made; or

~~(2) all parties reach an~~ the obligee and obligor sign a written agreement and the agreement providing for an alternative payment arrangement which is approved reviewed and entered in the record by the court after a finding that the agreement is likely to result in regular and timely payments. The court's findings waiving the requirements of this paragraph shall include a written explanation of the reasons why income withholding would not be in the best interests of the child.

~~In addition to the other requirements in this subdivision, if the case involves a modification of support, the court shall make a finding that support has been timely made.~~

(b) If the public authority is not providing child support and maintenance enforcement services and child support or maintenance is not assigned under section 256.741, the court may waive the requirements of this section if the parties sign a written agreement.

(c) If the court waives income withholding, the obligee or obligor may at any time request income withholding under subdivision 7.

**[EFFECTIVE DATE.]** This section is effective July 1, 2004."

Page 32, line 29, to page 34, line 26, delete article 3

Page 34, line 27, delete "4" and insert "3"

Page 34, after line 28, insert:

"Section 1. Minnesota Statutes 2002, section 245.4874, is amended to read:

245.4874 [DUTIES OF COUNTY BOARD.]

The county board in each county shall use its share of mental health and Community Social Services Act funds allocated by the commissioner according to a biennial children's mental health component of the community social services plan required under section 245.4888, and approved by the commissioner. The county board must:

(1) develop a system of affordable and locally available children's mental health services according to sections 245.487 to 245.4888;

(2) establish a mechanism providing for interagency coordination as specified in section 245.4875, subdivision 6;

(3) develop a biennial children's mental health component of the community social services plan required under section 256E.09 which considers the assessment of unmet needs in the county as reported by the local children's mental health advisory council under section 245.4875, subdivision 5, paragraph (b), clause (3). The county shall provide, upon request of the local children's mental health advisory council, readily available data to assist in the determination of unmet needs;

(4) assure that parents and providers in the county receive information about how to gain access to services provided according to sections 245.487 to 245.4888;

(5) coordinate the delivery of children's mental health services with services provided by social services, education, corrections, health, and vocational agencies to improve the availability of mental health services to children and the cost-effectiveness of their delivery;

(6) assure that mental health services delivered according to sections 245.487 to 245.4888 are delivered expeditiously and are appropriate to the child's diagnostic assessment and individual treatment plan;

(7) provide the community with information about predictors and symptoms of emotional disturbances and how to access children's mental health services according to sections 245.4877 and 245.4878;

(8) provide for case management services to each child with severe emotional disturbance according to sections 245.486; 245.4871, subdivisions 3 and 4; and 245.4881, subdivisions 1, 3, and 5;

(9) provide for screening of each child under section 245.4885 upon admission to a residential treatment facility, acute care hospital inpatient treatment, or informal admission to a regional treatment center;

(10) prudently administer grants and purchase-of-service contracts that the county board determines are necessary to fulfill its responsibilities under sections 245.487 to 245.4888;

(11) assure that mental health professionals, mental health practitioners, and case managers employed by or under contract to the county to provide mental health services are qualified under section 245.4871;

(12) assure that children's mental health services are coordinated with adult mental health services specified in sections 245.461 to 245.486 so that a continuum of mental health services is available to serve persons with mental illness, regardless of the person's age; and

(13) assure that culturally informed mental health consultants are used as necessary to assist the county board in assessing and providing appropriate treatment for children of cultural or racial minority heritage; and

(14) arrange for or provide a children's mental health screening to a child receiving child protective services or a child in out-of-home placement, a child for whom parental rights have been terminated, a child alleged or found to be delinquent, and a child found to have committed a juvenile petty offense for the third or subsequent time, unless a screening has been performed within the previous 180 days, or the child is currently under the care of a mental health professional. The screening shall be conducted with a screening instrument approved by the commissioner of human services and shall be conducted by a mental health practitioner as defined in section 245.4871, subdivision 26, or a probation officer or local social services agency staff person who is trained in the use of the screening instrument. If the screen indicates a need for assessment, the child's family, or if the family lacks mental health insurance, the local social services agency, in consultation with the child's family, shall have conducted a diagnostic assessment, including a functional assessment, as defined in section 245.4871."

Page 40, after line 3, insert:

"Sec. 7. [EFFECTIVE DATE.]

Article 3 is effective July 1, 2004."

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 2 and 3, delete "providing for medical assistance asset recovery" and insert "modifying fee requirements for child support services; changing requirements for waiver of income withholding"

Page 1, line 6, delete everything after the semicolon

Page 1, delete lines 7 and 8

Page 1, line 9, delete "fund;"

Page 1, line 11, delete "16A.724" and insert "245.4874"

Page 1, line 12, delete everything after "2"

Page 1, line 13, delete the first "subdivision"

Page 1, lines 15 and 16, delete "261.063; 295.58; 514.981, subdivision 6" and insert "518.551, subdivision 7; 518.6111, subdivisions 2, 3, 4, 16"

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

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

**S.F. No. 998:** A bill for an act relating to elections; providing for fair and clean elections; increasing disclosure of campaign contributions to candidates; encouraging candidates to accept only clean money for their political campaigns; limiting campaign contributions and expenditures; increasing public subsidies for state candidates who agree to limit the sources and amounts of contributions to their campaigns; appropriating money; amending Minnesota Statutes 2002, sections 10A.01, subdivision 1; 10A.02, subdivisions 8, 10, 11, 11a, 12, 13; 10A.025, subdivisions 1, 2; 10A.071, subdivision 3; 10A.34; 10A.37; 129D.13, by adding a subdivision; 129D.14, by adding a subdivision; 204B.11, subdivision 1; 211A.13; 211B.12; 211B.15, subdivision 16; 340A.404, subdivision 10; 353.03, subdivision 1; 383B.042, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 204B; 211B; proposing coding for new law as Minnesota Statutes, chapter 10B; repealing Minnesota Statutes 2002, sections 10A.01, subdivisions 3, 4, 6, 7, 9, 10, 11, 12, 13, 15, 16, 17, 18, 20, 23, 25, 26, 27, 28, 29, 30, 32, 34, 36; 10A.105; 10A.11; 10A.12; 10A.13; 10A.14; 10A.15; 10A.16; 10A.17; 10A.18; 10A.20; 10A.24; 10A.241; 10A.242; 10A.25; 10A.255; 10A.257; 10A.27; 10A.273; 10A.275; 10A.28; 10A.29; 10A.30; 10A.31; 10A.315; 10A.321; 10A.322; 10A.323; 10A.324; 290.06, subdivision 23.

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

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

**S.F. No. 1221:** A bill for an act relating to unfair trade practices; prohibiting employer misrepresentation of status of employees; amending Minnesota Statutes 2002, section 325D.15; proposing coding for new law in Minnesota Statutes, chapter 325D.

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

Page 2, delete section 2

Amend the title as follows:

Page 1, delete line 4

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

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

**S.F. No. 344:** A bill for an act relating to state government; placing limits on use of consultants; making changes in laws governing contracts, including contracts for professional or technical services; amending Minnesota Statutes 2002, sections 16A.11, subdivision 3; 16C.05, subdivision 2, by adding a subdivision; 16C.06, subdivision 1, by adding a subdivision; 16C.07; 16C.08, subdivisions 2, 3, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16C.

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

Page 9, delete lines 19 to 21 and insert:

"(8) a contract provision related to ownership of intellectual property must be negotiated with the advice of the attorney general, and provide for shared ownership of the intellectual property created under the contract, with the state owning all rights necessary for the state to realize the benefits of the contract product, but also allowing appropriate use of the intellectual property by the creator"

Page 9, line 22, delete everything before the period

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

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

**S.F. No. 782:** A bill for an act relating to health; transferring the responsibility for evaluating detection of agricultural chemicals in groundwater from the commissioner of agriculture to the commissioner of health; modifying the definition of pollutant; creating public access to certain pesticide application records; authorizing local regulation of pesticides relating to storm water purposes; increasing the pesticide registration fee; appropriating money; amending Minnesota Statutes 2002, sections 18B.02; 18B.05, subdivision 1; 18B.26, subdivision 3; 18B.37, subdivisions 2, 5; 103H.005, subdivision 11; 103H.251, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Agriculture, General Legislation and Veterans Affairs. Report adopted.

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

**S.F. No. 179:** A bill for an act relating to health occupations; requiring the commissioner of health to license denturists; permitting the practice of denturism in this state; establishing licensure and examination requirements; establishing a denture technology advisory council; creating fees; authorizing rulemaking; providing a penalty; amending Minnesota Statutes 2002, sections 116J.70, subdivision 2a; 144.335, subdivision 1; 150A.05, subdivision 2; 319B.40; proposing coding for new law as Minnesota Statutes, chapter 150B.

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

Page 1, delete section 1

Renumber the sections in sequence

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

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

**S.F. No. 1128:** A bill for an act relating to public safety; increasing the 911 emergency telephone service fee to cover the cost of the third phase of the public safety radio communication system; authorizing the sale of revenue bonds by the metropolitan council; appropriating money; amending Minnesota Statutes 2002, sections 403.11, subdivision 1; 473.891, subdivision 10, by adding a subdivision; 473.898, subdivisions 1, 3; 473.901, subdivision 1; 473.902, subdivisions 1, 3, 5.

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 2002, section 403.02, subdivision 10, is amended to read:

Subd. 10. [COMMISSIONER.] "Commissioner" means the commissioner of ~~administration~~ public safety.

Sec. 2. Minnesota Statutes 2002, section 403.06, is amended to read:

403.06 [DEPARTMENT DUTIES.]

Subdivision 1. [DUTIES.] (a) The ~~department of administration~~ commissioner shall coordinate the maintenance of 911 systems. The ~~department~~ commissioner shall aid counties in the formulation of concepts, methods, and procedures which will improve the operation and maintenance of 911 systems. The ~~department~~ commissioner shall establish procedures for determining and evaluating requests for variations from the established design standards. The ~~department~~ commissioner shall respond to requests by wireless or wire line telecommunications service providers or by counties or other governmental agencies for system agreements, contracts, and tariff language promptly and no later than within 45 days of the request unless otherwise mutually agreed to by the parties.

(b) The ~~department~~ commissioner shall prepare a biennial budget for maintaining the 911 system. By December 15 of each year, the department commissioner shall prepare an annual submit a report to the legislature detailing the expenditures for maintaining the 911 system, the 911 fees collected, the balance of the 911 fund, and the 911-related administrative expenses of the department commissioner. The ~~department~~ commissioner is authorized to expend ~~funds~~ money that have has been appropriated to pay for the maintenance, enhancements, and expansion of the 911 system.

Subd. 2. [WAIVER.] Any county, other governmental agency, wireless telecommunications service provider, or wire line telecommunications service provider may petition the ~~department of administration~~ commissioner for a waiver of all or portions of the requirements. A waiver may be granted upon a demonstration by the petitioner that the requirement is economically infeasible.

Sec. 3. Minnesota Statutes 2002, section 403.07, subdivision 1, is amended to read:

Subdivision 1. [RULES.] The ~~department of administration~~ commissioner shall establish and adopt in accordance with chapter 14, rules for the administration of this chapter and for the development of 911 systems in the state including:

(1) design standards for 911 systems incorporating the standards adopted pursuant to subdivision 2 for the seven-county metropolitan area; and

(2) a procedure for determining and evaluating requests for variations from the established design standards.

Sec. 4. Minnesota Statutes 2002, section 403.07, subdivision 2, is amended to read:

Subd. 2. [DESIGN STANDARDS.] The metropolitan 911 board shall establish and adopt design standards for the metropolitan area 911 system and transmit them to the ~~department of administration~~ commissioner for incorporation into the rules adopted pursuant to this section.

Sec. 5. Minnesota Statutes 2002, section 403.07, subdivision 3, is amended to read:

Subd. 3. [DATABASE.] In 911 systems that have been approved by the ~~department of administration~~ commissioner for a local location identification database, each wire line telecommunications service provider shall provide current customer names, service addresses, and telephone numbers to each public safety answering point within the 911 system and shall update the information according to a schedule prescribed by the county 911 plan. Information provided under this subdivision must be provided in accordance with the transactional record disclosure requirements of the federal Electronic Communications Privacy Act of 1986, United States Code, title 18, section 2703, subsection (c), paragraph (1), subparagraph (B)(iv).

Sec. 6. Minnesota Statutes 2002, section 403.09, subdivision 1, is amended to read:

Subdivision 1. [DEPARTMENT AUTHORITY.] At the request of either the ~~department of administration~~ commissioner of administration or the commissioner of public safety, the attorney general may commence proceedings in the district court against any person or public or private body to enforce the provisions of this chapter.

Sec. 7. Minnesota Statutes 2002, section 403.11, is amended to read:

403.11 [911 SYSTEM COST ACCOUNTING REQUIREMENTS; FEE.]

Subdivision 1. [EMERGENCY TELECOMMUNICATIONS SERVICE FEE.] (a) Each customer of a wireless or wire line telecommunications service provider that furnishes service capable of originating a 911 emergency telephone call is assessed a fee to cover the costs of ongoing maintenance and related improvements for trunking and central office switching equipment for 911 emergency telecommunications service, plus administrative and staffing costs of the ~~department of administration~~ commissioner related to managing the 911 emergency telecommunications service program. Recurring charges by a wire line telecommunications service provider for updating the information required by section 403.07, subdivision 3, must be paid by the commissioner of ~~administration~~ if the wire line telecommunications service provider is included in an approved 911 plan and the charges are made pursuant to tariff, price list, or contract. ~~The commissioner of administration shall transfer an amount equal to two cents a month from~~ The fee assessed under this section on ~~wireless telecommunications services to the commissioner of public safety~~ must also be used for the purpose of offsetting the costs, including administrative and staffing costs, incurred by the state patrol division of the department of public safety in handling 911 emergency calls made from wireless phones.

(b) Money remaining in the 911 emergency telecommunications service account after all other obligations are paid must not cancel and is carried forward to subsequent years and may be appropriated from time to time to the commissioner of ~~administration~~ to provide financial assistance to counties for the improvement of local emergency telecommunications services. The improvements may include providing access to 911 service for telecommunications service subscribers currently without access and upgrading existing 911 service to include automatic number identification, local location identification, automatic location identification, and other improvements specified in revised county 911 plans approved by the ~~department~~ commissioner.

(c) The fee may not be less than eight cents nor more than ~~33~~ 52 cents a month for each customer access line or other basic access service, including trunk equivalents as designated by the public utilities commission for access charge purposes and including wireless telecommunications services. With the approval of the commissioner of finance, the commissioner of ~~administration~~ public safety shall establish the amount of the fee within the limits specified and inform the companies and carriers of the amount to be collected. The commissioner shall provide companies and carriers a minimum of 45 days' notice of each fee change. ~~For fiscal year 2003, the commissioner of administration shall provide a minimum of 35 days' notice of each fee change.~~ The fee must be the same for all customers.

(d) The fee must be collected by each wireless or wire line telecommunications service provider subject to the fee. Fees are payable to and must be submitted to the commissioner of administration monthly before the 25th of each month following the month of collection, except that fees may be submitted quarterly if less than \$250 a month is due, or annually if less than \$25 a month is due. Receipts must be deposited in the state treasury and credited to a 911 emergency telecommunications service account in the special revenue fund. The money in the account may only be used for 911 telecommunications services as ~~provided in paragraph (a).~~

(e) This subdivision does not apply to customers of interexchange carriers.

(f) The installation and recurring charges for integrating wireless 911 calls into enhanced 911 systems must be paid by the commissioner if the 911 service provider is included in the statewide design plan and the charges are made pursuant to tariff, price list, or contract.

Subd. 3. [METHOD OF PAYMENT.] (a) Any wireless or wire line telecommunications service provider incurring reimbursable costs under subdivision 1 shall submit an invoice

itemizing rate elements by county or service area to the commissioner of ~~administration~~ for 911 services furnished under tariff, price list, or contract. Any wireless or wire line telecommunications service provider is eligible to receive payment for 911 services rendered according to the terms and conditions specified in the contract. Competitive local exchange carriers holding certificates of authority from the public utilities commission are eligible to receive payment for recurring 911 services provided after July 1, 2001. The commissioner shall pay the invoice within 30 days following receipt of the invoice unless the commissioner notifies the service provider that the commissioner disputes the invoice.

(b) The commissioner of ~~administration~~ shall estimate the amount required to reimburse wireless and wire line telecommunications service providers for the state's obligations under subdivision 1 and the governor shall include the estimated amount in the biennial budget request.

Subd. 3a. [TIMELY CERTIFICATION.] A certification must be submitted to the commissioner of ~~administration~~ no later than two years after commencing a new or additional eligible 911 service. Any wireless or wire line telecommunications service provider incurring reimbursable costs under this section at any time before January 1, 2003, may certify those costs for payment to the commissioner of ~~administration~~ according to this section for a period of 90 days after January 1, 2003. During this period, the commissioner of ~~administration~~ shall reimburse any wireless or wire line telecommunications service provider for approved, certified costs without regard to any contrary provision of this subdivision.

Subd. 3b. [CERTIFICATION.] All wireless and wire line telecommunications service providers shall submit a self-certification form signed by an officer of the company to the ~~department~~ commissioner with invoices for payment of an initial or changed service described in the service provider's 911 contract. The self-certification shall affirm that the 911 service contracted for is being provided and the costs invoiced for the service are true and correct. All certifications are subject to verification and audit.

Subd. 3c. [AUDIT.] If the commissioner of ~~administration~~ determines that an audit is necessary to document the certification described in subdivision 3b, the wireless or wire line telecommunications service provider must contract with an independent certified public accountant to conduct the audit. The audit must be conducted according to generally accepted accounting principles. The wireless or wire line telecommunications service provider is responsible for any costs associated with the audit.

Subd. 4. [LOCAL RECURRING COSTS.] Recurring costs of telecommunications equipment and services at public safety answering points must be borne by the local governmental agency operating the public safety answering point or allocated pursuant to section 403.10, subdivision 3. Costs attributable to local government electives for services not otherwise addressed under section 403.11 or 403.113 must be borne by the governmental agency requesting the elective service.

Subd. 5. [TARIFF NOTIFICATION.] Wire line telecommunications service providers or wireless telecommunications service providers holding eligible telecommunications carrier status shall give notice to the ~~department of administration~~ commissioner and any other affected governmental agency of tariff or price list changes related to 911 service at the same time that the filing is made with the public utilities commission.

Sec. 8. Minnesota Statutes 2002, section 403.113, is amended to read:

403.113 [ENHANCED 911 SERVICE COSTS; FEE.]

Subdivision 1. [FEE.] (a) Each customer receiving service from a wireless or wire line telecommunications service provider is assessed a fee to fund implementation, operation, maintenance, enhancement, and expansion of enhanced 911 service, including acquisition of necessary equipment and the costs of the commissioner to administer the program. The actual fee assessed under section 403.11 and the enhanced 911 service fee must be collected as one amount and may not exceed the amount specified in section 403.11, subdivision 1, paragraph (c).

(b) The enhanced 911 service fee must be collected and deposited in the same manner as the fee in section 403.11 and used solely for the purposes of paragraph (a) and subdivision 3.

(c) The commissioner of ~~the department of administration~~, in consultation with counties and 911 system users, shall determine the amount of the enhanced 911 service fee ~~and~~. The fee must include at least 20 cents per month to be distributed under subdivision 2. The commissioner shall inform wireless and wire line telecommunications service providers that provide service capable of originating a 911 emergency telephone call of the total amount of the 911 service fees in the same manner as provided in section 403.11.

Subd. 2. [DISTRIBUTION OF MONEY.] (a) After payment of the costs of the ~~department of administration~~ commissioner to administer the program, the commissioner shall distribute the money collected under this section as follows:

(1) one-half of the amount equally to all qualified counties, and after October 1, 1997, to all qualified counties, existing ten public safety answering points operated by the Minnesota state patrol, and each governmental entity operating the individual public safety answering points serving the metropolitan airports commission, the Red Lake Indian Reservation, and the University of Minnesota police department; and

(2) the remaining one-half to qualified counties and cities with existing 911 systems based on each county's or city's percentage of the total population of qualified counties and cities. The population of a qualified city with an existing system must be deducted from its county's population when calculating the county's share under this clause if the city seeks direct distribution of its share.

(b) A county's share under subdivision 1 must be shared pro rata between the county and existing city systems in the county. A county or city or other governmental entity as described in paragraph (a), clause (1), shall deposit money received under this subdivision in an interest-bearing fund or account separate from the governmental entity's general fund and may use money in the fund or account only for the purposes specified in subdivision 3.

(c) A county or city or other governmental entity as described in paragraph (a), clause (1), is not qualified to share in the distribution of money for enhanced 911 service if it has not implemented enhanced 911 service before December 31, 1998.

(d) For the purposes of this subdivision, "existing city system" means a city 911 system that provides at least basic 911 service and that was implemented on or before April 1, 1993.

Subd. 3. [LOCAL EXPENDITURES.] (a) Money distributed under subdivision 2 for enhanced 911 service may be spent on enhanced 911 system costs for the purposes stated in subdivision 1, paragraph (a). In addition, money may be spent to lease, purchase, lease-purchase, or maintain enhanced 911 equipment, including telephone equipment; recording equipment; computer hardware; computer software for database provisioning, addressing, mapping, and any other software necessary for automatic location identification or local location identification; trunk lines; selective routing equipment; the master street address guide; dispatcher public safety answering point equipment proficiency and operational skills; pay for long-distance charges incurred due to transferring 911 calls to other jurisdictions; and the equipment necessary within the public safety answering point for community alert systems and to notify and communicate with the emergency services requested by the 911 caller.

(b) Money distributed for enhanced 911 service may not be spent on:

(1) purchasing or leasing of real estate or cosmetic additions to or remodeling of communications centers;

(2) mobile communications vehicles, fire engines, ambulances, law enforcement vehicles, or other emergency vehicles;

(3) signs, posts, or other markers related to addressing or any costs associated with the installation or maintenance of signs, posts, or markers.

Subd. 4. [AUDITS.] Each county and city or other governmental entity as described in subdivision 2, paragraph (a), clause (1), shall conduct an annual audit on the use of funds

distributed to it for enhanced 911 service. A copy of each audit report must be submitted to the commissioner of administration.

Sec. 9. Minnesota Statutes 2002, section 473.891, subdivision 10, is amended to read:

Subd. 10. [SECOND PHASE.] "Second phase" means the metropolitan radio board ~~building subsystems for providing assistance to local government units building subsystems~~ in the metropolitan area that did not build their own subsystems in the first phase.

Sec. 10. Minnesota Statutes 2002, section 473.891, is amended by adding a subdivision to read:

Subd. 11. [THIRD PHASE.] "Third phase" means an extension of the backbone system to serve the southeast and central districts of the state patrol.

Sec. 11. Minnesota Statutes 2002, section 473.898, subdivision 1, is amended to read:

Subdivision 1. [AUTHORIZATION.] The council, if requested by a vote of at least two-thirds of all of the members of the metropolitan radio board may, by resolution, authorize the issuance of its revenue bonds for any of the following purposes to:

- (1) provide funds for regionwide mutual aid and emergency medical services communications;
- (2) provide funds for the elements of the first phase of the regionwide public safety radio communications system that the board determines are of regionwide benefit and support mutual aid and emergency medical services communication including, but not limited to, costs of master controllers of the backbone;
- (3) provide money for the second phase of the public safety radio communication system; or
- (4) provide money for the third phase of the public safety radio communication system;
- (5) to the extent money is available after meeting the needs described in clauses (1) to (3), to provide money to reimburse local units of government for amounts expended for capital improvements to the first phase system previously paid for by the local government units; or
- (6) refund bonds issued under this section.

Sec. 12. Minnesota Statutes 2002, section 473.898, subdivision 3, is amended to read:

Subd. 3. [LIMITATIONS.] (a) The principal amount of the bonds issued pursuant to subdivision 1, exclusive of any original issue discount, shall not exceed the amount of \$10,000,000 plus the amount the council determines necessary to pay the costs of issuance, fund reserves, debt service, and pay for any bond insurance or other credit enhancement.

(b) In addition to the amount authorized under paragraph (a), the council may issue bonds under subdivision 1 in a principal amount of \$3,306,300, plus the amount the council determines necessary to pay the cost of issuance, fund reserves, debt service, and any bond insurance or other credit enhancement. The proceeds of bonds issued under this paragraph may not be used to finance portable or subscriber radio sets.

(c) In addition to the amount authorized under paragraphs (a) and (b), the council may issue bonds under subdivision 1 in a principal amount of ~~\$12,000,000~~ \$20,000,000, plus the amount the council determines necessary to pay the costs of issuance, fund reserves, debt service, and any bond insurance or other credit enhancement. The proceeds of bonds issued under this paragraph must be used to pay up to ~~30~~ 55 percent of the cost to a local government unit of building a subsystem or making improvements to an existing 800 MHz radio system that will interoperate with the regionwide public safety radio and communications system and may not be used to finance portable or subscriber radio sets. The council must time the sale and issuance of the bonds so that the debt service on the bonds can be covered by the additional revenue that will become available in the fiscal year ending June 30, 2005, generated under section 403.11 and appropriated under section 473.901.

(d) In addition to the amount authorized under paragraphs (a) to (c), the council may issue bonds under subdivision 1 in a principal amount of up to \$40,000,000, plus the amount the council determines necessary to pay the costs of issuance, fund reserves, debt service, and any bond insurance or other credit enhancement. The proceeds of bonds issued under this paragraph are appropriated to the commissioner of public safety for phase three of the public safety radio and communications system. In anticipation of the receipt by the commissioner of public safety of the bond proceeds, the metropolitan radio board may advance money from its operating appropriation to the commissioner of public safety to pay for design and preliminary engineering for phase three. The commissioner of public safety must return these amounts to the metropolitan radio board when the bond proceeds are received.

Sec. 13. Minnesota Statutes 2002, section 473.901, is amended to read:

473.901 ~~[ADMINISTRATION—DEPARTMENT~~ APPROPRIATION; TRANSFERS; BUDGET.]

Subdivision 1. ~~[STANDING APPROPRIATION; COSTS COVERED.]~~ For each fiscal year beginning with the fiscal year commencing July 1, 1997, the amount necessary to pay the following costs is appropriated to the commissioner of ~~administration~~ public safety from the 911 emergency ~~telephone~~ telecommunications service account established under section 403.11:

- (1) debt service costs and reserves for bonds issued pursuant to section 473.898;
- (2) repayment of the right-of-way acquisition loans;
- (3) costs of design, construction, maintenance of, and improvements to those elements of the first ~~and~~, second, and third phases that support mutual aid communications and emergency medical services;
- (4) recurring charges for leased sites and equipment for those elements of the first ~~and~~, second, and third phases that support mutual aid and emergency medical communication services; or
- (5) aid to local units of government for sites and equipment in support of mutual aid and emergency medical communications services.

This appropriation shall be used to pay annual debt service costs and reserves for bonds issued pursuant to section 473.898 prior to use of fee money to pay other costs eligible under this subdivision. In no event shall the appropriation for each fiscal year exceed an amount equal to four cents a month for each customer access line or other basic access service, including trunk equivalents as designated by the public utilities commission for access charge purposes and including cellular and other nonwire access services, in the fiscal year. Beginning July 1, 2004, this amount will increase to ~~5.5~~ 13 cents a month.

Subd. 2. ~~[RADIO BOARD BUDGET.]~~ The metropolitan council shall transmit the annual budget of the radio board to the commissioner of ~~administration~~ public safety no later than December 15 of each year. The commissioner of ~~administration~~ shall include all eligible costs approved by the radio board for the regionwide public safety communication system in ~~its~~ the commissioner's request for legislative appropriations from the 911 emergency ~~telephone~~ telecommunications service fee account. ~~All eligible costs approved by the radio board shall be included in the commissioner of administration's appropriation request.~~

Subd. 3. ~~[MONTHLY APPROPRIATION TRANSFERS.]~~ Each month, before the 25th day of the month, the commissioner of ~~administration~~ shall transmit to the metropolitan council 1/12 of its total approved appropriation for the regionwide public safety communication system.

Sec. 14. Minnesota Statutes 2002, section 473.902, is amended by adding a subdivision to read:

Subd. 6. [OPERATING COSTS OF PHASES THREE TO SIX.] (a) The current costs of the commissioner in implementing phases three to six of the statewide public safety radio and communications system shall be allocated among and paid by the following users, all in accordance with the statewide public safety radio and communications system plan adopted by the planning committee under section 473.907:

- (1) the state of Minnesota for its operations using the system;
- (2) all local government units using the system; and
- (3) other eligible users of the system.

(b) Each local government and other eligible users of phases three to six of the system shall pay to the commissioner all sums charged under this section, at the times and in the manner determined by the commissioner. The governing body of each local government shall take all action that may be necessary to provide the funds required for these payments and to make the payments when due.

(c) If the governing body of any local government using phase three, four, five, or six of the system fails to meet any payment to the commissioner under this subdivision when due, the commissioner may certify to the auditor of the county in which the government unit is located the amount required for payment of the amount due with interest at six percent per year. The auditor shall levy and extend the amount due, with interest, as a tax upon all taxable property in the government unit for the next calendar year, free from any existing limitations imposed by law or charter. This tax shall be collected in the same manner as the general taxes of the government unit, and the proceeds of the tax, when collected, shall be paid by the county treasurer to the commissioner and credited to the government unit for which the tax was levied.

Sec. 15. Minnesota Statutes 2002, section 473.907, subdivision 1, is amended to read:

Subdivision 1. [PLANNING COMMITTEE.] (a) The commissioner of public safety shall convene and chair a planning committee to develop a project plan for a statewide, shared, trunked public safety radio ~~communication~~ and communications system.

(b) The planning committee consists of the following members or their designees:

- (1) the commissioner of public safety;
- (2) the commissioner of transportation;
- (3) the commissioner of administration;
- (4) the commissioner of natural resources;
- (5) the chair of the metropolitan radio board;
- (6) the president of the Minnesota sheriffs' association;
- (7) a representative of the league of Minnesota cities from the metropolitan area; ~~and~~
- (8) a representative of the league of Minnesota cities from greater Minnesota; and
- (9) a representative of the association of Minnesota counties from greater Minnesota.

Additionally, the commissioner of finance or a designee shall serve on the committee as a nonvoting member.

(c) The planning committee must implement the project plan and establish the statewide, shared trunked radio and communications system. The commissioner of public safety is designated as the chair of the planning committee. The commissioner of public safety and the planning committee have overall responsibility for the successful completion of statewide communications infrastructure system integration.

(d) The planning committee must establish one or more advisory groups for the purpose of advising on the plan, design, implementation and administration of the statewide, shared trunked radio and communications system. At least one such group must consist of the following members:

- (1) the chair of the metropolitan radio board or a designee;
- (2) the chief of the Minnesota state patrol;
- (3) a representative of the Minnesota state sheriffs' association;
- (4) a representative of the Minnesota chiefs of police association; and
- (5) a representative of the Minnesota fire chiefs' association.

Sec. 16. [TRANSFER OF RESPONSIBILITIES.]

Subdivision 1. [COMMISSIONER OF ADMINISTRATION.] The responsibilities of the commissioner of administration to provide 911 emergency telecommunications services under Minnesota Statutes 2002, chapter 403, other than the responsibility to collect 911 fees, are transferred to the commissioner of public safety under Minnesota Statutes, section 15.039. The transfer may be completed in one or more phases as provided in an agreement between the commissioners of administration and public safety, but no later than the first Monday in January 2004.

Subd. 2. [COMMISSIONER OF TRANSPORTATION.] The responsibilities of the commissioner of transportation for the regionwide public safety radio communications system under Minnesota Statutes, sections 473.891 to 473.905, are transferred to the commissioner of public safety under Minnesota Statutes, section 15.039. The transfer may be completed in one or more phases as provided in an agreement between the commissioners of transportation and public safety, but no later than the first Monday in January 2004.

Sec. 17. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall renumber each section of Minnesota Statutes listed in column A with the number listed in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

<u>Column A</u>	<u>Column B</u>
<u>473.891</u>	<u>403.21</u>
<u>473.893</u>	<u>403.22</u>
<u>473.894</u>	<u>403.23</u>
<u>473.895</u>	<u>403.24</u>
<u>473.896</u>	<u>403.25</u>
<u>473.897</u>	<u>403.26</u>
<u>473.898</u>	<u>403.27</u>
<u>473.899</u>	<u>403.28</u>
<u>473.900</u>	<u>403.29</u>
<u>473.901</u>	<u>403.30</u>
<u>473.902</u>	<u>403.31</u>
<u>473.903</u>	<u>403.32</u>
<u>473.904</u>	<u>403.33</u>
<u>473.905</u>	<u>403.34</u>
<u>473.906</u>	<u>403.35</u>
<u>473.907</u>	<u>403.36</u>

Sec. 18. [APPROPRIATION.]

The sums set forth in this section are appropriated from the 911 emergency telecommunications service account in the special revenue fund to the commissioner of public safety for the purposes indicated in this section, to be available for the fiscal year ending June 30 in the years indicated.

	<u>2004</u>	<u>2005</u>
\$		\$

(a) Public Safety  
Answering Points

6,973,000

7,409,000

To be distributed as provided in Minnesota Statutes, section 403.113, subdivision 2.

This appropriation may only be used for public safety answering points that have implemented enhanced 911 service or whose governmental agency has made a binding commitment to the commissioner of administration to implement enhanced 911 service by January 1, 2008.

(b) Medical Resource  
Communication Centers

697,000

741,000

For grants to the Minnesota emergency medical services regulatory board for the Metro East and Metro West medical resource communication centers."

Delete the title and insert:

"A bill for an act relating to public safety; increasing the 911 emergency telephone service fee to cover the cost of the third phase of the public safety radio communication system; transferring responsibility for the 911 emergency telephone system and public safety radio system to the commissioner of public safety; authorizing the sale of revenue bonds by the metropolitan council; appropriating money; amending Minnesota Statutes 2002, sections 403.02, subdivision 10; 403.06; 403.07, subdivisions 1, 2, 3; 403.09, subdivision 1; 403.11; 403.113; 473.891, subdivision 10, by adding a subdivision; 473.898, subdivisions 1, 3; 473.901; 473.902, by adding a subdivision; 473.907, subdivision 1."

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

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

**S.F. No. 850:** A bill for an act relating to natural resources; restricting the use of off-highway vehicles on state land; providing civil citation authority; modifying the disposition of certain fees; modifying registration and operating requirements for certain recreational vehicles; providing for enforcement; modifying motorized trail grants-in-aid; appropriating money; amending Minnesota Statutes 2002, sections 84.788, subdivision 3; 84.791, subdivision 1, by adding a subdivision; 84.794, subdivision 2; 84.798, subdivision 4; 84.803, subdivision 2; 84.922, subdivision 2; 84.925, subdivision 1, by adding a subdivision; 84.926; 84.927, subdivision 2; 84.928, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84.

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

Delete everything after the enacting clause and insert:

"Section 1. [84.771] [OFF-HIGHWAY VEHICLE DEFINITION.]

For the purposes of sections 84.771 to 84.930, "off-highway vehicle" means an off-highway motorcycle, as defined under section 84.787, subdivision 7; an off-road vehicle, as defined under section 84.797, subdivision 7; or an all-terrain vehicle, as defined under section 84.92, subdivision 8.

Sec. 2. [84.772] [OFF-HIGHWAY VEHICLE TOLL-FREE HOTLINE.]

(a) The commissioner of natural resources shall maintain and publicize a toll-free telephone number that is available 24 hours per day, seven days a week, for:

- (1) providing information to trail users about trail conditions;
  - (2) receiving complaints about or violations by operators of off-highway vehicles and watercraft; and
  - (3) receiving reports of damage caused by all-terrain vehicles and concerns about trail safety.
- (b) The commissioner shall record detailed information about all reports received under paragraph (a) and any similar information obtained by the department from other sources. The commissioner shall share relevant information with local government sponsors of grant-in-aid trails.

Sec. 3. [84.773] [OPERATION OF OFF-HIGHWAY VEHICLES ON PUBLIC LANDS.]

Subdivision 1. [CERTIFICATE AND RULES DECAL REQUIRED.] (a) A person may not operate an off-highway vehicle off-road on public land unless the operator has complied with the educational certificate possession requirements in this section. An operator of an off-highway vehicle must possess a copy of one of the following certificates at all times while operating an off-highway vehicle on public land:

- (1) an off-highway motorcycle certificate issued under section 84.791;
- (2) an off-road vehicle certificate issued under section 84.8015; or
- (3) an all-terrain vehicle certificate issued under section 84.925.

(b) A person may not operate an off-highway vehicle off-road on public land without an off-highway vehicle rules decal, issued by the commissioner, attached to the vehicle in full view of the operator.

Subd. 2. [REVOCAION OF CERTIFICATE.] If the commissioner of natural resources determines that a person has violated subdivision 3 or has committed three offenses related to the operation of off-highway vehicles on public lands, the commissioner must revoke all of the off-highway vehicle certificates the person possesses. After one year from the date of revocation, the holder of a certificate revoked under this subdivision may petition for reinstatement of the certificate. As a condition of reinstatement, the commissioner must require the petitioner to sign a written statement agreeing to follow the off-highway vehicle laws in this state.

Subd. 3. [RESTRICTIONS ON OPERATION.] A person may not intentionally operate an off-highway vehicle:

- (1) on a trail on public land that is designated for nonmotorized use only;
- (2) on restricted areas within public lands that are posted or where gates or other clearly visible structures are placed to prevent unauthorized motorized vehicle access;
- (3) in type 3, 4, 5, and 8 wetlands or unfrozen public waters, as defined in section 103G.005; in a state park; in a scientific and natural area; or in a wildlife management area, except as specifically authorized in sections 97A.133 and 97A.137 and Minnesota Rules, part 6232.0300, subpart 7; or

- (4) on public land under a certificate currently or previously revoked under subdivision 2.

Sec. 4. [84.774] [RELATED CRIMINAL OFFENSES.]

(a) Section 609.713 applies to a person who makes a threat of a crime of violence to intimidate:

- (1) a person who reports inappropriate or illegal off-highway vehicle use; or
- (2) a person who refuses permission for off-highway vehicle use on land owned by the person.

(b) Section 609.595 applies to a person who operates an off-highway vehicle in a manner that

intentionally causes damage to public or private property, including, but not limited to, damage to natural resources that requires restoration to preserve the ecological function or quality of the land.

Sec. 5. [84.775] [OFF-HIGHWAY VEHICLE CIVIL CITATIONS.]

Subdivision 1. [CIVIL CITATION; AUTHORITY TO ISSUE.] (a) A conservation officer or other licensed peace officer may issue a civil citation to a person who operates:

(1) an off-highway motorcycle in violation of sections 84.773; 84.774; 84.777; 84.788 to 84.795; or 84.90;

(2) an off-road vehicle in violation of sections 84.773; 84.774; 84.777; 84.798 to 84.804; or 84.90; or

(3) an all-terrain vehicle in violation of sections 84.773; 84.774; 84.777; 84.90; or 84.922 to 84.928.

(b) A civil citation shall require restitution for any public or private property damage and impose a penalty of no more than \$250 for the first offense, no more than \$500 for the second offense, and no more than \$1,000 for third and subsequent offenses. If the peace officer determines that there is damage to property requiring restitution, the commissioner of natural resources must send a written explanation of the extent of the damage and the cost of the repair by first class mail to the address provided by the person receiving the citation within 15 days of the date of the citation.

Subd. 2. [APPEALS.] Civil citations issued under subdivision 1 may be appealed according to section 116.072, if the recipient of the citation requests a hearing by notifying the commissioner in writing within 30 days after receipt of the citation or, if applicable, within 15 days after the date of mailing the explanation of restitution. For the purposes of this section, the terms "commissioner" and "agency" as used in section 116.072 mean the commissioner of natural resources. If a hearing is not requested within the 30-day period, the citation becomes a final order not subject to further review.

Subd. 3. [ENFORCEMENT.] Civil citations issued under subdivision 1 may be enforced under section 116.072, subdivision 9. Penalty amounts must be remitted within 30 days of issuance of the citation. If a person fails to pay a penalty owed under this section within 30 days of the citation, the commissioner must revoke all certificates issued to the person according to section 84.773, subdivision 2.

Subd. 4. [ALLOCATION OF PENALTY AMOUNTS.] Penalty amounts collected from civil citations issued under this section must be paid to the treasury of the unit of government employing the officer that issued the civil citation. Penalties retained by the commissioner shall be credited as follows: to the off-highway motorcycle account under section 84.794 for citations involving off-highway motorcycles; to the off-road vehicle account under section 84.803 for citations involving off-road vehicles; or to the all-terrain vehicle account under section 84.927 for citations involving all-terrain vehicles. Penalty amounts credited under this subdivision are dedicated for the enforcement of off-highway vehicle laws.

Subd. 5. [SELECTION OF REMEDY.] A peace officer may not seek both civil and misdemeanor penalties for offenses listed in subdivision 1.

Sec. 6. [84.776] [LOCAL UNIT OF GOVERNMENT; CLAIMS FOR DAMAGE.]

A local unit of government may submit a claim to the commissioner of natural resources for the cost of repair or restoration of property under the jurisdiction of the government unit that is designated for use by off-highway vehicles and has been damaged by off-highway vehicle use. The commissioner may request any information necessary to evaluate the claim and may make payment from money appropriated for that purpose, including money from the off-highway motorcycle account under section 84.794, subdivision 2, paragraph (a), clause (3); money from the off-road vehicle account under section 84.803, subdivision 2, paragraph (a), clause (3); and money from the all-terrain vehicle account under section 84.927, subdivision 2, paragraph (a), clause (3).

Sec. 7. [84.777] [OFF-HIGHWAY VEHICLE USE OF STATE LANDS RESTRICTED.]

Subdivision 1. [RESTRICTED USE.] (a) Notwithstanding sections 84.787 to 84.805 and 84.92 to 84.929, the use of off-highway vehicles is prohibited on state land administered by the commissioner of natural resources, except on roads and trails specifically designated and posted by the commissioner for use by off-highway vehicles.

(b) Until otherwise determined by the commissioner, all class 1, 2, and 3 state forest roads are designated roads for motorized use under this subdivision.

Subd. 2. [ROAD OR TRAIL CLOSURE.] The commissioner must close a road or trail designated under subdivision 1 when:

(1) adequate maintenance cannot be done on the road or trail; or

(2) there is significant damage to natural resources, including, but not limited to, forest resources as defined in section 89.001, subdivision 8.

Sec. 8. [84.780] [OFF-HIGHWAY VEHICLE DAMAGE ACCOUNT.]

The off-highway vehicle damage account is created in the natural resources fund. Money in the off-highway vehicle damage account is appropriated to the commissioner of natural resources for the repair or restoration of property damaged by the operation of off-highway vehicles in an unpermitted area. Before the commissioner may make a payment from this account, the commissioner must determine whether the damage to the property was caused by the unpermitted use of off-highway vehicles, that the applicant has made reasonable efforts to identify the responsible individual and obtain payment from the individual, and has made reasonable efforts to prevent reoccurrence.

Sec. 9. Minnesota Statutes 2002, section 84.788, subdivision 2, is amended to read:

Subd. 2. [EXEMPTIONS.] Registration is not required for off-highway motorcycles:

(1) owned and used by the United States, the state, another state, or a political subdivision;

(2) registered in another state or country that have not been within this state for more than 30 consecutive days; or

~~(3) used exclusively in organized track racing events;~~

~~(4) being used on private land with the permission of the landowner; or~~

~~(5) registered under chapter 168, when operated on forest roads to gain access to a state forest campground.~~

Sec. 10. Minnesota Statutes 2002, section 84.788, subdivision 3, is amended to read:

Subd. 3. [APPLICATION; ISSUANCE; REPORTS.] (a) Application for registration or continued registration must be made to the commissioner or an authorized deputy registrar of motor vehicles in a form prescribed by the commissioner. The form must state the name and address of every owner of the off-highway motorcycle.

~~(b) A person who purchases from a retail dealer an off-highway motorcycle that is intended to be operated on public lands or waters shall make application for registration to the dealer at the point of sale. The dealer shall issue a temporary ten-day registration permit to each purchaser who applies to the dealer for registration. The dealer shall submit the completed registration applications and fees to the deputy registrar at least once each week. No fee may be charged by a dealer to a purchaser for providing the temporary permit.~~

(c) Upon receipt of the application and the appropriate fee, the commissioner or deputy registrar shall issue to the applicant, or provide to the dealer, a 60-day temporary receipt and shall assign a registration number that must be affixed to the motorcycle ~~in a manner prescribed by the~~

~~commissioner according to paragraph (e).~~ A dealer subject to paragraph (b) shall provide the registration materials and temporary receipt to the purchaser within the ten-day temporary permit period.

(d) The commissioner shall develop a registration system to register vehicles under this section. A deputy registrar of motor vehicles acting under section 168.33, is also a deputy registrar of off-highway motorcycles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to ensure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with the accounting and procedural requirements. A fee of \$2 in addition to other fees prescribed by law is charged for each off-highway motorcycle registered by:

(1) a deputy registrar and must be deposited in the treasury of the jurisdiction where the deputy is appointed, or kept if the deputy is not a public official; or

(2) the commissioner and must be deposited in the state treasury and credited to the off-highway motorcycle account.

(e) The owner of an off-highway motorcycle must display a registration sticker or plates issued by the commissioner. If the motorcycle is licensed as a motor vehicle, a registration sticker must be affixed on the upper left corner of the rear license plate. If the motorcycle is not licensed as a motor vehicle, the commissioner shall issue plates not less than six inches high and 12 inches wide. The plates must be attached to the front and rear of the motorcycle at least 24 inches from the ground. Plates and registration stickers must be maintained in a clean and legible condition.

Sec. 11. Minnesota Statutes 2002, section 84.788, is amended by adding a subdivision to read:

Subd. 6a. [OFF-HIGHWAY VEHICLE DAMAGE SURCHARGE.] A \$..... surcharge is placed on each off-highway motorcycle registered under subdivision 6, paragraph (a). The surcharge must be deposited in the off-highway vehicle damage account in the natural resources fund under section 84.780.

Sec. 12. Minnesota Statutes 2002, section 84.791, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM ESTABLISHED.] The commissioner shall establish a comprehensive off-highway motorcycle environment and safety education and training program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of off-highway motorcycle operators, and the issuance of off-highway motorcycle safety certificates to operators under the age of 16 years who successfully complete the off-highway motorcycle environment and safety education and training courses. The courses must include information about the responsible operation of off-highway motorcycles on public lands and frozen waters, including information about relevant state laws and the environmental impacts related to trail riding behavior.

Sec. 13. Minnesota Statutes 2002, section 84.791, is amended by adding a subdivision to read:

Subd. 4. [EXEMPTION FROM TRAINING.] Until July 1, 2004, the commissioner shall issue a certificate that satisfies the requirements of section 84.773 to the operator of a registered off-highway motorcycle who is at least 18 years of age and who signs a statement on a form prepared by the commissioner that the operator is familiar with and agrees to obey the off-highway laws in this state.

Sec. 14. Minnesota Statutes 2002, section 84.794, subdivision 2, is amended to read:

Subd. 2. [PURPOSES.] (a) Subject to appropriation by the legislature, money in the off-highway motorcycle account may only be spent for the following purposes:

(1) administration, and enforcement, and implementation of sections 84.787 84.773 to 84.796, including, but not limited to, increasing the number of conservation officers available for enforcement of off-highway motorcycle laws to ensure that off-highway motorcycle laws are sufficiently enforced;

(2) acquisition, maintenance, and development of monitoring ongoing impacts of off-highway motorcycle use;

(3) maintenance and repair of designated off-highway motorcycle trails and use areas; and

(3) grants-in-aid (4) acquisition and development of trails designated for use by off-highway motorcycles;

(5) funding state safety and environmental programs for off-highway motorcycle use;

(6) providing grants-in-aid to local safety and environmental programs for off-highway motorcycle use;

(7) providing grants for enforcement to local jurisdictions where the off-highway vehicle laws are equivalent to the standards in state law; and

(8) funding grant-in-aid programs to counties and municipalities to construct and maintain local off-highway motorcycle trails and use areas.

(b) The distribution of funds made available for grants-in-aid must be guided by the statewide comprehensive outdoor recreation plan.

(c) In determining the amount of money to be allocated for enforcement purposes under paragraph (a), clause (1), the commissioner shall consider:

(1) the number of off-highway motorcycles using state lands, by enforcement region;

(2) the number of off-highway motorcycles using a particular outdoor recreation unit in relation to the size of the unit and the type, speed, and size of off-highway motorcycles used;

(3) the acreage of state land within each enforcement region;

(4) the extent to which violations are cited in each enforcement region;

(5) the overall performance of each enforcement region;

(6) special considerations, such as volume of transient, nonresident, or rental off-highway motorcycles or extremely large outdoor recreation units; and

(7) any other factor determined relevant by the commissioner.

Sec. 15. Minnesota Statutes 2002, section 84.798, subdivision 4, is amended to read:

Subd. 4. [REGISTRATION STICKER AND PLATES.] The owner of an off-road vehicle must display a registration sticker or plates issued by the commissioner. If the vehicle is licensed as a motor vehicle, ~~the a registration sticker must be affixed on the upper left corner of the rear license plate.~~ If the vehicle is not licensed as a motor vehicle, ~~the owner commissioner shall provide a plate issue plates not less than four six inches high and 7-1/2 12 inches wide. The plate plates must be attached to the front and rear of the vehicle at least 12 24 inches from the ground. The registration sticker must be affixed on the upper left corner of the plate. Plates and registration stickers must be maintained in a clean and legible condition.~~

Sec. 16. Minnesota Statutes 2002, section 84.798, is amended by adding a subdivision to read:

Subd. 6a. [OFF-HIGHWAY VEHICLE DAMAGE SURCHARGE.] A \$..... surcharge is placed on each off-road vehicle registered under subdivision 6, paragraph (a). The surcharge must be deposited in the off-highway vehicle damage account in the natural resources fund under section 84.780.

Sec. 17. [84.8015] [EDUCATION AND TRAINING.]

Subdivision 1. [PROGRAM ESTABLISHED.] The commissioner shall establish a comprehensive off-road vehicle environment and safety education and training program, including

the preparation and dissemination of vehicle information and safety advice to the public, the training of off-road vehicle operators, and the issuance of off-road vehicle certificates to operators who successfully complete the off-road vehicle environment and safety education and training courses. The courses must include information about the responsible operation of off-road vehicles on public lands and frozen waters, including information about relevant state laws and the environmental impacts related to trail use.

Subd. 2. [FEE.] For the purposes of administering the program and to defray a portion of the expenses of training and certifying vehicle operators, the commissioner shall collect a fee not to exceed \$5 from each person who receives the training. The fees must be deposited in the state treasury and credited to the off-road vehicle account.

Subd. 3. [COOPERATION AND CONSULTATION.] The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this section. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of off-road vehicle operators.

Subd. 4. [EXEMPTION FROM TRAINING.] Until July 1, 2004, the commissioner shall issue a certificate that satisfies the requirements of section 84.773 to the operator of a registered off-road vehicle who is at least 18 years of age and who signs a statement on a form prepared by the commissioner that the operator is familiar with and agrees to obey the off-road vehicle laws in this state.

Sec. 18. Minnesota Statutes 2002, section 84.803, subdivision 2, is amended to read:

Subd. 2. [PURPOSES.] (a) Subject to appropriation by the legislature, money in the off-road vehicle account may only be spent for the following purposes:

(1) administration and implementation of enforcement of sections 84.773 to 84.777 and 84.797 to 84.805 and Laws 1993, chapter 311, article 2, section 18, including, but not limited to, increasing the number of conservation officers available for enforcement of off-road vehicle laws to ensure that off-road vehicle laws are sufficiently enforced;

(2) acquisition, maintenance, and development of monitoring ongoing impacts of off-road vehicle use;

(3) maintenance and repair of designated off-road vehicle trails and use areas;

(4) acquisition and development of trails designated for use by off-road vehicles;

(5) funding state safety and environmental programs for off-road vehicle use;

(6) providing grants-in-aid to local safety and environmental programs for off-road vehicle use;

~~(3)~~ (7) funding grant-in-aid programs to counties and municipalities to construct and maintain local off-road vehicle trails and use areas; and

(4) grants-in-aid to local safety programs; and

(8) providing grants for enforcement to local jurisdictions where off-highway vehicle laws are equivalent to the standards in state law.

(b) In determining the amount of money to be allocated for enforcement purposes under paragraph (a), clause (1), the commissioner shall consider:

(1) the number of off-road vehicles using state lands, by enforcement region;

(2) the number of off-road vehicles using a particular outdoor recreation unit in relation to the size of the unit and the type, speed, and size of off-road vehicles used;

(3) the acreage of state land within each enforcement region;

(4) the extent to which violations are cited in each enforcement region;

(5) the overall performance of each enforcement region;

(6) special considerations, such as volume of transient, nonresident, or rental off-road vehicles or extremely large outdoor recreation units; and

(7) any other factor determined relevant by the commissioner.

Sec. 19. [84.901] [OFF-HIGHWAY VEHICLE SAFETY AND CONSERVATION PROGRAM.]

Subdivision 1. [CREATION.] The commissioner of natural resources shall establish a program to promote the safe and responsible operation of off-highway vehicles in a manner that does not harm the environment. The commissioner shall coordinate the program through the regional offices of the department of natural resources.

Subd. 2. [PURPOSE.] The purpose of the program is to encourage off-highway vehicle clubs to assist, on a volunteer basis, in improving, maintaining, and monitoring of trails on state forest land and other public lands.

Subd. 3. [AGREEMENTS.] (a) The commissioner shall enter into informal agreements with off-highway vehicle clubs for volunteer services to maintain, make improvements to, and monitor trails on state forest land and other public lands. The off-highway vehicle clubs shall promote the operation of off-highway vehicles in a safe and responsible manner that complies with the laws and rules that relate to the operation of off-highway vehicles.

(b) The off-highway vehicle clubs may provide assistance to the department in locating, recruiting, and training instructors for off-highway vehicle training programs.

(c) The commissioner may provide assistance to enhance the comfort and safety of volunteers and to facilitate the implementation and administration of the safety and conservation program.

Subd. 4. [WORKER DISPLACEMENT PROHIBITED.] The commissioner may not enter into any agreement that has the purpose of or results in the displacement of public employees by volunteers participating in the off-highway safety and conservation program under this section. The commissioner must certify to the appropriate bargaining agent that the work performed by a volunteer will not result in the displacement of currently employed workers or workers on seasonal layoff or layoff from a substantially equivalent position, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits.

Sec. 20. Minnesota Statutes 2002, section 84.92, subdivision 8, is amended to read:

Subd. 8. [ALL-TERRAIN VEHICLE.] "All-terrain vehicle" or "vehicle" means a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 800 900 pounds.

Sec. 21. Minnesota Statutes 2002, section 84.922, subdivision 2, is amended to read:

Subd. 2. [APPLICATION, ISSUANCE, REPORTS.] (a) Application for registration or continued registration shall be made to the commissioner of natural resources, the commissioner of public safety or an authorized deputy registrar of motor vehicles in a form prescribed by the commissioner. The form must state the name and address of every owner of the vehicle.

(b) A person who purchases an all-terrain vehicle from a retail dealer shall make application for registration to the dealer at the point of sale. The dealer shall issue a temporary ten-day registration permit to each purchaser who applies to the dealer for registration. The dealer shall submit the completed registration application and fees to the deputy registrar at least once each week. No fee may be charged by a dealer to a purchaser for providing the temporary permit.

(c) Upon receipt of the application and the appropriate fee, the commissioner or deputy

registrar shall issue to the applicant, or provide to the dealer, a 60-day temporary receipt and shall assign a registration number that must be affixed to the vehicle ~~in a manner prescribed by the commissioner according to paragraph (f)~~. A dealer subject to paragraph (b) shall provide the registration materials and temporary receipt to the purchaser within the ten-day temporary permit period. The commissioner shall use the snowmobile registration system to register vehicles under this section.

(d) Each deputy registrar of motor vehicles acting under section 168.33, is also a deputy registrar of all-terrain vehicles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with the accounting and procedural requirements.

(e) A fee of \$2 in addition to other fees prescribed by law shall be charged for each vehicle registered by:

(1) a deputy registrar and shall be deposited in the treasury of the jurisdiction where the deputy is appointed, or retained if the deputy is not a public official; or

(2) the commissioner and shall be deposited to the state treasury and credited to the all-terrain vehicle account in the natural resources fund.

(f) The owner of an all-terrain vehicle must display registration plates issued by the commissioner. The commissioner shall issue plates not less than six inches high and 12 inches wide. The plates must be attached to the front and rear of the vehicle at least 24 inches from the ground. Plates must be maintained in a clean and legible condition.

Sec. 22. Minnesota Statutes 2002, section 84.922, is amended by adding a subdivision to read:

Subd. 5a. [OFF-HIGHWAY VEHICLE DAMAGE SURCHARGE.] A \$...... surcharge is placed on each all-terrain vehicle registration under subdivision 5, paragraph (a), clause (1). The surcharge must be deposited in the off-highway vehicle damage account in the natural resources fund under section 84.780.

Sec. 23. Minnesota Statutes 2002, section 84.925, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM ESTABLISHED.] (a) The commissioner shall establish a comprehensive all-terrain vehicle environmental and safety education and training program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of all-terrain vehicle operators, and the issuance of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who successfully complete the all-terrain vehicle environmental and safety education and training course. The courses must include information about the responsible operation of all-terrain vehicles on public lands and frozen waters, including information about relevant state laws and the environmental impacts related to trail riding behavior.

(b) For the purpose of administering the program and to defray a portion of the expenses of training and certifying vehicle operators, the commissioner shall collect a fee of \$15 from each person who receives the training. Fee proceeds shall be deposited in the all-terrain vehicle account in the natural resources fund.

(c) The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this section. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of vehicle operators. By June 30, 2003, the commissioner shall incorporate a riding component in the safety education and training program.

Sec. 24. Minnesota Statutes 2002, section 84.925, is amended by adding a subdivision to read:

Subd. 3. [EXEMPTION FROM TRAINING.] Until July 1, 2004, the commissioner shall issue a certificate that satisfies the requirements of section 84.773 to the operator of a registered all-terrain vehicle who is at least 18 years of age and who signs a statement on a form prepared by the commissioner that the operator is familiar with and agrees to obey the all-terrain vehicle laws in this state.

Sec. 25. Minnesota Statutes 2002, section 84.926, is amended to read:

84.926 [VEHICLE USE ALLOWED ON PUBLIC LANDS BY THE COMMISSIONER.]

Notwithstanding section 84.777, on a case by case basis, after notice and public hearing, the commissioner may allow vehicles issue a permit authorizing a person to operate an off-highway vehicle on individual public trails under the commissioner's jurisdiction during specified times and for specified purposes.

Sec. 26. Minnesota Statutes 2002, section 84.927, subdivision 2, is amended to read:

Subd. 2. [PURPOSES.] (a) Subject to appropriation by the legislature, money in the all-terrain vehicle account may only be spent for the following purposes:

(1) the education and training program under section 84.925;

(2) administration and implementation of enforcement of sections 84.773 to 84.777 and 84.92 to 84.929 and Laws 1984, chapter 647, sections 9 and 10; including, but not limited to, increasing the number of conservation officers available for enforcement of all-terrain vehicle laws to ensure that all-terrain vehicle laws are sufficiently enforced;

(2) monitoring ongoing impacts of all-terrain vehicle use;

(3) acquisition, maintenance, and development of (3) maintenance and repair of vehicle trails and use areas;

(4) acquisition and development of trails designated for use by all-terrain vehicles;

(5) funding state safety and environmental programs for all-terrain vehicle use;

(6) providing grants-in-aid to local safety and environmental programs for all-terrain vehicle use;

(4) (7) funding grant-in-aid programs to counties and municipalities to construct and maintain local all-terrain vehicle trails and use areas; and

(5) grants-in-aid to local safety programs; and

(8) providing grants for enforcement to local jurisdictions where off-highway vehicle laws are equivalent to the standards in state law.

(b) The distribution of funds made available through grant-in-aid programs must be guided by the statewide comprehensive outdoor recreation plan.

(c) In determining the amount of money to be allocated for enforcement purposes under paragraph (a), clause (1), the commissioner shall consider:

(1) the number of all-terrain vehicles using state lands, by enforcement region;

(2) the number of all-terrain vehicles using a particular outdoor recreation unit in relation to the size of the unit and the type, speed, and size of all-terrain vehicles used;

(3) the acreage of state land within each enforcement region;

(4) the extent to which violations are cited in each enforcement region;

(5) the overall performance of each enforcement region;

(6) special considerations, such as volume of transient, nonresident, or rental all-terrain vehicles or extremely large outdoor recreation units; and

(7) any other factor determined relevant by the commissioner.

Sec. 27. Minnesota Statutes 2002, section 84.928, subdivision 1, is amended to read:

Subdivision 1. [OPERATION ON ROADS AND RIGHTS-OF-WAY.] (a) A person shall not operate an all-terrain vehicle along or on the roadway, shoulder, or inside bank or slope of a public road right-of-way other than in the ditch or the outside bank or slope of a trunk, county state-aid, or county highway in this state unless otherwise allowed in sections 84.92 to 84.929 off-road within a public road right-of-way in this state except on a trail approved after a public hearing by the road authority as defined under section 160.02, subdivision 25. The commissioner may limit the use of a trail approved by a local unit of government under this subdivision for a period of time if the commissioner determines that use of the trail causes:

(1) degradation of vegetation on adjacent public property;

(2) siltation of waters of the state;

(3) impairment or enhancement to the act of taking game; or

(4) a threat to safety of the trail users or to individuals on adjacent public property.

(b) A person may operate an all-terrain vehicle registered for private use and used for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or county highway in this state if the all-terrain vehicle is operated on the extreme right-hand side of the road, and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions.

(c) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in the agricultural zone unless the vehicle is being used exclusively as transportation to and from work on agricultural lands. This paragraph does not apply to an agent or employee of a road authority, as defined in section 160.02, subdivision 25, or the department of natural resources when performing or exercising official duties or powers.

(d) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way and in the same direction as the highway traffic on the nearest lane of the adjacent roadway.

(e) A person shall not operate an all-terrain vehicle at any time within the right-of-way of an interstate highway or freeway within this state.

Sec. 28. [84.930] [MOTORIZED TRAIL GRANTS-IN-AID.]

(a) This section applies to grants-in-aid for motorized trail construction and maintenance under sections 84.794, 84.803, 84.83, and 84.927.

(b) If the commissioner of natural resources determines that a grant-in-aid recipient has violated any federal or state law or any of the terms of the grant agreement with the commissioner, the commissioner must withhold all grant payments for any work occurring after the date the recipient was notified of the violation and seek restitution for any property damage caused by the violation.

Sec. 29. [PROVISIONAL FOREST TRAIL DESIGNATION.]

Subdivision 1. [PROVISIONAL TRAILS.] (a) The commissioner of natural resources shall review at least one-half of all state forests and provide provisional designations for trails for use by off-highway vehicles by June 1, 2005. The commissioner shall prioritize selection of state forests for review based on the prospect for finding trails appropriate for off-highway vehicle use, and shall ensure that at least 1,500 additional miles of trails are provisionally designated and posted by October 1, 2005.

If the total mileage of the trails designated under this subdivision does not exceed 1,500 miles of permanently designated trails after the expiration of all provisional designations, the commissioner must designate enough provisional trails under this subdivision to ensure that a total with at least 1,500 additional miles of permanent and provisional trails are available for off-highway use. The commissioner must continue this process until at least 1,500 miles of permanently designated off-highway vehicle trails are available in state forests in addition to the designated trails available before commencing the process under this subdivision.

(b) Before making a designation of a trail under this subdivision, the commissioner must review the proposed designation for the trail prepared by a trail designation team composed of an interdisciplinary team of representatives from departmental divisions.

(c) Until October 1, 2005, Minnesota Statutes, section 84.777, subdivision 1, paragraph (a), does not apply to a state forest, unless the review and provisional trail designation process has been completed for the forest.

(d) After provisional trail designations and postings are completed for a state forest, Minnesota Statutes, section 84.777, subdivision 1, paragraph (a), applies to that forest. For the purposes of Minnesota Statutes, section 84.777, subdivision 1, paragraph (a), a provisional designation under this subdivision is a trail specifically designated by the commissioner. A provisional trail designation expires at the end of the time specified for suspension of environmental review provided in subdivision 2.

Subd. 2. [TEMPORARY SUSPENSION OF ENVIRONMENTAL REVIEW REQUIREMENTS.] The requirements for environmental review under Minnesota Statutes, section 116D.04, and rules of the environmental quality board are temporarily suspended for each provisional trail designation until two years have elapsed after each provisional trail has been designated in a state forest. If a lawsuit challenging a trail designation is commenced, the running of the two-year suspension under this subdivision is tolled, and the suspension remains in effect from the date the lawsuit is filed until the date of dismissal or entry of final judgment in the lawsuit.

This subdivision does not apply to a trail that is included in a record of decision or court order issued before the date of enactment of this act that requires environmental review for the trail.

#### Sec. 30. [STUDY OF OFF-HIGHWAY VEHICLE TRAILS BUDGET.]

By October 1, 2003, the commissioner of natural resources must submit a report to the chairs of the legislative committees with jurisdiction over natural resources policy and finance concerning the cost of maintenance, operation, and enforcement for the current off-highway vehicle trails system, including, but not limited to, how many miles of trails the department's off-highway vehicle budget will support. The report must also include:

- (1) a detailed discussion of sources of revenue for trails;
  - (2) an analysis of recent and projected expenditures from the off-highway vehicle accounts;
  - (3) information regarding all other sources of revenue used for off-highway vehicle purposes;
- and

(4) a current inventory of all the state forest roads and access routes, including designated off-highway vehicle routes and all motorized and nonmotorized trails.

#### Sec. 31. [TRANSFERS.]

The commissioner of finance must transfer \$..... in fiscal year 2004 from the off-highway motorcycle account, \$..... from the off-road vehicle account, and \$..... from the all-terrain vehicle account to the off-route damage account in the natural resources fund.

#### Sec. 32. [APPROPRIATIONS.]

Subdivision 1. [OFF-HIGHWAY MOTORCYCLES.] \$..... in fiscal year 2004 is appropriated from the off-highway motorcycle account in the natural resources fund to the commissioner of natural resources for the purposes of Minnesota Statutes, section 84.794, subdivision 2.

Subd. 2. [OFF-ROAD VEHICLES.] \$..... in fiscal year 2004 is appropriated from the off-road vehicle account in the natural resources fund to the commissioner of natural resources for the purposes of Minnesota Statutes, section 84.803, subdivision 2.

Subd. 3. [ALL-TERRAIN VEHICLES.] \$..... in fiscal year 2004 is appropriated from the all-terrain vehicle account in the natural resources fund to the commissioner of natural resources for the purposes of Minnesota Statutes, section 84.927, subdivision 2.

Subd. 4. [TRAIL DEVELOPMENT.] \$150,000 in fiscal year 2004 and \$150,000 in fiscal year 2005 are appropriated to the commissioner of natural resources from the natural resources fund for trail development. Of this amount, \$86,000 each year is from the all-terrain vehicle account, \$57,000 each year is from the off-road vehicle account, and \$7,000 each year is from the off-highway motorcycle account.

Subd. 5. [OFF-HIGHWAY VEHICLE FACILITIES.] \$1,000,000 in fiscal year 2004 is appropriated from the natural resources fund to the commissioner of natural resources for the Iron Range off-highway vehicle recreation area. Of this amount, \$600,000 is from the all-terrain vehicle account, \$350,000 is from the off-road vehicle account, and \$50,000 is from the off-highway motorcycle account. This appropriation is available until expended.

Sec. 33. [EFFECTIVE DATES.]

Section 2 is effective ..... Sections 3 and 27 are effective June 1, 2004. Section 29 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to natural resources; restricting the use of off-highway vehicles on state land; providing civil citation authority; modifying the disposition of certain fees; modifying registration and operating requirements for certain recreational vehicles; providing for enforcement; modifying motorized trail grants-in-aid; appropriating money; amending Minnesota Statutes 2002, sections 84.788, subdivision 3; 84.791, subdivision 1, by adding a subdivision; 84.794, subdivision 2; 84.798, subdivision 4; 84.803, subdivision 2; 84.92, subdivision 8; 84.922, subdivision 2, by adding a subdivision; 84.925, subdivision 1, by adding a subdivision; 84.926; 84.927, subdivision 2; 84.928, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84."

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

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

**S.F. No. 394:** A bill for an act relating to health; modifying prior authorization requirements for health care services; establishing requirements for provider contracting; modifying provisions for payment of claims; regulating utilization profiling; requiring certain disclosures; amending Minnesota Statutes 2002, sections 62M.07; 62Q.74; 62Q.75, subdivision 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 2002, section 62Q.745.

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 2002, section 62M.07, is amended to read:

62M.07 [PRIOR AUTHORIZATION OF SERVICES.]

(a) Utilization review organizations conducting prior authorization of services must have written standards that meet at a minimum the following requirements:

(1) written procedures and criteria used to determine whether care is appropriate, reasonable, or medically necessary;

(2) a system for providing prompt notification of its determinations to enrollees and providers and for notifying the provider, enrollee, or enrollee's designee of appeal procedures under clause (4);

(3) compliance with section 62M.05, subdivisions 3a and 3b, regarding time frames for approving and disapproving prior authorization requests;

(4) written procedures for appeals of denials of prior authorization which specify the responsibilities of the enrollee and provider, and which meet the requirements of sections 62M.06 and 72A.285, regarding release of summary review findings; and

(5) procedures to ensure confidentiality of patient-specific information, consistent with applicable law.

(b) No utilization review organization, health plan company, or claims administrator may conduct or require prior authorization of emergency confinement or emergency treatment. The enrollee or the enrollee's authorized representative may be required to notify the health plan company, claims administrator, or utilization review organization as soon after the beginning of the emergency confinement or emergency treatment as reasonably possible.

(c) If prior authorization for a health care service is required, the utilization review organization, health plan company, or claim administrator must allow providers to submit requests for prior authorization of such health care services without unreasonable delay by telephone, facsimile, voice mail, or through an electronic mechanism 24 hours a day, seven days a week.

Sec. 2. [62Q.732] [CITATION.]

Sections 62Q.732 to 62Q.752 may be cited as the "Minnesota Health Plan Contracting Act."

Sec. 3. [62Q.733] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For purposes of sections 62Q.732 to 62Q.752, the following definitions apply.

Subd. 2. [CONTRACT.] "Contract" means a written agreement between a health care provider and a health plan company to provide health care services.

Subd. 3. [HEALTH CARE PROVIDER OR PROVIDER.] "Health care provider" or "provider" means a physician, chiropractor, dentist, or other provider as defined under section 62J.03.

Subd. 4. [HEALTH PLAN COMPANY.] "Health plan company" means:

(1) a health maintenance organization operating under chapter 62D;

(2) a community integrated service network operating under chapter 62N;

(3) a preferred provider organization as defined in section 145.61, subdivision 4c; or

(4) an insurance company licensed under chapter 60A, nonprofit health service corporation operating under chapter 62C, fraternal benefit society operating under chapter 64B, or any other entity that establishes, operates, or maintains a health benefit plan or network of health care providers where the providers have entered into a contract with the entity to provide health care services.

Subd. 5. [FEE SCHEDULE.] "Fee schedule" means the total expected financial compensation

paid to a health care provider for providing a health care service as determined by the contract between the health plan company and the provider, inclusive of withhold amounts and any amount for which the patient or other third party may be obligated to pay under the contract.

Sec. 4. [62Q.734] [EXEMPTION.]

Sections 62Q.735 to 62Q.739, 62Q.74, and 62Q.752 do not apply to health plan companies whose annual Minnesota health premium revenues are less than three percent of the total annual Minnesota health premium revenues, as measured by the assessment base of the Minnesota comprehensive health association. For purposes of this percentage calculation, a health plan company's premiums include the Minnesota health premium revenues of its affiliates. These sections do not apply to state public health care programs.

Sec. 5. [62Q.735] [PROVIDER CONTRACTING PROCEDURES.]

Subdivision 1. [CONTRACT DISCLOSURE.] (a) Before requiring a health care provider to sign a contract, a health plan company shall give to the provider a complete copy of the proposed contract, including:

- (1) all attachments and exhibits;
- (2) operating manuals;
- (3) a description of the health plan company's health service coding standards and requirements for procedures and diagnoses with modifiers, multiple procedures, and correct coding edits; and
- (4) all guidelines and treatment parameters incorporated or referenced in the contract.

(b) The health plan company shall make available to the provider a method or process that allows the provider to determine the total expected payment amounts for each health care service to be provided under the contract.

Subd. 2. [PROPOSED AMENDMENTS.] (a) Any amendment or change in the terms of an existing contract between a health plan company and a provider must be disclosed to the provider at least 90 days prior to the effective date of the proposed change, with the exception of amendments required of the health plan company by law or governmental regulatory authority, when notice shall be given to the provider when the requirement is made known to the health plan company.

(b) Any amendment or change in the contract that alters the financial reimbursement or alters the written contractual policies and procedures governing the relationship between the provider and the health plan company must be disclosed to the provider not less than 90 days before the effective date of the proposed change and the provider must have the opportunity to terminate the contract before the amendment or change is deemed to be in effect.

(c) By mutual consent, evidenced in writing in amendments separate from the base contract and not contingent on participation, the parties may waive the disclosure requirements under paragraphs (a) and (b).

Sec. 6. [62Q.736] [PAYMENT RATES.]

A contract between a health plan company and a provider shall comply with section 62A.64.

Sec. 7. [62Q.737] [SERVICE CODE CHANGES.]

(a) For purposes of this section, "service code" means current procedural terminology (CPT), current dental terminology (CDT), ICD-CM, diagnosis-related groups (DRGs), or other coding system.

(b) A health plan company shall not change a service code properly submitted by a health care provider. The health plan company shall determine the manner in which it adjudicates claims and may limit the service codes it pays for based upon factors recognized by a service code.

(c) Notwithstanding paragraph (b), a health plan company may correct an error in a submitted claim that prevents the claim from being processed, provided that the health plan company:

(1) notifies the provider of the proposed change and reason for the proposed change;

(2) offers the provider the opportunity to submit additional documentation and material to support the submitted code; and

(3) offers the provider the opportunity to appeal any changes.

Sec. 8. [62Q.739] [UNILATERAL TERMS PROHIBITED.]

(a) A contract between a health plan company and a health care provider shall not contain or require unilateral terms regarding indemnification or arbitration. Notwithstanding any prohibitions in this section, a contract between a health plan company and a health care provider may be unilaterally terminated by either party in accordance with the terms of the contract.

(b) A health plan company may not terminate or fail to renew a health care provider's contract without cause unless the company has given the provider a written notice of the termination or nonrenewal 120 days before the effective date.

Sec. 9. Minnesota Statutes 2002, section 62Q.74, is amended to read:

62Q.74 [NETWORK SHADOW CONTRACTING.]

Subdivision 1. [DEFINITIONS.] ~~(a) For purposes of this section, the terms defined in this subdivision have the meanings given.~~

~~(b) "category of coverage" means one of the following types of health-related coverage:~~

~~(1) health;~~

~~(2) no-fault automobile medical benefits; or~~

~~(3) workers' compensation medical benefits.~~

~~(c) "Health care provider" or "provider" means an individual licensed, registered, or regulated by the board of medical practice under chapter 147, a chiropractor licensed under sections 148.01 to 148.106, a dentist licensed under chapter 150A, or a hospital licensed under chapter 144.~~

~~(d) "Network organization" means a preferred provider organization as defined in section 145.61, subdivision 4c; a managed care organization as defined in section 62Q.01, subdivision 5; or other entity that uses or consists of a network of health care providers.~~

Subd. 2. [PROVIDER CONSENT REQUIRED.] (a) No ~~network organization health plan company~~ shall require a health care provider to participate in a network under a category of coverage that differs from the category or categories of coverage to which the existing contract between the ~~network organization health plan company~~ and the provider applies, without the affirmative consent of the provider obtained under subdivision 3.

~~(b) This section does not apply to situations in which the network organization wishes No health plan company shall require, as a condition of participation in any health plan, product, or other arrangement, the provider to participate in a new or different health plan, product, or other arrangement within a category of coverage that is already provided for in an existing contract between the network organization and the provider results in a different underlying financial reimbursement methodology without the affirmative consent of the provider obtained under subdivision 3. This paragraph does not apply to participation in health plan products or other arrangements that provide health care services to government programs, including state public programs, Medicare and Medicare-related coverage.~~

(c) Compliance with this section may not be waived in a contract or otherwise.

Subd. 3. [CONSENT PROCEDURE.] (a) The ~~network organization~~ health plan company, if it wishes to apply an existing contract with a provider to a different category of coverage or health plan, product, or other arrangement within a category of coverage that results in a different underlying financial reimbursement methodology, shall first notify the provider in writing. The written notice must include at least the following:

(1) the ~~network organization's~~ health plan company's name, address, and telephone number, and the name of the specific network, if it differs from that of the network organization;

(2) a description of the proposed new category of coverage or health plan, product, or other arrangement within a category of coverage;

(3) the names of all payers expected by the ~~network organization~~ health plan company to use the network for the new category of coverage or health plan, product, or other arrangement within a category of coverage;

(4) the approximate number of current enrollees of the ~~network organization~~ health plan company in that category of coverage or health plan, product, or other arrangement within a category of coverage within the provider's geographical area;

(5) a disclosure of all contract terms of the proposed new category of coverage or health plan, product, or other arrangement within a category of coverage, including the discount or reduced fees, care guidelines, utilization review criteria, prior notification process, prior authorization process, and dispute resolution process;

(6) a form for the provider's convenience in accepting or declining participation in the proposed new category of coverage or health plan, product, or other arrangement within a category of coverage, provided that the provider need not use that form in responding; and

(7) a statement informing the provider of the provisions of paragraph (b).

(b) Unless the provider has affirmatively agreed to participate within 60 days after the postmark date of the notice, the provider is deemed to have not accepted the proposed new category of coverage or health plan, product, or other arrangement within a category of coverage.

Subd. 4. [CONTRACT TERMINATION RESTRICTED.] A ~~network organization~~ health plan company must not terminate an existing contract with a provider, or fail to honor the contract in good faith, based solely on the provider's decision not to accept a proposed new category of coverage or health plan, product, or other arrangement within a category of coverage. The most recent agreed-upon contractual obligations remain in force until the existing contract's renewal or termination date.

Subd. 5. [REMEDY.] If a ~~network organization~~ health plan company violates this section by reimbursing a provider as if the provider had agreed under this section to participate in the network under a category of coverage or health plan, product, or other arrangement within a category of coverage that results in a different underlying financial reimbursement methodology to which the provider has not agreed, the provider has a cause of action against the ~~network organization~~ health plan company to recover two times the difference between the reasonable charges for claims affected by the violation and the amounts actually paid to the provider. The provider is also entitled to recover costs, disbursements, and reasonable attorney fees.

Sec. 10. Minnesota Statutes 2002, section 62Q.75, subdivision 2, is amended to read:

Subd. 2. [CLAIMS PAYMENTS.] (a) This section applies to clean claims submitted to a health plan company or third-party administrator for services provided by any:

(1) health care provider, except a provider licensed under chapter 151;

(2) home health care provider, as defined in section 144A.43, subdivision 4; or

(3) health care facility.

All health plan companies and third-party administrators must pay or deny claims that are clean claims within 30 calendar days after the date upon which the health plan company or third-party administrator received the claim.

(b) If a health plan company or third-party administrator determines that a claim is not clean, the health plan company or third-party administrator must make available to and notify the health care provider of the reasons for this determination within 30 calendar days after the date upon which the health plan company or third-party administrator received the claim. Where evidence of suspected fraud is present, the requirement to disclose the reasons for the determination that a claim is not clean need not be specific.

(c) If a health plan company or third-party administrator does not pay or deny a clean claim within the period provided in paragraph (a), the health plan company or third-party administrator must pay interest on the claim for the period beginning on the day after the required payment date specified in paragraph (a) and ending on the date on which the health plan company or third-party administrator makes the payment or denies the claim. In any payment, the health plan company or third-party administrator must itemize any interest payment being made separately from other payments being made for services provided. The health plan company or third-party administrator may, at its discretion, require the health care provider to bill the health plan company or third-party administrator for the interest required under this section before any interest payment is made. Interest payments must be made to the health care provider no less frequently than quarterly.

(e) (d) The rate of interest paid by a health plan company or third-party administrator under this subdivision shall be 1.5 percent per month or any part of a month.

(d) (e) A health plan company or third-party administrator is not required to make an interest payment on a claim for which payment has been delayed for purposes of reviewing potentially fraudulent or abusive billing practices.

(e) The commissioner may not assess a financial administrative penalty against a health plan company for violation of this subdivision.

(f) The commissioner may assess a financial administrative penalty against a health plan company for violation of this subdivision when there is a pattern of abuse that demonstrates a lack of good faith effort and a systematic failure of the health plan company to comply with this subdivision.

#### Sec. 11. [62Q.752] [DISCLOSURE OF PROFILING DATA.]

Subdivision 1. [DISCLOSURE.] Before releasing provider identifiable profiling data to consumers or health plan members, health plan companies shall provide a provider with an opportunity to review the provider's identifiable data and a summary describing the underlying analysis and methodology. A provider shall be given 90 days after receipt of the identifiable data and summary to comment.

Subd. 2. [RELEASE OF DATA; APPEAL.] Before a health plan company or health plan sponsor may release any data covered by this section, the health plan company or plan sponsor must provide the subject of the data the opportunity to provide the health plan company or plan sponsor with information supporting or critical to the methodology procedure or information utilized in assembling the data to be released. The health plan company or plan sponsor must consider any information provided by the data subject and provide a written response to the data subject before releasing the data. A health plan company or plan sponsor must provide the subject of the data with a timely appeal process if the subject of the data, after receiving the health plan company or plan sponsor's written response, continues to contest the methodology, procedure, or information utilized by the health plan company or plan sponsor.

#### Sec. 12. [REPEALER.]

Minnesota Statutes 2002, section 62Q.745, is repealed.

Sec. 13. [EFFECTIVE DATE.]

Sections 1 to 12 are effective July 1, 2003."

Amend the title as follows:

Page 1, line 5, after "regulating" insert "the disclosure of profiling data;"

Page 1, delete line 6

Page 1, lines 8 and 9, delete ", by adding a subdivision"

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

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

**S.F. No. 913:** A bill for an act relating to health; establishing qualified eligibility clearinghouses to provide eligibility data to health care providers; proposing coding for new law in Minnesota Statutes, chapter 62J.

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

Delete everything after the enacting clause and insert:

"Section 1. [62J.62] [PROVIDER ACCESS TO ELIGIBILITY DATA.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the following definitions apply.

(b) "Covered individual" means a natural person who is eligible to receive health care benefits under a policy, contract, certificate, evidence of coverage, rider, binder, or endorsement that provides for or describes health care coverage.

(c) "Eligibility data" means the following data on a covered individual:

(1) name;

(2) address;

(3) gender;

(4) age;

(5) date of birth;

(6) employer;

(7) spouse's name;

(8) dependent's name;

(9) group number;

(10) policy number;

(11) start date and expiration date;

(12) inclusion of skilled nursing benefits, dental benefits, or vision benefits; and

(13) co-pay amount per category.

A covered individual's social security number shall be included as eligibility data if the health plan company or group purchaser uses it for enrollee identification or for enrollee eligibility purposes unless the provision of the social security number is prohibited by federal regulation. Clauses (6), (7), and (8) are not included in the definition of eligibility data for individuals covered under the health care programs administered by the department of human services.

(d) "Group purchaser" has the meaning given in section 62J.03, subdivision 6, and includes the department of human services in its role as a purchaser in the medical assistance, general assistance medical care, and MinnesotaCare programs.

(e) "Health plan company" has the meaning given in section 62Q.01, subdivision 4.

(f) "Patient" means a natural person who receives or is about to receive services from a provider.

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

Subd. 2. [DESIGNATION.] (a) The commissioner shall establish a process to designate business entities as qualified eligibility clearinghouses. Upon designation, a qualified eligibility clearinghouse may provide eligibility data to health care providers to facilitate access to this data.

(b) A qualified eligibility clearinghouse must not be owned or operated by a health care provider, a health plan company, or a group purchaser and the primary business of the clearinghouse must be eligibility or claims data processing.

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

Subd. 3. [APPLICATION AND RENEWAL.] (a) To be designated by the commissioner as a qualified eligibility clearinghouse, an entity must provide the commissioner with:

(1) a description of procedures and safeguards to protect the confidentiality and integrity of the data received, including a description of the type of electronic transactions to be utilized by the clearinghouse;

(2) evidence indicating independence from provider or health plan company ownership;

(3) evidence indicating compliance with the Health Insurance Portability and Accountability Act of 1996 privacy and security provisions relating to the electronic exchange of information; and

(4) any other information requested by the commissioner.

(b) The designation as a qualified eligibility clearinghouse shall be valid for a two-year period from the date of designation. Before the expiration of the two-year period, the commissioner shall review the designation to determine whether the eligibility clearinghouse continues to meet the criteria established under this section. The commissioner may require the eligibility clearinghouse whose designation is being reviewed to submit to the commissioner an application for renewal and may request the submission of any information deemed necessary by the commissioner to determine whether the eligibility clearinghouse is in compliance with this section. Based on the review, the commissioner may renew the eligibility clearinghouse's designation as a qualified eligibility clearinghouse for a two-year period.

(c) The commissioner may charge an application and renewal fee to each applicant requesting designation or for designation renewal. The fee charged must not exceed the administrative cost of processing the designation application or designation renewal.

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

Subd. 4. [DATA COLLECTION.] (a) A health plan company or group purchaser must provide immediate and secure access to its database to a qualified eligibility clearinghouse to determine eligibility data for each covered individual eligible for health care benefits through a policy, contract, certificate, evidence of coverage, rider, binder, or endorsement offered by the health plan company or group purchaser. The technology used to provide access must comply with the Health

Insurance Portability and Accountability Act of 1996 security provisions relating to the electronic exchange of information.

(b) A health plan company or group purchaser must not charge a fee to a qualified eligibility clearinghouse for providing access to its database. This paragraph does not apply to the department of human services.

**[EFFECTIVE DATE.]** This subdivision is effective January 1, 2004.

Subd. 5. [RELEASE OF DATA.] (a) Upon the request of a provider, a qualified eligibility clearinghouse must provide the relevant eligibility data regarding a specific patient. A provider may only request eligibility data for a patient who has authorized the provider to obtain eligibility data from the patient's health plan company or group purchaser.

(b) The qualified eligibility clearinghouse may charge a fee to the provider for providing eligibility data.

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

Subd. 6. [DATA CLASSIFICATION.] (a) Data collected by a qualified eligibility clearinghouse that identifies a covered individual or patient are classified as private data on individuals as defined under section 13.02, subdivision 12, and is protected as health information as defined under Code of Federal Regulations, title 45, section 164.501. Data classified as private under this subdivision may be released only as permitted under this section.

(b) Data received by a provider from a qualified eligibility clearinghouse shall be considered part of a patient's health record and shall be afforded all the protection described in section 144.335 and in Code of Federal Regulations, title 45, section 164.501.

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

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

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

**S.F. No. 985:** A bill for an act relating to health occupations; modifying provisions for alcohol and drug counselors licensure; creating the board of alcohol and drug counselors; amending Minnesota Statutes 2002, sections 148C.01, subdivisions 2, 12, by adding subdivisions; 148C.02; 148C.03; 148C.0351, subdivisions 1, 3, by adding a subdivision; 148C.04; 148C.05, subdivision 1, by adding subdivisions; 148C.07; 148C.09; 148C.091; 148C.093; 148C.095; 148C.099; 148C.10, subdivisions 1, 2; 148C.11; proposing coding for new law in Minnesota Statutes, chapter 148C; repealing Minnesota Statutes 2002, sections 148C.01, subdivision 6; 148C.0351, subdivision 2; 148C.05, subdivisions 2, 3, 4; 148C.06; 148C.10, subdivision 1a; Minnesota Rules, parts 4747.0030, subparts 25, 28, 30; 4747.0040, subpart 3, item A; 4747.0060, subpart 1, items A, B, D; 4747.0070, subparts 4, 5; 4747.0080; 4747.0090; 4747.0100; 4747.0300; 4747.0400, subparts 2, 3; 4747.0500; 4747.0600; 4747.1000; 4747.1100, subparts 2, 3; 4747.1600.

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.

## SECOND READING OF SENATE BILLS

S.F. Nos. 314, 791, 533, 479, 574, 816, 675, 638, 69, 905, 1080, 1001 and 351 were read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 446 and 259 were read the second time.

**MOTIONS AND RESOLUTIONS**

Senator Tomassoni moved that the name of Senator Pariseau be added as a co-author to S.F. No. 477. The motion prevailed.

Senator Murphy moved that the names of Senators Day and Pariseau be added as co-authors to S.F. No. 480. The motion prevailed.

Senator Chaudhary moved that the name of Senator Moua be added as a co-author to S.F. No. 915. The motion prevailed.

Senator Jungbauer moved that his name be stricken as a co-author to S.F. No. 956. The motion prevailed.

Senator Metzen moved that the name of Senator Wiger be added as a co-author to S.F. No. 971. The motion prevailed.

Senator Wiger moved that the names of Senators Michel, Ortman, Marko and Jungbauer be added as co-authors to S.F. No. 978. The motion prevailed.

Senator Cohen moved that S.F. No. 835 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Finance. The motion prevailed.

Senator Berglin moved that S.F. No. 1044 be withdrawn from the Committee on Finance and re-referred to the Committee on Crime Prevention and Public Safety. The motion prevailed.

Senator Kubly moved that S.F. No. 1276 be withdrawn from the Committee on Education and re-referred to the Committee on Finance. The motion prevailed.

Senator Knutson moved that S.F. No. 603 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Finance. The motion prevailed.

**Senator Knutson introduced--**

**Senate Resolution No. 56:** A Senate resolution congratulating the Apple Valley High School Boys wrestling team on winning the 2003 State High School Class AAA Boys Wrestling Tournament.

Referred to the Committee on Rules and Administration.

**Senator Dille introduced--**

**Senate Resolution No. 57:** A Senate resolution congratulating the Litchfield High School Boys basketball team on winning the 2003 State High School Class AA Boys Basketball Tournament.

Referred to the Committee on Rules and Administration.

**Senator Dille introduced--**

**Senate Resolution No. 58:** A Senate resolution congratulating the Litchfield High School Boys wrestling team on winning the 2003 State High School Class AA Boys Wrestling Tournament.

Referred to the Committee on Rules and Administration.

**Senators Hottinger and Day introduced--**

**Senate Resolution No. 59:** A Senate resolution adopting Permanent Rules of the Senate.

Senator Hottinger moved that Senate Resolution No. 59 be laid on the table and printed in the Journal. The motion prevailed.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Permanent Rules of the Senate for the 83rd Legislature shall read as follows:

**1. PARLIAMENTARY REFERENCE**

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure govern the Senate in all cases in which they are applicable, and in which they are not inconsistent with these rules and orders of the Senate and the joint rules and orders of the Senate and House of Representatives.

**2. REPORTING OF BILLS**

Every bill, memorial, order, resolution or vote requiring the approval of the Governor must be reported to the Senate on three different days before its passage.

- (a) The first report, called the first reading, is made when it has been received for introduction.
- (b) The second report, called the second reading, is made when it has been considered by all the necessary standing committees and is ready for debate.
- (c) The third report, called the third reading, is made when it is ready for final passage.

**3. BILL INTRODUCTION**

3.1 Bills, memorials, and concurrent or joint resolutions may be introduced by a member or by a standing committee.

3.2 The name of the author, authors, or committee must be written on the bill, memorial or resolution. The number of authors may not exceed five.

3.3 An original and ~~three~~ two copies are required for introduction.

3.4 A member or a committee desiring to introduce a bill, memorial or concurrent or joint resolution shall deliver it to the office of the Secretary, and the Secretary shall promptly deliver all the bills, memorials or concurrent or joint resolutions to the President who shall present them to the Senate.

3.5 During the period between the last day of the session in any odd-numbered year and the first day of the session in the following year, a bill filed with the Secretary for introduction must be given a file number and may be unofficially referred by the President, with the approval of the Chair of the Committee on Rules and Administration, to an appropriate standing committee of the Senate. All bills filed for introduction during this period must be presented to the Senate when it reconvenes and must be referred to the standing committees previously indicated by the President, subject to objection to the referral under Rule 4.8.

**4. BILL REFERRAL**

4.1 The President shall refer each bill without motion to the proper standing committee unless otherwise referred by the Senate.

4.2 A bill or resolution may not be referred to committee or amended until it has been given its first reading.

4.3 A member may not object to a bill or resolution on its introduction.

4.4 All bills appropriating money, or obligating the state to pay or expend money, or establishing a policy which to be effective will require expenditure of money, when referred to and reported by any other than the committee on Finance, must be referred before passage to the committee on Finance.

4.5 All bills delegating rulemaking to a department or agency of state government and all bills exempting a department or agency of state government from rulemaking, when referred to and reported by any other than the Committee on State and Local Government Operations, must be referred before passage to the Committee on State and Local Government Operations.

4.6 All bills creating a new commission, council, task force, board, or other body to which a member of the legislature will be appointed must be referred before passage both to the Committee on State and Local Government Operations and to the Committee on Rules and Administration.

4.7 All bills authorizing or increasing a sentence of imprisonment to a state correctional institution must be referred before passage to the Committee on Crime Prevention.

4.8 A bill introduced by a committee need not be referred to a standing committee unless a question arises. It must lie over one day before being given its second reading.

4.9 A member may question the reference of a bill during the order of business of first reading on the day of introduction. When a member questions the reference of a bill, the bill must be referred without debate to the Committee on Rules and Administration to report the proper reference. Upon adoption of the report of the Committee on Rules and Administration, the bill must be referred accordingly.

## **5. RECALL FROM COMMITTEE**

5.1 With the concurrence of the chief author of the bill, before the deadline for committee action on a bill, a majority of the whole Senate may recall the bill from a committee and re-refer it to any other committee or place it on General Orders. After the committee deadline for action on a bill, 41 affirmative votes of the whole Senate may recall the bill from any committee and re-refer it to any other committee or place it on General Orders.

5.2 By a report of the Committee on Rules and Administration adopted by the Senate, the Committee on Rules and Administration, on request of the chief author, may remove a bill from committee and re-refer it to any other committee or place it on General Orders.

## **6. RESOLUTIONS**

6.1 Memorial resolutions addressed to the President or the Congress of the United States, or a house or member of Congress, or a department or officer of the United States, or a state or foreign government, joint resolutions, and resolutions requiring the signature of the Governor must follow the same procedure as bills before being adopted.

6.2 A resolution may not be changed to a bill, and a bill may not be changed to a resolution.

6.3 When a member gives notice of intent to debate a resolution not required to follow the same procedure as bills and not offered by the Committee on Rules and Administration, the resolution must lie over one calendar day without debate or other action.

6.4 Upon the request of a member, the resolution must be referred to the proper committee. If a question arises concerning the proper reference the procedure provided by Rule 4.8 applies.

## 7. BUDGET RESOLUTION

7.1 The Committees on Taxes and on Finance must hold hearings as necessary to determine state revenues and appropriations for the fiscal biennium.

7.2 Within 30 days after the last state general fund revenue and expenditure forecast for the next fiscal biennium becomes available during the regular session in the odd-numbered year, and after receiving from the Committee on Taxes a resolution containing its recommendation on the maximum limit on revenues and an amount to be set aside as a budget reserve and a cash flow account, the Committee on Finance must adopt and report to the Senate a budget resolution, in the form of a Senate resolution. The budget resolution must set: (1) the maximum limit on revenues and net appropriations for the next fiscal biennium for the general fund; and (2) an amount or amounts to be set aside as a budget reserve and a cash flow account. The budget resolution must not specify, limit, or prescribe revenues or appropriations by any category other than those specified in clauses (1) and (2). If the Committee on Finance recommends a maximum limit on revenues or an amount for the budget reserve or cash flow account that differs from the amount recommended by the Committee on Taxes, the recommendation of the Committee on Finance must be referred to the Committee on Rules and Administration before it may be considered by the Senate.

7.3 After the Senate adopts the budget resolution, the limits in the resolution are effective during the regular session in the year in which the resolution is adopted, unless the Senate, acting upon a subsequent report of the Committee on Taxes as to revenues or of the Committee on Finance as to appropriations, adopts a different limit or limits for the same fiscal biennium. During the regular session in the even-numbered year, before the Committee on Finance reports a bill containing net appropriations in excess of the general fund appropriations in the current fiscal biennium estimated by the most recent state budget forecast, the Committee must adopt a budget resolution that accounts for the net appropriations. After the Committee adopts the budget resolution, it is effective during the regular session that year, unless the Committee adopts a different or amended resolution.

7.4 Within 14 days after the Senate or the Committee on Finance adopts a budget resolution, the Committee must adopt, by resolution, limits for each major appropriation bill identified in this Rule. After the Committee adopts the resolution, the limits in the resolution are effective during the regular session in the year in which the resolution is adopted, unless the Committee subsequently adopts different or amended limits for the same fiscal biennium. If the Committee on Finance or the Senate combines two or more major appropriation bills into one bill, the limits in the Committee resolution pertaining to those bills are also combined, and the sum of the combined limits applies to the combined bill.

7.5 The major tax and appropriation bills are:

- (1) the omnibus tax bill;
- (2) the E-12 education appropriations bill;
- (3) the higher education appropriation bill;
- (4) the environment ~~and~~, agriculture, and economic development appropriations bill;
- (5) the health, human services and corrections appropriations bill;
- (6) the state government, ~~economic development and the judiciary~~ appropriations bill;
- (7) the transportation and ~~public safety~~ appropriations bill; and
- (8) the omnibus capital investment bill.

7.6 After the adoption of a resolution by the Senate or by the Committee on Finance, the Committee on Finance and the Committee on Taxes must reconcile each bill recommended by the committee with the resolution or resolutions. When reporting a bill, the committee must certify to

the Senate that the committee has reconciled the fiscal effect of the bill with the resolution or resolutions and that the bill, as reported by the committee, together with other bills reported and expected to be reported by the committee, does not and will not exceed the limits specified in either resolution.

7.7 After the adoption of a resolution by the Senate or the Committee on Finance, an amendment to a bill is out of order if it would cause any of the limits specified in either resolution to be exceeded. Whether an amendment is out of order under this Rule is a question to be decided in the Senate by the President and in committee by the committee chair. In making the determination, the presiding officer may consider:

- (1) the limits in a resolution;
- (2) the effect of existing laws on revenues and appropriations;
- (3) the effect of amendments previously adopted to the bill under consideration;
- (4) the effect of bills previously recommended by a committee or bills previously passed in the legislative session by the Senate or by the Legislature;
- (5) whether appropriation increases or revenue decreases that would result from the amendment are offset by decreases in other appropriations or increases in other revenue specified by the amendment; and
- (6) other information reasonably related to appropriation and revenue amounts.

## **8. CONFIRMATIONS**

8.1 Every gubernatorial appointment requiring the advice and consent of the Senate must be referred by the President to the appropriate committee. If a question arises as to the proper committee, the appointment must be referred without debate to the Committee on Rules and Administration for a report making the proper reference.

8.2 An appointment referred to committee and not reported to the Senate within one year after it was referred is withdrawn from committee and placed on the confirmation calendar for consideration by the Senate before adjournment of the regular session.

8.3 The final question on the appointment is, "Will the Senate, having given its advice, now consent to this appointment?" The question must not be put the same day the appointment is received or on the day it is reported by committee except by unanimous consent.

## **9. STANDING COMMITTEES**

The standing committees of the Senate are as follows:

Agriculture, General Legislation and Veterans Affairs  
Capital Investment  
Commerce and Utilities  
Crime Prevention and Public Safety  
Education  
Environment and Natural Resources  
Finance  
Health and Family Security  
Jobs, Housing and Community Development

Judiciary

Rules and Administration

State and Local Government Operations

Taxes

## **10. APPOINTMENTS TO STANDING COMMITTEES**

10.1 The majority and minority groups must each be represented on all standing committees of the Senate substantially in proportion to their numbers in the Senate. The majority group shall assign the number of positions the minority group will hold on each committee. The minority group must be given adequate notice of its positions before the session begins.

10.2 Both the majority and minority groups shall appoint their own members to fill the number of positions each group will hold on each committee and budget division. The minority group shall transmit notice of its assignments to the majority group within ten calendar days after receipt of the notice of positions available. The minority group may designate a ranking member for each committee. Nothing prohibits a member of the minority group from serving as chair or vice chair of a committee, subcommittee, division, or commission. If the minority group for any reason fails to make its appointments pursuant to this rule, the majority group may make all the committee and budget division assignments.

10.3 The majority and minority committee assignments are subject to the uniform criteria governing committee assignments applicable to both the majority and minority groups. The uniform criteria must be promulgated by the majority group and transmitted to the minority group together with notification of committee and budget division positions available to the minority.

10.4 The Senate resolution establishing representation on all Senate standing committees must set forth committee assignments as made by the majority and minority groups.

10.5 A member may not serve as the chair of the same standing committee or the same division of a standing committee, or a committee or division with substantially the same jurisdiction, for more than three consecutive Senate terms. This limit does not apply to the Committee on Rules and Administration. This limit applies to time served as a chair in the seventy-eighth legislature and thereafter.

10.6 After the organization of the Senate and after consultation and advice from the minority leader, the Chair of the Committee on Rules and Administration may add members to or delete members from the standing committees.

## **11. APPOINTMENTS BY SUBCOMMITTEE ON COMMITTEES**

11.1 The Committee on Rules and Administration may constitute a standing Subcommittee on Committees, the report of which within its jurisdiction has the effect of a report of the Committee on Rules and Administration. The subcommittee consists of five members, one of whom must be a member of the minority group.

11.2 Unless otherwise provided, the Subcommittee on Committees shall appoint all members of commissions or other bodies authorized to be appointed by the Senate and report the appointments to the Senate.

## **12. COMMITTEE MEETINGS**

12.1 All meetings of the Senate, its committees, committee divisions, and subcommittees are open to the public. A meeting of a caucus of the members of any of those bodies from the same political party need not be open to the public. A caucus of the Hennepin county, Ramsey county,

or St. Louis county delegation is open to the public. For purposes of this rule, a meeting occurs when a quorum is present and action is taken regarding a matter within the jurisdiction of the body.

12.2 Any person may submit to the Chair of the Committee on Rules and Administration a complaint that members have violated the open meeting requirements of Minnesota Statutes, section 3.055. A member of the Senate may submit the complaint either orally or in writing; others must submit the complaint in writing. Whether the complaint was written or oral, the Chair of the Committee on Rules and Administration shall immediately forward it in writing to the Subcommittee on Ethical Conduct without disclosing the identity of the complainant. The complaint must not be further disclosed without the consent of the complainant, except to the members against whom the complaint was made, unless the complaint was made by a member of the Senate in writing under oath, in which case the investigatory procedures of Rule 55 apply.

12.3 To the extent practical, a committee, subcommittee, or division shall announce each meeting to the public at least three calendar days before convening. The notice must state the name of the committee, subcommittee, or division, the bill or bills to be considered, and the place and time of meeting. The notice must be posted on the Senate's Web site and on all Senate bulletin boards in the Capitol and the State Office Building. A notice must be sent to the House of Representatives for posting as it deems necessary. If the three-day notice requirement cannot be met, the committee, subcommittee, or division shall give simultaneous notice to all of the known proponents and opponents of the bill as soon as practicable.

12.4 A Senate committee, subcommittee, or division shall adjourn no later than 10:00 p.m. each day, unless two-thirds of the members present vote to suspend this requirement.

12.5 Committees, subcommittees, and divisions may not meet while the Senate is in session without permission of the Senate. The names of the members excused shall be printed in the Journal.

12.6 A majority of its members constitutes a quorum of a committee, subcommittee, or division.

12.7 Each standing committee of the Senate, including a subcommittee or division of the committee, may at any time sit and act, investigate and take testimony on any matter within its jurisdiction, report hearings held by it, and make expenditures as authorized by the Committee on Rules and Administration.

12.8 A standing committee, but not a subcommittee or division, may require by subpoena or otherwise the attendance and testimony of witnesses and the production of correspondence, books, papers, and documents, in the manner provided by Minnesota Statutes, section 3.153.

12.9 Upon the request of a member of a committee, subcommittee, or division to which a bill has been referred, or upon the request of the chief author of the bill, a record must be made of the vote on the bill or any amendment in the committee, subcommittee, or division.

12.10 Upon request of three members of the committee before the vote is taken, the record of a roll call vote in a standing committee must accompany the committee report and be printed in the Journal.

12.11 A committee report may only be based on action taken at a regular or special meeting of the committee. A report in violation of this rule is out of order.

### **13. HOUR OF CONVENING**

If the Senate adjourns without setting a time to reconvene, the Senate shall convene on the next legislative day at 10:00 a.m.

#### **14. PRESIDENT**

14.1 The President shall take the chair at the time to which the Senate adjourned. The President shall immediately call the members to order and, on the appearance of a quorum, shall proceed with the regular order of business.

14.2 The President may call a member to preside. In the absence of the President, the President Pro Tem, the Chair of the Committee on Rules and Administration, or the Chair's designee, shall preside over the Senate. In the absence of the President and the Chair, the Senate may select a member to perform the duties of the President. Substitutions do not extend beyond adjournment.

14.3 The President shall preserve order and decorum, may speak on points of order in preference to members, and shall also decide all questions of order, subject to an appeal to the Senate by a member.

14.4 An appeal is decided by a majority vote of those present and voting. Upon an appeal from the decision of the President, the question is, "Shall the decision of the President be the judgment of the Senate?"

14.5 The President shall sign all acts, memorials, addresses and resolutions. All writs, warrants, and subpoenas issued by the Senate must be signed by the President and attested by the Secretary.

14.6 Upon a finding by the Committee on Rules and Administration that the President refuses or is unable to sign any of the documents described in this rule, the Chair of the Committee on Rules and Administration, or some other member selected by the committee, shall assume the duties of the President under this rule until the President is able to sign the documents described or until the Senate elects a new President, whichever occurs first.

#### **15. ADMISSION TO SENATE CHAMBER**

15.1 The Senate Chamber is reserved for Senate use.

15.2 A person may not be admitted to the Senate Chamber except as provided in these rules. A member, an officer, the constitutional officers, ex-Governors of the State of Minnesota, members of the House, judges of the trial and appellate courts and members of Congress may be admitted.

15.3 Past members of Congress or of the state Legislature who are not interested in any claim or directly in a bill pending before the Legislature may be personally admitted by a member of the Senate.

15.4 An employee of either house may be admitted at the request of a member or an officer of the Senate.

15.5 The head of a department of state government may be admitted by the President.

15.6 A member of another state, provincial, or national legislative body may be admitted to the floor by any member of the Senate. A member of another legislative body who is admitted to the floor may be introduced to the Senate by the President.

15.7 When the Senate is not meeting, a person who is not a member may be admitted to the floor at the request of a member or an officer.

15.8 Public hearings may not be held in the Senate Chamber.

15.9 The Retiring Room of the Senate is reserved for the exclusive use of the members of the Senate at all times. The Sergeant at Arms shall strictly enforce this rule.

## 16. PRIVILEGE OF REPORTERS

16.1 The Secretary shall provide space for news reporters on the Senate floor in limited numbers, and in the Senate gallery. Because of limited space on the floor, permanent space is limited to those news agencies that regularly cover the legislature, namely: The Associated Press, St. Paul Pioneer Press, St. Paul Legal Ledger, Star Tribune, Duluth News-Tribune, The Forum, Rochester Post-Bulletin, St. Cloud Times, WCCO radio, KSTP radio, and Minnesota Public Radio. The Secretary shall provide an additional two spaces to other reporters if space is available. One person from each named agency and one person from the Senate Publications Office may be present at the press table on the Senate floor at any time. Other news media personnel may occupy seats provided in the Senate gallery.

16.2 The Secretary shall compile and distribute to the public a directory of reporters accredited to report from the Senate floor. The directory must include each reporter's picture and news organization and a brief biography.

16.3 The Secretary must issue each accredited reporter an identification badge showing the reporter's name and news organization. The reporter must wear the badge when in the Senate Chamber.

## 17. DECORUM

17.1 In case of a disturbance or disorderly conduct in the lobbies or galleries, the President may order them cleared.

17.2 A member may not introduce a visitor or visitors in the galleries from the floor or rostrum of the Senate.

17.3 Smoking is not permitted in the Senate Chamber or galleries, the Retiring Room, hearing rooms, offices, or other spaces under the control of the Senate.

17.4 During floor proceedings, picture taking by persons other than accredited news or legislative photographers, picture taking with floodlights or flash units, and visual or audible disruptions are prohibited. At all times, demonstrations and food or beverages are prohibited in the Senate Chamber and in the galleries.

17.5 Television recording or broadcasting on the Senate floor is under the direction of the Secretary.

## 18. ORDER OF BUSINESS

18.1 The order of business is as follows:

1. Petitions, letters, remonstrances.
2. Executive and official communications.
3. Messages from the House of Representatives.
4. First reading of House bills.
5. Reports of committees.
  - (a) From standing committees.
  - (b) From select committees.
6. Second reading of Senate bills.
7. Second reading of House bills.
8. Motions and Resolutions.
9. Calendar.
10. Consent Calendar.
11. General Orders.

12. Introduction and first reading of Senate bills.
13. Announcements of Senate interest.

18.2 Under the order of business of Motions and Resolutions, the Senate may by a majority vote of the whole Senate temporarily revert or proceed to any other order of business.

## **19. PETITIONS AND OTHER COMMUNICATIONS**

19.1 In presenting a petition, memorial, remonstrance or other communication addressed to the Senate, a member shall only state the general purpose of it.

19.2 Every petition, memorial, remonstrance, resolution, bill and report of committee, must have an appropriate title, and the name of the member presenting it written on it.

19.3 Every written communication distributed to members in the Senate Chamber must have the name of the member or officer distributing it displayed on it.

## **20. MESSAGES FROM THE HOUSE**

A message from the House of Representatives that a Senate bill has been amended, and the amendment, must be printed and placed on the members' desks before a member may move to concur in the House amendment. If the amendment has been printed in the House Journal for a preceding day and is available to the members, the Journal copy may serve as the printed copy.

## **21. OBJECTIONS TO COMMITTEE REFERRALS**

A member may question the proper reference of a bill at the time the bill is reported by a standing committee to which it was previously referred. When a member questions the reference of a bill, the bill must be referred without debate to the Committee on Rules and Administration to report the proper reference. Upon adoption of the report of the Committee on Rules and Administration, the bill must be referred accordingly.

## **22. GENERAL ORDERS**

22.1 The Secretary shall make a list of all bills, resolutions, reports of committees, and other proceedings of the Senate that are referred to the Committee of the Whole and number them. The lists are called the "General Orders".

22.2 Items on General Orders must be taken up in the order in which they are numbered unless otherwise ordered by a majority of the committee.

22.3 General Orders, together with all bills required to be included on it, must be electronically available or printed at least one calendar day before being considered in Committee of the Whole.

22.4 With the concurrence of the chief author of the bill, a majority of the whole Senate may at any time take a bill from the table and place it on General Orders.

## **23. COMMITTEE OF THE WHOLE**

23.1 All bills, memorials, orders, resolutions and votes requiring the approval of the Governor must, after a second reading, be considered in Committee of the Whole before they are finally acted upon by the Senate, unless considered on the Consent Calendar or as a Special Order.

23.2 The President may call a member to the Chair when the Senate resolves itself into the Committee of the Whole.

23.3 The rules observed in the Senate govern, as far as practicable, the proceedings of the Committee of the Whole, and the Chair of the Committee of the Whole has the powers of the President, as appropriate. However, a member may speak more than twice on the same subject and a call for the previous question may not be made.

23.4 Three members may request a roll call vote. The vote must be recorded in the Journal along with the amendment.

23.5 The recommendations of the Committee of the Whole must be reported to the Senate. The question is on the adoption or rejection of the report, and no other question may be admitted. The question may be divided to permit separate Senate action on the report as to any bill.

23.6 On adoption of the report of the Committee of the Whole, all bills recommended to pass must be placed on the Calendar.

## **24. CALENDAR**

24.1 The Secretary shall make a Calendar of all bills, resolutions and other matters approved by the Committee of the Whole for final action. The Secretary shall place them on the Calendar in the order in which they have been acted upon in Committee of the Whole.

24.2 The Calendar must be electronically available or printed at least one calendar day before the matters on it are considered.

## **25. CONSENT CALENDAR**

25.1 If a committee determines that a bill it recommends to pass is not likely to be opposed, the committee may recommend that the bill be placed on the Consent Calendar. If the committee report is adopted, the bill must be electronically available or printed and placed on the Consent Calendar after its second reading. On the question of adoption of the report, the question of accepting the recommendation that the bill be placed on the Consent Calendar may be divided from the question of adopting the report in other respects.

25.2 A majority of the whole Senate, or the Chair of the Committee on Rules and Administration, may order a bill on General Orders placed on the Consent Calendar.

25.3 The Consent Calendar must be electronically available or printed at least one calendar day before the matters on it are considered.

25.4 If a member objects to consideration of a bill on the Consent Calendar at any time during its consideration in the Senate before the question on final passage is put, and that objection is supported by at least two other members, the bill is referred to the Committee of the Whole, and the Secretary shall place it at the bottom of General Orders subject to Rule 22.2, except that it need not lie over one calendar day before consideration in the Committee of the Whole.

## **26. SPECIAL ORDERS**

26.1 The Chair of the Committee on Rules and Administration, or the Chair's designee, may designate a special order for a bill that has been given its second reading.

26.2 A special order may provide that the bill be considered immediately, at a time certain, or after specific other business is completed.

26.3 During consideration of a special order, Rule 36.5 is suspended.

26.4 As nearly as applicable, debate on the bill and all proceedings including amendments and substitutions must be conducted as in the Committee of the Whole.

26.5 On any question, a member may request a roll call vote, which must be entered in the Journal.

26.6 Unless it is otherwise disposed of, after consideration a bill on Special Orders must immediately proceed to its third reading and final passage.

26.7 A bill may not be made a special order if the chief author has declined on three previous occasions to take the bill up after it was designated a special order.

## **27. MOTIONS**

27.1 A motion or amendment must be written if a member requests. It must identify the member or committee offering it.

27.2 When a motion is made, it must be stated by the President. If it is in writing, it must be handed to the Secretary and read to the members.

27.3 After a motion is stated by the President, or read by the Secretary, it is in possession of the Senate, but may be withdrawn by the author at any time before decision or amendment.

## **28. PRECEDENCE OF MOTIONS**

28.1 When a question is under debate no motion may be made, except:

1. To adjourn.
2. To recess.
3. To reconsider.
4. To lay on the table.
5. For the previous question.
6. To refer.
7. To postpone to a day certain.
8. To amend.
9. To postpone indefinitely.

28.2 Motions numbered 1, 2, 4 and 5 above are not debatable.

28.3 These motions have precedence in the foregoing order; but when a motion for the previous question has been made, or the main question ordered, a motion to lay on the table is not in order.

28.4 A motion to postpone to a day certain, to refer, to postpone indefinitely, or to amend, having been decided, may not again be put on the same day, nor at the same stage of the bill or proposition.

## **29. MOTION TO ADJOURN**

A motion to adjourn or a motion to adjourn to a time certain is always in order. The latter motion is debatable solely as to the time. When either motion is rejected, it may not be renewed until further business has been transacted.

## **30. MOTION TO RECONSIDER**

30.1 When a motion or question has been decided, a member who voted with the prevailing side may move for reconsideration on the same day on which the vote was taken or within the next two calendar days or, if later, the first day the Senate meets after the vote was taken. The motion takes precedence over all other questions except a motion to adjourn or recess. When a motion to

adjourn is adopted before the disposition of the motion for reconsideration, a motion for reconsideration must lie over until the next succeeding day the Senate meets except as provided in this rule.

30.2 When notice of intent to move reconsideration of the final action of the Senate on a question is given by a member, the Secretary shall retain the subject of the notice until after the expiration of the time during which the motion can be made.

30.3 A notice of intent to move for reconsideration is not in order after the Tuesday before the third Saturday in May, but a motion to reconsider may be made.

30.4 A motion for reconsideration having been once voted on may not be made again nor reconsidered.

### **31. MOTION FOR THE PREVIOUS QUESTION**

31.1 Unless a motion for the previous question is made specifically applicable to a subsidiary motion, it must be in this form: "Shall the main question now be put?" If the motion for the previous question is supported by a majority of the members present, its effect is to put an end to all debate and bring the Senate to a direct vote upon all pending amendments in their order and then upon the main question.

31.2 On a motion for the previous question, a call of the Senate is in order before the President submits the question to the Senate.

31.3 On a motion for the previous question there is no debate. All incidental questions of order, arising after a motion is made for the previous question, and pending the motion, must be decided, whether on appeal or otherwise, without debate.

### **32. MOTION TO REFER**

A bill or resolution may be referred to committee at any time before its passage. If an amendment is reported on the referral to any committee other than the Committee of the Whole, it must again be read the second time, considered in Committee of the Whole, read the third time and placed on final passage. If the referral is to the Committee of the Whole it must be placed at the head of General Orders, except when the referral is from the Consent Calendar under Rule 25.4.

### **33. MOTION TO AMEND BILL OR RESOLUTION**

33.1 A motion to amend must be written if a member requests. It must identify the member offering it.

33.2 In drawing an amendment to a bill or resolution, reference must be made, first to the number of the bill, then to the page, and then to the line or lines where language is to be stricken or inserted.

33.3 In filling blanks, the largest sum, the longest time and the greatest distance must be first taken.

33.4 The title to a bill may be amended by the Secretary at any time the bill is amended by the Senate.

33.5 An amendment is not in order to a bill on the Calendar or after third reading without the unanimous consent of the Senate unless it fills a blank, amends the title, is proposed to the chief author of the bill by the Revisor of Statutes to correct technical defects found by the Revisor while engrossing earlier amendments to the bill, or is proposed to a bill on the Consent Calendar before the bill is given its third reading.

### 34. MOTION TO SUSPEND RULES

34.1 A rule may be suspended by a vote of at least two-thirds of the whole Senate.

34.2 A motion to suspend the rules for the purpose of advancing a bill may be made only under the order of business, "Motions and Resolutions".

### 35. GERMANENESS

35.1 An amendment proposed to the Senate or to the Committee of the Whole that is not germane is out of order.

35.2 A non-germane amendment includes one that relates to a substantially different subject, or is intended to accomplish a substantially different purpose, than that of the original bill to which it is proposed.

35.3 An amendment to insert a constitutional amendment is not germane to a bill that does not already include a constitutional amendment.

35.4 Whether an amendment is germane is to be decided by the President, who may put the question to the body if the President chooses.

35.5 A motion to remove an amendment placed on a House bill under Rule 45.1 is out of order if removal of the amendment would make a portion of the House bill not germane to the Senate companion for which it was substituted.

### 36. DEBATE

36.1 When a member is about to speak to the Senate, the member shall rise and respectfully address "Mr. (or Madam) President." The member may not proceed to speak further until recognized by the President.

36.2 The member shall speak only to the question under debate and avoid personality.

36.3 The member may inform the Senate of the Governor's position on a bill and on its status in the House of Representatives.

36.4 In discussing a resolution, each member is limited to ten minutes.

36.5 A member may not speak more than twice on the same question on the same day without permission of the Senate.

36.6 When a member is speaking, no one may stand between the member speaking and the President.

36.7 A member may not speak without using a microphone.

36.8 All remarks during debate shall be addressed to the President; ~~however, a member may turn toward other members when speaking, rather than facing the President.~~

36.9 When the President puts a question, or addresses the Senate, no one may walk out of or cross the Chamber.

36.10 When a member is called to order, the member shall be silent until it is determined whether or not the member is in order. If a member is called to order for words spoken in debate, the words excepted to must be taken down in writing by the Secretary immediately.

### **37. ABSENCE OF MEMBERS**

A member or officer of the Senate may not be absent from a session of the Senate unless excused by the Senate. The name of a member excused must be printed in the Journal.

### **38. CALL OF THE SENATE**

38.1 A member may impose a call of the Senate requiring the attendance of all members before any further proceedings occur except a motion to adjourn.

38.2 Upon the imposition of a call, a member may request a record of those present and the Sergeant at Arms shall bring in the absent members.

38.3 When the Senate has been placed under call, a member may demand that the doors be closed and that no member be permitted to leave the Chamber until the matter or question, if any, under consideration at the time of the call is disposed of, or until the call is lifted by a majority of the whole Senate, or until the Senate adjourns.

38.4 A majority of the whole Senate may excuse members not answering the call.

38.5 A call may not be imposed after voting has commenced.

### **39. DIVISION OF QUESTION**

39.1 A member may call for a division of the question when the division is possible. A motion to strike and insert is indivisible.

39.2 The defeat of a motion to strike does not preclude an amendment nor a motion to strike and insert.

### **40. VOTING**

40.1 The President shall distinctly state the question before taking the vote. The President shall declare the result of the vote. If a member questions the result of a vote, the President shall order a division.

40.2 A member may vote on a question or be counted on a division only at the member's own seat in the Senate Chamber.

40.3 At any time before the start of voting on a question, a member may request a roll call vote, which must be entered in the Journal.

40.4 Unless otherwise ordered, a roll call vote, except upon elections, may be taken by means of the electrical voting system under the control of the President.

40.5 A roll call vote may not be interrupted except to close the roll as provided in Rule 41.3.

40.6 A member or other person may not proceed to or remain by the Secretary's desk while a roll call or division is being taken.

### **41. MEMBERS TO VOTE UNLESS EXCUSED**

41.1 Every member who is in the Senate Chamber during a roll call shall vote upon the request of another member unless excused by the Senate.

41.2 A motion by a member to be excused from voting must be made before the question is put.

A member wishing to be excused from voting may make a brief statement of the reason for making the request. The question on the motion to excuse must be taken without further debate.

41.3 When members have had an opportunity to vote and fail to do so, a majority of the whole Senate may, by motion, direct the President to close the roll.

41.4 The vote on a motion to close the roll must be taken without debate. No member is required to vote on the motion.

## **42. FINAL PASSAGE**

The final question on a bill or other matter requiring action by both Houses after its first and second reading, and after the consideration in Committee of the Whole, is on its final passage.

## **43. TRANSMITTING BILLS TO THE HOUSE**

43.1 Except when a motion to reconsider has been made as provided in Rule 30, immediately after the passage of a bill or other matter in which the concurrence of the House of Representatives is requested, the Secretary shall transmit it to the House.

43.2 On the concurrence of a bill or other matter of the House by the Senate, or on the concurrence or disagreement in a vote of the House, the Secretary shall notify the House.

## **44. ENGROSSING AND ENROLLING OF BILLS**

44.1 The Secretary and the Engrossing Secretary shall ensure that every bill, memorial, or resolution originating in the Senate is carefully engrossed before it is transmitted to the House of Representatives for concurrence.

All engrossing and enrolling of bills shall be done at the direction and under authority of the Senate.

44.2 The Secretary shall ensure that every bill, memorial, or resolution originating in the Senate is carefully enrolled by the Revisor of Statutes before it is presented to the Governor or filed with the Secretary of State.

## **45. COMPARISON AND SUBSTITUTION OF BILLS**

45.1 A House bill, after its first reading, must be referred as follows, unless there is a motion by the Chair of the Committee on Rules and Administration or a designee of the Chair:

(a) If there is not a Senate companion bill on the Calendar or the Consent Calendar, the House bill must be placed on a list of House files that have been given their first reading and are awaiting comparison, called the Comparison Calendar. The Secretary shall list House bills in numerical order. The Chair of the Committee on Rules and Administration, or a designee of the Chair, may move that a House bill on the Comparison Calendar be referred to committee.

(b) The House bill must be given its second reading after its Senate companion bill has been given its second reading, but not on the same day the House bill was given its first reading unless an urgency is declared.

(c) When the Senate companion of a House bill on the Comparison Calendar is placed on the Calendar or the Consent Calendar, or if the Senate companion bill is already on the Calendar or the Consent Calendar when the House bill is given its first reading, the House bill must be referred to the Committee on Rules and Administration, which shall report whether the House bill is identical to the Senate companion bill. If the bills are identical, the report must recommend that the House bill be substituted for the Senate companion bill and the Senate companion bill be

indefinitely postponed. If the House bill is not identical to the Senate companion bill, the report of the committee must recommend an amendment to the House bill that when adopted will render the House bill identical to the Senate bill. Upon adoption of a committee report containing the proposed amendment, the House bill as amended must be substituted for the Senate companion bill and the Senate companion bill must be indefinitely postponed.

(d) If a Senate bill is considered as a special order and its House companion bill is on the Comparison Calendar, before final passage the Senate bill must be indefinitely postponed and its House companion bill taken from the Comparison Calendar and substituted for the Senate bill. If the bills are not identical, the Secretary shall recommend an amendment to the House bill that when adopted will render the House bill identical to the Senate bill.

45.2 The Secretary shall prepare and submit reports under this rule on behalf of the Committee on Rules and Administration.

~~45.3 A House bill placed on the Calendar by substitution must not be given its third reading on the same day as the substitution.~~

## **46. CONFERENCE COMMITTEES**

The Subcommittee on Committees shall appoint all conference committees of the Senate and report the appointments to the Senate. In the appointment of members of conference committees between the two houses, the Subcommittee on Committees shall appoint those who are in accord with the position of the Senate. Whenever practical, the subcommittee shall give preference to authors of bills in dispute and to members of standing committees in which the bills were considered.

## **47. DISPOSITION OF BILLS ON ADJOURNMENT**

Adjournment of the regular session in an odd-numbered year to a date certain in the following year is equivalent to daily adjournment, except that a bill on the Calendar, Consent Calendar, or General Orders must be returned to the standing committee other than the Committee on Rules and Administration from which it was last reported to the Senate, unless otherwise provided for by motion before adjournment. Bills returned to committee under this rule must, upon request of the chief author, be given priority for consideration by the committee in the even-numbered year ahead of all other bills in the order in which they appeared on the Calendar, Consent Calendar, or General Orders.

## **48. PRINTING AND DISTRIBUTION OF BILLS**

48.1 Unless otherwise ordered by the Senate, all Senate bills that have been reported upon favorably or without recommendation by a committee must be electronically available or printed before consideration by the Senate or the Committee of the Whole.

48.2 A House bill amended by the Senate must be unofficially engrossed and electronically available or printed when placed on General Orders.

48.3 A bill may be electronically available or printed by order of the Secretary when amended after second reading.

48.4 A bill must be electronically available or printed when ordered by the Senate.

48.5 Action by the Senate on a bill that has not been printed is a waiver of the printing requirement.

48.6 To the extent practical, the Secretary shall provide a copy of any bill to the public and may charge a reasonable fee.

#### **49. JOURNAL AND INDEX**

49.1 The Secretary shall keep a correct Journal of the proceedings of the Senate and shall perform other duties assigned to the Secretary.

49.2 The Secretary shall not permit Journal records, accounts or papers to be taken out of the Secretary's custody, other than in the regular mode of business. If a document in the Secretary's charge is missing, the Secretary shall report the fact to the President, so that inquiry may be made.

49.3 The Secretary shall supervise the recording of proceedings in the Journal, the engrossing, transcribing and copying of bills and resolutions, and generally perform the duties of Secretary, under direction of the Committee on Rules and Administration.

49.4 The Journal of each day's proceedings is open for correction at any time during the session of the next day the Senate meets. Unless corrected on that day, the Journal stands approved.

49.5 The Secretary shall keep a record of all Senate and House bills showing the status of each bill pending, until its final passage.

#### **50. ELECTRONIC RECORDINGS**

50.1 The Secretary shall cause to be recorded on electronic media the proceedings of the Senate, the Committee of the Whole, and each standing committee, subcommittee, and division. Each electronic record must be clearly labeled to show the name of the body whose proceedings are recorded and the dates the proceedings occurred. Each electronic record of the proceedings of the Senate and the Committee of the Whole must be accompanied by a log showing the number of each bill considered and the places on the record where consideration of the bill occurred.

50.2 Within two working days after each Senate session, the Secretary shall make a copy of the electronic record and corresponding log of proceedings of the Senate and the Committee of the Whole available to the Legislative Reference Library.

50.3 Within one week after each meeting of a standing committee, subcommittee, or division, the Secretary shall make the electronic record of the meeting available to the Legislative Reference Library, together with an agenda showing bills considered and any action taken on them.

50.4 Upon completion and approval of the minutes of the meeting, the Secretary shall promptly deliver a copy of the minutes to the Legislative Reference Library.

50.5 The Secretary shall keep a record of each session of the Senate and the Committee of the Whole, each meeting of a Senate standing committee, subcommittee, or division and the date on which the electronic record of the session or meeting was made available to the Legislative Reference Library. The Library shall keep a similar record of all electronic records to which it has been given access.

50.6 The Library shall provide committee staff with reasonable access to Senate electronic records and shall provide the public with convenient facilities to listen to them.

50.7 The Secretary shall make copies of Senate electronic records available to the public for a fee determined by the Secretary to be adequate to cover the cost of preparing the copies. A copy must be provided free to a member of the Senate upon request for use in legislative business.

50.8 The Secretary shall keep the original electronic record and log of each session of the Senate and the Committee of the Whole until the end of the period for which the members of the existing House of Representatives have been elected, at which time the electronic record may be preserved or disposed of as the Secretary sees fit. The Legislative Reference Library shall keep electronic records, logs, and minutes forwarded to it until two years after the end of the period for

which the members of the existing Senate have been elected, at which time they may be preserved or disposed of as the Library sees fit.

50.9 The Senate intends that testimony and discussion preserved under this rule not be admissible in any court or administrative proceeding on an issue of legislative intent.

## **51. OTHER DUTIES OF SECRETARY**

51.1 The Secretary shall not issue a certificate authorizing the payment of money by virtue of a motion or resolution, unless the motion or resolution is voted for by a majority of the whole Senate on a roll call vote.

51.2 The Secretary and the Engrossing Secretary shall correct all mistakes in numbering the sections and reference to them, whether the errors occur in the original bill or are caused by amendments to it.

51.3 The Secretary is the agent of the Senate for the purchase of supplies and services. The Secretary's records on purchase of supplies and services are open for inspection.

51.4 The Secretary shall adopt administrative controls to ensure that each member is accountable for the member's own long distance telephone calls and that Senate telephones are used only for Senate business.

51.5 By the 15th day of April, July, October, and January of each year, the Secretary shall submit a detailed report of Senate expenditures during the previous quarter to the Committee on Rules and Administration.

51.6 The Secretary's public records may be inspected during normal business hours.

## **52. SERGEANT AT ARMS**

The Sergeant at Arms shall execute all orders of the President and perform all assigned duties connected with the police and good order of the Senate Chamber; exercise supervision over the entry and exit of all persons to and from the Chamber; see that messages are promptly delivered; see that the hall is properly ventilated and the temperature is properly regulated, and that the Chamber is open for the use of members of the Senate at least one-half hour before the start of a session; and perform all other services pertaining to the office of Sergeant.

## **53. BUDGET AND EXPENDITURES**

53.1 The Committee on Rules and Administration shall adopt an operating budget for the Senate.

53.2 All propositions for the appointment and payment of employees of the Senate or for expenditures of the Legislature, other than those provided by law, must be referred without debate to the Committee on Rules and Administration.

## **54. EMPLOYEES**

54.1 The Committee on Rules and Administration shall establish positions, set compensation, appoint employees, and authorize expense reimbursement for employees as it deems necessary to carry out the work of the Senate. At the request of any committee member, an action of the committee must be submitted as a Senate resolution for adoption by the Senate.

54.2 The Secretary shall keep a roster of all employees of the Senate, including positions and compensation, which must be open for inspection by the public.

54.3 The Secretary shall post, in a public place in the Capitol, a notice of every vacant position on the permanent staff of the Senate. The notice must remain posted for at least two weeks, and no vacancy may be filled until the period of posting has elapsed.

54.4 Except as otherwise provided in these rules, the Committee on Rules and Administration has full and exclusive authority over, and charge of all employees of the Senate both elected and appointed. The committee has the sole and exclusive power and authority to assign them to duties other than for which they were elected or appointed as the committee may provide.

54.5 The committee may make employment rules and regulations. In case of violation of an order of the committee by an employee, or in case of a violation of a rule or regulation made by the committee, or in case of misconduct or omission by an employee, the Committee on Rules and Administration may hear complaints and discharge the employee or impose discipline, a fine, or other punishment upon the employee.

54.6 The Secretary shall supervise the employees under the direction of the Committee on Rules and Administration.

## 55. SUBCOMMITTEE ON ETHICAL CONDUCT

55.1 The Subcommittee on Committees shall appoint a Subcommittee on Ethical Conduct of the Committee on Rules and Administration consisting of four members, two from the majority group and two from the minority group.

55.2 The subcommittee shall serve in an advisory capacity to a member or employee upon written request and shall issue recommendations to the member or employee. A member may request the subcommittee to provide its advice on a potential conflict of interest to the member in private. If so requested, the subcommittee shall conduct its proceedings on the advisory opinion in private. The request, proceedings on the request, and any advice given by the subcommittee in response to the request must remain private. The member may not use an advisory opinion from the subcommittee as a defense to a complaint under this rule unless the opinion has been adopted by the subcommittee at a public meeting.

55.3 The subcommittee shall investigate a complaint by a member of the Senate in writing under oath received during a legislative session before adjournment sine die in the last year of a senate term regarding improper conduct by a member or employee of the Senate. The subcommittee has the powers of a standing committee to issue subpoenas under Minnesota Statutes, section 3.153.

55.4 Within 30 days after receiving a complaint, the subcommittee must meet and either make a finding of no probable cause, vote to defer action until a certain time, or proceed with its investigation.

55.5 In order to determine whether there is probable cause to believe that improper conduct has occurred, the subcommittee may, by a vote of three of its members, conduct a preliminary inquiry in executive session to which the open meeting requirements of Rules 12.1 to 12.3 do not apply. The executive session may be ordered by a vote of three of its members whenever the subcommittee determines that matters relating to probable cause are likely to be discussed. The executive session must be limited to matters relating to probable cause. Upon a finding of probable cause, further proceedings on the complaint are open to the public.

55.6 The subcommittee may appoint special counsel to provide expert advice on how to conduct its proceedings. The subcommittee may appoint a suitable person to conduct the investigation and report findings of fact and recommendations for action to the subcommittee.

55.7 If, after investigation, the subcommittee finds the complaint substantiated by the evidence, it shall recommend to the Committee on Rules and Administration appropriate disciplinary action.

55.8 To minimize disruption of its public proceedings, the subcommittee may require that television coverage be pooled or be provided by Senate media services.

55.9 If criminal proceedings relating to the same conduct have begun, the subcommittee may defer its proceedings until the criminal proceedings have been completed.

55.10 The Senate intends that proceedings of the Subcommittee on Ethical Conduct not be admissible in any criminal proceeding.

## **56. STANDARDS OF ETHICAL CONDUCT**

56.1 Members shall adhere to the highest standard of ethical conduct as embodied in the Minnesota Constitution, state law, and these rules. This standard applies until the legislature has adjourned sine die in the last year of a senate term.

56.2 A member shall not publish or distribute written material if the member knows or has reason to know that the material includes any statement that is false or clearly misleading, concerning a public policy issue or concerning the member's or another member's voting record or position on a public policy issue.

56.3 Improper conduct includes conduct that violates a rule or administrative policy of the Senate, that violates accepted norms of Senate behavior, that betrays the public trust, or that tends to bring the Senate into dishonor or disrepute.

## **57. CONFLICTS OF INTEREST**

A member who in the discharge of senatorial duties would be required to take an action or make a decision that would substantially affect the member's financial interests or those of an associated business, unless the effect on the member is no greater than on others in the member's business classification, profession, or occupation, shall disclose the potential conflict of interest by following the procedure set forth in Minnesota Statutes, section 10A.07.

## **58. LOBBYISTS**

58.1 A lobbyist shall not appear before a Senate committee pursuant to the lobbyist's employment unless the lobbyist is in compliance with the law requiring lobbyist registration, Minnesota Statutes, sections 10A.03 to 10A.06. A lobbyist, when appearing before a committee, shall disclose to the committee on whose behalf the lobbyist speaks and the purpose of the lobbyist's appearance. A lobbyist shall not knowingly furnish false or misleading information or make a false or misleading statement that is relevant and material to a matter before the Senate or any of its committees when the lobbyist knows or should know it will influence the judgment or action of the Senate or any of its committees, subcommittees, or divisions.

58.2 The Subcommittee on Ethical Conduct shall investigate a complaint by a member of the Senate in writing under oath received during a legislative session that a lobbyist has violated Rule 58.1. The investigatory procedures of Rule 55 apply, except as provided in this rule. The complaint and proceedings on the complaint are private until the subcommittee has found probable cause to believe that a violation of Rule 58.1 has occurred, unless they are made public by the lobbyist whose conduct is the subject of the complaint or by the vote of at least three members of the subcommittee.

## **59. AMENDMENTS TO RULES**

Every proposition to amend a rule of the Senate must be referred to the Committee on Rules and Administration. The proposition may not be acted upon until the report of the committee is received by the Senate.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

**Senator Kleis introduced--**

**S.F. No. 1309:** A bill for an act relating to transportation; increasing allowable length of recreational vehicle combinations to 65 feet; amending Minnesota Statutes 2002, section 169.81, subdivision 3c.

Referred to the Committee on Finance.

**Senators Moua, Pogemiller, Tomassoni, Belanger and Rest introduced--**

**S.F. No. 1310:** A bill for an act relating to taxation; authorizing sale of tax liens; proposing coding for new law as Minnesota Statutes, chapter 280A.

Referred to the Committee on Taxes.

**Senators Kelley, Anderson, Ourada, Gaither and Sams introduced--**

**S.F. No. 1311:** A bill for an act relating to telecommunications; regulating open video systems; proposing coding for new law as Minnesota Statutes, chapter 238A.

Referred to the Committee on Commerce and Utilities.

**Senator Pogemiller introduced--**

**S.F. No. 1312:** A bill for an act relating to the city of Roseville; authorizing creation of a tax increment financing district subject to certain rules.

Referred to the Committee on Taxes.

**Senator Tomassoni introduced--**

**S.F. No. 1313:** A bill for an act relating to economic development; authorizing the Iron Range Resource and Rehabilitation Board to operate a card club at the Giants Ridge recreation area; providing powers and duties to the commissioner of public safety; amending Minnesota Statutes 2002, sections 298.22, subdivision 7; 299L.01, subdivision 4; 541.20; 541.21; 609.75, subdivision 3; 609.761, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 299L.

Referred to the Committee on State and Local Government Operations.

**Senators Moua and Michel introduced--**

**S.F. No. 1314:** A bill for an act relating to education; establishing a school site pilot program.

Referred to the Committee on Education.

**Senators Olson, Hann and Michel introduced--**

**S.F. No. 1315:** A bill for an act relating to education; modifying school board contracting for certain noninstructional services; amending Minnesota Statutes 2002, section 123B.02, subdivision 14.

Referred to the Committee on Education.

**Senators Higgins, Sams and Anderson introduced--**

**S.F. No. 1316:** A bill for an act relating to corrections; limiting locations of residence for level III predatory offenders; amending Minnesota Statutes 2002, section 244.052, subdivision 4a.

Referred to the Committee on Crime Prevention and Public Safety.

**Senators Higgins, Sams, Anderson, Pariseau and Frederickson introduced--**

**S.F. No. 1317:** A bill for an act relating to game and fish; modifying licenses to be issued by licensing agents; amending Minnesota Statutes 2002, section 97A.485, subdivision 6.

Referred to the Committee on Environment and Natural Resources.

**Senator Dille introduced--**

**S.F. No. 1318:** A bill for an act relating to advertising devices; providing for community identification signs; amending Minnesota Statutes 2002, section 173.08, subdivision 1.

Referred to the Committee on Finance.

**Senator Skoglund introduced--**

**S.F. No. 1319:** A bill for an act relating to crime; providing that a person who causes the death of a child under the age of 14 and with premeditation and intent shall be sentenced to life imprisonment without the possibility of release; amending Minnesota Statutes 2002, sections 609.106, subdivision 2; 609.185.

Referred to the Committee on Crime Prevention and Public Safety.

**Senator LeClair introduced--**

**S.F. No. 1320:** A bill for an act relating to state government; repealing laws requiring the commissioner of administration to provide duplicating and printing services; authorizing outside contracts for these services; amending Minnesota Statutes 2002, section 16B.48, subdivision 2; 268.186; proposing coding for new law in Minnesota Statutes, chapter 16C; repealing Minnesota Statutes 2002, section 16B.50.

Referred to the Committee on State and Local Government Operations.

**Senators Dibble, Moua, Chaudhary, Ranum and Skoglund introduced--**

**S.F. No. 1321:** A bill for an act relating to state government; forbidding state agencies from spending public funds to investigate persons for the purpose of discrediting them; proposing coding for new law in Minnesota Statutes, chapter 15.

Referred to the Committee on State and Local Government Operations.

**Senators Lourey and Kiscaden introduced--**

**S.F. No. 1322:** A bill for an act relating to health; providing for reporting and review of certain provider expenditures; providing for audits of certain referrals; amending Minnesota Statutes 2002, section 62J.23, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62J.

Referred to the Committee on Health and Family Security.

**Senator Wiger introduced--**

**S.F. No. 1323:** A bill for an act relating to retirement; authorizing "rule of 85" retirement for certain teachers retirement association members.

Referred to the Committee on State and Local Government Operations.

**Senator Saxhaug introduced--**

**S.F. No. 1324:** A bill for an act relating to traffic regulations; regulating gross weights on vehicles and combinations hauling raw or unfinished farm or forest products under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 169.

Referred to the Committee on Finance.

**Senator Larson introduced--**

**S.F. No. 1325:** A bill for an act relating to higher education; modifying assigned student responsibility; increasing the appropriation for student grants; amending Minnesota Statutes 2002, section 136A.121, subdivision 5.

Referred to the Committee on Finance.

**Senator Ranum introduced--**

**S.F. No. 1326:** A bill for an act relating to education finance; delaying implementation of the airport runway impact zone aid program; amending Laws 2000, chapter 489, article 2, section 36, as amended.

Referred to the Committee on Finance.

**Senator LeClair introduced--**

**S.F. No. 1327:** A bill for an act relating to education finance; requiring school districts to direct at least 55 percent of their operating revenue directly to regular instruction; amending Minnesota Statutes 2002, sections 123B.10, subdivision 1; 123B.77, subdivision 4.

Referred to the Committee on Finance.

**Senators Marty, Lourey and Higgins introduced--**

**S.F. No. 1328:** A bill for an act relating to health; enacting the Compassionate Use Act to protect seriously ill patients from prosecution and prison for using medicinal marijuana under a physician's supervision; imposing criminal penalties; authorizing rulemaking; proposing coding for new law in Minnesota Statutes, chapter 152.

Referred to the Committee on Health and Family Security.

**Senator Foley introduced--**

**S.F. No. 1329:** A bill for an act relating to health; prohibiting tobacco use in certain public institutions; amending Minnesota Statutes 2002, section 144.414, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 246.

Referred to the Committee on Health and Family Security.

**Senator Kleis introduced--**

**S.F. No. 1330:** A bill for an act relating to probate; providing for licensing of certain guardians and conservators; providing for a licensing board; limiting certain fees; changing certain fiduciary

requirements; requiring notices; imposing a penalty; amending Minnesota Statutes 2002, sections 525.539, subdivision 8; 525.56, subdivision 4, by adding subdivisions; 525.58, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 525.

Referred to the Committee on Judiciary.

**Senators Pariseau, Jungbauer and Olson introduced--**

**S.F. No. 1331:** A bill for an act relating to natural resources; modifying funding for state parks and recreation areas; requiring certain state parks and recreation areas to be self-sufficient; appropriating money; amending Minnesota Statutes 2002, sections 85.053; 85.054, subdivisions 2, 3, 5, 9; 85.205; 85.34, subdivisions 2, 4; 85.43; proposing coding for new law in Minnesota Statutes, chapter 85; repealing Minnesota Statutes 2002, sections 85.045, subdivision 4; 85.052; 85.053, subdivisions 4, 5; 85.054, subdivisions 1, 4, 6, 7, 8; 85.055; 85.22.

Referred to the Committee on Environment and Natural Resources.

**Senator Reiter introduced--**

**S.F. No. 1332:** A bill for an act relating to retirement; monthly benefit and monthly benefit/lump sum option volunteer fire plans; revising required support levels for various benefit amounts; amending Minnesota Statutes 2002, section 424A.02, subdivision 3.

Referred to the Committee on State and Local Government Operations.

**Senators Michel, Gaither, Kleis and Bachmann introduced--**

**S.F. No. 1333:** A bill for an act relating to taxation; individual income; allowing a long-term capital gain exclusion; amending Minnesota Statutes 2002, sections 290.01, subdivision 19b; 290.091, subdivisions 1, 2, 6.

Referred to the Committee on Taxes.

**Senator Bachmann introduced--**

**S.F. No. 1334:** A bill for an act relating to cities; allowing the charter to prohibit members of the governing body of the city from serving on the charter commission; amending Minnesota Statutes 2002, section 410.05, subdivision 1.

Referred to the Committee on State and Local Government Operations.

**Senator Lourey introduced--**

**S.F. No. 1335:** A bill for an act relating to human services; requiring the commissioner of human services to develop a plan to secure medical assistance for mental health services provided in out-of-home placement settings.

Referred to the Committee on Health and Family Security.

**Senator Day introduced--**

**S.F. No. 1336:** A bill for an act relating to highways; appropriating money and authorizing issuance of state trunk highway bonds for reconstruction of marked trunk highway 14 between Eagle Lake and Owatonna.

Referred to the Committee on Finance.

**Senator Skoe introduced--**

**S.F. No. 1337:** A bill for an act relating to capital improvements; providing for a grant to independent school district No. 38, Red Lake, for school construction costs and related improvements; authorizing bonds; appropriating money.

Referred to the Committee on Finance.

**Senators Rest, Sams, Bakk, Dibble and Frederickson introduced--**

**S.F. No. 1338:** A bill for an act relating to state lottery; requiring annual reports on maximizing revenues to environmental trust fund; amending Minnesota Statutes 2002, section 349A.15.

Referred to the Committee on State and Local Government Operations.

**Senator Berglin introduced--**

**S.F. No. 1339:** A bill for an act relating to criminal justice; requiring the collection and study of certain types of prostitution and requiring a report; requiring a report on the use of money collected from penalty assessments imposed against individuals committing certain prostitution crimes; clarifying headnotes; providing that the penalty assessments be appropriated to the commissioner of public safety; amending Minnesota Statutes 2002, sections 609.324; 609.3241.

Referred to the Committee on Crime Prevention and Public Safety.

**Senators Michel and Higgins introduced--**

**S.F. No. 1340:** A bill for an act relating to workers' compensation; making technical changes; freezing the medical fee schedule conversion factor for one year; instructing the commissioner of commerce to establish a surcharge rate; amending Minnesota Statutes 2002, sections 79A.12, subdivision 2; 176.081, subdivision 1; 176.092, subdivision 1a; 176.129, subdivisions 1b, 2a; 176.135, subdivision 7; 176.136, subdivision 1a; 176.231, subdivision 5; 176.391, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 79.

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

**Senators Dille and Skoe introduced--**

**S.F. No. 1341:** A bill for an act relating to education; removing performance bond requirement on contracts for the transportation of school children; providing for a capital operating account levy for school buses; amending Minnesota Statutes 2002, section 123B.52, subdivision 3, by adding a subdivision.

Referred to the Committee on Finance.

**Senator Betzold introduced--**

**S.F. No. 1342:** A bill for an act relating to retirement; public employees retirement association; eliminating the requirement that local elected officials terminate the elected official employment to qualify for a retirement annuity based on other public employment; amending Minnesota Statutes 2002, section 353.29, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 353.

Referred to the Committee on State and Local Government Operations.

**Senator Wiger introduced--**

**S.F. No. 1343:** A bill for an act relating to metropolitan government; providing for an elected metropolitan council; regulating economic interest statements of candidates and members; regulating contributions to candidates; requiring a study; appropriating money; amending

Minnesota Statutes 2002, sections 10A.01, subdivision 10; 10A.09, subdivision 6a; 10A.25, subdivision 2; 10A.27, subdivision 1; 10A.315; 10A.323; 10A.324, subdivision 1; 15.0597, subdivision 1; 204B.06, subdivision 4; 204B.09, subdivisions 1, 1a; 204B.11; 204B.135, subdivision 2; 204B.32, subdivision 2; 204D.02, subdivision 1; 204D.08, subdivision 6; 204D.27, by adding a subdivision; 209.02, subdivision 1; 211A.01, subdivision 3; 211B.01, subdivision 3; 353D.01, subdivision 2; 375.09; 473.123, subdivisions 1, 4, 7, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 10A; 204D; 473; repealing Minnesota Statutes 2002, section 473.123, subdivisions 2a, 3, 3a, 3c; Laws 1994, chapter 628, article 1, section 8.

Referred to the Committee on State and Local Government Operations.

**Senator Skoe introduced--**

**S.F. No. 1344:** A bill for an act relating to education; providing for kindergarten through grade 12 general education, special programs, educational excellence and other policy, and nutrition; providing for family and early childhood education; amending Minnesota Statutes 2002, sections 84A.51, subdivision 4; 119A.52; 119B.011, subdivisions 5, 15, 19, by adding a subdivision; 119B.02, subdivision 1; 119B.03, subdivision 9; 119B.05, subdivision 1; 119B.08, subdivision 3; 119B.11, subdivision 2a; 119B.12, subdivision 2; 119B.13, subdivision 6; 119B.19, subdivision 7; 119B.21, subdivision 11; 119B.23, subdivision 3; 120A.24, subdivision 4; 121A.21; 121A.23, subdivision 1; 121A.41, subdivision 10; 122A.414, by adding a subdivision; 122A.415, subdivision 3; 123B.88, subdivision 2; 124D.081, by adding a subdivision; 124D.09, subdivision 20; 124D.10, subdivisions 2a, 4; 124D.118, subdivisions 1, 3; 124D.13, subdivisions 4, 8; 124D.15, subdivision 7; 124D.16, subdivision 1; 124D.52, subdivision 3; 125A.023, subdivision 3; 125A.03; 125A.08; 125A.28; 125A.30; 126C.05, subdivision 16; 126C.17, subdivision 11; 256.046, subdivision 1; 256.0471, subdivision 1; 256.98, subdivision 8; 475.61, subdivisions 1, 3; 611A.78, subdivision 1; 626.556, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 119B; 124D; repealing Minnesota Statutes 2002, sections 15.014, subdivision 3; 119A.08; 119A.15, subdivision 5a; 124D.118, subdivision 2; 124D.93; 125A.47; 144.401, subdivision 5; 239.004; Laws 2001, First Special Session chapter 3, article 1, section 16.

Referred to the Committee on Education.

**Senator Betzold introduced--**

**S.F. No. 1345:** A bill for an act relating to public finance; validating bonds issued by Anoka county for public safety radio improvements.

Referred to the Committee on Taxes.

**Senator Chaudhary introduced--**

**S.F. No. 1346:** A bill for an act relating to education finance; creating an alternative to the detachment and annexation process for residential property parcels that are split among school districts; proposing coding for new law in Minnesota Statutes, chapter 123A.

Referred to the Committee on Finance.

**Senator Berglin introduced--**

**S.F. No. 1347:** A bill for an act relating to health; restricting the construction of radiation therapy facilities; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Family Security.

**Senators Olson and Kierlin introduced--**

**S.F. No. 1348:** A bill for an act relating to education; giving preference to the nonpublic school

site for instruction for children with a disability who attend the nonpublic school; amending Minnesota Statutes 2002, section 126C.19, subdivision 4.

Referred to the Committee on Education.

**Senator Metzen introduced--**

**S.F. No. 1349:** A bill for an act relating to public utilities; prohibiting further construction of power lines in Sunfish Lake, Inver Grove Heights, Mendota Heights, and South St. Paul until environmental impact statements have been completed.

Referred to the Committee on Commerce and Utilities.

**Senator Johnson, D.E. introduced--**

**S.F. No. 1350:** A bill for an act relating to transportation; modifying or abolishing certain provisions related to joint county state-aid highway and municipal state-aid street status; deleting requirement for department of transportation to send copies of certain rules to county auditors; abolishing requirement that department of transportation maintain a list of highway engineers; repealing prohibition on establishing new divisions in department of transportation; abolishing obsolete statute related to highway jurisdiction studies; abolishing provision for collective ratemaking by motor carriers; repealing authority of commissioner of transportation over pipeline carriers; repealing certain rules governing design standards of driveways next to highways, motor carriers, aeronautics, and the right of first refusal to certain railroad land; amending Minnesota Statutes 2002, sections 162.02, subdivisions 1, 2, 4; 162.09, subdivision 1; 163.07, subdivision 2; 174.64, subdivision 4; repealing Minnesota Statutes 2002, sections 162.09, subdivision 5; 174.025; 174.031; 221.165; 221.54; 221.55; Minnesota Rules, parts 7800.0100, subparts 1, 3, 5; 7800.0500; 7800.0700; 7800.1400; 7800.1500; 7800.1600; 7800.1700; 7800.3100; 7800.3900; 7800.4810; 7805.0800; 8800.0100, subparts 7, 36; 8800.1200, subpart 3; 8800.3500; 8800.3700; 8800.4000; 8810.4200; 8810.4500; 8810.4600; 8810.4700; 8810.4800; 8810.4900; 8810.5000; 8810.5100; 8810.5500; 8810.9920; 8810.9921; 8850.6900, subparts 4, 6, 11, 12, 17; 8850.7000; 8850.7025; 8850.7040; 8850.7100; 8850.7900; 8850.8200; 8850.8900; 8850.9000; 8850.9050, subparts 1, 2; 8900.0100; 8900.0200; 8900.0300; 8900.0400; 8900.0500; 8900.0600; 8900.0700; 8900.0800; 8900.0900; 8900.1000; 8900.1100; 8910.0100; 8910.0200; 8910.0300; 8910.0400; 8910.1000; 8910.2000; 8910.2100; 8910.3000; 8910.3100.

Referred to the Committee on Finance.

**Senator Berglin introduced--**

**S.F. No. 1351:** A bill for an act relating to human rights; recognizing the Sandy Lake Band of Mississippi Chippewa as a state-recognized Indian tribe.

Referred to the Committee on Finance.

**Senator Senjem introduced--**

**S.F. No. 1352:** A bill for an act relating to retirement; public employees retirement association police and fire plan; authorizing survivor benefit for the survivor of a deceased member.

Referred to the Committee on State and Local Government Operations.

**Senators Senjem, Murphy and Kierlin introduced--**

**S.F. No. 1353:** A bill for an act relating to game and fish; modifying provisions for selection of spring turkey licenses; amending Minnesota Statutes 2002, section 97A.435, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

**Senators Higgins, Kelley and Scheid introduced--**

**S.F. No. 1354:** A bill for an act relating to elections; moving the date of precinct caucuses from the first Tuesday in March to the third Tuesday in February; amending Minnesota Statutes 2002, section 202A.14, subdivision 1.

Referred to the Committee on Rules and Administration.

**Senators Robling, Day, Wergin and Wiger introduced--**

**S.F. No. 1355:** A bill for an act relating to highways; authorizing commissioner of transportation to enter into lease agreements for highway rest areas; depositing money in special revenue fund; appropriating money for highway rest stop program; requiring commissioner to report to legislature; amending Minnesota Statutes 2002, section 160.28, by adding a subdivision.

Referred to the Committee on Finance.

**Senators Kubly, Vickerman, Stumpf, Langseth and Murphy introduced--**

**S.F. No. 1356:** A bill for an act relating to agriculture; providing a mechanism for farmers to reserve seed from an agricultural crop for purposes of planting in subsequent crop years; authorizing a fee; imposing a penalty; amending Minnesota Statutes 2002, sections 21.81, by adding subdivisions; 21.87; proposing coding for new law in Minnesota Statutes, chapter 21.

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

**Senator Saxhaug introduced--**

**S.F. No. 1357:** A bill for an act relating to state government; providing for the governor to appoint the executive secretary of the board of electricity; amending Minnesota Statutes 2002, section 326.241, subdivision 2.

Referred to the Committee on State and Local Government Operations.

**Senators Neuville and Kiscaden introduced--**

**S.F. No. 1358:** A bill for an act relating to taxation; restricting eligibility for property tax refunds for claimants who receive certain payments; amending Minnesota Statutes 2002, section 290A.03, subdivision 8.

Referred to the Committee on Taxes.

**Senators Kubly; Johnson, D.E.; Saxhaug; Solon and Vickerman introduced--**

**S.F. No. 1359:** A bill for an act relating to taxation; sales and use; exempting certain camp fees; amend Minnesota Statutes 2002, section 297A.70, subdivision 16.

Referred to the Committee on Taxes.

**Senators Bakk, Tomassoni and Solon introduced--**

**S.F. No. 1360:** A bill for an act relating to taxes; local sales and use tax; expanding the uses for the Hermantown local sales tax; amending Laws 1996, chapter 471, article 2, section 29.

Referred to the Committee on Taxes.

**Senators Pogemiller and Senjem introduced--**

**S.F. No. 1361:** A bill for an act relating to public employment; providing phased retirement and voluntary unpaid leave options to local public employees.

Referred to the Committee on State and Local Government Operations.

**Senator Kleis introduced--**

**S.F. No. 1362:** A bill for an act relating to elections; requiring reporting of certain allocated expenditures; amending Minnesota Statutes 2002, section 10A.20, subdivision 3.

Referred to the Committee on Rules and Administration.

**Senator LeClair introduced--**

**S.F. No. 1363:** A bill for an act relating to insurance; regulating Medicare supplement insurance; conforming state law to the minimum federal standards; amending Minnesota Statutes 2002, sections 62A.31, subdivisions 1f, 1u; 62A.315; 62A.316.

Referred to the Committee on Commerce and Utilities.

**Senator Dibble introduced--**

**S.F. No. 1364:** A bill for an act relating to real property; eliminating junior creditor redemption rights under certain circumstances; amending Minnesota Statutes 2002, section 580.24.

Referred to the Committee on Judiciary.

**MEMBERS EXCUSED**

Senators McGinn, Pogemiller and Stumpf were excused from the Session of today.

**ADJOURNMENT**

Senator Hottinger moved that the Senate do now adjourn until 9:00 a.m., Thursday, April 3, 2003. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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