

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-THIRD LEGISLATURE

SEVENTY-FIFTH DAY

St. Paul, Minnesota, Wednesday, March 17, 2004

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Bryan O'Rourke.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

February 25, 2004

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

BOARD OF THE PERPICH CENTER FOR ARTS EDUCATION

Roberta Jones, 3710 Vincent Ave. N., Minneapolis, in the county of Hennepin, effective March 3, 2004, for a term that expires on January 3, 2005.

(Referred to the Committee on Education.)

Sincerely,
Tim Pawlenty, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1799, 1814 and 2182.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 15, 2004

Mr. President:

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

S.F. No. 1626: A bill for an act relating to municipalities; making certain changes regarding storm and sanitary sewer authorizations; amending Minnesota Statutes 2002, section 444.075, subdivisions 1, 1a, 2, 3.

Senate File No. 1626 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 15, 2004

Senator Wiger moved that S.F. No. 1626 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1721, 1861, 1898 and 2288.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 15, 2004

FIRST READING OF HOUSE BILLS

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

H.F. No. 1721: A bill for an act relating to criminal justice; expanding collection of booking fees; changing procedures for return of booking fees; amending Minnesota Statutes 2002, section 641.12, subdivision 1.

Referred to the Committee on Crime Prevention and Public Safety.

H.F. No. 1861: A bill for an act relating to civil actions; regulating liability on land used for recreational purposes; modifying the definition of recreational purpose; amending Minnesota Statutes 2002, section 604A.21, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1645.

H.F. No. 1898: A bill for an act relating to highways; repealing requirement that designation of natural preservation routes on county state-aid highways be reviewed by advisory committee; amending Minnesota Statutes 2002, section 162.021, subdivision 5.

Referred to the Committee on Finance.

H.F. No. 2288: A bill for an act relating to courts; modifying conciliation court debtor disclosures; amending Minnesota Statutes 2002, section 491A.02, subdivision 9.

Referred to the Committee on Judiciary.

REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted, with the exception of the report pertaining to the appointment. The motion prevailed.

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

S.F. No. 565: A bill for an act relating to commerce; restricting the use and display of social security numbers; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Page 2, lines 20, 23, 26, and 30, delete "2005" and insert " 2006"

Page 3, line 18, delete "2005" and insert "2006"

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

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

S.F. No. 2479: A bill for an act relating to courts; limiting postconviction relief; amending Minnesota Statutes 2002, section 590.01, subdivision 1, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 590.01, subdivision 1, is amended to read:

Subdivision 1. [PETITION.] Except at a time when direct appellate relief is available, a person convicted of a crime, who claims that:

(1) the conviction obtained or the sentence or other disposition made violated the person's rights under the Constitution or laws of the United States or of the state; or

(2) scientific evidence not available at trial, obtained pursuant to a motion granted under subdivision 1a, establishes the petitioner's actual innocence;

may commence a proceeding to secure relief by filing a petition in the district court in the county in which the conviction was had to vacate and set aside the judgment and to discharge the petitioner or to resentence the petitioner or grant a new trial or correct the sentence or make other disposition as may be appropriate. A petition for postconviction relief after a direct appeal may not be based on grounds that could have been raised on direct appeal of the conviction or sentence. Nothing contained herein shall prevent the Supreme Court or the Court of Appeals, upon application by a party, from granting a stay of a case on appeal for the purpose of allowing an appellant to apply to the district court for an evidentiary hearing under the provisions of this chapter. The proceeding shall conform with sections 590.01 to 590.06.

Sec. 2. Minnesota Statutes 2002, section 590.01, is amended by adding a subdivision to read:

Subd. 4. [TIME LIMIT.] (a) No petition for postconviction relief may be filed more than two years after the later of:

(1) the entry of judgment of conviction or sentence if no direct appeal is filed; or

(2) an appellate court's disposition of petitioner's direct appeal.

(b) Notwithstanding paragraph (a), a court may hear a petition for postconviction relief if:

(1) the petitioner establishes that a physical disability or mental disease precluded a timely assertion of the claim;

(2) the petitioner alleges the existence of newly discovered evidence, including scientific evidence, that could not have been ascertained by the exercise of due diligence by the petitioner or petitioner's attorney within the two-year time period for filing a postconviction petition, and the evidence is not cumulative to evidence presented at trial, is not for impeachment purposes, and establishes by a clear and convincing standard that the petitioner is innocent of the offense or offenses for which the petitioner was convicted;

(3) the petitioner asserts a new interpretation of federal or state constitutional or statutory law by either the United States Supreme Court or Minnesota Supreme Court, and the petitioner establishes that this interpretation is retroactively applicable to the petitioner's case;

(4) the petition is brought pursuant to subdivision 3; or

(5) the petitioner establishes to the satisfaction of the court that the petition is not frivolous and is in the interests of justice.

(c) Any petition invoking an exception provided in paragraph (b) must be filed within two years of the date the claim arises.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective August 1, 2004. Any person whose conviction became final before August 1, 2004, shall have two years after the effective date of this act to file a petition for postconviction relief."

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

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

S.F. No. 2357: A bill for an act relating to criminal justice; defining collateral sanctions; requiring the revisor of statutes to create a new statutory chapter containing cross-references to collateral sanction laws located throughout Minnesota Statutes.

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

Page 1, line 18, after "include" insert ":

(1) a direct consequence of the crime such as a criminal fine, restitution, or incarceration; or

(2)"

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

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

S.F. No. 3: A bill for an act relating to employment; increasing the minimum wage; amending Minnesota Statutes 2002, section 177.24, 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 177.24, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT.] (a) For purposes of this subdivision, the terms defined in this paragraph have the meanings given them.

(1) "Large employer" means an enterprise whose annual gross volume of sales made or business done is not less than \$500,000 (exclusive of excise taxes at the retail level that are separately stated) and covered by the Minnesota Fair Labor Standards Act, sections 177.21 to 177.35.

(2) "Small employer" means an enterprise whose annual gross volume of sales made or business done is less than \$500,000 (exclusive of excise taxes at the retail level that are separately stated) and covered by the Minnesota Fair Labor Standards Act, sections 177.21 to 177.35.

(b) Except as otherwise provided in sections 177.21 to 177.35, every large employer must pay each employee wages at a rate of at least \$5.15 an hour beginning September 1, 1997, at a rate of at least \$5.90 an hour beginning July 1, 2004, and at a rate of at least \$6.65 an hour beginning July 1, 2005. Every small employer must pay each employee at a rate of at least \$4.90 an hour beginning January 1, 1998, at a rate of at least \$5.65 an hour beginning July 1, 2004, and at a rate of at least \$6.40 an hour beginning July 1, 2005. On July 1, 2006, and annually on July 1 thereafter, the minimum wage required to be paid under this paragraph shall be increased by the percentage increase for the 12-month period ending December 31 of the previous calendar year in the Consumer Price Index for all urban consumers for the St. Paul-Minneapolis area prepared by the United States Department of Labor. The increase shall be rounded up to the nearest cent.

(c) Notwithstanding paragraph (b), during the first 90 consecutive days of employment, an employer may pay an employee under the age of 20 years a wage of \$4.25 an hour. No employer may take any action to displace any employee, including a partial displacement through a reduction in hours, wages, or employment benefits, in order to hire an employee at the wage authorized in this paragraph.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 2004."

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

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

S.F. No. 2037: A bill for an act relating to eminent domain; awarding attorney fees to landowner when damage award exceeds original offer by 20 percent; requiring primary necessity before property may be taken for public purpose; amending Minnesota Statutes 2002, section 117.075; Minnesota Statutes 2003 Supplement, section 117.036, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2003 Supplement, section 13.44, subdivision 3, is amended to read:

Subd. 3. [REAL PROPERTY; APPRAISAL DATA.] (a) [CONFIDENTIAL OR PROTECTED NONPUBLIC DATA.] Estimated or appraised values of individual parcels of real property which are made by personnel of the state, its agencies and departments, or a political subdivision or by independent appraisers acting for the state, its agencies and departments, or a political subdivision for the purpose of selling or acquiring land through purchase or condemnation are classified as confidential data on individuals or protected nonpublic data.

(b) [PRIVATE OR NONPUBLIC DATA.] Appraised values of individual parcels of real

property that are made by appraisers working for fee owners or contract purchasers who have received an offer to purchase their property from a government entity are private data on individuals or nonpublic data.

(c) [PUBLIC DATA.] The data made confidential or protected nonpublic by the provisions of paragraph (a) shall become public upon the occurrence of any of the following:

- (1) ~~the negotiating parties exchange appraisals;~~
- (2) the data are submitted to a court appointed condemnation commissioner;
- (3) ~~(2) the data are presented in court in condemnation proceedings; or~~
- (4) ~~(3) the negotiating parties enter into an agreement for the purchase and sale of the property;~~
or
- (5) ~~the data are submitted to the owner under section 117.036.~~

Sec. 2. Minnesota Statutes 2003 Supplement, section 117.036, subdivision 2, is amended to read:

Subd. 2. [APPRAISAL.] (a) Before commencing an eminent domain proceeding under this chapter, the acquiring authority must obtain at least one appraisal for the property proposed to be acquired. In making the appraisal, the appraiser must confer with one or more of the fee owners or contract purchasers of the property, if reasonably possible. At least 20 days before presenting a petition under section 117.055 Notwithstanding section 13.44, the acquiring authority must provide the fee owner or contract purchaser with a copy of the appraisal and inform ~~the owner of the owner's~~ that person of the right to obtain an appraisal under this section. Upon request, a copy of the appraisal must be provided to the fee owner or contract purchaser within five days. The owner or contract purchaser must provide the commissioner with appraisals of the property for which the owner has been reimbursed with public funds.

(b) The fee owner or contract purchaser may obtain an appraisal by a qualified appraiser of the property proposed to be acquired. The fee owner or contract purchaser is entitled to reimbursement for the reasonable costs of the appraisal from the acquiring authority up to a maximum of \$1,500 within 30 days after the owner if that person submits to the acquiring authority the information necessary for reimbursement, provided that the owner does so within 60 days after the owner receives the appraisal from the authority under paragraph (a) and a copy of the appraisal within 90 days after receiving the acquiring authority's appraisal. The acquiring authority must pay the reimbursement to the fee owner or contract purchaser within 30 days after receiving a copy of the appraisal and the reimbursement information. Upon agreement between the fee owner or contract purchaser and the acquiring authority, the acquiring authority may pay the reimbursement, of up to \$1,500, directly to the appraiser.

(c) An appraisal may not be used or considered in a commissioner's hearing unless it is disclosed to all parties at least three business days before the hearing.

Sec. 3. Minnesota Statutes 2003 Supplement, section 117.036, subdivision 3, is amended to read:

Subd. 3. [NEGOTIATION.] In addition to the appraisal requirements under subdivision 2, before commencing an eminent domain proceeding, the acquiring authority must make a good faith attempt to negotiate personally with the owner of the property in order to acquire the property by direct purchase instead of the use of eminent domain proceedings. In making this negotiation, the acquiring authority must consider the appraisals in its possession, including any appraisal obtained and furnished by the owner, and other information that may be relevant to a determination of damages under this chapter.

Sec. 4. Minnesota Statutes 2003 Supplement, section 117.036, is amended by adding a subdivision to read:

Subd. 4. [INFORMATION TO BE PREPARED.] The commissioner of transportation, in consultation with the attorney general and one or more professional associations of real estate appraisers, shall prepare a publication of not more than two pages that summarizes the eminent domain process for transportation projects, including the reasons for condemnation, the procedures followed by condemners, how property owners and citizens may influence the condemnation process, and the rights of property owners and citizens affected by condemnation. The commissioner shall make this publication available to all persons on whose property the commissioner has made an appraisal or to whom the commissioner has made an offer to purchase. The commissioner may make the publication available to other acquiring authorities and may charge a price to recover the commissioner's costs.

Sec. 5. Minnesota Statutes 2002, section 117.075, is amended to read:

117.075 [COURT TO APPOINT COMMISSIONERS.]

(a) Upon proof being filed of the service of such notice, the court, at the time and place therein fixed or to which the hearing may be adjourned, shall hear all competent evidence offered for or against the granting of the petition, regulating the order of proof as it may deem best. If the proposed taking shall appear to be necessary and such as is authorized by law, the court by an order shall appoint three disinterested commissioners, and at least two alternates, to ascertain and report the amount of damages that will be sustained by the several owners on account of such taking.

(b) If an interest in property is sold, leased, transferred, or otherwise conveyed to a person or entity without the power of eminent domain, the court shall not authorize the taking unless the petitioner proves by a preponderance of the evidence that the taking is reasonably necessary, the taking is authorized by law, and the taking is for a public purpose. At the owner's request, acquisition of property in excess of that necessary for a project is not considered an interest in property that is sold, licensed, leased, or otherwise conveyed to a person or entity without the power of eminent domain. The temporary lease of property proposed to be acquired by eminent domain or threat of eminent domain is not considered an interest in property that is sold, licensed, leased, or otherwise conveyed to a person or entity without the power of eminent domain. This paragraph does not apply to an acquisition of property for transportation purposes under section 117.036.

(c) Before appointing a commissioner, the court shall inquire whether each prospective commissioner has any relationship, business or otherwise, to any of the parties in the proceeding, or any interest in the proceeding which may constitute a conflict of interest, or which may create the appearance of impropriety should that person be appointed. Responses to this inquiry must be either written or on the record and made available by the court to any party in the proceeding before and after appointment. No person who might have difficulty in rendering an unbiased decision may be appointed to serve. The court, in its discretion, may appoint one registered, practicing attorney to the commission who is knowledgeable in eminent domain matters. All other commissioners appointed must be persons actively engaged in the occupation of real estate sales or real estate appraising or persons knowledgeable in real estate values. The order shall fix the time and place of the first meeting of the three commissioners and prescribe their compensation. At the first meeting at the office of the court administrator of district court the appointees must be sworn by the court administrator or an authorized deputy and shall take and sign the following oath before assuming their duties as commissioners:

(TITLE OF PROCEEDING)

..... does swear under penalty of perjury as follows:

I will faithfully and justly perform to the best of my ability, all the duties of the office and trust which I now assume as commissioner in the above entitled proceeding. I further swear that, except as disclosed in writing or on the record, I have no interest in any of the lands in the above proceeding or any present or past relationship, business or personal, with any of the parties to the above proceeding or any other actual or potential conflict of interest, and that I will render fair and impartial decisions, so help me God.

The order may, in the discretion of the court, limit the title or easement to be acquired by the petitioner by defining the rights and privileges which the owner of any of the lands may exercise therein in subordination to the public uses to which it is appropriated. In case any commissioner fails to act or fails to meet the qualifications required by this section, the court without further notice may appoint another in that commissioner's place.

The court administrator of court in each county shall post in the courthouse in a prominent place a notice that a qualified person may apply to have the person's name placed upon a list of potential commission appointees for eminent domain proceedings. The notice must contain the language of the oath which the commissioners are required to take upon appointment and shall list the other qualifications set forth in this section. The court shall give due consideration to the names appearing on the list, but is not bound to make appointments from the list."

Delete the title and insert:

"A bill for an act relating to eminent domain; requiring exchange of certain appraisals between commissioner of transportation and owner; allowing owner's appraiser to seek payment directly from commissioner; classifying appraisal data; requiring commissioner to prepare and distribute summary of eminent domain process for transportation projects; requiring demonstration of public purpose to justify exercise of eminent domain in certain cases; amending Minnesota Statutes 2002, section 117.075; Minnesota Statutes 2003 Supplement, sections 13.44, subdivision 3; 117.036, subdivisions 2, 3, by adding a subdivision."

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

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

S.F. No. 2023: A bill for an act relating to human services; providing annual rate increases for certain providers; terminating a rate reduction for certain providers; appropriating money; amending Minnesota Statutes 2002, section 256B.5012, by adding a subdivision; Laws 2003, First Special Session chapter 14, article 13C, section 2, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 256B.

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

Page 4, line 18, delete the second "and"

Page 4, line 20, before the period, insert "; and

(24) nursing facilities under sections 256B.431 and 256B.434"

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. 1671: A bill for an act relating to health; placing the term "assisted living facility" into statute as a formal means of referring to registered housing with services establishments; amending Minnesota Statutes 2002, section 144D.01, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. [144D.015] [ASSISTED LIVING FACILITY DEFINITION FOR PURPOSES OF LONG-TERM CARE INSURANCE.]

For purposes of consistency with terminology commonly used in long-term care insurance policies, a housing with services establishment that is registered under section 144D.03 and that holds, or contracts with an individual or entity that holds, a home care license and all other licenses, permits, registrations, or other governmental approvals legally required for delivery of the services the establishment offers or provides to its residents, constitutes an "assisted living facility" or "assisted living residence."

Delete the title and insert:

"A bill for an act relating to health; placing the term "assisted living facility" into statute as a formal means of referring to registered housing with services establishments; proposing coding for new law in Minnesota Statutes, chapter 144D."

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 referred

S.F. No. 1835: A bill for an act relating to health; providing for review of hospital moratorium exceptions; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Page 1, line 11, delete "Notwithstanding" and insert "When submitting a plan to the commissioner, an applicant shall pay the commissioner for the commissioner's cost of reviewing the plan, as determined by the commissioner and notwithstanding section 16A.1283. Money received by the commissioner under this section is appropriated to the commissioner for the purpose of administering this section.

(b) Plans submitted under this section shall include detailed information necessary for the commissioner to review the plan and reach a finding. The commissioner may request additional information from the hospital submitting a plan under this section and from others affected by the plan that the commissioner deems necessary to review the plan and make a finding."

Page 1, delete lines 12 to 14

Page 1, line 15, delete "(b)" and insert "(c)"

Page 2, line 9, delete "(c)" and insert "(d)" and delete "(b)" and insert "(c)"

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "appropriating money;"

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. 1791: A bill for an act relating to public safety; requiring commissioner of public safety to adopt rules for fire-resistant standards for cigarettes and authorizing expedited process to adopt those rules; proposing coding for new law in Minnesota Statutes, chapter 299F.

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

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

S.F. No. 1846: A bill for an act relating to family law; requiring a minimum of ten hours participation in a parent education program in contested custody or parenting time cases; amending Minnesota Statutes 2002, section 518.157, subdivision 3.

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 518.157, subdivision 3, is amended to read:

Subd. 3. [ATTENDANCE.] In a proceeding under this chapter or sections 257.51 to 257.75 ~~where custody or parenting time is contested involving custody, support, or parenting time, the~~ parents of a minor child shall attend a minimum of eight hours in an orientation and education program that meets the minimum standards promulgated by the Minnesota Supreme Court. ~~In all other proceedings involving custody, support, or parenting time the court may order the parents of a minor child to attend a parent education program.~~ The program shall provide the court with names of persons who fail to attend the parent education program as ordered by the court. Persons who are separated or contemplating involvement in a dissolution, paternity, custody, or parenting time proceeding may attend a parent education program without a court order. ~~Unless otherwise ordered by the court, participation in a parent education program must occur as early as possible begin within 45 days of service of the summons or as soon as practicable after that time based on the reasonable availability of classes for the program for the parent.~~ Parent education programs must offer an opportunity to participate at all phases of a pending or postdecree proceeding. Upon request of a party and a showing of good cause, the court may excuse the party from attending the program. If past or present domestic abuse, as defined in chapter 518B, is alleged, the court shall not require the parties to attend the same parent education sessions and shall enter an order setting forth the manner in which the parties may safely participate in the program."

Amend the title as follows:

Page 1, line 2, delete "ten" and insert "eight"

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

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

S.F. No. 2413: A bill for an act relating to employment; regulating payment for overtime work; amending Minnesota Statutes 2002, section 177.25, subdivision 1.

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

Page 1, lines 8 and 9, delete the new language

Page 2, line 9, delete "does not apply" and insert "applies"

Page 2, line 10, delete "no" and insert "an"

Page 2, line 17, delete "those employments and employees who" and insert "job classifications that"

Page 2, line 23, delete "employees whose" and insert "job classifications for which" and delete "benefits" and insert "compensation"

Page 2, line 24, delete "are" and insert "was"

Page 2, line 26, delete "December 1, 2004" and insert "January 15, 2005"

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

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

S.F. No. 2462: A bill for an act relating to real property; housing and redevelopment authority residential properties; preserving housing authority ability to lease townhome and condominium properties to eligible tenants; amending Minnesota Statutes 2002, section 469.018, by adding a subdivision.

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

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

S.F. No. 1973: A bill for an act relating to metropolitan government; changing the composition of the Metropolitan Radio Board; providing for requests to the Metropolitan Council for authorization and issuance of revenue bonds for certain purposes; amending Metropolitan Council bond authorization; repealing the sunset of the Metropolitan Radio Board; amending Minnesota Statutes 2003 Supplement, section 403.21, subdivision 3; 403.22, subdivisions 1, 2; 403.27, subdivisions 1, 3; repealing Laws 1995, chapter 195, article 1, section 18, as amended.

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

Pages 4 and 5, delete section 5

Page 5, line 28, delete "6" and insert "5"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, delete "subdivisions 1, 3" and insert "subdivision 1"

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

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

S.F. No. 2591: A bill for an act relating to economic development; creating a program to retain and create jobs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Page 2, line 1, after "jobs" insert "without a grant"

Page 2, delete lines 2 to 6 and insert:

"(1) is a start-up business that requires skilled workers at a salary that the business can show it would have substantial difficulty affording during the start-up stage, but not thereafter;

(2) is in a short-term downturn of a business cycle with good prospects of emerging from the cycle as a going concern; or

(3) is expanding and the expansion requires skilled employees that the business can show it would have substantial difficulty in affording during the expansion, but not thereafter."

Page 2, delete lines 27 and 28 and insert:

"(4) that the grant is prudent based on the economic viability of the business based on historical financial information, business plans, cash flow projections, current orders, and other information the commissioner may request."

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

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

S.F. No. 1972: A bill for an act relating to public safety; increasing the 911 emergency telephone service fee to eliminate a deficit and to help defray the cost of operating public safety answering points; expanding the jurisdiction and membership of the Metropolitan Radio Board; authorizing the sale of revenue bonds by the Metropolitan Council for phases 2 and 3 of the 800 MHz public safety radio communication system; repealing the sunset of the Metropolitan Radio Board; appropriating money; amending Minnesota Statutes 2003 Supplement, sections 403.11, subdivision 1; 403.113, subdivision 1; 403.21, subdivision 3; 403.22, subdivisions 1, 2; 403.27, subdivisions 1, 3; repealing Laws 1995, chapter 195, article 1, section 18, as amended.

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

Page 2, line 21, delete "60" and insert "65"

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

Senator Wiger from the Committee on Elections, to which was referred

S.F. No. 2300: A bill for an act relating to redistricting; adjusting the boundary between house districts 41A and 41B to correct an error; proposing coding for new law in Minnesota Statutes, chapter 2.

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

Page 1, delete lines 17 to 25

Page 2, delete lines 1 to 17 and insert:

"(a) House district 41A consists of that portion of the city of Edina lying north of a line described as follows: commencing at the intersection of the western boundary of the city of Edina with Valley View Road, easterly along Valley View Road to the service road east of U.S. 169, southerly along the service road to Braemar Boulevard, easterly and northerly along Braemar Boulevard to Valley View Road, northeasterly along Valley View Road to Antrim Road, southerly along Antrim Road to West 70th Street, easterly along West 70th Street to France Avenue, southerly along France Avenue to Parklawn Avenue, easterly along Parklawn Avenue to York Avenue, northerly along York Avenue to the southern boundary of Independent School District No. 273, Edina, and easterly along the southern boundary of Independent School District No. 273 to the eastern boundary of the city of Edina."

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

Senator Wiger from the Committee on Elections, to which was re-referred

H.F. No. 307: A bill for an act relating to elections; providing an exemption for noncommercial signs from ordinances that limit the number of noncommercial signs; amending Minnesota Statutes 2002, section 211B.045.

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

Senator Wiger from the Committee on Elections, to which was referred

S.F. No. 1820: A bill for an act relating to elections; proposing an amendment to the Minnesota Constitution, article VII, section 1; lowering the voting age to 17 years; amending Minnesota Statutes 2002, sections 201.014, subdivision 1; 201.13, subdivision 1; 201.14; 204C.10; Minnesota Statutes 2003 Supplement, section 201.15, subdivision 1.

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

S.F. No. 2360: A bill for an act relating to human services; authorizing a long-term care partnership program; proposing coding for new law in Minnesota Statutes, chapter 256B.

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

Page 4, after line 9, insert:

"Sec. 2. Minnesota Statutes 2003 Supplement, section 256B.69, subdivision 23, is amended to read:

Subd. 23. [ALTERNATIVE INTEGRATED LONG-TERM CARE SERVICES; ELDERLY AND DISABLED PERSONS.] (a) The commissioner may implement demonstration projects to create alternative integrated delivery systems for acute and long-term care services to elderly persons and persons with disabilities as defined in section 256B.77, subdivision 7a, that provide increased coordination, improve access to quality services, and mitigate future cost increases. The commissioner may seek federal authority to combine Medicare and Medicaid capitation payments for the purpose of such demonstrations. Medicare funds and services shall be administered according to the terms and conditions of the federal waiver and demonstration provisions. For the purpose of administering medical assistance funds, demonstrations under this subdivision are subject to subdivisions 1 to 22. The provisions of Minnesota Rules, parts 9500.1450 to 9500.1464, apply to these demonstrations, with the exceptions of parts 9500.1452, subpart 2, item B; and 9500.1457, subpart 1, items B and C, which do not apply to persons enrolling in demonstrations under this section. An initial open enrollment period may be provided. Persons who disenroll from demonstrations under this subdivision remain subject to Minnesota Rules, parts 9500.1450 to 9500.1464. When a person is enrolled in a health plan under these demonstrations and the health plan's participation is subsequently terminated for any reason, the person shall be provided an opportunity to select a new health plan and shall have the right to change health plans within the first 60 days of enrollment in the second health plan. Persons required to participate in health plans under this section who fail to make a choice of health plan shall not be randomly assigned to health plans under these demonstrations. Notwithstanding section 256L.12, subdivision 5, and Minnesota Rules, part 9505.5220, subpart 1, item A, if adopted, for the purpose of demonstrations under this subdivision, the commissioner may contract with managed care organizations, including counties, to serve only elderly persons eligible for medical assistance, elderly and disabled persons, or disabled persons only. For persons with primary diagnoses of mental retardation or a related condition, serious and persistent mental illness, or serious emotional disturbance, the commissioner must ensure that the county authority has approved the demonstration and contracting design. Enrollment in these projects for persons with disabilities shall be voluntary. The commissioner shall not implement any demonstration project under this subdivision for persons with primary diagnoses of mental retardation or a related condition, serious and persistent mental illness, or serious emotional disturbance, without approval of the county board of the county in which the demonstration is being implemented.

(b) Notwithstanding chapter 245B, sections 252.40 to 252.46, 256B.092, 256B.501 to 256B.5015, and Minnesota Rules, parts 9525.0004 to 9525.0036, 9525.1200 to 9525.1330, 9525.1580, and 9525.1800 to 9525.1930, the commissioner may implement under this section projects for persons with developmental disabilities. The commissioner may capitate payments for ICF/MR services, waived services for mental retardation or related conditions, including case management services, day training and habilitation and alternative active treatment services, and other services as approved by the state and by the federal government. Case management and active treatment must be individualized and developed in accordance with a person-centered plan. Costs under these projects may not exceed costs that would have been incurred under fee-for-service. Beginning July 1, 2003, and until two years after the pilot project implementation date, subcontractor participation in the long-term care developmental disability pilot is limited to a

nonprofit long-term care system providing ICF/MR services, home and community-based waiver services, and in-home services to no more than 120 consumers with developmental disabilities in Carver, Hennepin, and Scott counties. The commissioner shall report to the legislature prior to expansion of the developmental disability pilot project. This paragraph expires two years after the implementation date of the pilot project.

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

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

(e) The commissioner, in consultation with the commissioners of commerce and health, may approve and implement Programs for All-Inclusive Care for the Elderly (PACE) under the federal laws and regulations governing that program and participating providers. A PACE provider shall not be required to be licensed or certified as a health plan company as defined in section 62Q.01, subdivision 4. Persons age 55 or older who have been screened by the county and found to be eligible for services under the elderly waiver or community alternatives for disabled individuals may choose to enroll in the PACE program. Services shall be provided under this subdivision and federal Medicare and Medicaid requirements governing PACE providers and programs. Program enrollees shall receive medical assistance home and community-based waiver services as an alternative through the PACE provider. The commissioner shall establish medical assistance rates for program providers that do not exceed costs that would have been incurred under medical assistance fee-for-service arrangements."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "authorizing programs for all-inclusive care for the elderly; amending Minnesota Statutes 2003 Supplement, section 256B.69, subdivision 23;"

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

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

S.F. No. 1604: A bill for an act relating to human services; requiring a planned nursing facility closure to be budget neutral; amending Minnesota Statutes 2002, section 256B.437, subdivision 3.

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

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2002, section 256B.431, subdivision 10, is amended to read:

Subd. 10. [PROPERTY RATE ADJUSTMENTS AND CONSTRUCTION PROJECTS.] A nursing facility's request for a property-related payment rate adjustment and the related supporting documentation of project construction cost information must be submitted to the commissioner within 60 days after the construction project's completion date to be considered eligible for a property-related payment rate adjustment. The commissioner shall provide a rate notice reflecting the allowable costs within 60 days after receiving all the necessary information to compute the rate adjustment. No sooner than the effective date of the rate adjustment for the building project, a nursing facility may adjust its rates by the amount anticipated to be allowed. Any amounts collected from private pay residents in excess of the allowable rate must be repaid to private pay residents with interest at the rate used by the commissioner of revenue for the late payment of taxes and in effect on the date the rate increase is effective. Construction projects with completion dates within one year of the completion date associated with the property rate adjustment request

and phased projects with project completion dates within three years of the last phase of the phased project must be aggregated for purposes of the minimum thresholds in subdivisions 16 and 17, and the maximum threshold in section 144A.071, subdivision 2. "Construction project" and "project construction costs" have the meanings given them in Minnesota Statutes, section 144A.071, subdivision 1a."

Page 2, line 4, delete "is budget neutral" and insert "has no cost"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "requiring the commissioner of human services to provide rate notices within certain timelines under certain conditions;"

Page 1, line 4, delete "section" and insert "sections 256B.431, subdivision 10;"

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

Senator Wiger from the Committee on Elections, to which was referred

S.F. No. 1907: A bill for an act relating to elections; expanding membership and staff of the Campaign Finance and Public Disclosure Board; creating administrative remedy for violations of fair campaign practices in state and local elections; repealing mandate that county attorney investigate violations of voter registration laws and fair campaign practices; appropriating money; amending Minnesota Statutes 2002, sections 10A.02, subdivisions 1, 2, 3, 5, 7, 12; 201.27, subdivision 2; 211A.05, subdivision 2; Minnesota Statutes 2003 Supplement, section 204B.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 10A; 211A; 211B; repealing Minnesota Statutes 2002, sections 201.275; 211A.08, subdivisions 1, 2; 211B.16, subdivisions 1, 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 10A.02, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] The Campaign Finance and Public Disclosure Board is composed of ~~six~~ nine members. The governor must appoint the members with the advice and consent of three-fifths of both the senate and the house of representatives acting separately. If either house fails to confirm the appointment of a board member within 45 legislative days after appointment or by adjournment sine die, whichever occurs first, the appointment terminates on the day following the 45th legislative day or on adjournment sine die, whichever occurs first. If either house votes not to confirm an appointment, the appointment terminates on the day following the vote not to confirm. Two members must be former members of the legislature who support different political parties; ~~two~~ three members must be persons who have not been public officials, held any political party office other than precinct delegate, or been elected to public office for which party designation is required by statute in the three years preceding the date of their appointment; and the other ~~two~~ four members must support different political parties. No more than three of the members of the board may support the same political party. No member of the board may currently serve as a lobbyist.

Sec. 2. Minnesota Statutes 2002, section 10A.02, subdivision 2, is amended to read:

Subd. 2. [VACANCY; TERMS.] An appointment to fill a vacancy is made only for the unexpired term of a member who is being replaced and the appointee must meet the same stated qualifications as the member being replaced. The membership terms, compensation, and removal of members on the board are as provided in section 15.0575, except that the extension of terms and the filling of vacancies are subject to the advice and consent of the legislature in the same

manner as provided in subdivision 1, and that the compensation for a member attending an expedited hearing under section 10A.63 is \$100 per day.

Sec. 3. Minnesota Statutes 2002, section 10A.02, subdivision 3, is amended to read:

Subd. 3. [VOTE REQUIRED.] The concurring vote of ~~four~~ six members of the board is required to decide any matter before the board.

Sec. 4. Minnesota Statutes 2002, section 10A.02, subdivision 7, is amended to read:

Subd. 7. [POLITICAL ACTIVITY.] (a) All members and employees of the board are subject to any provisions of law regulating political activity by state employees. In addition, no member or employee of the board may be a candidate for, or holder of, (1) a national, state, congressional district, legislative district, county, or precinct office in a political party, or (2) an elected public office ~~for which party designation is required by statute.~~

(b) A member or employee of the board must not serve on a committee supporting or opposing a candidate or ballot question and must not make a contribution to or solicit a contribution on behalf of a candidate, political committee, political fund, party unit, or ballot question. For purposes of this paragraph, "candidate" includes a state candidate, as defined in section 10A.01, subdivision 10, a local candidate, as defined in section 211A.01, subdivision 3, and a candidate for federal office.

Sec. 5. Minnesota Statutes 2002, section 10A.02, subdivision 12, is amended to read:

Subd. 12. [ADVISORY OPINIONS.] (a) The board may issue and publish advisory opinions on the requirements of this chapter or chapter 211A or 211B based upon real or hypothetical situations. An application for an advisory opinion may be made only by an individual or association who wishes to use the opinion to guide the individual's or the association's own conduct. The board must issue written opinions on all such questions submitted to it within 30 days after receipt of written application, unless a majority of the board agrees to extend the time limit.

(b) A written advisory opinion issued by the board is binding on the board in a subsequent board proceeding concerning the person making or covered by the request and is a defense in a judicial proceeding that involves the subject matter of the opinion and is brought against the person making or covered by the request unless:

(1) the board has amended or revoked the opinion before the initiation of the board or judicial proceeding, has notified the person making or covered by the request of its action, and has allowed at least 30 days for the person to do anything that might be necessary to comply with the amended or revoked opinion;

(2) the request has omitted or misstated material facts; or

(3) the person making or covered by the request has not acted in good faith in reliance on the opinion.

(c) A request for an opinion and the opinion itself are nonpublic data. The board, however, may publish an opinion or a summary of an opinion, but may not include in the publication the name of the requester, the name of a person covered by a request from an agency or political subdivision, or any other information that might identify the requester, unless the person consents to the inclusion.

Sec. 6. [10A.61] [COMPLAINTS OF UNFAIR CAMPAIGN PRACTICES.]

Subdivision 1. [ADMINISTRATIVE REMEDY; EXHAUSTION.] A complaint alleging a violation of chapter 211A or 211B or sections 383B.041 to 383B.058 must be filed with the board. The complaint must be finally disposed of by the board, or a panel of the board, before the alleged violation may be prosecuted by a county attorney.

Subd. 2. [LIMITATION ON FILING.] The complaint must be filed within one year after the occurrence of the act or failure to act that is the subject of the complaint, except that if the act or failure to act involves fraud, concealment, or misrepresentation that could not be discovered during that one-year period, the complaint may be filed within one year after the fraud, concealment, or misrepresentation was discovered.

Subd. 3. [FORM OF COMPLAINT.] The complaint must be in writing, submitted under oath, and detail the factual basis for the claim that a violation of law has occurred. The board may prescribe the form of a complaint.

Subd. 4. [PROOF OF CLAIM.] The burden of proving the allegations in the complaint is on the complainant. The standard of proof of a violation of section 211B.06, relating to false statements in paid political advertising or campaign material, is clear and convincing evidence. The standard of proof of any other violation of chapter 211A or 211B or sections 383B.041 to 383B.058 is a preponderance of the evidence.

Subd. 5. [FILING FEE; WAIVER.] (a) The complaint must be accompanied by a filing fee of \$50, unless filed by a filing officer under section 211A.05, subdivision 2.

(b) The board may waive the payment of the filing fee. An individual seeking a waiver of the fee must file with the board an affidavit stating that the individual is financially unable to pay the fee because the individual is receiving public assistance or has an annual income not greater than 125 percent of the poverty line established under United States Code, title 42, section 9902(2), or because of another good and sufficient reason.

Subd. 6. [REQUEST TO EXPEDITE.] If the complaint is filed within 60 days before the primary or special election, or within 90 days before the general election to which the complaint relates, the complainant may file with the board a request for an expedited hearing under section 10A.63.

Subd. 7. [SERVICE ON RESPONDENT.] Upon receipt of the filed complaint, the board must serve a copy of the complaint on the respondent.

Sec. 7. [10A.62] [REVIEW BY EXECUTIVE DIRECTOR.]

Subdivision 1. [TIME FOR REVIEW.] When practicable, within one business day after the complaint was filed with the board, but not longer than three business days, the executive director must review the complaint and make a recommendation to the board for its disposition.

Subd. 2. [RECOMMENDATION.] (a) If the executive director determines that the complaint does not set forth a prima facie violation of chapter 211A or 211B or sections 383B.041 to 383B.058, the recommendation must be to dismiss the complaint. The board may dismiss the complaint without a hearing, as provided in section 10A.65, subdivision 2.

(b) If the executive director determines that the complaint sets forth a prima facie violation of section 211B.06 and that the complaint was filed within 60 days before the primary or special election or within 90 days before the general election to which the complaint relates, the recommendation must be that the complaint receive an expedited hearing under section 10A.63.

(c) If the executive director determines that the complaint sets forth a prima facie violation of a provision of chapter 211A or 211B, other than section 211B.06, or sections 383B.041 to 383B.058, and that the complaint was filed within 60 days before the primary or special election or within 90 days before the general election to which the complaint relates, the executive director may recommend that the complaint receive an expedited hearing under section 10A.63. If the complaint was accompanied by a request from the complainant for an expedited hearing, the executive director must note the request along with the recommendation. In making the recommendation for an expedited hearing, the executive director must consider the gravity and urgency of the complaint and the number of complaints pending before panels of the board.

(d) If the complaint is not disposed of under paragraphs (a) to (c), the executive director must recommend that it be heard by the board under section 10A.64.

Subd. 3. [NOTICE TO PARTIES.] The board must notify all parties to the complaint of the recommendation made under subdivision 2 and that the respondent may submit evidence for consideration by the board or a panel of the board.

Subd. 4. [JOINDER AND SEPARATION OF COMPLAINTS.] The executive director may join two or more complaints if the executive director determines that the allegations in each complaint are of the same or similar character, are based on the same act or failure to act, or are based on two or more acts or failures to act constituting parts of a common scheme or plan. If one complaint contains two or more allegations, the executive director may separate the allegations if they are not of the same or similar character, if they are not based on the same act or failure to act, or if they are not based on two or more acts or failures to act constituting parts of a common scheme or plan. If the executive director separates the allegations in a complaint, the executive director may make separate recommendations under subdivision 2 for each allegation.

Sec. 8. [10A.63] [EXPEDITED HEARING.]

Subdivision 1. [ACTION ON RECOMMENDATION.] If the executive director has recommended under section 10A.62, subdivision 2, paragraph (b), that the complaint receive an expedited hearing, the board chair must schedule it for an expedited hearing. If the executive director has recommended under section 10A.62, subdivision 2, paragraph (c), that the complaint receive an expedited hearing, or if the executive director has recommended under section 10A.62, subdivision 2, paragraph (d), that the complaint be heard by the board without an expedited hearing, the recommendation must be submitted to all the members of the board. The board chair, or any three other members of the board, may instruct the executive director to schedule it for an expedited hearing.

Subd. 2. [APPOINTMENT OF PANEL.] The board chair must select by lot a panel of at least three members of the board, no more than half of whom support the same political party, to hear the complaint and determine whether there is probable cause to refer the complaint to the full board for a hearing under section 10A.64.

Subd. 3. [HEARING.] The panel must hold one expedited public hearing on the complaint no later than two business days after the executive director made the recommendation for an expedited hearing, except that for good cause the panel may hold the hearing no later than seven days after the executive director made the recommendation. This deadline may be extended by agreement of all parties to the complaint, but the hearing must be held not later than 90 days after the complaint was filed. The hearing may be conducted by a conference telephone call that meets all the requirements of section 13D.02 for public meetings by interactive television, except that it need not meet the requirement that participants be able to see each other. All members of the panel must be present, either in person or by electronic means, before any official action may be taken. The respondent may submit a response, including supporting affidavits and documentation, for the consideration by the panel. A vote of a majority of all members of the panel is required for any official action.

Subd. 4. [DISPOSITION.] At the expedited hearing, the panel must make only one of the following determinations:

(a) There is no probable cause to believe that the violation of law alleged in the complaint has occurred. If the panel so determines by a unanimous vote of all the members, it must dismiss the complaint. Otherwise, it must forward the complaint to the board for dismissal under section 10A.65, subdivision 2.

(b) There is probable cause to believe that the violation of law alleged in the complaint has occurred. If the panel so determines, it must refer the complaint to the board. The board must hear the complaint under section 10A.64 within ten days after the panel referred the complaint to it.

(c) The evidence is insufficient for the panel to make a determination under paragraph (a) or (b) and further investigation of the complaint is necessary. If the panel requests an investigation, it may consider the results of the investigation or it may refer the complaint to the board and the board must hold a hearing under section 10A.64.

Subd. 5. [RECONSIDERATION BY THE ENTIRE BOARD.] (a) If the panel dismisses the complaint, the panel shall provide to the complainant written notice of:

(1) the right to seek reconsideration of the panel's decision by the entire board, under section 10A.64; and

(2) the cost-shifting and fee-shifting provisions of paragraph (c).

(b) A petition for reconsideration must be filed within two business days after the dismissal. The board must render its decision on the petition within three business days after receiving the petition. If the petition for reconsideration is granted, the board must hear the complaint under section 10A.64 within five business days after granting the petition.

(c) If the petition for reconsideration is not granted, the board may order the complainant who filed the petition to pay:

(1) to the respondent, a reasonable attorney's fee for legal costs incurred following the panel's decision; and

(2) to the general fund, the costs of the panel that dismissed the complaint as determined by the board.

Sec. 9. [10A.64] [HEARING BY BOARD.]

Subdivision 1. [REVIEW BY BOARD.] The board must review each complaint referred to it by the executive director under section 10A.62 or by a panel under section 10A.63. The board may dismiss the complaint under section 10A.65, subdivision 2. If the board decides that the evidence is insufficient for it to determine whether the violation alleged in the complaint has occurred, the board may request an investigation.

Subd. 2. [DEADLINE FOR HEARING.] Unless dismissed, or expedited under section 10A.63, the board must hold its first hearing on each complaint within the following times:

(1) 30 days after the complaint was filed, if the complaint was filed within 60 days before the primary or special election or within 90 days before the general election to which the complaint relates; or

(2) 90 days after the complaint was filed, if it was filed at any other time.

For good cause shown, the board may extend either of these deadlines by 60 days.

Subd. 3. [HEARING.] The hearing must be conducted in public. The respondent may submit a response, including supporting affidavits and documentation, for consideration by the board.

Subd. 4. [DISPOSITION OF COMPLAINT.] At or within 14 days after the hearing, the board must determine whether the violation alleged in the complaint occurred and must do one or more of the following:

(a) The board may dismiss the complaint under section 10A.65, subdivision 2.

(b) The board may determine that the evidence is insufficient for it to determine whether the violation alleged in the complaint occurred and request that an investigation be conducted as provided in subdivision 1.

(c) The board may issue a reprimand.

(d) The board may find that a statement made in a paid advertisement or campaign material violated section 211B.06.

(e) The board may impose a civil penalty for any violation of chapter 211A or 211B or sections 383B.041 to 383B.058. The amount of the civil penalty imposed by the board may be up to \$3,000.

(f) The board may refer the complaint to the appropriate county attorney for prosecution.

Subd. 5. [FILING FEE.] If the board finds under subdivision 4, paragraph (d), that a statement violated section 211B.16, or if the board imposes a civil penalty under subdivision 4, paragraph (e), the board must refund the filing fee to the complainant and assess the amount of the filing fee against the respondent. If the complaint was filed by a filing officer under section 211A.05, subdivision 2, the board must impose a filing fee on a respondent found in violation of chapter 211A.

Sec. 10. [10A.65] [PROCEDURES.]

Subdivision 1. [WITHDRAWAL OF COMPLAINT.] At any time before the hearing, a complainant may withdraw a complaint filed under section 10A.61. After the hearing begins, a complaint filed under section 10A.61 may only be withdrawn with the permission of the board.

Subd. 2. [DISMISSAL OF COMPLAINT.] The board may at any time dismiss a complaint filed under section 10A.61 that is pending before it or before a panel of the board. If the board determines that the complaint was frivolous, the board may order the complainant to pay the respondent's reasonable attorney fees and to pay the costs of the board as determined by the board.

Subd. 3. [OPEN MEETINGS.] While a complaint filed under section 10A.61 is pending before the board or a panel of the board, the members of the board must not discuss the complaint with a party to the complaint, an attorney representing a party to the complaint, or an investigator for the board except at a meeting of the board subject to the Open Meeting Law, chapter 13D. The board, but not a panel of the board, may close a meeting to deliberate on a complaint under section 10A.64, subdivision 4. All votes must be made a part of the public record and all proceedings on the complaint, except as provided in this subdivision, must be open.

Sec. 11. Minnesota Statutes 2002, section 201.275, is amended to read:

201.275 [INVESTIGATIONS; PROSECUTIONS.]

A county attorney who is notified of an alleged violation of this chapter shall promptly investigate. If there is probable cause for instituting a prosecution, the county attorney shall proceed by complaint or present the charge, with whatever evidence has been found, to the grand jury. ~~A county attorney who refuses or intentionally fails to faithfully perform this or any other duty imposed by this chapter is guilty of a misdemeanor and upon conviction shall forfeit office.~~ The county attorney, ~~under the penalty of forfeiture of office,~~ shall prosecute all violations of this chapter except violations of this section; if, however, a complainant withdraws an allegation under this chapter, the county attorney is not required to proceed with the prosecution. The provisions of section 201.27, subdivision 3, do not apply to this section.

Sec. 12. Minnesota Statutes 2003 Supplement, section 204B.11, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT; DISHONORED CHECKS; CONSEQUENCES.] Except as provided by subdivision 2, a filing fee shall be paid by each candidate who files an affidavit of candidacy. The fee shall be paid at the time the affidavit is filed. The amount of the filing fee shall vary with the office sought as follows:

- (a) (1) for the office of governor; and lieutenant governor, \$300, plus a fair campaign fee of \$...;
- (2) for the office of attorney general, \$300, plus a fair campaign fee of \$...;
- (3) for the office of state auditor; or secretary of state, \$300, plus a fair campaign fee of \$...;
- (4) for the office of representative in Congress, \$300, plus a fair campaign fee of \$...;
- (5) for the office of judge of the Supreme Court, or judge of the Court of Appeals, or \$300, plus a fair campaign fee of \$...;
- (6) for judge of the district court, \$300, plus a fair campaign fee of \$...;

- (b) (7) for the office of senator in Congress, \$400, plus a fair campaign fee of \$...;
- (e) (8) for the office of senator or representative in the legislature, \$100, plus a fair campaign fee of \$...;
- (9) for the office of representative in the legislature, \$100, plus a fair campaign fee of \$...;
- (d) (10) for a county office, \$50, plus a fair campaign fee of \$...; and
- (e) (11) for the office of soil and water conservation district supervisor, \$20, plus a fair campaign fee of \$...;
- (12) for the office of school board member, a fair campaign fee of \$...; and
- (13) for municipal office, a fair campaign fee of \$...

For the office of presidential elector, and for those offices for which no compensation is provided, no filing fee is required.

The filing fees received by the county auditor shall immediately be paid to the county treasurer. The filing fees and fair campaign fees received by the secretary of state, and any fair campaign fees received by a county auditor or municipal or school district clerk, shall immediately be paid to the commissioner of finance.

When an affidavit of candidacy has been filed with the appropriate filing officer and the requisite filing fee has been paid, the filing fee shall not be refunded. If a candidate's filing fee is paid with a check, draft, or similar negotiable instrument for which sufficient funds are not available or that is dishonored, notice to the candidate of the worthless instrument must be sent by the filing officer via registered mail no later than immediately upon the closing of the filing deadline with return receipt requested. The candidate will have five days from the time the filing officer receives proof of receipt to issue a check or other instrument for which sufficient funds are available. The candidate issuing the worthless instrument is liable for a service charge pursuant to section 604.113. If adequate payment is not made, the name of the candidate must not appear on any official ballot and the candidate is liable for all costs incurred by election officials in removing the name from the ballot.

Sec. 13. Minnesota Statutes 2002, section 211A.04, is amended to read:

211A.04 [~~SECRETARY OF STATE'S~~ CAMPAIGN FINANCE BOARD DUTIES.]

Subdivision 1. [~~REPORT FORMS.~~] The ~~secretary of state~~ Campaign Finance and Public Disclosure Board shall prepare blanks for reports required by section 211A.02. Copies must be furnished through the county auditor or otherwise, as the ~~secretary of state~~ board finds expedient, to a committee upon request or to a candidate upon filing for office.

Sec. 14. Minnesota Statutes 2002, section 211A.05, is amended to read:

211A.05 [~~FAILURE TO FILE STATEMENT.~~]

Subdivision 1. [~~PENALTY.~~] A candidate who intentionally fails to file a report required by section 211A.02 is guilty of a misdemeanor. The treasurer of a committee formed to promote or defeat a ballot question who intentionally fails to file a report required by section 211A.02 is guilty of a misdemeanor. Each candidate or treasurer of a committee formed to promote or defeat a ballot question shall certify to the filing officer that all reports required by section 211A.02 have been submitted to the filing officer or that the candidate or committee has not received contributions or made disbursements exceeding \$750 in the calendar year. The certification shall be submitted to the filing officer no later than seven days after the general or special election. The ~~secretary of state~~ Campaign Finance and Public Disclosure Board shall prepare blanks for this certification. An officer who issues a certificate of election to a candidate who has not certified that all reports required by section 211A.02 have been filed is guilty of a misdemeanor.

Subd. 2. [~~NOTICE OF FAILURE TO FILE.~~] If a candidate or committee fails to file a report

on the date it is due, the filing officer shall immediately notify the ~~county attorney of the county where the candidate resides or where the committee headquarters is located~~ Campaign Finance and Public Disclosure Board. The ~~county attorney board~~ shall then immediately notify the candidate or committee of the failure to file. If a report is not filed within ten days after the notification is mailed, the ~~county attorney~~ filing officer shall proceed file a complaint with the board under section 211A.08 10A.61.

Sec. 15. [211A.085] [COUNTY ATTORNEY AUTHORITY.]

A county attorney may prosecute any violation of this chapter.

Sec. 16. Minnesota Statutes 2002, section 211B.14, is amended to read:

211B.14 [DIGEST OF LAWS.]

The ~~secretary of state~~ Campaign Finance and Public Disclosure Board, with the approval of the attorney general, shall prepare and print an easily understandable digest of this chapter and annotations of it. The digest may include other related laws and annotations at the discretion of the secretary of state.

The ~~secretary of state board~~ shall distribute the digest to candidates and committees through the county auditor or otherwise as the ~~secretary of state board~~ considers expedient. A copy of the digest and, if appropriate, a financial reporting form and a certification of filing form must be distributed to each candidate by the filing officer at the time that the candidate's affidavit of candidacy is filed.

Sec. 17. Minnesota Statutes 2002, section 211B.15, subdivision 12, is amended to read:

Subd. 12. [REPORTS REQUIRED.] The total amount of an expenditure or contribution for any one project permitted by subdivisions 9 and 11 that is more than \$200, together with the date, purpose, and the names and addresses of the persons receiving the contribution or expenditures, must be reported to the ~~secretary of state~~ Campaign Finance and Public Disclosure Board. The reports must be filed on forms provided by the ~~secretary of state board~~ on the dates required for committees under section 211A.02. Failure to file is a misdemeanor.

Sec. 18. [211B.165] [COUNTY ATTORNEY AUTHORITY.]

A county attorney may prosecute any violation of this chapter.

Sec. 19. Minnesota Statutes 2002, section 383B.055, subdivision 2, is amended to read:

Subd. 2. The ~~county filing officer of Hennepin County~~ Campaign Finance and Public Disclosure Board shall develop forms for all statements and reports required to be filed under sections 383B.041 to 383B.054. The ~~filing officer board~~ shall furnish sufficient copies of the forms to all officers with whom candidates file affidavits or applications of candidacy and nominating petitions.

Sec. 20. [APPROPRIATION.]

\$...... is appropriated from the general fund to the Campaign Finance and Public Disclosure Board to develop an administrative process to handle complaints of unfair campaign practices. The appropriation is available for the fiscal year ending June 30, 2005.

Sec. 21. [REPEALER.]

Minnesota Statutes 2002, sections 211A.08, subdivisions 1 and 2; and 211B.16, subdivisions 1 and 2, are repealed.

Sec. 22. [REVISOR'S INSTRUCTION.]

The revisor of statutes shall renumber Minnesota Statutes, section 211B.11, subdivision 1, as section 204C.06, subdivision 8.

Sec. 23. [EFFECTIVE DATE.]

Sections 1 to 5, 11, 12, 15, 18, and 20 to 22 are effective July 1, 2004. Sections 6 to 10, 13, 14, 16, 17, and 19 are effective January 1, 2005, and apply to violations committed on or after that date."

Delete the title and insert:

"A bill for an act relating to elections; expanding membership and staff of the Campaign Finance and Public Disclosure Board; creating administrative remedy for violations of fair campaign practices in state and local elections; repealing mandate that county attorney investigate violations of voter registration laws, local election campaign finance reporting, and fair campaign practices; appropriating money; amending Minnesota Statutes 2002, sections 10A.02, subdivisions 1, 2, 3, 7, 12; 201.275; 211A.04; 211A.05; 211B.14; 211B.15, subdivision 12; 383B.055, subdivision 2; Minnesota Statutes 2003 Supplement, section 204B.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 10A; 211A; 211B; repealing Minnesota Statutes 2002, sections 211A.08, subdivisions 1, 2; 211B.16, subdivisions 1, 2."

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. 2211: A bill for an act relating to natural resources; modifying provisions for the control of invasive and nonnative species; providing criminal and civil penalties; requiring rulemaking; amending Minnesota Statutes 2002, sections 17.4982, subdivision 18a; 84D.01, subdivisions 6, 9, 12, 13, 15, 17, 18, by adding subdivisions; 84D.02, subdivisions 1, 3, 4, 5, 6; 84D.03; 84D.04; 84D.05; 84D.06; 84D.07; 84D.08; 84D.09, subdivision 2; 84D.10, subdivisions 1, 3; 84D.11, subdivisions 1, 2, 2a; 84D.12; 84D.13, subdivisions 3, 4, 5; 86B.415, subdivision 7; 97C.821; Minnesota Statutes 2003 Supplement, sections 18.78, subdivision 2; 84.027, subdivision 13; 84D.14; repealing Minnesota Statutes 2002, section 84D.01, subdivisions 5, 7; Minnesota Rules, part 6216.0400, subparts 2, 3.

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

Page 16, line 28, delete "violates a provision" and insert "possesses, transports, or introduces a prohibited invasive species in violation"

Page 16, line 29, delete "gross" and after the period, insert "A person who imports, purchases, sells, or propagates a prohibited invasive species in violation of section 84D.05 is guilty of a gross misdemeanor."

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

Senator Vickerman from the Committee on Agriculture, Veterans and Gaming, to which was referred

S.F. No. 2645: A bill for an act relating to agriculture; modifying interest rates and priority for the agricultural shared savings loan program; amending Minnesota Statutes 2002, section 17.115, subdivisions 2, 3.

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

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

S.F. No. 2650: A bill for an act relating to commerce; requiring debt collection agency employees to be registered instead of licensed; amending Minnesota Statutes 2002, sections

332.33; 332.335, subdivision 1; 332.35; 332.37; 332.395; 332.40; 332.41; 332.42; 332.43, subdivision 1.

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

Page 2, line 1, delete "cancellation,"

Page 3, line 17, delete everything after the period and insert "The collection agency must apply for an individual collection registration on a form provided by the commissioner, or electronically when available."

Page 3, delete lines 18 to 20

Page 3, line 21, delete "collection agency."

Page 3, after line 36, insert:

"Subd. 8. [SCREENING PROCESS REQUIREMENT.] Each licensed collection agency must establish procedures to follow when screening an individual collector applicant prior to submitting an applicant to the commissioner for registration. The commissioner may review the procedures to ensure the integrity of the screening process. Failure to establish these procedures is subject to action under section 332.40."

Page 4, line 13, delete "from" and insert "for"

Page 4, line 20, delete "from" and insert "for"

Page 7, line 29, delete "REGISTRANT'S" and insert "REGISTERED INDIVIDUAL COLLECTOR'S"

Page 7, line 31, delete "registrant" and insert "registered individual collector"

Page 7, line 35, delete "registrant" and insert "registered individual collector"

Page 7, line 36, delete "registrant" and insert "registered individual collector"

Page 8, line 9, delete "cancel a"

Page 8, line 17, after "license" insert "or registration"

Page 8, lines 18 and 19, delete the new language

Page 9, line 19, delete the new language

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

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

S.F. No. 2674: A bill for an act relating to economic development; regulating business subsidies; amending Minnesota Statutes 2002, section 116J.994, by adding a subdivision; Minnesota Statutes 2003 Supplement, section 116J.994, subdivisions 4, 9.

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

Page 3, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 2002, section 116J.994, is amended by adding a subdivision to read:

Subd. 11. [ENFORCEMENT.] (a) For purposes of this subdivision, "residence" means the place where an individual has established a permanent home from which the individual has no present intention of moving.

(b) A person with residence in or an owner of taxable property located in the jurisdiction of the grantor may bring an action for equitable relief arising out of the failure of the grantor to comply with sections 116J.993 to 116J.995. The court may award a prevailing party in an action under this subdivision costs and reasonable attorney fees.

(c) An action under this section must be commenced within 180 days after approval of the subsidy agreement under subdivision 3, paragraph (d).

Sec. 4. [EFFECTIVE DATE; APPLICATION.]

Section 3 is effective August 1, 2004, and applies to subsidy agreements entered into on or after that date."

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

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

S.F. No. 2189: A bill for an act relating to health; modifying gift ban for prescription drug practitioners; amending Minnesota Statutes 2002, sections 151.461; 151.47, 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 151.34, is amended to read:

151.34 [PROHIBITED ACTS.]

It shall be unlawful to:

(1) manufacture, sell or deliver, hold or offer for sale any drug that is adulterated or misbranded;

(2) adulterate or misbrand any drug;

(3) receive in commerce any drug that is adulterated or misbranded, and to deliver or proffer delivery thereof for pay or otherwise;

(4) refuse to permit entry or inspection, or to permit the taking of a sample, or to permit access to or copying of any record as authorized by this chapter;

(5) remove or dispose of a detained or embargoed article in violation of this chapter;

(6) alter, mutilate, destroy, obliterate, or remove the whole or any part of the labeling of, or to do any other act with respect to a drug, if such act is done while such drug is held for sale and results in such drug being adulterated or misbranded;

(7) use for a person's own advantage or to reveal other than to the board or its authorized representative or to the courts when required in any judicial proceeding under this chapter any information acquired under authority of this chapter concerning any method or process which is a trade secret and entitled to protection;

(8) use on the labeling of any drug any representation or suggestion that an application with respect to such drug is effective under the federal act or that such drug complies with such provisions;

(9) in the case of a manufacturer, packer, or distributor offering legend drugs for sale within this state, fail to maintain for transmittal or to transmit, to any practitioner licensed by applicable law to administer such drug who makes written request for information as to such drug, true and correct copies of all printed matter which is required to be included in any package in which that drug is distributed or sold, or such other printed matter as is approved under the federal act.

Nothing in this paragraph shall be construed to exempt any person from any labeling requirement imposed by or under provisions of this chapter;

- (10) conduct a pharmacy without a pharmacist in charge;
- (11) dispense a legend drug without first obtaining a valid prescription for that drug;
- (12) conduct a pharmacy without proper registration with the board;
- (13) practice pharmacy without being licensed to do so by the board; ~~or~~
- (14) sell at retail federally restricted medical gases without proper registration with the board except as provided in this chapter; or
- (15) accept a gift of value prohibited under section 151.461.

Sec. 2. Minnesota Statutes 2002, section 151.461, is amended to read:

151.461 [GIFTS TO PRACTITIONERS PROHIBITED.]

Subdivision 1. [PROHIBITED ACTS.] It is unlawful for any manufacturer or wholesale drug distributor, or any agent thereof, to offer or give any gift of value to a practitioner. A medical device manufacturer that distributes drugs as an incidental part of its device business shall not be considered a manufacturer, a wholesale drug distributor, or agent under this section. As used in this section, "gift" does not include:

- (1) professional samples of a drug provided to a prescriber for free distribution to patients;
- (2) items with a total combined retail value, in any calendar year, of not more than \$50;
- (3) a payment to the sponsor of a medical conference, professional meeting, or other educational program, provided the payment is not made directly to a practitioner and is used solely for bona fide educational purposes;
- (4) reasonable honoraria and payment of the reasonable expenses of a practitioner who serves on the faculty at a professional or educational conference or meeting;
- (5) compensation for the substantial professional or consulting services of a practitioner in connection with a genuine research project;
- (6) publications and educational materials; or
- (7) salaries or other benefits paid to employees.

Subd. 2. [ENFORCEMENT.] A person who violates this section is subject to a civil penalty of up to \$10,000 per violation. Each prohibited gift or gift offer constitutes a separate violation. This section may be enforced by the board according to sections 151.47 to 151.50 and by the attorney general according to section 8.31 or 325F.70 and the public remedies available under those sections apply to this section, except that the maximum civil penalty is \$10,000 per violation. Civil prosecution by the attorney general for actions taken in violation of this section is not exclusive and does not prevent any other applicable civil, criminal, or administrative remedies and penalties for the same actions.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective January 1, 2005."

Delete the title and insert:

"A bill for an act relating to health; providing enforcement for gift ban for prescription drug practitioners; including practitioners in the gift ban; amending Minnesota Statutes 2002, sections 151.34; 151.461."

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

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

S.F. No. 2681: A bill for an act relating to state government; modifying the structure of the pollution control agency; amending Minnesota Statutes 2002, sections 116.02, subdivisions 1, 4; 116.03, subdivisions 1, 2; repealing Minnesota Statutes 2002, section 116.02, subdivisions 6, 7, 8, 9, 10.

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

Page 2, line 5, delete the second "the" and insert "agency" and after "staff" insert "accordingly"

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

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

S.F. No. 2550: A bill for an act relating to traffic regulations; making seat belt violation a primary offense; requiring all passengers to wear a seat belt; imposing petty misdemeanor penalty; dedicating portion of fine revenues to county detoxification services; amending Minnesota Statutes 2002, sections 169.686, subdivisions 1, 3; 171.05, subdivision 2b; 171.055, subdivision 2.

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

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

S.F. No. 1958: A bill for an act relating to local government; authorizing townships to make payments by electronic or wire transfer, and accept payment by credit card or other methods; authorizing townships to use electronic approvals; amending Minnesota Statutes 2002, section 471.381.

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

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

S.F. No. 1769: A bill for an act relating to state government; providing a process for community ownership of the Minnesota Twins; proposing coding for new law as Minnesota Statutes, chapter 4B.

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

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

S.F. No. 2772: A bill for an act relating to local government; authorizing the city of Hoyt Lakes to extend its zoning and subdivision regulations within part of the town of White subject to the town of White's consent.

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

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

S.F. No. 1847: A bill for an act relating to commerce; prohibiting tampering with clock-hour meters on farm tractors; prescribing criminal and civil penalties; allowing for treble damages; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Delete everything after the enacting clause and insert:

"Section 1. [325E.165] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 325E.165 to 325E.167, the terms defined in this section have the meanings given them.

Subd. 2. [FARM TRACTOR.] "Farm tractor" means a self-propelled vehicle that is designed primarily for pulling or propelling agricultural machinery and implements and is used principally in the occupation or business of farming, including an implement of husbandry, as defined in section 169.01, subdivision 55, that is self-propelled.

Subd. 3. [PERSON.] "Person" means an individual, firm, partnership, incorporated and unincorporated association, or other legal or commercial entity.

Sec. 2. [325E.166] [CLOCK-HOUR METERS; PROHIBITED ACTS.]

Subdivision 1. [TAMPERING.] No person shall, with intent to defraud, knowingly tamper with, adjust, alter, change, set back, disconnect, or fail to connect the clock-hour meter of a farm tractor, or cause any of the foregoing to occur to a clock-hour meter of a farm tractor, so as to reflect fewer hours than the farm tractor has actually been in operation.

Subd. 2. [OPERATION WITH DISCONNECTED OR NONFUNCTIONAL METER.] No person shall, with intent to defraud, operate a farm tractor knowing that the clock-hour meter of the farm tractor is disconnected or nonfunctional.

Subd. 3. [TAMPERING DEVICE.] No person shall advertise for sale, sell, use, or install on any part of a farm tractor or on a clock-hour meter in a farm tractor a device that causes the clock-hour meter to register any hours of operation other than the true hours of operation that the clock-hour meter was designed to measure.

Subd. 4. [DISCLOSURE.] No person shall sell or offer for sale a farm tractor with knowledge that the hours registered on the clock-hour meter have been altered so as to reflect fewer hours than the farm tractor has actually been in operation, without disclosing the fact to prospective purchasers.

Subd. 5. [CONSPIRACY.] No person shall conspire with another person to violate this section.

Sec. 3. [325E.167] [PENALTIES; REMEDIES.]

Subdivision 1. [CRIMINAL PENALTY.] A person who is found to have violated sections 325E.165 and 325E.166 is guilty of a gross misdemeanor.

Subd. 2. [CIVIL PENALTY.] In addition to the penalties provided in subdivision 1, any person who is found to have violated sections 325E.165 and 325E.166 is subject to the penalties in section 8.31.

Subd. 3. [PRIVATE RIGHT OF ACTION.] A person injured by a violation of sections 325E.165 and 325E.166 may recover the actual damages sustained together with costs and disbursements, including reasonable attorney fees. The court, in its discretion, may increase the award of damages to an amount not to exceed three times the actual damages sustained or \$1,500, whichever is greater."

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 Vickerman from the Committee on Agriculture, Veterans and Gaming, to which was referred

S.F. No. 2435: A bill for an act relating to lawful gambling; modifying days organizations may conduct lawful gambling on certain premises; increasing bingo prize limits; extending authority to adopt tipboard rules; amending Minnesota Statutes 2002, section 349.18, subdivision 2; Minnesota Statutes 2003 Supplement, section 349.211, 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 349.15, subdivision 2, is amended to read:

Subd. 2. [CASH SHORTAGES.] In computing gross profit to determine maximum amounts which may be expended for allowable expenses under subdivision 1, an organization may not reduce its gross receipts by any cash shortages. An organization may report cash shortages to the board only as an allowable expense. An organization may not report cash shortages in any reporting period fiscal year beginning on July 1, 2004, that in total exceed the following percentages of the organization's gross receipts from lawful gambling for that period: until August 1, 1995, four-tenths of one percent; and on and after August 1, 1995, three-tenths of one percent of the organization's gross receipts from lawful gambling at each permitted premises where the organization conducts lawful gambling.

Sec. 2. Minnesota Statutes 2002, section 349.163, subdivision 9, is amended to read:

Subd. 9. [SALES REQUIRED.] No licensed manufacturer may refuse to sell pull-tab-games gambling equipment to a licensed distributor unless:

- (1) a specific game type of gambling equipment sold on an exclusive basis is at issue;
- (2) the manufacturer does not sell pull-tab-games gambling equipment to any distributor in Minnesota;
- (3) a Minnesota statute or rule prohibits the sale; or
- (4) the distributor is delinquent on any payment owed to the manufacturer.

Sec. 3. Minnesota Statutes 2003 Supplement, section 349.167, subdivision 2, is amended to read:

Subd. 2. [GAMBLING MANAGERS; LICENSES.] A person may not serve as a gambling manager for an organization unless the person possesses a valid gambling manager's license issued by the board. In addition to the disqualifications in section 349.155, subdivision 3, the board may not issue a gambling manager's license to a person applying for the license who:

- (1) has not complied with subdivision 4, clause (1);
- (2) within the five years before the date of the license application, has committed a violation of law or board rule that resulted in the revocation of a license issued by the board;
- (3) has ever been convicted of a criminal violation involving fraud, theft, tax evasion, misrepresentation, or gambling; or
- (4) has engaged in conduct the board determines is contrary to the public health, welfare, or safety or the integrity of lawful gambling.

A gambling manager's license runs concurrent with the organization's license unless the gambling manager's license is suspended or revoked. The annual fee for a gambling manager's license is \$100.

Sec. 4. Minnesota Statutes 2003 Supplement, section 349.167, subdivision 4, is amended to read:

Subd. 4. [TRAINING OF GAMBLING MANAGERS.] The board shall by rule require all persons licensed as gambling managers to receive periodic training in laws and rules governing lawful gambling. The rules must contain the following requirements:

(1) each gambling manager must receive training before being issued a new license, except that in the case of the death, disability, or termination of a gambling manager, a replacement gambling manager must receive the training within 90 days of being issued a license;

(2) each gambling manager applying for a renewal of a license must have received continuing education training, as required by board rule, each year of the two-year license period, or pass a gambling manager examination as required in subdivision 7; and

(3) the training required by this subdivision may be provided by a person authorized by the board to provide the training. Before authorizing a person to provide training, the board must determine that:

(i) the provider and all of the provider's personnel conducting the training are qualified to do so;

(ii) the curriculum to be used fully and accurately covers all elements of lawful gambling law and rules that the board determines are necessary for a gambling manager to know and understand;

(iii) the fee to be charged for participants in the training sessions is fair and reasonable; and

(iv) the training provider has an adequate system for documenting completion of training.

~~The rules may provide for differing training requirements for gambling managers based on the class of license held by the gambling manager's organization.~~

The board or the director may provide the training required by this subdivision using employees of the board.

Sec. 5. Minnesota Statutes 2002, section 349.1711, is amended by adding a subdivision to read:

Subd. 5. [TIPBOARD RULES.] The board shall adopt rules for tipboard games with multiple seals. The board shall also adopt rules for cumulative or carryover tipboard prizes.

Sec. 6. Minnesota Statutes 2003 Supplement, section 349.18, subdivision 1, is amended to read:

Subdivision 1. [LEASE OR OWNERSHIP REQUIRED; RENT LIMITATIONS.] (a) An organization may conduct lawful gambling only on premises it owns or leases. Leases must be on a form prescribed by the board. Except for leases entered into before August 1, 1994, the term of the lease may not begin before the effective date of the premises permit and must expire on the same day that the premises permit expires. Copies of all leases must be made available to employees of the board and the Division of Alcohol and Gambling Enforcement on request. The board may prescribe by rule limits on the amount of rent which an organization may pay to a lessor for premises leased for bingo. Any rule adopted by the board limiting the amount of rent to be paid may only be effective for leases entered into, or renewed, after the effective date of the rule.

(b) Rent paid by an organization for leased premises is subject to the following limits:

(1) for booth operations, including booth operations where a pull-tab dispensing device is located, booth operations where a bar operation is also conducted, and booth operations where both a pull-tab dispensing device is located and a bar operation is also conducted, the maximum rent is:

(i) in any month where the organization's gross profit at those premises does not exceed \$4,000, up to \$400; and

(ii) in any month where the organization's gross profit at those premises exceeds \$4,000, up to \$400 plus not more than ten percent of the gross profit for that month in excess of \$4,000;

(2) for bar operations, including bar operations where a pull-tab dispensing device is located but not including bar operations subject to clause (1), and for locations where only a pull-tab dispensing device is located:

(i) in any month where the organization's gross profit at those premises does not exceed \$1,000, up to \$200; and

(ii) in any month where the organization's gross profit at those premises exceeds \$1,000, up to \$200 plus not more than 20 percent of the gross profit for that month in excess of \$1,000;

(3) a lease not governed by clauses (1) and (2) must be approved by the board before becoming effective;

(4) total rent paid to a lessor from all organizations from leases governed by clause (1) may not exceed \$1,750 per month. Total rent paid to a lessor from all organizations from leases governed by clause (2) may not exceed ~~\$2,000~~ \$2,500 per month.

(c) Amounts paid as rent under leases are all-inclusive. No other services or expenses provided or contracted by the lessor may be paid by the organization, including, but not limited to, trash removal, janitorial and cleaning services, snow removal, lawn services, electricity, heat, security, security monitoring, storage, other utilities or services, and, in the case of bar operations, ~~compensation for~~ cash shortages. Any other expenditure made by an organization that is related to a leased premises must be approved by the director. An organization may not provide any compensation or thing of value to a lessor or the lessor's employees from any fund source other than its gambling account. Rent payments may not be made to an individual.

(d) Notwithstanding paragraph (b), an organization may pay a lessor for food or beverages or meeting room rental if the charge made is comparable to similar charges made to other individuals or groups.

(e) No person, distributor, manufacturer, lessor, linked bingo game provider, or organization other than the licensed organization leasing the space may conduct any activity other than the sale or serving of food and beverages on the leased premises during times when lawful gambling is being conducted on the premises.

(f) At a site where the leased premises consists of an area on or behind a bar at which alcoholic beverages are sold and employees of the lessor are employed by the organization as pull-tab sellers at the site, pull-tabs and tipboard tickets may be sold and redeemed by those employees at any place on or behind the bar, but the tipboards and receptacles for pull-tabs and cash drawers for lawful gambling receipts must be maintained only within the leased premises.

(g) Employees of a lessor may participate in lawful gambling on the premises provided (1) if pull-tabs or tipboards are sold, the organization voluntarily posts, or is required to post, the major prizes as specified in section 349.172; and (2) any employee of the lessor participating in lawful gambling is not a gambling employee for the organization conducting lawful gambling on the premises.

(h) A gambling employee may purchase pull-tabs at the site of the employee's place of employment provided:

(1) the organization voluntarily posts, or is required to post, the major prizes for pull-tab or tipboard games as specified in section 349.172; and

(2) the employee is not involved in the sale of pull-tabs at that site.

(i) At a leased site where an organization uses a paddlewheel consisting of 30 numbers or less or a tipboard consisting of 30 tickets or less, tickets may be sold throughout the permitted premises, but winning tickets must be redeemed, the paddlewheel must be located, and the tipboard seal must be opened within the leased premises.

(j) A member of the lessor's immediate family may not be a compensated employee of an

organization leasing space at the premises. For purposes of this paragraph, a "member of the immediate family" is a spouse, parent, child, or sibling.

Sec. 7. Minnesota Statutes 2002, section 349.18, subdivision 2, is amended to read:

Subd. 2. [EXCEPTIONS.] (a) An organization may conduct raffles on a premise it does not own or lease.

(b) An organization may, with the permission of the board, conduct bingo on premises it does not own or lease for up to 12 consecutive days in a calendar year, in connection with a county fair, the state fair, or a civic celebration.

(c) A licensed organization may, after compliance with section 349.213, conduct lawful gambling on premises other than the organization's permitted premises for ~~one day~~ four days per calendar year ~~or~~ and one event up to 12 consecutive days in a calendar year in connection with a county fair, the state fair, a church festival, or a civic celebration. A lease for that time period for the exempted premises must accompany the request to the board.

Sec. 8. Minnesota Statutes 2002, section 349.19, subdivision 5, is amended to read:

Subd. 5. [REPORTS.] A licensed organization must report to the Department of Revenue and to its membership monthly, or quarterly in the case of a ~~class C licensee or~~ licensed organization which does not report more than \$1,000 in gross receipts from lawful gambling in any calendar quarter, on its gross receipts, expenses, profits, and expenditure of profits from lawful gambling. The report must include a reconciliation of the organization's profit carryover with its cash balance on hand. If the organization conducts both bingo and other forms of lawful gambling, the figures for both must be reported separately.

Sec. 9. Minnesota Statutes 2003 Supplement, section 349.211, subdivision 1, is amended to read:

Subdivision 1. [BINGO.] Except as provided in subdivisions 1a and 2, prizes for a single bingo game may not exceed \$200 except prizes for a cover-all game, which may exceed \$200 if the aggregate value of all cover-all prizes in a bingo occasion does not exceed \$1,000. Total prizes awarded at a bingo occasion may not exceed ~~\$2,500~~ \$2,800, unless a cover-all game is played in which case the limit is ~~\$3,500~~ \$3,800. A prize may be determined based on the value of the bingo packet sold to the player. For purposes of this subdivision, a cover-all game is one in which a player must cover all spaces except a single free space to win.

Sec. 10. [LAWFUL PURPOSE.]

Notwithstanding the definition of "lawful purpose" in Minnesota Statutes, section 349.12, subdivision 25, it is a lawful purpose of lawful gambling conducted by a licensed veterans organization to pay up to \$1,500 per person to send up to two World War II veterans per local veterans organization to Washington D.C., for the dedication events of the National World War II Memorial on May 27 to May 30, 2004. No licensed veterans organization may spend more than \$6,000 under authority of this section.

Sec. 11. [REPEALER.]

Minnesota Statutes 2002, section 349.1711, subdivision 4, is repealed.

Sec. 12. [EFFECTIVE DATE.]

Section 1 is effective July 1, 2004. Sections 2 to 11 are effective the day following final enactment.

Delete the title and insert:

"A bill for an act relating to lawful gambling; making various changes to lawful gambling provisions; amending Minnesota Statutes 2002, sections 349.15, subdivision 2; 349.163, subdivision 9; 349.1711, by adding a subdivision; 349.18, subdivision 2; 349.19, subdivision 5;

Minnesota Statutes 2003 Supplement, sections 349.167, subdivisions 2, 4; 349.18, subdivision 1; 349.211, subdivision 1; repealing Minnesota Statutes 2002, section 349.1711, subdivision 4."

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

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

S.F. No. 2739: A bill for an act relating to the Metropolitan Airports Commission; requiring certain labor-related provisions in contracts with concession operators; proposing coding for new law in Minnesota Statutes, chapter 473.

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

Page 1, delete lines 9 to 19 and insert:

"Subdivision 1. [LABOR AGREEMENT.] As a condition precedent to a concession services contract between the corporation and a party that would perform the concession services, the party must demonstrate to the corporation that it has entered into a valid agreement under United States Code, title 29, section 185(a), with any labor organization seeking to represent the employees of the party that the agreement:

(1) prohibits the labor organization and its members or employees from engaging in any picketing, work stoppages, boycotts, or any other economic actions to interfere with the concession operations; and

(2) provides that during the period of the concession services contract, all disputes between the party and the labor organization relating to employment conditions or the negotiation of employment conditions must be submitted to final and binding arbitration.

A contract between the corporation and a party to perform concession services must contain a provision that the party is relieved of the requirements of this subdivision if the labor organization places conditions upon its no-strike pledge that the corporation finds, after notice and hearing, to be arbitrary or capricious."

Page 2, delete lines 24 to 31 and insert:

"Sec. 2. [EFFECTIVE DATE.]

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

Amend the title as follows:

Page 1, line 2, delete the second "to"

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

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

S.F. No. 2097: A bill for an act relating to finance; clarifying division of proceeds of sale of state bond financed property; amending Minnesota Statutes 2002, section 16A.695, subdivision 3.

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

Page 2, line 14, after "the" insert "amount to be attributed to the owner of the property must be the fair market" and after "of" insert "the"

Page 2, line 15, delete "is its fair market value"

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

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

S.F. No. 1627: A bill for an act relating to health; prohibiting certain provider conflicts of interest; providing civil and criminal penalties; amending Minnesota Statutes 2002, section 62R.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 62J; repealing Minnesota Statutes 2002, sections 13.717, subdivision 3; 62J.23, subdivisions 1, 2, 3, 4; Minnesota Statutes 2003 Supplement, section 62J.23, subdivision 5.

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

Page 3, line 5, delete everything after "1"

Page 3, delete lines 6 to 8

Page 3, line 9, delete everything before the period

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

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

S.F. No. 2657: A bill for an act relating to human services; decreasing the county share of financial responsibility for precommitment confinement costs for sexually dangerous persons and persons with sexual psychopathic personalities; appropriating money for reimbursements to counties for these costs; amending Minnesota Statutes 2002, section 253B.185, subdivision 5.

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

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

S.F. No. 1970: A bill for an act relating to human services; authorizing the commissioner to collect interest on rebates from the drug rebate program; amending Minnesota Statutes 2003 Supplement, section 256.01, subdivision 2.

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

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

S.F. No. 1971: A bill for an act relating to human services; providing for prescription drug marketing expense reporting; providing penalties and remedies; proposing coding for new law in Minnesota Statutes, chapter 256.

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

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

S.F. No. 1792: A bill for an act relating to state government; requiring that state agency contracts for services be performed by United States citizens or by individuals authorized to work in the United States; modifying the acquisition authority of the commissioner of administration; imposing sanctions on employers outsourcing jobs outside the United States; amending Minnesota Statutes 2002, section 16C.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 16C; 268.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 16C.03, subdivision 3, is amended to read:

Subd. 3. [ACQUISITION AUTHORITY.] The commissioner shall acquire all goods, services, and utilities needed by agencies. The commissioner shall acquire goods, services, and utilities by requests for bids, requests for proposals, reverse auctions as provided in section 16C.10, subdivision 7, or other methods provided by law, unless a section of law requires a particular method of acquisition to be used. The commissioner shall make all decisions regarding acquisition activities. The commissioner may not acquire goods, services, or otherwise approve any contract with an employer while the employer is subject to the sanctions provided in section 268.974, subdivision 2. The determination of the acquisition method and all decisions involved in the acquisition process, unless otherwise provided for by law, shall be based on best value which includes an evaluation of price and may include other considerations including, but not limited to, environmental considerations, quality, and vendor performance. A best value determination must be based on the evaluation criteria detailed in the solicitation document. If criteria other than price are used, the solicitation document must state the relative importance of price and other factors. Unless it is determined by the commissioner that an alternative solicitation method provided by law should be used to determine best value, a request for bid must be used to solicit formal responses for all building and construction contracts. Any or all responses may be rejected. When using the request for bid process, the bid must be awarded to the lowest responsive and responsible bidder, taking into consideration conformity with the specifications, terms of delivery, the purpose for which the contract or purchase is intended, the status and capability of the vendor, and other considerations imposed in the request for bids. The commissioner may decide which is the lowest responsible bidder for all purchases and may use the principles of life-cycle costing, where appropriate, in determining the lowest overall bid. The duties set forth in this subdivision are subject to delegation pursuant to this section.

Sec. 2. [16C.075] [WORK PERFORMED UNDER SERVICE CONTRACTS.]

(a) A contract for services entered into by an agency must specify that services under the contract, or under any subcontract awarded under the contract, may be performed only by:

- (1) a citizen of the United States; or
- (2) an individual legally authorized to work in the United States.

(b) This section applies both to a contract for professional or technical services, as defined in section 16C.08, and to a contract for nonprofessional or nontechnical services.

(c) For purposes of this section, "agency" includes the Minnesota State Colleges and Universities, and an entity in the legislative branch, in addition to entities defined in section 16C.02, subdivision 2.

(d) This section does not apply to:

- (1) a contract for legal services entered into by the attorney general;
- (2) a contract entered into by the State Board of Investment;
- (3) a contract relating to the importation of prescription drugs from another country;
- (4) a contract for a facility jointly owned or managed by the state and a political subdivision of Canada, or a contract for a bridge between the state and Canada;
- (5) a contract with a business owned and operated in any country that has signed the World Trade Organization Government Procurement Agreement; or
- (6) a contract determined by the commissioner to be necessary to meet a compelling public interest.

"Compelling public interest" includes, but is not limited to, the provision of essential services for public health and safety and the provision of services that can only be performed outside the United States. The commissioner must report to the chairs of the legislative committees with jurisdiction over state government procurement policy and finance no later than January 15 of each year regarding the specific uses of the exemption to meet a compelling public interest.

Sec. 3. [268.974] [JOB RELOCATION REPORTING.]

Subdivision 1. [JOB LOSSES.] By January 31 of each year, an employer that has reduced the number of its jobs in this state by more than 100 employees during the previous calendar year must report the reduction to the commissioner. An employer reporting job losses under this section must complete a survey prepared by the commissioner. In addition to any other information required by the commissioner, the survey must include:

- (1) the name and principal place of business of the employer;
- (2) identification of any contracts the employer has with the state or a local unit of government in the state;
- (3) identification of any grants or loans the employer has received from the state or a local unit of government within the previous five years;
- (4) the number of employees of the employer in jobs in this state who lost those jobs in the previous year;
- (5) the number of jobs in this state added by the employer in the previous year; and
- (6) the number of jobs of the employer lost in this state during the previous year as a result of the employer outsourcing the jobs to employees located outside of the United States.

The employer must complete and return the survey to the commissioner within 30 days after receiving it. An employer failing to complete and return the survey within the 30-day deadline is subject to the sanctions in subdivision 2 if the commissioner notifies the employer of the failure and the employer does not complete and return the survey within 30 days after notice. The commissioner must determine within 30 days after receiving the survey whether the employer has outsourced more than 100 jobs outside the United States within the previous calendar year, and whether the outsourcing caused a net loss of more than 100 jobs of the employer in this state.

A person who believes that an employer has outsourced jobs from this state to outside the United States may report the information to the commissioner.

Subd. 2. [SANCTIONS.] If the commissioner determines that an employer has a net loss of 100 or more jobs in this state during the previous calendar year caused by outsourcing 100 or more jobs outside the United States, the employer, for a period of seven years commencing from the date the commissioner complies with subdivision 3, may not:

- (1) provide goods or services to the state under a contract subject to chapter 16C;
- (2) provide goods or services to a local unit of government in this state under a contract with the local unit of government; or
- (3) receive any grants or loans from the state or a local unit of government in this state.

Subd. 3. [NOTICE.] After determining that an employer is subject to the sanctions in subdivision 2, the commissioner must notify the commissioner of administration and the commissioner of finance and then publish the determination in the State Register. The commissioner of administration and the commissioner of finance shall administer the sanctions provided in subdivision 2, clauses (1) and (3), and the applicable local units of government shall administer the sanction in clause (2).

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day following final enactment. Section 2 applies to a contract entered into on or after that date."

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

Senator Cohen from the Committee on Finance, to which was referred the following appointment as reported in the Journal for February 5, 2004:

DEPARTMENT OF FINANCE
COMMISSIONER

Peggy Ingison

Reports the same back with the recommendation that the appointment be confirmed.

Senator Johnson, D.E. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 565, 2479, 2357, 3, 1671, 1846, 2413, 1973, 2300, 2360, 1604, 2645, 2650, 2189, 1958, 1769, 2772, 2435 and 1792 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 307 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Ruud moved that her name be stricken as a co-author to S.F. No. 1802. The motion prevailed.

Senator Kubly moved that the name of Senator Lourey be added as a co-author to S.F. No. 1847. The motion prevailed.

Senator Frederickson moved that the name of Senator Limmer be added as a co-author to S.F. No. 1988. The motion prevailed.

Senator Dille moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Hann be added as chief author to S.F. No. 2323. The motion prevailed.

Senator Murphy moved that the name of Senator Lourey be added as a co-author to S.F. No. 2645. The motion prevailed.

Senator Michel moved that the names of Senators Stumpf, Kierlin and Langseth be added as co-authors to S.F. No. 2794. The motion prevailed.

Senator Sparks moved that the name of Senator Rosen be added as a co-author to S.F. No. 2891. The motion prevailed.

Senator Lourey moved that S.F. No. 1670 be withdrawn from the Committee on Health and Family Security and re-referred to the Committee on Finance. The motion prevailed.

Senator Tomassoni moved that S.F. No. 2061 be withdrawn from the Committee on Health and Family Security and re-referred to the Committee on Finance. The motion prevailed.

Senator Lourey moved that S.F. No. 2124 be withdrawn from the Committee on Health and Family Security and re-referred to the Committee on Finance. The motion prevailed.

Senator Bakk moved that S.F. No. 2317 be withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on Finance. The motion prevailed.

Senator Lourey moved that S.F. No. 2779 be withdrawn from the Committee on Health and Family Security and re-referred to the Committee on Finance. The motion prevailed.

Senator Tomassoni moved that S.F. No. 2818 be withdrawn from the Committee on Health and Family Security and re-referred to the Committee on Finance. The motion prevailed.

Senator Lourey moved that S.F. No. 2824 be withdrawn from the Committee on Health and Family Security and re-referred to the Committee on Finance. The motion prevailed.

Senator Kelley introduced--

Senate Resolution No. 123: A Senate resolution congratulating the Benilde-St. Margaret's High School girls hockey team on winning the 2004 State High School Class A Girls Hockey Tournament.

Referred to the Committee on Rules and Administration.

Senators Johnson, D.E. and Fischbach introduced--

Senate Resolution No. 124: A Senate resolution recognizing the 65th anniversary of the Central Minnesota Federal Credit Union.

Referred to the Committee on Rules and Administration.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Kelley, Cohen, Rosen and Chaudhary introduced--

S.F. No. 2894: A bill for an act relating to the State Board of Investment; authorizing increased State Board of Investment participation in venture capital investments; classifying data related to certain venture capital investments; appropriating money in the event of certain venture capital investment shortfalls; amending Minnesota Statutes 2002, sections 11A.24, subdivision 6, by adding a subdivision; 13.635, by adding a subdivision.

Referred to the Committee on State and Local Government Operations.

Senators Senjem, Jungbauer, Robling, Limmer and LeClair introduced--

S.F. No. 2895: A bill for an act relating to state government; providing for local government impact notes; providing that certain rules take effect only upon legislative approval; amending Minnesota Statutes 2002, section 14.19; proposing coding for new law in Minnesota Statutes, chapter 14.

Referred to the Committee on State and Local Government Operations.

Senators Pappas, Kierlin, Skoe, Tomassoni and Larson introduced--

S.F. No. 2896: A bill for an act relating to the University of Minnesota; regulating the selection of the Board of Regents; amending Minnesota Statutes 2002, section 137.0245, subdivision 3; Minnesota Statutes 2003 Supplement, section 137.0245, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 137.

Referred to the Committee on Education.

Senators Senjem, Kiscaden, Sparks, Rosen and Belanger introduced--

S.F. No. 2897: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Rochester Bioscience Core Area.

Referred to the Committee on Finance.

Senators Tomassoni, Bakk and Saxhaug introduced--

S.F. No. 2898: A bill for an act relating to economic development; establishing an enterprise account for revenues and expenditures associated with the Giants Ridge recreation area; amending Minnesota Statutes 2002, section 298.221.

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

Senators Senjem, Belanger, Koering, Kiscaden and Kierlin introduced--

S.F. No. 2899: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for Rochester Community and Technical College.

Referred to the Committee on Finance.

Senator Tomassoni introduced--

S.F. No. 2900: A bill for an act relating to sales and use tax; exempting charitable donations of meals from sales tax; amending Minnesota Statutes 2002, section 297A.70, by adding a subdivision.

Referred to the Committee on Taxes.

Senator Moua introduced--

S.F. No. 2901: A bill for an act relating to crime prevention; establishing the crimes of official deprivation of civil rights and pattern of official misconduct; prohibiting racial profiling by law enforcement; requiring the collection and analysis of data and the adoption of policies on racial profiling; requiring that certain information be provided to motorists involved in a traffic stop; requiring law enforcement training in eliminating racial profiling; providing that certain windshield violations are not primary offenses; creating an advisory committee; requiring reports; appropriating money; amending Minnesota Statutes 2002, section 626.9517; Minnesota Statutes 2003 Supplement, section 13.871, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 609; 626; repealing Minnesota Statutes 2002, sections 626.951; 626.9513.

Referred to the Committee on Crime Prevention and Public Safety.

Senator LeClair introduced--

S.F. No. 2902: A bill for an act relating to human services; changing provisions for nursing facility reimbursement; establishing a nursing facility reimbursement system effective in 2005; amending Minnesota Statutes 2002, sections 256B.431, subdivisions 28, 29, 30, 35; 256B.432, subdivisions 1, 2, 5, by adding subdivisions; 256B.434, subdivisions 4a, 4b, 4c, 4d, by adding a subdivision; Minnesota Statutes 2003 Supplement, section 256B.47, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 256B.

Referred to the Committee on Health and Family Security.

Senator Senjem introduced--

S.F. No. 2903: A bill for an act relating to local government; increasing the threshold amount

for towns required to have annual audits; amending Minnesota Statutes 2002, section 471.697, subdivision 1.

Referred to the Committee on State and Local Government Operations.

Senator Bachmann introduced--

S.F. No. 2904: A bill for an act relating to civil actions; limiting liability for damages in certain actions against air museums and their officers, directors, and employees, and the owners of aircraft exhibits; proposing coding for new law in Minnesota Statutes, chapter 604A.

Referred to the Committee on Judiciary.

Senators Senjem, Rosen, Sparks, Vickerman and Day introduced--

S.F. No. 2905: A bill for an act relating to renewable energy; authorizing renewable production incentives for an additional 100 megawatts of small wind energy facilities; amending Minnesota Statutes 2003 Supplement, sections 116C.779, subdivision 2; 216C.41, subdivision 5a.

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

Senator Johnson, D.E. introduced--

S.F. No. 2906: A bill for an act relating to education finance; creating a community education fund balance restriction levy.

Referred to the Committee on Finance.

Senator Murphy introduced--

S.F. No. 2907: A bill for an act relating to railroads; restricting remote-control operation of train over highway intersection; amending Minnesota Statutes 2002, section 219.383, by adding a subdivision.

Referred to the Committee on Finance.

Senator Sams introduced--

S.F. No. 2908: A bill for an act relating to taxation; property tax; making certain resort property subject to the limited market value provisions; modifying the calculations in the initial year of their inclusion in limited market value; amending Minnesota Statutes 2002, section 273.11, by adding a subdivision; Minnesota Statutes 2003 Supplement, section 273.11, subdivision 1a.

Referred to the Committee on Taxes.

Senators Chaudhary, Ourada and Foley introduced--

S.F. No. 2909: A bill for an act relating to capital improvements; authorizing state bonds; appropriating money for Northstar Commuter Rail line.

Referred to the Committee on Finance.

Senators Belanger, McGinn, Limmer, Rosen and Kierlin introduced--

S.F. No. 2910: A bill for an act relating to taxes; changing definition of foreign operating corporation; providing for apportionment of income for purposes of income, franchise, and occupation taxes; providing a subtraction from income for certain military service; providing for payment of sales taxes on leases of motor vehicles; defining industrial production and capital

equipment for purposes of sales and use taxes; providing for collection of a sales tax on cigarettes; requiring state contracts be with vendors that have registered to collect sales taxes; providing for apportionment of the market value homestead credit; increasing the amount of tax incentives for biotechnology and health sciences industry zone; providing for allocation of revenues; providing for a funds transfer; appropriating money; amending Minnesota Statutes 2002, sections 16C.03, by adding a subdivision; 273.1384, subdivision 1; 290.01, subdivision 6b; 290.191, subdivisions 2, 3; 297A.61, subdivision 4; 297A.67, by adding a subdivision; 298.01, subdivisions 3, 4; Minnesota Statutes 2003 Supplement, sections 16A.152, subdivision 2; 290.01, subdivision 19b; 297A.61, subdivision 7; 297A.68, subdivisions 2, 5; 469.335; proposing coding for new law in Minnesota Statutes, chapter 297F.

Referred to the Committee on Taxes.

Senators Michel, Scheid and Sparks introduced--

S.F. No. 2911: A bill for an act relating to education finance; authorizing a school district to build a school building using design-build construction techniques; amending Minnesota Statutes 2002, sections 123B.52, subdivision 1; 471.345, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 123B.

Referred to the Committee on Finance.

Senator Cohen introduced--

S.F. No. 2912: A bill for an act relating to courts; authorizing retired court commissioners to be appointed to perform judicial duties in the district court; amending Minnesota Statutes 2002, sections 2.724, subdivision 3; 489.01, by adding a subdivision.

Referred to the Committee on Judiciary.

Senators Lourey and Berglin introduced--

S.F. No. 2913: A bill for an act relating to health; establishing a geographic access standard for pharmacy services; amending Minnesota Statutes 2002, section 62D.124, subdivisions 2, 3, by adding a subdivision.

Referred to the Committee on Health and Family Security.

Senators Murphy and Pogemiller introduced--

S.F. No. 2914: A bill for an act relating to highways; requiring commissioner of transportation to transfer ownership of certain parking facilities to the city of Minneapolis; amending Minnesota Statutes 2002, section 161.1231, by adding a subdivision.

Referred to the Committee on Finance.

Senator Tomassoni introduced--

S.F. No. 2915: A bill for an act relating to taxation; sales and use; making the capital equipment exemption an up-front exemption; amending Minnesota Statutes 2002, section 297A.75, subdivisions 1, 2, 3; Minnesota Statutes 2003 Supplement, sections 289A.50, subdivision 2a; 297A.68, subdivision 5.

Referred to the Committee on Taxes.

Senator Reiter introduced--

S.F. No. 2916: A bill for an act relating to state government; limiting circumstances in which state funds can be used for demolition of the Ford Building.

Referred to the Committee on State and Local Government Operations.

Senators Senjem, Saxhaug, Ortman and Rosen introduced--

S.F. No. 2917: A bill for an act relating to veterans; eliminating the sunset date for the purchase of military service credit; amending Laws 2000, chapter 461, article 4, section 4.

Referred to the Committee on State and Local Government Operations.

Senators Michel and Belanger introduced--

S.F. No. 2918: A bill for an act relating to highways; requiring construction of noise barriers on trunk highways in certain instances; proposing coding for new law in Minnesota Statutes, chapter 161.

Referred to the Committee on Finance.

Senator Higgins introduced--

S.F. No. 2919: A bill for an act relating to health; providing for the protection of conscience and religious liberty in health care; proposing coding for new law in Minnesota Statutes, chapters 62Q; 145.

Referred to the Committee on Health and Family Security.

Senators Anderson and Vickerman introduced--

S.F. No. 2920: A bill for an act relating to agriculture; appropriating money for the Minnesota Horticultural Society.

Referred to the Committee on Finance.

Senator Hottinger introduced--

S.F. No. 2921: A bill for an act relating to the city of Mankato; expanding use of local sales tax revenues; amending Laws 1991, chapter 291, article 8, section 27, subdivision 4.

Referred to the Committee on Taxes.

Senators Hottinger, Pappas, Langseth, Kierlin and Saxhaug introduced--

S.F. No. 2922: A bill for an act relating to economic development; providing for the reopening of certain historical sites; appropriating money.

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

Senators Skoe and Langseth introduced--

S.F. No. 2923: A bill for an act relating to human services; authorizing a planned closure rate adjustment for a nursing facility in Becker County; amending Minnesota Statutes 2002, section 256B.437, by adding a subdivision.

Referred to the Committee on Finance.

Senators Scheid and Betzold introduced--

S.F. No. 2924: A bill for an act relating to education finance; modifying the calculation of transition revenue; amending Minnesota Statutes 2003 Supplement, section 126C.10, subdivision 31.

Referred to the Committee on Finance.

Senators Kiscaden and Foley introduced--

S.F. No. 2925: A bill for an act relating to public safety; providing grants to counties for additional probation officers to supervise sex offenders; appropriating money.

Referred to the Committee on Finance.

Senators Larson and Sams introduced--

S.F. No. 2926: A bill for an act relating to health; requiring approval of an exception to the moratorium on certification of nursing home beds; appropriating money.

Referred to the Committee on Health and Family Security.

Senator Sams introduced--

S.F. No. 2927: A bill for an act relating to taxation; authorizing the Lakes Area Economic Development Authority to levy a tax; amending Laws 2003, chapter 127, article 12, section 38.

Referred to the Committee on Taxes.

Senator Dille introduced--

S.F. No. 2928: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for land acquisition for Greenleaf Lake State Park.

Referred to the Committee on Finance.

Senator Kleis introduced--

S.F. No. 2929: A bill for an act relating to human services; making changes to forensic procedures; specifying patient rights; limiting civilly committed sexual psychopathic personalities and sexually dangerous persons from patients' and residents' bills of rights; amending Minnesota Statutes 2002, sections 243.55, subdivision 1; 253B.02, by adding subdivisions; 253B.03, by adding a subdivision; 253B.18, subdivision 9; 253B.185, by adding a subdivision; Minnesota Statutes 2003 Supplement, sections 246.15, by adding a subdivision; 609.2231, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 253B.

Referred to the Committee on Health and Family Security.

Senator Ourada introduced--

S.F. No. 2930: A bill for an act relating to motor carriers; modifying provisions governing motor carriers; making technical and clarifying changes; amending Minnesota Statutes 2002, sections 221.0314, subdivisions 7, 9; 221.033, subdivision 1; 221.036, subdivisions 1, 3, 12; 221.037, subdivision 2; 221.605, subdivision 1; 299K.07; Minnesota Statutes 2003 Supplement, sections 169.86, subdivision 5; 221.602, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 2002, sections 221.011, subdivision 2b; 221.033, subdivision 3; 221.034; Minnesota Rules, parts 8860.0100; 8860.0200; 8860.0300; 8860.0400; 8860.0500; 8860.0600; 8860.0700; 8860.0800.

Referred to the Committee on Finance.

Senator Ourada introduced--

S.F. No. 2931: A bill for an act relating to real property; providing for acquisition of property

for transportation purposes; amending Minnesota Statutes 2002, section 117.085; Minnesota Statutes 2003 Supplement, section 13.44, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 174; repealing Minnesota Statutes 2002, section 117.036.

Referred to the Committee on Finance.

Senators Knutson and McGinn introduced--

S.F. No. 2932: A bill for an act relating to crime prevention and public safety; providing that courts are not required to set bail without nonmonetary conditions in certain instances when releasing a defendant on pretrial release; proposing coding for new law in Minnesota Statutes, chapter 629.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Hottinger, Neuville, Betzold, Murphy and Rest introduced--

S.F. No. 2933: A bill for an act relating to civil actions; regulating liability; amending Minnesota Statutes 2002, section 604.01, subdivision 1; Minnesota Statutes 2003 Supplement, section 604.02, subdivision 1.

Referred to the Committee on Judiciary.

MEMBERS EXCUSED

Senators Anderson, Bachmann, Jungbauer and Olson were excused from the Session of today.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 9:00 a.m., Thursday, March 18, 2004. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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