

THIRTY-SECOND DAY

St. Paul, Minnesota, Tuesday, March 29, 2005

The Senate met at 2:00 p.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Monsignor James D. Habiger.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Senators Pariseau and Stumpf were excused from the Session of today.

REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

S.F. No. 1625: A bill for an act relating to the military; providing for pay and allowances for certain retired national guard personnel who are ordered to active duty; amending Minnesota Statutes 2004, section 192.19.

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

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

S.F. No. 1730: A bill for an act relating to agriculture; directing the commissioner of agriculture to conduct a study regarding a rail container load-out facility in or near Clara City.

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

Page 1, line 11, delete "such"

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

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

S.F. No. 1726: A bill for an act relating to health; allowing persons in active military service to suspend MinnesotaCare enrollment without a lapse in coverage; modifying MinnesotaCare eligibility determinations and premium payment calculations for persons in active military service; amending Minnesota Statutes 2004, sections 256L.05, by adding a subdivision; 256L.07, by adding a subdivision; 256L.15, by adding a subdivision.

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

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

S.F. No. 1771: A bill for an act relating to agriculture; changing certain penalties; amending Minnesota Statutes 2004, sections 31.032, subdivision 1; 31A.10.

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

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

S.F. No. 1774: A bill for an act relating to agriculture; changing application of certain penalties; changing certain procedures and time limits; amending Minnesota Statutes 2004, sections 17.982, subdivision 1; 17.983, subdivisions 1, 3; repealing Minnesota Statutes 2004, sections 17.983, subdivision 2.

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

Page 1, line 17, after "violated" insert "a provision of"

Page 1, line 21, reinstate the stricken language and after the reinstated "correction" insert ", if applicable"

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

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

S.F. No. 1772: A bill for an act relating to agriculture; changing certain provisions concerning plant pests, nursery stock, and wildflowers; amending Minnesota Statutes 2004, sections 18G.03, subdivision 1; 18H.02, subdivisions 21, 22, 23, 32, 34, by adding a subdivision; 18H.05; 18H.06; 18H.09; 18H.13, subdivision 1; 18H.15; 18H.18, subdivision 1; repealing Minnesota Statutes 2004, section 18H.02, subdivisions 15, 19.

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

Page 9, line 5, after "dealer" insert "who is required to be certified"

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

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

S.F. No. 255: A bill for an act relating to MinnesotaCare; modifying covered health services; repealing the limited benefits for certain single adults and households without children; amending Minnesota Statutes 2004, sections 256L.03, subdivision 1; 256L.12, subdivision 6; repealing Minnesota Statutes 2004, section 256L.035.

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

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

S.F. No. 1244: A bill for an act relating to education; providing condition for the continued implementation of No Child Left Behind; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 127A.

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

Page 1, delete lines 24 and 25

Page 2, delete lines 1 and 2

Page 2, line 3, delete "(2)" and insert "(1)"

Page 2, line 5, after "measures" insert "including value-added measurement of student achievement"

Page 2, line 9, delete "(3)" and insert "(2)"

Page 2, line 13, delete "(4)" and insert "(3)"

Page 2, line 20, delete "(5)" and insert "(4)"

Page 2, line 25, delete "(6)" and insert "(5)"

Page 2, line 30, delete "(7)" and insert "(6)"

Page 2, line 35, delete "(8)" and insert "(7)"

Page 3, line 4, delete "(9)" and insert "(8)"

Page 3, line 9, delete "(10)" and insert "(9)"

Page 3, line 14, delete "(11)" and insert "(10)"

Page 3, line 19, delete "(12)" and insert "(11)"

Page 3, line 23, delete "(13)" and insert "(12)"

Page 3, line 27, after the semicolon, insert "and"

Page 3, line 28, delete "(14)" and insert "(13)"

Page 3, line 31, delete "; and" and insert a period

Page 3, delete lines 32 to 35

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 re-referred

S.F. No. 362: A bill for an act relating to the military; creating a program that provides interest-free loans to certain members of the Minnesota National Guard or other military reserve units called to federal active service and deployed outside of the United States; appropriating money; amending Minnesota Statutes 2004, section 192.501, by adding a subdivision.

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 re-referred

S.F. No. 658: A bill for an act relating to military affairs; proposing an amendment to the Minnesota Constitution by adding a section to article XI; creating a military assistance trust fund; authorizing rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 190.

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 re-referred

S.F. No. 1115: A bill for an act relating to occupations; requiring plumbers to be licensed; establishing inspection requirements for new plumbing installations; allowing the commissioner to charge fees to hire staff; licensing restricted plumbing contractors; requiring rulemaking; amending Minnesota Statutes 2004, sections 144.122; 326.01, by adding a subdivision; 326.37, subdivision 1, by adding a subdivision; 326.38; 326.40, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes 2004, section 326.45.

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 re-referred

S.F. No. 659: A bill for an act relating to military affairs; creating a military assistance trust fund and specifying uses of the fund; authorizing rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 190.

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

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

H.F. No. 997: A bill for an act relating to financial institutions; authorizing a detached facility in Burns Township under certain conditions.

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 re-referred

S.F. No. 317: A bill for an act relating to crime prevention and public safety; gambling; legalizing the game of Texas hold'em under certain conditions; amending Minnesota Statutes 2004, sections 349.213, subdivision 1; 609.761, subdivision 3.

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

Pages 1 to 3, delete section 1

Page 3, line 8, delete "Sec. 2." and insert "Section 1."

Page 3, line 19, after the period, insert "No person under 18 years of age may participate in a Texas hold'em tournament or contest."

Page 3, after line 19, insert:

"A statutory or home rule city or county has the authority to adopt more stringent regulations of a tournament or contest of social skill games within its jurisdiction, including the prohibition of a tournament or contest of a social skill game, and may require a permit for the conduct of a tournament or contest of Texas hold'em. The fee for a permit issued under this subdivision must be reasonably related to the cost incurred by the city or county in administering and enforcing the permit and may not exceed \$200. A county may only regulate tournaments or contests of Texas hold'em that occur outside the boundaries of a statutory or home rule charter city."

Page 3, line 20, delete "3" and insert "2"

Page 3, line 21, delete "Sections 1 and 2 are" and insert "Section 1 is"

Page 3, line 22, delete the period and delete "Section 2" and insert "and"

Delete the title and insert:

"A bill for an act relating to crime prevention and public safety; gambling; legalizing the game of Texas hold'em under certain conditions; amending Minnesota Statutes 2004, section 609.761, subdivision 3."

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

S.F. No. 932: A bill for an act relating to human services; modifying the division of costs for ICFs/MR; requiring an ICF/MR plan; amending Minnesota Statutes 2004, section 256B.19, subdivision 1.

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

Page 3, lines 13 and 14, delete "some of"

Page 3, line 16, after "adequate" insert "state and federal"

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. 1567: A bill for an act relating to health; providing for rural pharmacy preservation;

establishing a rural pharmacy grant program; modifying the rural loan forgiveness program; appropriating money; amending Minnesota Statutes 2004, section 144.1501, subdivisions 1, 2, 3; proposing coding for new law in Minnesota Statutes, chapter 144.

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. 1483: A bill for an act relating to health; modifying the Minnesota Emergency Health Powers Act; modifying authority of out-of-state license holders; amending Minnesota Statutes 2004, sections 12.03, subdivision 4d, by adding a subdivision; 12.22, subdivision 2a, by adding a subdivision; 12.31, subdivision 1; 12.32; 12.34, subdivision 1; 12.381; 12.39; 12.42; 13.3806, subdivision 1a; Laws 2002, chapter 402, section 21, as amended; proposing coding for new law in Minnesota Statutes, chapter 12.

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

Page 2, delete line 5

Page 2, line 6, delete "indemnification"

Page 2, line 10, delete everything after "state" and insert a period

Page 2, delete line 11

Page 7, line 1, after the first comma, insert "the elderly,"

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

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

S.F. No. 1434: A bill for an act relating to natural resources; providing for aquatic invasive species management funding; creating an account; requiring a watercraft decal; modifying disposition of watercraft surcharge; appropriating money; amending Minnesota Statutes 2004, section 86B.415, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 84D; 86B.

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. 1482: A bill for an act relating to health; modifying provisions for isolation and quarantine of persons exposed to or infected with a communicable disease; amending Minnesota Statutes 2004, sections 144.419, subdivision 1; 144.4195, subdivisions 1, 2, 5; Laws 2002, chapter 402, section 21, as amended; 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 13, delete "144.4196" and insert "144.4195"

Page 4, line 31, delete "As soon as" and insert "Immediately after"

Page 4, line 33, after the comma, insert "but no later than 24 hours after executing the directive,"

Page 4, line 34, delete the new language

Page 5, line 1, delete the new language

Pages 6 and 7, delete section 5

Page 8, delete lines 16 and 17 and insert:

"Sec. 21. [SUNSET.]

Sections 1 to 19, 2, 5, 8, 10, and 11 expire August 1, 2005."

Page 8, line 19, delete "7" and insert "6"

Renumber the sections in sequence

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

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

S.F. No. 789: A bill for an act relating to game and fish; modifying certain definitions; providing for disposition and use of certain revenue; providing for special fish management tags; modifying authority to take animals causing damage; modifying use of scopes by visually impaired hunters; modifying certain license requirements; modifying restrictions on taking waterfowl; authorizing rulemaking; modifying requirements for field training hunting dogs; modifying trapping provisions; modifying period for treeing raccoons; modifying restrictions on decoys; modifying disposition of state hatchery products; modifying fishing and commercial fishing provisions; repealing authority for the Mississippi River Fish Refuge; repealing authority to issue certain orders; appropriating money; amending Minnesota Statutes 2004, sections 84.027, subdivision 13; 97A.015, subdivisions 29, 49; 97A.045, subdivision 1; 97A.071, subdivision 2; 97A.075; 97A.401, subdivision 5; 97A.405, subdivision 4, by adding a subdivision; 97A.441, subdivision 7; 97A.451, subdivisions 3, 5; 97A.475, subdivision 7; 97A.551, by adding a subdivision; 97B.005, subdivisions 1, 3; 97B.031, subdivision 5; 97B.621, subdivision 2; 97B.655, subdivision 2; 97B.805, subdivision 1; 97B.811, subdivisions 3, 4a; 97C.085; 97C.203; 97C.327; 97C.401, subdivision 2; 97C.825, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 97C; repealing Minnesota Statutes 2004, sections 88.27; 97B.005, subdivision 4; 97B.935; 97C.015; 97C.403; 97C.825, subdivisions 6, 7, 8, 9.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 84.027, subdivision 13, is amended to read:

Subd. 13. [GAME AND FISH RULES.] (a) The commissioner of natural resources may adopt rules under sections 97A.0451 to 97A.0459 and this subdivision that are authorized under:

(1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game and fish, to prohibit or allow taking of wild animals to protect a species, to prevent or control wildlife disease, and to prohibit or allow importation, transportation, or possession of a wild animal;

(2) sections 84.093, 84.15, and 84.152 to set seasons for harvesting wild ginseng roots and wild rice and to restrict or prohibit harvesting in designated areas; and

(3) section 84D.12 to designate prohibited invasive species, regulated invasive species, unregulated nonnative species, and infested waters.

(b) If conditions exist that do not allow the commissioner to comply with sections 97A.0451 to

97A.0459, the commissioner may adopt a rule under this subdivision by submitting the rule to the attorney general for review under section 97A.0455, publishing a notice in the State Register and filing the rule with the secretary of state and the Legislative Coordinating Commission, and complying with section 97A.0459, and including a statement of the emergency conditions and a copy of the rule in the notice. The notice may be published after it is received from the attorney general or five business days after it is submitted to the attorney general, whichever is earlier.

(c) Rules adopted under paragraph (b) are effective upon publishing in the State Register and may be effective up to seven days before publishing and filing under paragraph (b), if:

(1) the commissioner of natural resources determines that an emergency exists;

(2) the attorney general approves the rule; and

(3) for a rule that affects more than three counties the commissioner publishes the rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a rule that affects three or fewer counties the commissioner publishes the rule once in a legal newspaper in each of the affected counties.

(d) Except as provided in paragraph (e), a rule published under paragraph (c), clause (3), may not be effective earlier than seven days after publication.

(e) A rule published under paragraph (c), clause (3), may be effective the day the rule is published if the commissioner gives notice and holds a public hearing on the rule within 15 days before publication.

(f) The commissioner shall attempt to notify persons or groups of persons affected by rules adopted under paragraphs (b) and (c) by public announcements, posting, and other appropriate means as determined by the commissioner.

(g) Notwithstanding section 97A.0458, a rule adopted under this subdivision is effective for the period stated in the notice but not longer than 18 months after the rule is adopted.

Sec. 2. Minnesota Statutes 2004, section 97A.015, subdivision 29, is amended to read:

Subd. 29. [MINNOWS.] "Minnows" means: (1) members of the minnow family, Cyprinidae, except carp and goldfish; (2) members of the mudminnow family, Umbridae; (3) members of the sucker family, Catostomidae, not over 12 inches in length; (4) bullheads, ciscoes, lake whitefish, goldeyes, and mooneyes, not over seven inches long; ~~and~~ (5) leeches; and (6) tadpole madtoms (willow cats) and stonecats.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 3. Minnesota Statutes 2004, section 97A.015, subdivision 49, is amended to read:

Subd. 49. [UNDRESSED BIRD.] "Undressed bird" means:

(1) a bird, excluding migratory waterfowl, pheasant, Hungarian partridge, turkey, or grouse, with feet and feathered head intact;

(2) a migratory waterfowl, excluding geese, with a fully feathered wing and head attached;

(3) a pheasant, Hungarian partridge, turkey, or grouse with one leg and foot or the fully feathered head or wing intact; or

(4) a goose with a fully feathered wing attached.

Sec. 4. Minnesota Statutes 2004, section 97A.045, subdivision 1, is amended to read:

Subdivision 1. [DUTIES; GENERALLY.] The commissioner shall do all things the commissioner determines are necessary to preserve, protect, and propagate desirable species of wild animals. The commissioner shall make special provisions for the management of fish and

wildlife to ensure recreational opportunities for anglers and hunters. The commissioner shall acquire wild animals for breeding or stocking and may dispose of or destroy undesirable or predatory wild animals and their dens, nests, houses, or dams.

Sec. 5. Minnesota Statutes 2004, section 97A.401, subdivision 5, is amended to read:

Subd. 5. [WILD ANIMALS DAMAGING PROPERTY.] Special permits may be issued with or without a fee to take protected wild animals that are damaging property or to remove or destroy their dens, nests, houses, or dams. A special permit issued under this subdivision to take beaver must state the number to be taken.

Sec. 6. Minnesota Statutes 2004, section 97A.405, subdivision 4, is amended to read:

Subd. 4. [REPLACEMENT LICENSES.] (a) The commissioner may permit licensed firearms deer hunters to change zone, license, or season options before the regular firearms deer season begins. The commissioner may issue a replacement license if the applicant submits the original firearms deer license and unused tags that is are being replaced and the applicant pays any increase in cost between the original and the replacement license. When a person submits both an archery and a firearms license for replacement, the commissioner may apply the value of both licenses towards the replacement license fee.

(b) A replacement license may be issued only if the applicant has not used any tag from the original license and meets the conditions of paragraph (c). The original license and all unused tags for that license must be submitted to the issuing agent at the time the replacement license is issued.

(c) A replacement license may be issued under the following conditions, or as otherwise prescribed by rule of the commissioner:

(1) when the season for the license being surrendered has not yet opened; or

(2) when the person is upgrading from a regular firearms or archery deer license to a deer license that is valid in multiple zones.

(d) Notwithstanding section 97A.411, subdivision 3, a replacement license is valid immediately upon issuance if the license being surrendered is valid at that time.

Sec. 7. Minnesota Statutes 2004, section 97A.405, is amended by adding a subdivision to read:

Subd. 5. [RESIDENT LICENSES.] To obtain a resident license, a resident 21 years of age or older must:

(1) possess a current Minnesota driver's license;

(2) possess a current identification card issued by the commissioner of public safety; or

(3) present evidence showing proof of residency in cases when clause (1) or (2) would violate the Religious Freedom Restoration Act of 1993, Public Law 103-141.

Sec. 8. Minnesota Statutes 2004, section 97A.411, subdivision 1, is amended to read:

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

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

(c) When the last day of February falls on a Saturday, an annual resident or nonresident fish house or dark house license, including a rental fish house or dark house license, obtained for the

license year covering the last day of February, is valid through Sunday, March 1 and the angling license of the fish house licensee is extended through March 1.

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

(e) A license issued under section 97A.474, subdivision 2, or 97A.475, subdivision 7, to a person who is domiciled in a state or province that prohibits Minnesota residents from taking game fish or small game during a part of the season that is open to residents of that state is not valid for taking game fish during the first 14 days of the season prescribed under section 97C.395, subdivision 1, paragraph (a), clause (1). This paragraph does not apply to a licensee who is a currently registered guest at a hotel, motel, or resort located in Minnesota.

(f) The commissioner shall specify various fishing zones for which nonresident fishing licenses will be available, and may specify the number of nonresident licenses that may be issued in each zone and the manner in which the licenses are to be issued. The commissioner shall designate no more than three zones under this paragraph.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 9. Minnesota Statutes 2004, section 97A.435, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY.] Persons eligible for a turkey license shall be determined by this section and commissioner's rule. A person is eligible for a turkey license only if the person is at least age 16 before the season opens ~~or~~, possesses a firearms safety certificate, or, if under age 12, is accompanied by a parent or guardian. Persons under age 12 must be within arm's reach of their parent or guardian while hunting.

Sec. 10. Minnesota Statutes 2004, section 97A.441, subdivision 7, is amended to read:

Subd. 7. [OWNERS OR TENANTS OF AGRICULTURAL LAND.] (a) The commissioner may issue, without a fee, a license to take an antlerless deer to a person who is an owner or tenant and is living and actively farming on at least 80 acres of agricultural land, as defined in section 97B.001, in deer permit areas that have deer archery licenses to take additional deer under section 97B.301, subdivision 4. A person may receive only one license per year under this subdivision. For properties with co-owners or cotenants, only one co-owner or cotenant may receive a license under this subdivision per year. ~~The license issued under this subdivision is restricted to the land owned or leased for agricultural purposes or owned by the holder of the license within the permit area where the qualifying land is located.~~ The holder of the license may transfer the license to the holder's spouse or dependent. Notwithstanding sections 97A.415, subdivision 1, and 97B.301, subdivision 2, the holder of the license may purchase an additional license for taking deer and may take an additional deer under that license.

(b) A person who obtains a license under paragraph (a) must allow public deer hunting on their land during that deer hunting season, with the exception of the first Saturday and Sunday during the deer hunting season applicable to the license issued under section 97A.475, subdivision 2, clauses (4) and (13).

Sec. 11. Minnesota Statutes 2004, section 97A.451, subdivision 3, is amended to read:

Subd. 3. [RESIDENTS UNDER AGE 16; SMALL GAME.] (a) A resident under age 16 may not obtain a small game license but may take small game by firearms or bow and arrow without a license if the resident is:

- (1) age 14 or 15 and possesses a firearms safety certificate;
 - (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian;
- or
- (3) age 12 or under and is accompanied by a parent or guardian.

(b) A resident under age 16 may take small game by trapping without a small game license, but a resident 13 years of age or older must have a trapping license. A resident under age 13 may trap without a trapping license, but may not trap fisher, otter, bobcat, or pine marten unless the resident is at least age 8.

(c) A resident under age 12 may apply for a turkey license and may take a turkey without a firearms safety certificate if they are supervised by an adult parent or guardian who has a firearms safety certificate and who is within arm's reach at all times while hunting.

Sec. 12. Minnesota Statutes 2004, section 97A.465, is amended by adding a subdivision to read:

Subd. 5. [PREFERENCE TO SERVICE MEMBERS.] (a) For purposes of this subdivision:

(1) "qualified service member or veteran" means a Minnesota resident who is currently serving, or has served at any time during the past 24 months, in active service as a member of the United States armed forces, including the National Guard or other military reserves; and

(2) "active service" means service defined under section 190.05, subdivision 5b or 5c.

(b) Notwithstanding any other provision of this chapter, chapter 97B or 97C, or administrative rules, the commissioner may give first preference to qualified service members or veterans in any drawing or lottery involving the selection of applicants for hunting or fishing licenses, permits, and special permits. This subdivision does not apply to licenses or permits for taking moose, elk, or prairie chickens. Actions of the commissioner under this subdivision are not rules under the Administrative Procedures Act and section 14.386 does not apply.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 13. Minnesota Statutes 2004, section 97A.475, subdivision 7, is amended to read:

Subd. 7. [NONRESIDENT FISHING.] (a) Fees for the following licenses, to be issued to nonresidents, are:

(1) to take fish by angling, \$34;

(2) to take fish by angling limited to seven consecutive days selected by the licensee, \$24;

(3) to take fish by angling for a 72-hour period selected by the licensee, \$20;

(4) to take fish by angling for a combined license for a family, \$46;

(5) to take fish by angling for a 24-hour period selected by the licensee, \$8.50; and

(6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days selected by one of the licensees, \$35.

(b) A nonresident who is domiciled in a state or province that prohibits Minnesota residents from taking game fish or small game during a part of the season that is open to residents of that state is prohibited from purchasing a license under paragraph (a), clauses (1), (3), (4), (5), and (6), and must purchase a license under paragraph (a), clause (2), to take fish in the state for a seven-day period. This paragraph does not apply to a person who is a currently registered guest at a hotel, motel, or resort located in Minnesota.

Sec. 14. Minnesota Statutes 2004, section 97A.475, is amended by adding a subdivision to read:

Subd. 7a. [NONRESIDENT FISHING BOATS.] A boat that is registered in a state or province that prohibits Minnesota residents from taking game fish or small game during a part of the season that is open to residents of that state and used for fishing on inland waters of Minnesota must be licensed for use on Minnesota inland waters. The license fee under this subdivision is \$250 and is valid for seven consecutive days. The license may be renewed for additional seven-day periods

after payment of an additional \$250 fee. This subdivision does not apply to a person who is a currently registered guest at a hotel, motel, or resort located in Minnesota.

Sec. 15. Minnesota Statutes 2004, section 97B.005, subdivision 3, is amended to read:

Subd. 3. [PERMITS FOR ORGANIZATIONS AND INDIVIDUALS TO USE GAME BIRDS AND FIREARMS.] (a) The commissioner may issue special permits, without a fee, to organizations and individuals to use firearms and live ammunition on domesticated birds or banded game birds from game farms.

(b) Permits for holding field trials and may be issued to organizations. The permit shall specify the dates and locations of the field trial. The commissioner may limit the number of dates approved for any organization.

(c) Permits for training hunting dogs may be issued to an individual.

(d) Domesticated birds, other than pigeons, and game farm birds used for trials or training under this section must be clearly marked with dye or a streamer attached to a leg in a manner that makes them visually identifiable prior to being taken.

Sec. 16. Minnesota Statutes 2004, section 97B.025, is amended to read:

97B.025 [HUNTER AND TRAPPER EDUCATION.]

(a) The commissioner may establish education courses for hunters and trappers. The commissioner shall collect a fee from each person attending a course. A fee shall be collected for issuing a duplicate certificate. The commissioner shall establish the fees in a manner that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the services. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner may establish the fees notwithstanding section 16A.1283. The fees shall be deposited in the game and fish fund and the amount thereof is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of the program. In addition to the fee established by the commissioner for each course, instructors may charge each person up to the established fee amount for class materials and expenses. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training.

(b) The commissioner shall enter into an agreement with a statewide nonprofit trappers association to conduct a trapper education program. At a minimum, the program must include at least six hours of classroom, electronic, or correspondence instruction and in the field training. The program must include a review of state trapping laws and regulations, trapping ethics, the setting and tending of traps and snares, tagging and registration requirements, and the preparation of pelts. The association shall issue a certificate to persons who complete the program. The association shall be responsible for all costs of conducting the education program, and shall not charge any fee for attending the course.

Sec. 17. [97B.026] [TRAPPER EDUCATION CERTIFICATE REQUIREMENT.]

A person born after December 31, 1989, and who has not been issued a trapping license in a previous license year, may not obtain a trapping license unless the person has been issued a trapper education certificate under section 97B.025, paragraph (b).

[EFFECTIVE DATE.] This section is effective March 1, 2007.

Sec. 18. Minnesota Statutes 2004, section 97B.031, subdivision 1, is amended to read:

Subdivision 1. [FIREARMS AND AMMUNITION THAT MAY BE USED TO TAKE BIG GAME.] (a) A person may take big game with a firearm only if:

- (1) the rifle, shotgun, and handgun used is a caliber of at least .23 inches;
- (2) the firearm is loaded only with single projectile ammunition;

(3) a projectile used is a caliber of at least .23 inches and has a soft point or is an expanding bullet type;

(4) the ammunition has a case length of at least 1.285 inches;

(5) the muzzle-loader used is incapable of being loaded at the breech;

(6) the smooth-bore muzzle-loader used is a caliber of at least .45 inches; and

(7) the rifled muzzle-loader used is a caliber of at least .40 inches.

(b) ~~A person may not take big game with a .30 caliber M-1 carbine cartridge.~~

(e) Notwithstanding paragraph (a), clause (4), a person may take big game with a ten millimeter cartridge that is at least 0.95 inches in length, a .45 Winchester Magnum cartridge, or a .50 A. E. (Action Express) handgun cartridge.

Sec. 19. Minnesota Statutes 2004, section 97B.031, subdivision 5, is amended to read:

Subd. 5. [SCOPES; VISUALLY IMPAIRED HUNTERS.] (a) Notwithstanding any other law to the contrary, the commissioner may issue a special permit, without a fee, to use a muzzleloader with a scope to take deer during the muzzleloader season to a person who obtains the required licenses and who has a visual impairment. The scope may not have magnification capabilities.

(b) The visual impairment must be to the extent that the applicant is unable to identify targets and the rifle sights at the same time without a scope. The visual impairment and specific conditions must be established by medical evidence verified in writing by a licensed physician, ophthalmologist, or optometrist. The commissioner may request additional information from the physician if needed to verify the applicant's eligibility for the permit. Notwithstanding section 97A.418, the commissioner may, in consultation with appropriate advocacy groups, establish reasonable minimum standards for permits to be issued under this subdivision.

(c) A permit issued under this subdivision may be valid for up to five years, based on the permanence of the visual impairment as determined by the licensed physician, ophthalmologist, or optometrist.

(d) The permit must be in the immediate possession of the permittee when hunting under the special permit.

(e) The commissioner may deny, modify, suspend, or revoke a permit issued under this subdivision for cause, including a violation of the game and fish laws or rules.

(e) (f) A person who knowingly makes a false application or assists another in making a false application for a permit under this subdivision is guilty of a misdemeanor. A physician, ophthalmologist, or optometrist who fraudulently certifies to the commissioner that a person is visually impaired as described in this subdivision is guilty of a misdemeanor.

Sec. 20. Minnesota Statutes 2004, section 97B.111, subdivision 2, is amended to read:

Subd. 2. [PERMIT FOR ORGANIZATION.] (a) The commissioner may issue a special permit without a fee to a nonprofit organization to provide an assisted hunting opportunity to physically disabled hunters. The assisted hunting opportunity may take place:

(1) in areas designated by the commissioner under subdivision 1; or

(2) on private property or a licensed shooting preserve.

(b) The sponsoring organization shall provide a physically capable person to assist each disabled hunter with safety-related aspects of hunting and, notwithstanding section 97B.081, a person with a physical disability who is totally blind may use laser sights.

(c) The commissioner may impose reasonable permit conditions.

Sec. 21. [97B.115] [COMPUTER-ASSISTED REMOTE HUNTING PROHIBITION.]

No person shall operate, provide, sell, use or offer to operate, provide, sell or use any computer software or service that allows a person, not physically present at the site, to remotely control a weapon that could be used to take any wild animal by remote operation, including, but not limited to, weapons or devices set up to fire through the use of the Internet or through a remote control device.

Sec. 22. Minnesota Statutes 2004, section 97B.625, subdivision 2, is amended to read:

Subd. 2. ~~[PERMIT REQUIRED TO USE OF A SNARE.]~~ A person may not use a snare to take lynx or bobcat ~~except under a permit from,~~ as prescribed by the commissioner, without a permit.

Sec. 23. Minnesota Statutes 2004, section 97B.631, subdivision 2, is amended to read:

Subd. 2. ~~[PERMIT REQUIRED TO USE OF A SNARE.]~~ A person may not use a snare to take fox ~~except under a permit from,~~ as prescribed by the commissioner, without a permit.

Sec. 24. Minnesota Statutes 2004, section 97B.655, subdivision 2, is amended to read:

Subd. 2. [SPECIAL PERMIT FOR TAKING PROTECTED WILD ANIMALS.] The commissioner may issue special permits under section 97A.401, subdivision 5, to take protected wild animals that are damaging property or to remove or destroy their dens, nests, houses, or dams.

Sec. 25. Minnesota Statutes 2004, section 97B.711, subdivision 1, is amended to read:

Subdivision 1. [SEASONS FOR CERTAIN UPLAND GAME BIRDS.] (a) The commissioner may, by rule, prescribe an open season in designated areas between September 16 and ~~December 31~~ January 3 for:

- (1) pheasant;
 - (2) ruffed grouse;
 - (3) sharp tailed grouse;
 - (4) Canada spruce grouse;
 - (5) prairie chicken;
 - (6) gray partridge;
 - (7) bob-white quail; and
 - (8) turkey.
- (b) The commissioner may by rule prescribe an open season for turkey in the spring.

Sec. 26. Minnesota Statutes 2004, section 97B.803, is amended to read:

97B.803 [MIGRATORY WATERFOWL SEASONS AND LIMITS.]

(a) The commissioner shall prescribe seasons, limits, and areas for taking migratory waterfowl in accordance with federal law.

(b) The regular duck season may not open before the Saturday closest to October 1.

Sec. 27. Minnesota Statutes 2004, section 97B.805, subdivision 1, is amended to read:

Subdivision 1. [HUNTER MUST BE CONCEALED.] (a) A person may not take migratory waterfowl, coots, or rails in open water unless the person is:

- (1) within a natural growth of vegetation sufficient to partially conceal the person or boat; or

- (2) on a river or stream that is not more than 100 yards in width; or
- (3) pursuing or shooting wounded birds.

(b) A person may not take migratory waterfowl, coots, or rails in public waters from a permanent artificial blind or sink box.

Sec. 28. Minnesota Statutes 2004, section 97B.811, subdivision 4a, is amended to read:

Subd. 4a. [RESTRICTIONS ON CERTAIN MOTORIZED DECOYS.] From the opening day of the duck season through the Saturday nearest October 8, a person may not use a motorized decoy on public waters with visible, moving parts that are above the water surface, or other motorized device designed to attract migratory birds, to take migratory waterfowl, other than geese. During the remainder of the duck season, the commissioner may, by rule, designate all or any portion of a wetland or lake closed to the use of motorized decoys or motorized devices designed to attract migratory birds. On water bodies and lands fully contained within wildlife management area boundaries, a person may not use motorized decoys or motorized devices designed to attract migratory birds at any time during the duck season.

Sec. 29. Minnesota Statutes 2004, section 97C.203, is amended to read:

97C.203 [DISPOSAL OF STATE HATCHERY EGGS OR FRY PRODUCTS.]

The commissioner shall dispose of game fish eggs and fry fish hatchery products according to the following order of priorities:

(1) distribution of fish eggs and fry to state hatcheries to hatch fry or raise fingerlings for stocking waters of the state for recreational fishing;

(2) transfer to other government agencies in exchange for fish or wildlife resources of equal value or private fish hatcheries in exchange for fish to be stocked in waters of the state for recreational fishing;

(3) sale of fish eggs and fry to private fish hatcheries or licensed aquatic farms at a price not less than the fair wholesale market value, established as the average price charged at the state's private hatcheries and contiguous states per volume rates; and

(4) transfer to other government agencies, colleges, or universities for cooperative fish management and research purposes; and

(5) sale of not more than \$25 fair market value to any school, museum, or commercial enterprise for curriculum implementation, educational programs, public exhibition, or cooperative displays.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 30. Minnesota Statutes 2004, section 97C.327, is amended to read:

97C.327 [MEASUREMENT OF FISH LENGTH.]

For the purpose of determining compliance with size limits for fish in this chapter or in rules of the commissioner, the length of a fish must be measured from the tip of the nose or jaw, whichever is longer, to the farthest tip of the tail when fully extended.

Sec. 31. Minnesota Statutes 2004, section 97C.345, subdivision 2, is amended to read:

Subd. 2. [POSSESSION.] (a) Except as specifically authorized, a person may not possess a spear, fish trap, net, dip net, seine, or other device capable of taking fish on or near any waters. Possession includes personal possession and in a vehicle.

(b) A person may possess spears, dip nets, bows and arrows, and spear guns allowed under section 97C.381 on or near waters between sunrise and sunset from May 1 to the ~~third~~ last Sunday in February, or as otherwise prescribed by the commissioner.

Sec. 32. Minnesota Statutes 2004, section 97C.395, subdivision 1, is amended to read:

Subdivision 1. [DATES FOR CERTAIN SPECIES.] (a) The open seasons to take fish by angling are as follows:

(1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend to the ~~third~~ last Sunday in February;

(2) for lake trout, from January 1 to October 31;

(3) for brown trout, brook trout, rainbow trout, and splake, between January 1 to October 31 as prescribed by the commissioner by rule except as provided in section 97C.415, subdivision 2; and

(4) for salmon, as prescribed by the commissioner by rule.

(b) The commissioner shall close the season in areas of the state where fish are spawning and closing the season will protect the resource.

Sec. 33. Minnesota Statutes 2004, section 97C.401, subdivision 2, is amended to read:

Subd. 2. [WALLEYE; NORTHERN PIKE.] (a) Except as provided in ~~paragraphs~~ paragraph (b) ~~and (e)~~, a person may ~~not~~ take ~~no~~ more than one walleye larger than ~~24~~ 20 inches and one northern pike larger than 30 inches daily.

(b) The restrictions in paragraph (a) do not apply to boundary waters.

~~(c) On Lake of the Woods, a person may take no more than one walleye larger than 19.5 inches and one northern pike larger than 36 inches daily.~~

[EFFECTIVE DATE.] This section is effective March 1, 2006.

Sec. 34. Minnesota Statutes 2004, section 97C.825, subdivision 5, is amended to read:

Subd. 5. [NET LIMITS FOR LAKE OF THE WOODS AND RAINY LAKE.] (a) The maximum amount of nets permitted to be licensed shall be:

~~(a) (1) in Lake of the Woods, 50-pound nets, 80,000 feet of gill nets or 160 submerged trap nets, and 80 fyke or staked trap nets. Licenses for submerged trap nets may be issued instead of licenses for gill nets in the ratio of not more than one submerged trap net per 500 feet of gill net, and the maximum permissible amount of gill nets shall be reduced by 500 feet for each submerged trap net licensed; and~~

~~(b) (2) in Rainy Lake, 20-pound nets and 20,000 feet of gill nets.~~

~~(c) When a licensee has had a license revoked or surrendered, the commissioner shall not be required to issue licenses for the amount of netting previously authorized under the revoked or surrendered license.~~

~~(d) (b) Commercial fishing may be prohibited in the Minnesota portions of international waters when it is prohibited in the international waters by Canadian authorities.~~

~~(e) The commissioner may adopt rules to limit the total amount of game fish taken by commercial fishing operators in Lake of the Woods in any one season and shall apportion the amount to each licensee in accordance with the number and length of nets licensed.~~

Sec. 35. [CONFORMING CHANGES; RULES.]

The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to amend rules to conform to sections 30 and 32. Minnesota Statutes, section 14.386, does not apply to the rulemaking under this section except to the extent provided under Minnesota Statutes, section 14.388.

Sec. 36. [REPEALER.]

(a) Minnesota Statutes 2004, sections 88.27; 97B.005, subdivision 4; 97B.935; 97C.015; 97C.403; and 97C.825, subdivisions 6, 7, 8, and 9, are repealed.

(b) Minnesota Rules, part 6234.2300, subparts 2 and 3, are repealed."

Delete the title and insert:

"A bill for an act relating to natural resources; modifying game and fish law provisions; modifying authority to take animals causing damage; modifying the use of scopes by visually impaired hunters; modifying certain license requirements; providing for fishing restrictions on residents from certain states; establishing a boat access fee for residents of certain states; providing for trapper education requirements; providing preference for military members who were on active service; prohibiting computer-assisted remote hunting; eliminating the permit requirement to take lynx, bobcat, and fox with a snare; modifying certain seasons; modifying restrictions on taking waterfowl; authorizing rulemaking; modifying requirements for field training hunting dogs; modifying trapping provisions; modifying restrictions on decoys; modifying disposition of state hatchery products; modifying fishing and commercial fishing provisions; repealing authority for the Mississippi River Fish Refuge; repealing authority to issue certain orders; amending Minnesota Statutes 2004, sections 84.027, subdivision 13; 97A.015, subdivisions 29, 49; 97A.045, subdivision 1; 97A.401, subdivision 5; 97A.405, subdivision 4, by adding a subdivision; 97A.411, subdivision 1; 97A.435, subdivision 2; 97A.441, subdivision 7; 97A.451, subdivision 3; 97A.465, by adding a subdivision; 97A.475, subdivision 7, by adding a subdivision; 97B.005, subdivision 3; 97B.025; 97B.031, subdivisions 1, 5; 97B.111, subdivision 2; 97B.625, subdivision 2; 97B.631, subdivision 2; 97B.655, subdivision 2; 97B.711, subdivision 1; 97B.803; 97B.805, subdivision 1; 97B.811, subdivision 4a; 97C.203; 97C.327; 97C.345, subdivision 2; 97C.395, subdivision 1; 97C.401, subdivision 2; 97C.825, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2004, sections 88.27; 97B.005, subdivision 4; 97B.935; 97C.015; 97C.403; 97C.825, subdivisions 6, 7, 8, 9; Minnesota Rules, part 6234.2300, subparts 2, 3."

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

S.F. No. 896: A bill for an act relating to state lands; authorizing private sale of certain surplus land in Hubbard, Lake, and Wabasha Counties.

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 2004, section 84.033, is amended by adding a subdivision to read:

Subd. 3. [COUNTY APPROVAL.] (a) The commissioner must follow the procedures under section 97A.145, subdivision 2, when acquiring land for designation as a scientific and natural area under this section.

(b) When designating land that was not acquired under this section as a scientific and natural area the commissioner must obtain approval of the designation by resolution of the board of the county in which the land is located.

Sec. 2. Minnesota Statutes 2004, section 97A.093, is amended to read:

97A.093 [HUNTING, TRAPPING, AND FISHING IN SCIENTIFIC AND NATURAL AREAS.]

Except as otherwise provided by law, scientific and natural areas are closed to hunting, trapping, and fishing unless:

(1) ~~for scientific and natural areas designated before May 15, 1992~~, the designating document allows hunting, trapping, or fishing; or

(2) ~~for other scientific and natural areas~~, the commissioner allows hunting, trapping, or fishing in accordance with the procedure in section 86A.05, subdivision 5, paragraph (d).

Sec. 3. Laws 2003, First Special Session chapter 13, section 25, is amended to read:

Sec. 25. [PRIVATE SALE OF SURPLUS LAND BORDERING PUBLIC WATERS; SCOTT COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45; 94.09; 94.10; 97A.135, subdivision 2a; and 103F.535, the commissioner of natural resources shall sell by private sale the surplus land bordering public waters that is described in paragraph (e).

(b) The conveyance shall be in a form approved by the attorney general for consideration of no less than the appraised value of the land.

(c) The deed must contain a restrictive covenant that prohibits altering, disturbing vegetation in, draining, filling, or placing any material or structure of any kind on or in the existing wetland area located on the land; prohibits any increase in run-off rate or volume from the land or future buildings into said wetland; and prohibits diverting or appropriating water from said wetland. This restriction applies only to the public waters wetland on the land identified on the public waters inventory map as 70-148W. Other wetlands on the land are subject to Minnesota Statutes, sections 103G.221 to 103G.2372.

(d) The consideration received for the conveyance shall be deposited in the state treasury and credited to the wildlife acquisition account in the game and fish fund. The money is appropriated to the commissioner of natural resources for wildlife land acquisition purposes.

(e) The land that may be sold is in the Prior Lake wildlife management area in Scott county and is described as:

The East 1200 feet of the South 800 feet of the Southwest Quarter of the Southeast Quarter of Section 22, Township 115 North, Range 22 West. Including the abandoned right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (formerly the Hastings and Dakota Railway Company). Containing 22 acres, more or less.

(f) This land no longer fits into the state wildlife management area system because of hunting limitations, its small size, and future development planned for the area. Proceeds from the sale will be used to purchase lands more suitable for wildlife management and public use.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 4. [PRIVATE SALE OF CONSOLIDATED CONSERVATION LAND; AITKIN COUNTY.]

(a) Notwithstanding the classification and public sale provisions of Minnesota Statutes, chapters 84A and 282, or other law to the contrary, the commissioner of natural resources may sell the consolidated conservation land described in paragraph (c) to Aitkin County under the remaining provisions of Minnesota Statutes, chapters 84A and 282.

(b) The conveyance must be in a form approved by the attorney general. The consideration for the conveyance must be for no less than the appraised value of the land and timber, and any survey costs. Proceeds shall be disposed of according to Minnesota Statutes, chapter 84A.

(c) The land to be sold is in Aitkin County and is described as: the North 400 feet of the West 800 feet of the Northwest Quarter of the Northeast Quarter, Section 22, Township 51, Range 26.

Sec. 5. [PRIVATE SALE OF TAX-FORFEITED LAND; BELTRAMI COUNTY.]

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

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land to be sold is located in Beltrami County, contains 4.87 acres more or less, and is described as: a parcel of land located north of the north right-of-way line of State Highway 71 in the extreme northeasterly corner of the Northwest Quarter of the Northeast Quarter, Section 32, Township 148 North, Range 32 West.

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

Sec. 6. [CONVEYANCE OF TAX-FORFEITED LAND BORDERING ON PUBLIC WATER OR INCLUDING WETLANDS; HENNEPIN COUNTY.]

Subdivision 1. [SALE REQUIREMENTS.] (a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, Hennepin County may sell or convey for public use without monetary consideration to the city of Brooklyn Park, a governmental subdivision, for an authorized public use for Storm Water Retention Area, the parcel of tax-forfeited land bordering public water or natural wetlands containing in excess of 150 feet of frontage on Shingle Creek, that is described in subdivision 2, under the remaining provisions of Minnesota Statutes, chapter 282.

(b) Any such conveyance shall be subject to restrictions imposed by the commissioner of the Department of Natural Resources and subject to the clause for reversion to the state for failure to use, or abandonment of use for which the tax-forfeited lands were acquired in Minnesota Statutes, section 282.01.

(c) The conveyance must be in a form approved by the attorney general.

Subd. 2. [LEGAL DESCRIPTION.] (a) The parcel of land that may be conveyed is described as: Unplatted, Section 30, Township 119, Range 21, the East 187.1 feet of the West 1,182.6 feet of the South 597 feet of the Southwest 1/4 of the Northeast 1/4. Also that part of the Southwest 1/4 of the Northeast 1/4 lying East of the West 1,182.6 feet thereof and lying southwesterly of Registered Land Survey No. 304.

(b) The land described must be sold under the sale provisions in Minnesota Statutes, section 282.01.

(c) Hennepin County has determined that the county's land management interests would best be served if the lands were returned to private ownership or conveyed to a governmental subdivision for an authorized public use.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 7. [CONVEYANCE OF TAX-FORFEITED LAND BORDERING ON PUBLIC WATER OR INCLUDING WETLANDS; HENNEPIN COUNTY.]

Subdivision 1. [SALE REQUIREMENTS.] (a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, Hennepin County may sell or convey for public use without monetary consideration to the city of Minnetrista, a governmental subdivision, for an authorized public use for Preservation of Wetlands and Wildlife, the parcel of tax-forfeited land bordering public water or natural wetlands containing in excess of 150 feet of frontage on Painter Creek and Jennings Bay on Lake Minnetonka, that is described in subdivision 2, under the remaining provisions of Minnesota Statutes, chapter 282.

(b) Any such conveyance shall be subject to restrictions imposed by the commissioner of the Department of Natural Resources and subject to the clause for reversion to the state for failure to use, or abandonment of use for which the tax-forfeited lands were acquired as provided in Minnesota Statutes, section 282.01.

(c) The conveyance must be in a form approved by the attorney general.

Subd. 2. [LEGAL DESCRIPTION.] (a) The parcel of land that may be conveyed is described as: Outlot 2, Sun Valley.

(b) The land described must be sold under the sale provisions in Minnesota Statutes, section 282.01.

(c) Hennepin County has determined that the county's land management interests would best be served if the lands were returned to private ownership or conveyed to a governmental subdivision for an authorized public use.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 8. [CONVEYANCE OF TAX-FORFEITED LAND BORDERING ON PUBLIC WATER OR INCLUDING WETLANDS; HENNEPIN COUNTY.]

Subdivision 1. [SALE REQUIREMENTS.] (a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, Hennepin County may sell or convey to the city of Eden Prairie, a governmental subdivision, for an authorized public use for wetland purposes, the parcel of tax-forfeited land bordering public water or natural wetlands containing in excess of 150 feet of frontage on Lake Idlewild (27-74P), that is described in subdivision 2, under the remaining provisions of Minnesota Statutes, chapter 282.

(b) Any such conveyance shall be subject to restrictions imposed by the commissioner of the Department of Natural Resources and subject to the clause for reversion to the state for failure to use, or abandonment of use for which the tax-forfeited lands were acquired as provided in Minnesota Statutes, section 282.01.

(c) The conveyance must be in a form approved by the attorney general.

Subd. 2. [LEGAL DESCRIPTION.] (a) The parcel of land that may be conveyed is described as Lot 21 except parts platted as Registered Land Survey No. 895 and Idlewood Lake Addition and Anderson Idlewild Addition and Anderson's Idleview, Auditor's Subdivision No. 335, Hennepin County, Minnesota.

(b) The land described must be sold under the sale provisions in Minnesota Statutes, section 282.01.

(c) Hennepin County has determined that the county's land management interests would best be served if the lands were returned to private ownership or conveyed to a governmental subdivision for an authorized public use.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 9. [CONVEYANCE OF TAX-FORFEITED LAND BORDERING ON PUBLIC WATER OR INCLUDING WETLANDS; HENNEPIN COUNTY.]

Subdivision 1. [SALE REQUIREMENTS.] (a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, Hennepin County may sell or convey to the city of Eden Prairie, a governmental subdivision, for an authorized public use of wetland purposes, the parcel of tax-forfeited land bordering public water or natural wetlands containing in excess of 150 feet of frontage on Lake Idlewild (27-74P) or the majority of the parcel under water, that is described in subdivision 2, under the remaining provisions of Minnesota Statutes, chapter 282.

(b) Any such conveyance shall be subject to restrictions imposed by the commissioner of the Department of Natural Resources and subject to the clause for reversion to the state for failure to

use, or abandonment of use for which the tax-forfeited lands were acquired as provided in Minnesota Statutes, section 282.01.

(c) The conveyance must be in a form approved by the attorney general.

Subd. 2. [LEGAL DESCRIPTION.] (a) The parcel of land that may be conveyed is described as Outlot A, Anderson Idlewild Addition.

(b) The land described must be sold under the sale provisions in Minnesota Statutes, section 282.01.

(c) Hennepin County has determined that the county's land management interests would best be served if the lands were returned to private ownership or conveyed to a governmental subdivision for an authorized public use.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 10. [PRIVATE SALE OF SURPLUS STATE LAND; HUBBARD COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale the surplus state land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Hubbard County and is described as follows:

That part of the Northwest Quarter of the Northwest Quarter of Section 22, Township 142 North, Range 33 West, Hubbard County, Minnesota, described as follows:

Beginning at the northeast corner of said Northwest Quarter of the Northwest Quarter, being a 3/4 inch rebar with plastic cap stamped "MN DNR LS 17005" (DNR Monument); thence on a bearing based on the Hubbard County Coordinate System of 1983 of North 88 degrees 51 minutes 21 seconds West, along the north line of said Northwest Quarter of the Northwest Quarter 253.67 feet to a DNR Monument; thence South 04 degrees 03 minutes 57 seconds East 132.71 feet to a DNR Monument; thence South 79 degrees 15 minutes 13 seconds East 248.33 feet to the east line of said Northwest Quarter of the Northwest Quarter and a DNR Monument; thence North 00 degrees 05 minutes 06 seconds East along the east line of said Northwest Quarter of the Northwest Quarter 173.61 feet to the point of beginning, containing 0.87 acres.

(d) The sale would resolve a long-standing unintentional trespass.

Sec. 11. [COUNTY ENVIRONMENTAL TRUST FUND; ITASCA COUNTY.]

(a) Notwithstanding Laws 1998, chapter 389, article 16, section 31, subdivision 4, as amended, Itasca County may spend money in the Itasca County environmental trust fund to acquire the land described in paragraph (b) for public access purposes.

(b) The land to be acquired by Itasca County is described as:

(1) parcel number 91-017-1105; and

(2) parcel number 91-017-1102.

Sec. 12. [PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ITASCA COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale requirements of Minnesota Statutes, chapter 282, Itasca County may sell by private sale the tax-forfeited land bordering public water that is described in paragraph (c), under Minnesota Statutes, section 282.01, subdivision 7.

(b) The conveyance must be in a form approved by the attorney general for the appraised value of the land and include conditions that the existing structures must be removed within one year of the sale and a conservation easement be retained on the parcel.

(c) The land to be sold is located in Itasca County and is described as: Government Lot 9, Section 19, Township 60 North, Range 26 West.

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

Sec. 13. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ITASCA COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Itasca County may sell the tax-forfeited land described in paragraph (c) by public sale, under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general for the appraised value of the land.

(c) The land to be sold is located in Itasca County and is described as:

(1) that part lying west of Highway 65 of the Northwest Quarter of the Northeast Quarter, Section 13, Township 53 North, Range 23 West;

(2) the undivided 1/24th interest in the Northeast Quarter of the Southwest Quarter, Section 13, Township 56 North, Range 25 West;

(3) the undivided 1/24th interest in the Northwest Quarter of the Northwest Quarter, Section 13, Township 56 North, Range 25 West; and

(4) the West 200 feet of the East Half of Government Lot 4, Section 23, Township 58 North, Range 24 West.

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

Sec. 14. [PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; LAKE COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by private sale the surplus state land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The conveyance shall reserve a conservation easement to ensure protection of the fish and wildlife shoreline habitat. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Lake County and is described as follows: an undivided 1/16th interest in Government Lot 7, Section 31, Township 63 North, Range 11 West.

(d) The sale would allow the combination of the 1/16 interest with the remaining 15/16 interest.

Sec. 15. [PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATERS; RICE COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Rice County may sell by private sale the tax-forfeited land bordering public waters described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The sale must be in a form approved by the attorney general.

(c) The land to be sold is located in Rice County and is described as: Lots 3, 4, and 5, Block 2, original plat of Morrystown (parcel #20.0331.000).

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

Sec. 16. [PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; ROSEAU COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, 94.10, and 97A.135, subdivision 2a, the commissioner of natural resources may sell by private sale the surplus state land bordering public waters that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Roseau County and is described as: The southerly 396 feet, south of the south bank of the Roseau River, of the Southwest Quarter of the Northeast Quarter of Section 32, in Township 163 North, Range 40 West of the Fifth Principal Meridian in Roseau County, Minnesota. Said tract of land contains 9.29 acres, more or less.

(d) The department has determined that the public interest is best served if the property were to be conveyed to the Roseau River Watershed District to allow for completion of the district's flood control management plan.

Sec. 17. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, St. Louis County may sell the tax-forfeited lands bordering public water that are described in paragraphs (c) to (g), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyances must be in a form approved by the attorney general. The attorney general may make necessary changes to legal descriptions to correct errors and ensure accuracy.

(c) The land to be sold is located in St. Louis County and is described as:

(1) the westerly 400 feet of the easterly 800 feet of Lot 4, Section 13, Township 54 North, Range 17 West; and

(2) the West Half of the Northwest Quarter of the Southwest Quarter, Section 33, Township 51 North, Range 16 West.

(d) The conveyances of land under this paragraph must retain for the state a 150-foot trout stream easement lying 75 feet on each side of the centerline of the stream. The land to be sold is located in St. Louis County and is described as:

(1) the Northeast Quarter of the Northeast Quarter, Section 7, Township 50 North, Range 18 West;

(2) the North Half of the Northeast Quarter and the North Half of the Northwest Quarter, Section 8, Township 50 North, Range 18 West;

(3) the Northwest Quarter of the Northeast Quarter, except the North Half, and that part of the West 10 acres of the Northeast Quarter of the Northeast Quarter lying south of Lester River and the West 10 acres of the Northeast Quarter of the Northeast Quarter lying north of Lester River, except the North 5 acres, Section 17, Township 51 North, Range 13 West;

(4) the Northwest Quarter of the Southeast Quarter, except the West Half, and the East 165 feet of the West Half of the Northwest Quarter of the Southeast Quarter, Section 5, Township 51 North, Range 13 West;

(5) the East Half of the Southeast Quarter of the Southeast Quarter, Section 34, Township 58 North, Range 20 West; and

(6) Government Lot 2, Section 17, Township 51 North, Range 12 West, Wonderland 1st Addition to the town of Duluth, Lot 22, Block 1.

(e) The conveyance of land under this paragraph must contain a deed restriction that is 75 feet in width along the shoreline, excluding a 15-foot access strip. The land to be sold is located in St. Louis County and is described as: Lot 6, Lot 7, and Lot 8, except the easterly 50 feet, Erickson's Beach, town of Fayal, Section 27, Township 57 North, Range 17 West.

(f) The conveyance of land under this paragraph must contain a deed restriction that is 75 feet in width along the shoreline. The land to be sold is located in St. Louis County and is described as: Lots 64 and 65, Vermilion Dells, 1st Addition Greenwood, Section 2, Township 62 North, Range 16 West.

(g) The conveyances of land under this paragraph must retain for the state a 150-foot conservation easement lying 75 feet on each side of the centerline of the stream. The land to be sold is located in St. Louis County and is described as:

(1) the Northeast Quarter of the Southeast Quarter, Section 31, Township 52 North, Range 14 West;

(2) the Northeast Quarter of the Southwest Quarter, Section 31, Township 52 North, Range 14 West; and

(3) the South Half of the Southwest Quarter of the Southwest Quarter, except the westerly 15 acres, Section 31, Township 52 North, Range 14 West.

(h) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

Sec. 18. [PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.]

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

(b) The conveyances must be in a form approved by the attorney general and, except for the parcel under paragraph (c), clause (4), require the buyers to pay an administration fee to cover expenses incurred by the county. The attorney general may make necessary changes to legal descriptions to correct errors and ensure accuracy.

(c) The land to be sold is located in St. Louis County and is described as:

(1) the West 335 feet of the South 130 feet of the Northwest Quarter of the Northeast Quarter, Section 12, Township 63 North, Range 12 West. This parcel contains 1.0 acres more or less;

(2) the westerly 165.00 feet of the southerly 80.00 feet of the easterly 490.00 feet of the Southeast Quarter of the Southeast Quarter, Section 14, Township 51 North, Range 14 West. This parcel contains 0.3 acres;

(3) Lot 17, Block 5, Lyman Park Division of Duluth;

(4) the West 220 feet of the Southwest Quarter of the Northeast Quarter, Section 11, Township 54 North, Range 15 West; and

(5) the West 115 feet of the Southeast Quarter of the Northeast Quarter of Section 32, Township 63 North, Range 12 West, lying south of the centerline of State Trunk Highway 169 and subject to highway right-of-way easement. This parcel contains 2.5 acres more or less.

(d) The sales under this section resolve unintentional occupancy trespasses.

Sec. 19. [PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.]

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

(b) The sale must be in a form approved by the attorney general for consideration no less than the estimated market value of the land. The attorney general may make necessary changes in the legal description to correct errors and ensure accuracy.

(c) The land to be sold is located in St. Louis County and described as: the North 10 feet of the Northeast Quarter of the Northwest Quarter, Section 16, Township 57 North, Range 17 West, lying east of St. Mary's Lake.

(d) The parcel described in paragraph (c) has been under lease since 1969 in order for the adjoining owner to meet county zoning standards and the parcel is no longer needed for natural resources purposes.

Sec. 20. [PRIVATE SALE OF SURPLUS STATE LAND; WABASHA COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale the surplus state land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. Notwithstanding Minnesota Statutes, section 94.10, the consideration for the conveyance is the estimated value for the land described in paragraph (c) as of January 1976, adjusted for inflation using the implicit price deflator for government consumption expenditures and gross investment for state and local governments prepared by the Bureau of Economic Analysis of the United States Department of Commerce for the period starting with January of 1976 and ending with January of 2005.

(c) The land that may be sold is located in Wabasha County and is described as follows:

That part of the South Half of the Southwest Quarter of Section 14, Township 109 North, Range 10 West, Wabasha County, Minnesota, lying southerly of the following described center line:

Commencing at the southwest corner of said South Half of the Southwest Quarter from which the southeast corner of said South Half of the Southwest Quarter bears East, assumed bearing; thence South 88 degrees 44 minutes East 69.69 feet to the point of beginning; thence North 62 degrees East 72.46 feet; thence North 64 degrees East 48.05 feet; thence East 77.19 feet; thence South 86 degrees East 73.98 feet; thence North 76 degrees East 72.83 feet; thence North 64 degrees East 75.07 feet; thence North 77 degrees East 76.52 feet; thence North 85 degrees East 13.74 feet; thence North 47 degrees East 63.99 feet; thence North 72 degrees East 76.61 feet; thence North 69 degrees East 72.57 feet; thence North 39 degrees East 56.12 feet; thence South 66 degrees East 80.17 feet; thence South 82 degrees East 48.68 feet; thence North 82 degrees East 69.30 feet; thence South 31 degrees East 81.99 feet; thence South 10 degrees East 39.39 feet; thence South 12 degrees East 74.13 feet; thence South 22 degrees East 51.75 feet; thence South 43 degrees East 18.47 feet; thence South 83 degrees East 71.42 feet; thence North 89 degrees East 53.56 feet; thence North 28 degrees East 70.36 feet; thence North 31 degrees East 74.57 feet; thence North 22 degrees East 73.19 feet; thence North 06 degrees East 52.91 feet; thence North 07 degrees East 68.58 feet; thence North 14 degrees East 75.72 feet; thence North 17 degrees East 72.04 feet; thence South 76 degrees East 84.66 feet; thence South 51 degrees East 75.23 feet; thence South 73 degrees East 72.96 feet; thence South 79 degrees East 81.25 feet; thence South 01 degree East 82.11 feet; thence South 05 degrees West 73.45 feet; thence South 22 degrees East 69.17 feet; thence South 72 degrees East 70.65 feet; thence South 79 degrees East 56.89 feet; thence North 79 degrees East 54.55 feet; thence South 37 degrees East 80.95 feet; thence South 26 degrees East 49.79 feet, more or less, to the south line of said South Half of the Southwest Quarter and there terminating, containing 6.4 acres, more or less.

(d) The sale would correct an error in a prior land acquisition that cut off the existing access route to the remainder of the adjacent landowner's property.

Sec. 21. [PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; WASHINGTON COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Washington County may sell the tax-forfeited land described in paragraph (c) by private sale, under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general for the appraised value of the land.

(c) The land to be sold is property ID number 22.032.21.12.0001, located in Washington County, and described as: the Northwest Quarter of the Northeast Quarter of Section 22, Township 32 North, Range 21 West of the 4th Principal Meridian, except the following: that part platted as GREEN VALLEY-2ND PLAT according to the recorded plat thereof. And also except the South 220 feet of the West 40 feet of said Northwest Quarter of the Northeast Quarter. And also except the East 300 feet of the West 750.41 feet of said Northwest Quarter of the Northeast Quarter. And also except commencing at the northwest corner of Lot 4, GREEN VALLEY according to the recorded plat thereof, which point is on the north line of said Section 22; thence East (North 90 degrees 00 minutes East) along the north line of said GREEN VALLEY and said north line of Section 22 a distance of 418 feet to the northeast corner of Lot 7 of said GREEN VALLEY and the point of beginning; thence South 00 degrees 03 minutes East, along the easterly line of said Lot 7, a distance of 295.6 feet to the southeast corner of said Lot 7 and the north line of GREEN VALLEY-2ND PLAT, according to the recorded plat thereof; thence South 76 degrees 49 minutes East, along said north line of GREEN VALLEY-2ND PLAT, a distance of 872.7 feet; thence North 54 degrees 37 minutes 30 seconds East a distance of 202.8 feet; thence North 78 degrees 04 minutes 30 seconds East a distance of 505 feet, more or less, to the shore of Shields Lake; thence northerly, along the shore of Shields Lake, a distance of 280 feet, more or less, to said north line of Section 22; thence West along said north line a distance of 1573.16 feet, more or less, to the point of beginning.

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

Sec. 22. [EASEMENT ON STATE LAND BORDERING PUBLIC WATER; WASHINGTON COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources shall convey an easement on land bordering public water that is described in paragraph (c). The easement shall be issued to the current owners of land who purchased land subject to an easement on the property described in paragraph (c), and shall allow one dock on the property for use by the easement holders.

(b) The conveyance must be in a form approved by the attorney general for consideration of the easement preparation and filing costs, and provide that the easement to a property owner expires when the current owner conveys to another person the property that qualified the person for the easement under paragraph (a). The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land for which an easement is conveyed is located in Washington County and is described as:

part of Government Lot 6, Section 5, Township 29, Range 21, being the South 45 feet lying east of the road, subject to an easement (lot ID# 05.029.21.41.0001).

Sec. 23. [REPEALER.]

Minnesota Statutes 2004, section 84.033, subdivision 2, is repealed."

Delete the title and insert:

"A bill for an act relating to natural resources; state lands; modifying requirements for designation of scientific and natural areas; authorizing the private sale of certain surplus state lands; authorizing the public and private sale of certain tax-forfeited lands bordering public waters; providing for an easement on state land bordering a public water; amending Minnesota Statutes 2004, sections 84.033, by adding a subdivision; 97A.093; Laws 2003, First Special Session chapter 13, section 25; repealing Minnesota Statutes 2004, section 84.033, subdivision 2."

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

S.F. No. 1267: A bill for an act relating to Hennepin County; modifying regional park district provisions; amending Minnesota Statutes 2004, sections 383B.68, subdivisions 2, 4; 383B.703; 383B.71; 383B.73, subdivision 1.

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

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2004, section 383B.68, subdivision 1, is amended to read:

Subdivision 1. [AS PROVIDED IN THIS SECTION.] ~~Effective January 1, 1983, and~~ Notwithstanding any provision of sections 398.02 to 398.04, or any other law to the contrary, the Board of Park District Commissioners of the ~~Hennepin County~~ Three Rivers Park Reserve District shall consist of seven commissioners appointed or elected as provided in this section."

Page 2, after line 28, insert:

"Sec. 4. Minnesota Statutes 2004, section 383B.70, is amended to read:

383B.70 [COMPENSATION OF COMMISSIONERS.]

Notwithstanding the provisions of section 398.05 or any other law, the compensation of commissioners of the ~~suburban Hennepin regional~~ Three Rivers Park District must be set by the board of park commissioners.

Sec. 5. Minnesota Statutes 2004, section 383B.702, is amended to read:

383B.702 [DEPOSITORIES.]

Notwithstanding section 398.18, the ~~Hennepin County~~ Three Rivers Park Reserve District may exercise the powers of a municipality under chapter 118A."

Page 2, line 32, delete "Three Rivers" and insert "Suburban Hennepin Regional"

Page 3, after line 15, insert:

"Sec. 8. Minnesota Statutes 2004, section 383B.72, is amended to read:

383B.72 [LAND ACQUISITION; TOWN CONSENT.]

Notwithstanding the provisions of section 398.09, the Board of Park District Commissioners of the ~~Hennepin County~~ Three Rivers Park Reserve District, before acquiring by purchase or condemnation real estate located within the boundaries of any organized town in Hennepin County, other than real estate located within an area designated for development of a park in the most recent revised plan which has been prepared by the district in accordance with section 398.19, and is on file on June 9, 1971, with the state department of parks, shall secure the consent of the town board of such town to such acquisition, by resolution duly adopted by such board."

Page 4, after line 20, insert:

"Sec. 10. Minnesota Statutes 2004, section 398.10, is amended to read:

398.10 [PARK SUPERINTENDENT; EMPLOYEES.]

The board shall, by secret ballot, elect a park superintendent to serve as the chief administrative officer of the park district. Such election shall be for terms of not to exceed ~~two~~ five years and the superintendent shall serve at the pleasure of the board. No person shall be elected superintendent unless the person has had at least ten years experience in business or in public administration, at least five years of which shall have been in a responsible administrative capacity and at least three years in the administration of parks or recreation. The salary of the superintendent shall be set by the board. The superintendent or a designee shall serve as secretary to the board. The secretary shall, promptly after selection, file with the board a bond in the penal sum of \$10,000, with good and sufficient sureties acceptable to the board of park district commissioners.

The board shall have power to appoint such officers, agents and employees as it deems necessary for the proper administration of the district. The officers, agents and employees shall perform such duties and receive such compensation as the board may determine and shall be removable at the pleasure of the board.

Sec. 11. Minnesota Statutes 2004, section 609.531, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purpose of sections 609.531 to 609.5318, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a dangerous weapon as defined under section 609.02, subdivision 6, that the actor used or had in possession in furtherance of a crime.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the Bureau of Criminal Apprehension, the Minnesota Division of Driver and Vehicle Services, the Minnesota State Patrol, a county sheriff's department, the ~~Suburban Hennepin Regional~~ Three Rivers Park District park rangers, the Department of Natural Resources Division of Enforcement, the University of Minnesota Police Department, or a city or airport police department.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter, chapter 152, or chapter 624;

(2) for driver's license or identification card transactions: any violation of section 171.22; and

(3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 609.895; 617.246; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "providing for a longer term of office for the park superintendent;"

Page 1, line 4, after "subdivisions" insert "1," and after the first semicolon, insert "383B.70; 383B.702;"

Page 1, line 5, after "383B.71;" insert "383B.72;" and before the period, insert "; 398.10; 609.531, subdivision 1"

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 re-referred

S.F. No. 984: A bill for an act relating to human services; modifying programs and services for persons with disabilities; amending Minnesota Statutes 2004, sections 256B.04, by adding a subdivision; 256B.056, subdivisions 3, 5c; 256B.057, subdivision 9; 256B.0575; 256B.0621, subdivisions 2, 3, 4, 5, 6, 7, by adding a subdivision; 256B.0622, subdivision 2; 256B.0625, subdivision 9; 256B.0916, by adding a subdivision; 256B.092, subdivision 4b; 256B.35, subdivision 1; 256B.49, subdivisions 13, 14, 16; 256B.5012, by adding a subdivision; 256B.69, subdivision 23; 256B.765; 256D.03, subdivision 4; 256L.03, subdivisions 1, 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 Higgins from the Committee on State and Local Government Operations, to which was re-referred

S.F. No. 237: A bill for an act relating to a University of Minnesota football stadium; providing a process for state support of a football stadium at the University of Minnesota; appropriating money; amending Minnesota Statutes 2004, sections 297A.71, by adding a subdivision; 340A.404, subdivision 4a; 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 2, line 31, after the period, insert "The board must ensure to the greatest extent practicable, that materials derived from American made steel are used in the construction of the stadium."

Page 3, line 21, after the period, insert "The board must also certify to the commissioner that a provision for affordable access for University students to the University sporting events held at the football stadium has been made."

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

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

S.F. No. 708: A bill for an act relating to state government; classifying certain investment-related data of the State Board of Investment; amending Minnesota Statutes 2004, sections 11A.24, subdivision 6; 13.635, 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 2004, section 11A.24, subdivision 6, is amended to read:

Subd. 6. [OTHER INVESTMENTS.] (a) In addition to the investments authorized in subdivisions 1 to 5, and subject to the provisions in paragraph (b), the state board may invest funds in:

(1) venture capital investment businesses through participation in limited partnerships, trusts, private placements, limited liability corporations, limited liability companies, limited liability partnerships, and corporations;

(2) real estate ownership interests or loans secured by mortgages or deeds of trust or shares of real estate investment trusts through investment in limited partnerships, bank sponsored collective funds, trusts, mortgage participation agreements, and insurance company commingled accounts, including separate accounts;

(3) regional and mutual funds through bank sponsored collective funds and open-end investment companies registered under the Federal Investment Company Act of 1940, and closed-end mutual funds listed on an exchange regulated by a governmental agency;

(4) resource investments through limited partnerships, trusts, private placements, limited liability corporations, limited liability companies, limited liability partnerships, and corporations; and

(5) international securities.

(b) The investments authorized in paragraph (a) must conform to the following provisions:

(1) the aggregate value of all investments made according to paragraph (a), clauses (1) to (4), may not exceed 35 percent of the market value of the fund for which the state board is investing;

(2) there must be at least four unrelated owners of the investment other than the state board for investments made under paragraph (a), clause (1), (2), (3), or (4);

(3) state board participation in an investment vehicle is limited to 20 percent thereof for investments made under paragraph (a), clause (1), (2), (3), or (4); and

(4) state board participation in a limited partnership does not include a general partnership interest or other interest involving general liability. The state board may not engage in any activity as a limited partner which creates general liability.

(c) All financial or proprietary data received, prepared, used, or retained by the state board in connection with investments authorized by paragraph (a), clause (1), (2), or (4), are nonpublic data under section 13.02, subdivision 9. As used in this section, "financial or proprietary data" means information, as determined by the executive director: (i) that is of a financial or proprietary nature; and (ii) the release of which could cause competitive harm to the state board, the legal entity in which the state board has invested or has considered an investment, the managing entity of an investment, or a portfolio company in which the legal entity holds an interest. Regardless of whether they could be considered financial or proprietary data, the following data received, prepared, used, or retained by the state board in connection with investments authorized by paragraph (a), clause (1), (2), or (4), are public at all times:

(1) the name and industry group classification of the legal entity in which the state board has invested or in which the state board has considered an investment;

(2) the state board commitment amount, if any;

(3) the funded amount of the state board's commitment to date, if any;

(4) the market value of the investment by the state board;

(5) the state board's internal rate of return for the investment, including expenditures and receipts used in the calculation of the investment's internal rate of return; and

(6) the age of the investment in years.

Sec. 2. Minnesota Statutes 2004, section 13.635, is amended by adding a subdivision to read:

Subd. 1a. [STATE BOARD OF INVESTMENT.] Certain government data of the State Board of Investment related to investments are classified under section 11A.24, subdivision 6.

Sec. 3. [EFFECTIVE DATE.]

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

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

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

S.F. No. 1197: A bill for an act relating to education; granting school districts the authority to offer certain rewards; amending Minnesota Statutes 2004, section 123B.02, by adding a subdivision.

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

Page 1, line 11, delete "or persons" and delete "have" and insert "has"

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

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

S.F. No. 649: A bill for an act relating to education; allowing administrative regions of the high school league to contract with private auditors; amending Minnesota Statutes 2004, section 128C.12, 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 2004, section 128C.12, subdivision 1, is amended to read:

Subdivision 1. [DUES AND EVENTS REVENUE.] (a) The state auditor annually must examine the accounts of, and audit all money paid to, the State High School League by its members. The audit must include financial and compliance issues. ~~The state auditor audit must also audit include all money derived from any event sponsored by the league. League audits must include audits of administrative regions of the league. The league and its administrative regions may not contract with private auditors. The scope of the state auditor's examinations of the league must be agreed upon by the board and the state auditor, provided that all requirements of this section must be met.~~

(b) The administrative regions of the league may contract with the state auditor or with a private certified public accountant for the audit required by this section. If the audit is performed by a private certified public accountant, the state auditor may require additional information from the private certified public accountant as the state auditor deems in the public interest. The state auditor may accept the audit or make additional examinations as the state auditor deems to be in the public interest.

Sec. 2. Minnesota Statutes 2004, section 128C.12, subdivision 3, is amended to read:

~~Subd. 3. [COPIES.] The state auditor board must file copies of the financial and compliance audit report with the commissioner of education and the director of the Legislative Reference Library.~~

Sec. 3. [REPEALER.]

Minnesota Statutes 2004, section 128C.12, subdivision 4, is repealed."

Amend the title as follows:

Page 1, line 2, delete "allowing" and insert "authorizing"

Page 1, line 5, delete "subdivision 1" and insert "subdivisions 1, 3; repealing Minnesota Statutes 2004, section 128C.12, subdivision 4"

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

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

S.F. No. 1265: A bill for an act relating to education; providing state facilities aid to charter schools to lease, purchase, renovate, or construct school buildings or rent, lease, or purchase land; amending Minnesota Statutes 2004, section 124D.11, subdivisions 4, 7, by adding a subdivision.

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

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

S.F. No. 1319: A bill for an act relating to campaign finance; changing certain reporting requirements; redefining inactivity; requiring assumption of certain liabilities; changing certain limits; changing public subsidy distribution requirements; amending Minnesota Statutes 2004, sections 10A.20, subdivisions 2, 5, by adding a subdivision; 10A.24, subdivision 2; 10A.242, subdivision 2; 10A.25, subdivision 2; 10A.31, subdivisions 6, 7; 10A.323.

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

Page 1, line 16, delete "\$15,000" and insert "\$50,000"

Page 7, line 14, delete the new language and reinstate the stricken language

Page 7, lines 15 and 16, delete the new language

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

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

S.F. No. 1086: A bill for an act relating to elections; authorizing early voting by absentee ballot at certain locations without qualification; amending Minnesota Statutes 2004, section 203B.02, 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 2004, section 201.022, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] The secretary of state shall maintain a statewide voter registration system to facilitate voter registration and to provide a central database containing voter registration information from around the state. The system must be accessible to the county auditor of each county in the state. The system must also:

(1) provide for voters to submit their voter registration applications to any county auditor, the secretary of state, or the Department of Public Safety;

(2) provide for the definition, establishment, and maintenance of a central database for all voter registration information;

- (3) provide for entering data into the statewide registration system;
- (4) provide for electronic transfer of completed voter registration applications from the Department of Public Safety to the secretary of state or the county auditor;
- (5) assign a unique identifier to each legally registered voter in the state;
- (6) provide for the acceptance of the Minnesota driver's license number, Minnesota state identification number, and last four digits of the Social Security number for each voter record;
- (7) coordinate with other agency databases within the state;
- (8) allow county auditors and the secretary of state to add or modify information in the system to provide for accurate and up-to-date records;
- (9) allow county auditors, municipal and school district clerks, and the secretary of state to have electronic access to the statewide registration system for review and search capabilities;
- (10) provide security and protection of all information in the statewide registration system and ensure that unauthorized access is not allowed;
- (11) provide access to municipal clerks to use the system;
- (12) provide a system for each county to identify the precinct to which a voter should be assigned for voting purposes;
- (13) provide daily reports accessible by county auditors on the driver's license numbers, state identification numbers, or last four digits of the Social Security numbers submitted on voter registration applications that have been verified as accurate by the secretary of state; ~~and~~
- (14) provide reports on the number of absentee ballots transmitted to and returned and cast by voters under section 203B.16; and
- (15) provide rosters, master lists, and other reports necessary for early voting.

The appropriate state or local official shall provide security measures to prevent unauthorized access to the computerized list established under section 201.021.

Sec. 2. Minnesota Statutes 2004, section 203B.02, subdivision 1, is amended to read:

Subdivision 1. ~~[UNABLE TO GO TO POLLING PLACE ELIGIBILITY FOR ABSENTEE VOTING.] Any eligible voter who reasonably expects to be unable to go to the polling place on election day in the precinct where the individual maintains residence because of absence from the precinct, illness, disability, religious discipline, observance of a religious holiday, or service as an election judge in another precinct may vote by absentee ballot as provided in sections 203B.04 to 203B.15.~~

Sec. 3. Minnesota Statutes 2004, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION PROCEDURES.] Except as otherwise allowed by subdivision 2, an application for absentee ballots for any election may be submitted at any time not less than one day before the day of that election. The county auditor shall prepare absentee ballot application forms in the format provided in the rules of the secretary of state and shall furnish them to any person on request. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

- (a) (1) the county auditor of the county where the applicant maintains residence; or
- (b) (2) the municipal clerk of the municipality, or school district if applicable, where the applicant maintains residence.

An application shall be approved if it is timely received, signed and dated by the applicant,

contains the applicant's name and residence and mailing addresses, and states that the applicant is eligible to vote by absentee ballot ~~for one of the reasons specified in section 203B.02~~. The application may contain a request for the voter's date of birth, which must not be made available for public inspection. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device. An application mailed or returned in person to the county auditor or municipal clerk on behalf of a voter by a person other than the voter must be deposited in the mail or returned in person to the county auditor or municipal clerk within ten days after it has been dated by the voter and no later than six days before the election. The absentee ballot applications or a list of persons applying for an absentee ballot may not be made available for public inspection until the close of voting on election day.

An application under this subdivision may contain an application under subdivision 5 to automatically receive an absentee ballot application.

Sec. 4. Minnesota Statutes 2004, section 203B.085, is amended to read:

203B.085 [COUNTY AUDITOR'S AND MUNICIPAL CLERK'S OFFICES TO REMAIN OPEN DURING CERTAIN HOURS PRECEDING ELECTION.]

The county auditor's office in each county and the clerk's office in each city or town authorized under section 203B.05 to administer absentee balloting must be open for acceptance of absentee ballot applications and casting of absentee ballots from 10:00 a.m. to 3:00 p.m. on Saturday and until ~~5:00 p.m.~~ 12:00 noon on the day immediately preceding a primary, special, or general election unless that day falls on a Saturday or Sunday. Town clerks' offices must be open for absentee voting from 10:00 a.m. to 12:00 noon on the Saturday before a town general election held in March. The school district clerk, when performing the county auditor's election duties, need not comply with this section.

Sec. 5. [203B.30] [EARLY VOTING.]

Subdivision 1. [AUTHORIZATION; POLLING PLACE DESIGNATION.] An eligible voter may cast a ballot at the county auditor's office or at any other polling place designated for early voting by the county auditor during the eight days before a regularly scheduled primary or election. Early voting on the Saturday and Monday before the election must occur during the same hours provided for absentee voting. The county auditor shall designate the polling places for early voting no later than 90 days before the election and publish a notice of the early voting polling place locations one week before the first day for early voting.

Subd. 2. [VOTING PROCEDURE.] A voter shall sign an early voting roster that must include the certification provided in section 204C.10. An individual who is not registered to vote must register in the manner provided in section 201.061, subdivision 3. After the roster has been signed, the appropriate ballot for the voter's precinct, initialed by two election judges, must be provided to the voter. The ballot must be marked by the voter and deposited in either a precinct voting system or in a sealed ballot box. A voter may not leave the polling place with the ballot.

Subd. 3. [RECORD OF VOTING.] The county auditor shall provide the municipal clerks with the names of individuals who have signed the early voting roster. The polling place rosters must be marked no later than 7:00 a.m. on election day to indicate the voters who have cast a ballot by early voting. The rosters may be marked either by the municipal clerk before election day or by the election judges on election day. A voter who has cast a ballot by early voting must not be permitted to vote at the polling place on election day. An absentee ballot received from a voter who has cast a ballot by early voting must be rejected by the election judges.

Subd. 4. [COUNTING AND COMPILING VOTES.] Before election day, the county auditor shall remove the early-voted ballots from the ballot box or precinct voting system, sort the ballots by precinct, and enclose them in a sealed envelope or container. If the ballots have not been counted, they must be delivered either to the election judges at the appropriate polling place or to the counting center before the close of voting on election day. Ballots that have been counted must be securely stored by the county auditor with the balance of the ballots from each respective precinct and the vote totals from these ballots must be added to the results from the polling place.

Vote totals from early voting may not be made public until the close of voting on election day.

Subd. 5. [SPECIAL ELECTIONS.] Early voting for a special election must begin no earlier than four days before the election."

Delete the title and insert:

"A bill for an act relating to elections; authorizing early voting; making it easier to vote by absentee ballot; amending Minnesota Statutes 2004, sections 201.022, subdivision 1; 203B.02, subdivision 1; 203B.04, subdivision 1; 203B.085; proposing coding for new law in Minnesota Statutes, chapter 203B."

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

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

S.F. No. 852: A bill for an act relating to elections; facilitating voter registration by college students; amending Minnesota Statutes 2004, sections 135A.17, subdivision 2; 201.061, 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 2004, section 135A.17, subdivision 2, is amended to read:

Subd. 2. [RESIDENTIAL HOUSING LIST.] All postsecondary institutions that enroll students accepting state or federal financial aid ~~may shall~~ prepare a current list of students the name and address of each student enrolled in the institution and residing in the institution's housing or in other housing within ~~ten miles of~~ the county, or a county contiguous to the county, where the institution's campus is located. Institutions that do not consider student addresses to be public information under applicable federal and state privacy laws shall make release forms available to all students authorizing the institution to provide the addresses to the county auditor. The list shall include each student's current be based on the most recent residence address the student has provided to the institution. If the student gives the institution, before the list is sent to the county auditor or auditors, a written request that the student's name and residence address be omitted from the list, the institution must honor the request. The list shall be certified and sent to the appropriate county auditor or auditors for use in election day registration as provided under section 201.061, subdivision 3.

Sec. 2. Minnesota Statutes 2004, section 201.061, subdivision 3, is amended to read:

Subd. 3. [ELECTION DAY REGISTRATION.] An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration application, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

(1) presenting a driver's license or Minnesota identification card issued pursuant to section 171.07;

(2) presenting a current and valid photo identification that shows the name and valid residential address of the voter;

(3) presenting a copy of a current utility bill, signed residential lease, wireless telephone bill, bank statement, government check, paycheck, or other government document that shows the name and valid residential address of the voter;

(4) presenting any document approved by the secretary of state as proper identification;

(3) (5) presenting one of the following:

(i) a current valid student identification card from a postsecondary educational institution in Minnesota, if a list of students from that institution has been prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state; or

(ii) a current student fee statement that contains the student's valid residential address in the precinct together with a picture identification card;

(iii) a copy of a current student registration card that contains the student's valid residential address in the precinct; or

(iv) a current student monthly rental statement that contains the student's valid residential address in the precinct; or

(4) (6) having a voter who is registered to vote in the precinct sign an oath in the presence of the election judge vouching that the voter personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day.

For tribal band members ~~living on an Indian reservation~~, an individual may prove residence for purposes of registering by presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, street address, signature, and picture of the individual. ~~The county auditor of each county having territory within the reservation shall maintain a record of the number of election day registrations accepted under this section.~~

A county, school district, or municipality may require that an election judge responsible for election day registration initial each completed registration application.

Sec. 3. Minnesota Statutes 2004, section 201.061, is amended by adding a subdivision to read:

Subd. 3a. [DEFINITIONS.] (a) The definitions in this subdivision apply to subdivision 3.

(b) "Bank statement" includes a bank statement, investment account statement, brokerage statement, pension fund statement, dividend check, or any other notice or letter from a financial institution relating to an account or investment held by the voter at the financial institution.

(c) "Government check" includes a Social Security Administration check statement or a check stub or electronic deposit receipt from a public assistance payment or tax refund or credit.

(d) "Other government document" includes military identification; a document issued by a governmental entity that qualifies for use as identification for purposes of acquiring a driver's license in this state; a Metro Mobility card; a property tax statement; a public housing lease or rent statement or agreement, or a rent statement or agreement provided under a subsidized housing program; a document or statement provided to a voter as evidence of income or eligibility for a tax deduction or tax credit; a periodic notice from a federal, state, or local agency for a public assistance program, such as the Minnesota family investment program, food stamps, general assistance, medical assistance, general assistance medical care, MinnesotaCare, unemployment benefits, or Social Security; an insurance card for a government administered or subsidized health insurance program; or a discharge certificate, pardon, or other official document issued to the voter in connection with the resolution of a criminal case, indictment, sentence, or other matter, in accordance with state law.

(e) "Paycheck" includes a check stub or electronic deposit receipt.

(f) "Utility bill" includes a bill for gas, electricity, telephone, wireless telephone, cable television, solid waste, water, or sewer services."

Delete the title and insert:

"A bill for an act relating to elections; facilitating voter registration by college students and others; amending Minnesota Statutes 2004, sections 135A.17, subdivision 2; 201.061, subdivision 3, by adding a subdivision."

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. 1143: A bill for an act relating to domestic abuse; expanding the applicability of the domestic abuse no contact order; amending Minnesota Statutes 2004, section 518B.01, subdivision 22.

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 2004, section 518B.01, subdivision 22, is amended to read:

Subd. 22. [~~VIOLATION OF A~~ DOMESTIC ABUSE NO CONTACT ORDER.] (a) A domestic abuse no contact order is an order issued by a court against a defendant in a criminal proceeding for:

(1) domestic abuse;

(2) harassment or stalking charged under section 609.749 and committed against a family or household member;

(3) violation of an order for protection charged under subdivision 14; or

(4) violation of a prior domestic abuse no contact order charged under this subdivision.

It includes pretrial orders before final disposition of the case and probationary orders after sentencing.

(b) A person who knows of the existence of a domestic abuse no contact order issued against the person and violates the order is guilty of a misdemeanor.

(c) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated a domestic abuse no contact order, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The person shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions."

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

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

S.F. No. 778: A bill for an act relating to crimes; permitting Bureau of Criminal Apprehension to certify chemical test results directly to commissioner of public safety for driver's license action; further limiting scope of judicial review of license plate impoundment order; expanding proof of service requirement for petitioner appealing license plate impoundment or vehicle forfeiture order; clarifying conditions under which new license plates may be issued following plate impoundment; strengthening the process for assessing chemical dependency of impaired driving violators; amending Minnesota Statutes 2004, sections 169A.52, subdivision 4; 169A.60, subdivisions 10, 11; 169A.63, subdivision 8; 169A.70, subdivision 3, by adding subdivisions.

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

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

S.F. No. 1603: A bill for an act relating to railroads; prohibiting railroad company from obstructing treatment of railroad worker injured on the job or from disciplining or threatening to discipline injured railroad employee for requesting treatment or first aid; proposing coding for new law in Minnesota Statutes, chapter 219.

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

Page 1, lines 20 and 21, delete "The commissioner of transportation may issue an order assessing" and insert "A person who believes that the person has been affected by a violation of section 1 may file a complaint with the commissioner of labor and industry who shall refer it to the Office of Administrative Hearings for consideration as a contested case. Upon finding a violation, the administrative law judge may assess"

Page 1, line 24, delete "commissioner" and insert "administrative law judge"

Page 2, line 4, delete "an expedited administrative hearing or"

Page 2, line 5, delete everything after the period

Page 2, delete line 6

Page 2, line 7, delete everything before "Judicial"

Page 2, delete lines 10 to 13

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 Betzold from the Committee on Judiciary, to which was referred

S.F. No. 1010: A bill for an act relating to creditors remedies; prohibiting prejudgment garnishment in certain circumstances; amending Minnesota Statutes 2004, sections 551.05, subdivisions 1a, 3, 4, by adding a subdivision; 571.71; 571.72, subdivision 4; 571.79; 571.912; 571.914, subdivisions 1, 2, 4; 571.93, subdivision 1; repealing Minnesota Statutes 2004, sections 551.05, subdivisions 5, 6; 571.914, subdivision 3.

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

Pages 8 to 11, delete sections 5 to 7

Pages 19 and 20, delete section 12

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 2 and 3, delete "prohibiting prejudgment garnishment in certain circumstances" and insert "requiring creditors to arrange for hearings on exemption claims"

Page 1, line 6, delete "571.71; 571.72, subdivision 4; 571.79;"

Page 1, line 7, delete "571.93, subdivision 1;"

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

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

S.F. No. 1459: A bill for an act relating to insurance; creating a statewide health insurance pool for school district employees; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

Page 2, lines 6, 9, and 11, delete "seven" and insert "six"

Page 2, line 8, delete "and"

Page 2, line 10, before the period, insert "; and

(3) three members appointed by the governor pursuant to section 15.0575"

Page 2, line 13, delete "four" and insert "three"

Page 2, delete lines 26 to 28

Page 2, line 29, delete "(f)" and insert "(e)"

Page 3, line 22, after the period, insert "The health plans must use the quality and performance measurements established for use by the state for its employee and public assistance programs.

(g) The board must confer with the service cooperatives and make a recommendation to the legislature on how health insurance reserves currently held by the service cooperatives will be dispensed."

Page 3, after line 31, insert:

"(i) Effective July 1, 2005, no contract entered into between an eligible employer and an eligible employee or the exclusive representative of an eligible employee shall contain provisions that establish cash payment in lieu of health insurance to an eligible employee if the employee is not receiving such payment on or before June 30, 2005. Nothing in this section shall prevent any eligible employee who otherwise qualifies for payment of cash in lieu of insurance on June 30, 2005, to continue to receive this payment.

Subd. 5. [MCHA MEMBERSHIP AND ASSESSMENTS.] The board is a contributing member of the Minnesota Comprehensive Health Association and must pay assessments made by the association on its premium revenues, as provided in section 62E.11, subdivision 5, paragraph (b).

Subd. 6. [PREMIUM TAX OBLIGATIONS.] The board must pay taxes on premiums as provided in section 2971.05, subdivision 5, paragraph (c)."

Page 3, line 32, delete "5" and insert "7"

Page 4, line 3, delete "6" and insert "8"

Page 4, after line 12, insert:

"Sec. 2. Minnesota Statutes 2004, section 62E.02, subdivision 23, is amended to read:

Subd. 23. [CONTRIBUTING MEMBER.] "Contributing member" means those companies regulated under chapter 62A and offering, selling, issuing, or renewing policies or contracts of accident and health insurance; health maintenance organizations regulated under chapter 62D; nonprofit health service plan corporations regulated under chapter 62C; community integrated service networks regulated under chapter 62N; fraternal benefit societies regulated under chapter 64B; the Minnesota employees insurance program established in section 43A.317, effective July 1, 1993; and joint self-insurance plans regulated under chapter 62H; and the Minnesota School Employee Insurance Board created under section 62A.662. For the purposes of determining liability of contributing members pursuant to section 62E.11 payments received from or on behalf of Minnesota residents for coverage by a health maintenance organization or, a community integrated service network, or the Minnesota School Employee Insurance Board shall be considered to be accident and health insurance premiums.

Sec. 3. Minnesota Statutes 2004, section 62E.10, subdivision 1, is amended to read:

Subdivision 1. [CREATION; TAX EXEMPTION.] There is established a Comprehensive Health Association to promote the public health and welfare of the state of Minnesota with membership consisting of all insurers; self-insurers; fraternal; joint self-insurance plans regulated under chapter 62H; the Minnesota employees insurance program established in section 43A.317, effective July 1, 1993; the Minnesota School Employee Insurance Board created under section 62A.662; health maintenance organizations; and community integrated service networks licensed or authorized to do business in this state. The Comprehensive Health Association is exempt from the taxes imposed under chapter 297I and any other laws of this state and all property owned by the association is exempt from taxation.

Sec. 4. Minnesota Statutes 2004, section 62E.11, subdivision 5, is amended to read:

Subd. 5. [ALLOCATION OF LOSSES.] (a) Each contributing member of the association shall share the losses due to claims expenses of the comprehensive health insurance plan for plans issued or approved for issuance by the association, and shall share in the operating and administrative expenses incurred or estimated to be incurred by the association incident to the conduct of its affairs. Claims expenses of the state plan which exceed the premium payments allocated to the payment of benefits shall be the liability of the contributing members. Contributing members shall share in the claims expense of the state plan and operating and administrative expenses of the association in an amount equal to the ratio of the contributing member's total accident and health insurance premium, received from or on behalf of Minnesota residents as divided by the total accident and health insurance premium, received by all contributing members from or on behalf of Minnesota residents, as determined by the commissioner. Payments made by the state to a contributing member for medical assistance, MinnesotaCare, or general assistance medical care services according to chapters 256, 256B, and 256D shall be excluded when determining a contributing member's total premium.

(b) In making the allocation of losses provided in paragraph (a), the association's assessment against the Minnesota School Employee Insurance Board must equal the product of (1) the percentage of premiums assessed against other association members; (2) .3885; and (3) premiums received by the Minnesota School Employee Insurance Board. For purposes of this calculation, premiums of the board used must be net of rate credits and retroactive rate refunds on the same basis as the premiums of other association members.

Sec. 5. Minnesota Statutes 2004, section 297I.05, subdivision 5, is amended to read:

Subd. 5. [HEALTH MAINTENANCE ORGANIZATIONS, NONPROFIT HEALTH SERVICE PLAN CORPORATIONS, AND COMMUNITY INTEGRATED SERVICE NETWORKS, AND THE MINNESOTA SCHOOL EMPLOYEE INSURANCE BOARD.] (a) Health maintenance organizations, community integrated service networks, and nonprofit health care service plan corporations are exempt from the tax imposed under this section for premiums received in calendar years 2001 to 2003.

(b) For calendar years after 2003, a tax is imposed on health maintenance organizations, community integrated service networks, and nonprofit health care service plan corporations. The rate of tax is equal to one percent of gross premiums less return premiums received in the calendar year.

(c) A tax is imposed on the Minnesota School Employee Insurance Board under section 62A.662. The rate of tax is equal to .36 percent of gross premiums less return premiums received in the calendar year.

(d) In approving the premium rates as required in sections 62L.08, subdivision 8, and 62A.65, subdivision 3, the commissioners of health and commerce shall ensure that any exemption from tax as described in paragraph (a) is reflected in the premium rate.

~~(d)~~ (e) The commissioner shall deposit all revenues, including penalties and interest, collected under this chapter from health maintenance organizations, community integrated service networks, and nonprofit health service plan corporations, and the Minnesota School Employee Insurance Board in the health care access fund. Refunds of overpayments of tax imposed by this subdivision

must be paid from the health care access fund. There is annually appropriated from the health care access fund to the commissioner the amount necessary to make any refunds of the tax imposed under this subdivision."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "amending Minnesota Statutes 2004, sections 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 5; 297I.05, subdivision 5;"

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

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

S.F. No. 1371: A bill for an act relating to local government; increasing compensation of watershed district managers; providing for board elections; clarifying who can enter onto land; amending Minnesota Statutes 2004, sections 103D.225, subdivision 4; 103D.315, subdivisions 6, 8; 103D.335, subdivision 14.

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

Pages 1 and 2, delete sections 1 and 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 3 and 4, delete "providing for board elections;"

Page 1, line 5, delete "103D.225,"

Page 1, line 6, delete "subdivision 4;" and delete "subdivisions 6," and insert "subdivision"

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. 1689: A bill for an act relating to public safety; criminalizing certain acts related to the unlawful trafficking in persons; providing for the forfeiture of certain property of the offender in these cases; specifically including conduct involving sex trafficking in the promoting of prostitution crime; modifying the distribution formula for prostitution and sex trafficking-related forfeiture proceeds; amending Minnesota Statutes 2004, sections 609.321, subdivisions 1, 7, by adding subdivisions; 609.325, by adding a subdivision; 609.531, subdivision 1; 609.5315, subdivision 1, by adding a subdivision; 628.26; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Page 2, line 16, before "TRAFFICKING" insert "LABOR" and before "Trafficking" insert "Labor"

Page 2, line 25, before "TRAFFICKING" insert "LABOR" and before "Trafficking" insert "Labor"

Page 2, line 27, before "TRAFFICKING" insert "LABOR"

Page 2, line 28, after "the" insert "labor"

Page 2, line 33, before "TRAFFICKING" insert "LABOR OR SEX"

Page 3, line 14, before "TRAFFICKING" insert "LABOR OR SEX"

Page 3, line 19, before "trafficking" insert "labor"

Page 3, line 25, delete "or" and insert a comma

Page 3, line 26, after the comma, insert "or 609.322,"

Page 5, line 8, before "trafficking" insert "labor"

Page 5, line 13, delete "substantial"

Amend the title as follows:

Page 1, line 6, delete "sex"

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

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

S.F. No. 1452: A bill for an act relating to corrections; authorizing the commissioner of corrections to appoint individuals to the Advisory Council on Interstate Adult Offender Supervision; amending Minnesota Statutes 2004, section 243.1606, subdivision 1.

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

Page 1, after line 26, insert:

"Sec. 2. [REPEALER.]

Minnesota Statutes 2004, section 243.162, is repealed."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "repealing the law requiring collection of data on interstate offenders;"

Page 1, line 6, before the period, insert "; repealing Minnesota Statutes 2004, section 243.162"

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

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

S.F. No. 1028: A bill for an act relating to human services; providing for discharge plans for offenders with serious and persistent mental illness who are released from county jails or county regional jails; appropriating money; amending Minnesota Statutes 2004, section 244.054; proposing coding for new law in Minnesota Statutes, chapter 641.

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

Page 4, line 27, delete "human" and insert "corrections"

Page 4, line 28, delete "services" and delete "corrections" and insert "human services"

Page 5, lines 1 and 2, delete "human services" and insert "corrections"

Amend the title as follows:

Page 1, line 2, delete "human services" and insert "corrections"

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. 1000: A bill for an act relating to human services; modifying discharge plans for offenders with serious and persistent mental illness; clarifying eligibility for medical assistance for offenders released for work release; authorizing commissioner of corrections to enter into a purchasing pool for prescription drugs; allocating housing funds for projects that provide employment support; appropriating money; amending Minnesota Statutes 2004, sections 241.01, by adding a subdivision; 244.054; 256B.055, by adding a subdivision.

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

Page 2, line 32, after "forward" insert "them"

Page 5, line 6, strike "30-day" and insert "60-day"

Page 5, after line 26, insert:

"Sec. 4. [PRIORITY IN JANITORIAL CONTRACTS.]

When awarding contracts to provide the janitorial services for the new Department of Human Services and Department of Health buildings, the commissioner of administration shall give priority to supported work vendors."

Renumber the sections in sequence

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

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

S.F. No. 1090: A bill for an act relating to traffic regulations; clarifying duty of driver when passing parked emergency vehicle; authorizing issuance of citation within four hours after violation; amending Minnesota Statutes 2004, section 169.18, subdivision 11.

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

Page 1, line 12, after "vehicle" insert "with its emergency lights activated"

Page 1, line 18, after "vehicle" insert "with its emergency lights activated"

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. 1510: A bill for an act relating to crimes; authorizing a \$1 assessment fee on state identification cards and drivers' licenses to fund the Minnesota Financial Crimes Task Force; providing for the organization of regional districts; amending Minnesota Statutes 2004, section 299A.68, subdivisions 4, 6a, by adding subdivisions.

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

Delete everything after the enacting clause and insert:

"Section 1. [299A.681] [MINNESOTA FINANCIAL CRIMES OVERSIGHT COUNCIL AND TASK FORCE.]

Subdivision 1. [OVERSIGHT COUNCIL.] The Minnesota Financial Crimes Oversight Council shall provide guidance related to the investigation and prosecution of identity theft and financial crime.

Subd. 2. [MEMBERSHIP.] The oversight council consists of the following individuals, or their designees:

- (1) the commissioner of public safety;
- (2) the attorney general;
- (3) two chiefs of police, selected by the Minnesota Chiefs of Police Association from police departments that participate in the Minnesota Financial Crimes Task Force;
- (4) two sheriffs, selected by the Minnesota Sheriffs Association from sheriff departments that participate in the task force;
- (5) the United States attorney for the district of Minnesota;
- (6) a county attorney, selected by the Minnesota County Attorneys Association;
- (7) a representative from the United States Postal Inspector's Office, selected by the oversight council;
- (8) a representative from a not-for-profit retail merchants industry, selected by the oversight council;
- (9) a representative from a not-for-profit banking and credit union industry, selected by the oversight council;
- (10) a representative from a not-for-profit association representing senior citizens, selected by the oversight council;
- (11) the statewide commander of the task force; and
- (12) two additional members selected by the oversight council.

The oversight council may adopt procedures to govern its conduct and shall select a chair from among its members.

Subd. 3. [DUTIES.] The oversight council shall develop an overall strategy to ameliorate the harm caused to the public by identity theft and financial crime within Minnesota. The strategy may include the development of protocols and procedures to investigate financial crimes and a structure for best addressing these issues in a multijurisdictional manner. Additionally, the oversight council shall:

- (1) establish a multijurisdictional statewide Minnesota Financial Crimes Task Force to investigate major financial crimes;
- (2) select a statewide commander of the task force who serves at the pleasure of the oversight council;
- (3) assist the Department of Public Safety in developing an objective grant review application process that is free from conflicts of interest;
- (4) make funding recommendations to the commissioner of public safety on grants to support efforts to combat identity theft and financial crime;

(5) assist law enforcement agencies and victims in developing a process to collect and share information to improve the investigation and prosecution of identity theft and financial crime;

(6) develop and approve an operational budget for the office of the statewide commander and the oversight council; and

(7) enter into any contracts necessary to establish and maintain a relationship with retailers, financial institutions, and other businesses to deal effectively with identity theft and financial crime.

The task force described in clause (1) may consist of members from local law enforcement agencies, federal law enforcement agencies, state and federal prosecutors' offices, and representatives from elderly victims, retail, financial institutions, and not-for-profit organizations.

Subd. 4. [STATEWIDE COMMANDER.] (a) The Financial Crimes Task Force commander under Minnesota Statutes 2004, section 299A.68, shall oversee the transition of that task force into the task force described in subdivision 3 and remain in place as its commander until July 1, 2008. On that date, the commissioner of public safety shall appoint as statewide commander the individual selected by the oversight council under subdivision 3. The commander serves in the unclassified service.

(b) The commander shall:

(1) coordinate and monitor all multijurisdictional identity theft and financial crime enforcement activities;

(2) facilitate local efforts and ensure statewide coordination with efforts to combat identity theft and financial crime;

(3) facilitate training for law enforcement and other personnel;

(4) monitor compliance with investigative protocols;

(5) implement an outcome evaluation and data quality control process;

(6) be responsible for the selection and for cause removal of assigned task force investigators who are designated participants under a memorandum of understanding or who receive grant funding;

(7) provide supervision of assigned task force investigators;

(8) submit a task force operational budget to the oversight council for approval; and

(9) submit quarterly task force activity reports to the oversight council.

Subd. 5. [PARTICIPATING OFFICERS; EMPLOYMENT STATUS.] All law enforcement officers selected to participate in the task force must be licensed peace officers as defined in section 626.84, subdivision 1, or qualified federal law enforcement officers as defined in section 626.8453. Participating officers remain employees of the same entity that employed them before joining any multijurisdictional entity established under this section. Participating officers are not employees of the state.

Subd. 6. [JURISDICTION AND POWERS.] Law enforcement officers participating in any multijurisdictional entity established under this section have statewide jurisdiction to conduct criminal investigations and have the same powers of arrest as those possessed by a sheriff. The task force shall retain from its predecessor the assigned originating reporting number for case reporting purposes.

Subd. 7. [GRANTS AUTHORIZED.] The commissioner of public safety, upon recommendation of the oversight council, shall make grants to state and local units of government to combat identity theft and financial crime. The commander, as funding permits, may prepare a budget to establish four regional districts and funding grant allocations programs outside the

counties of Hennepin, Ramsey, Anoka, Washington, and Dakota. The budget must be reviewed and approved by the oversight council and recommended to the commissioner to support these efforts.

Subd. 8. [VICTIMS ASSISTANCE PROGRAM.] (a) The oversight council may establish a victims assistance program to assist victims of economic crimes and provide prevention and awareness programs. The oversight council may retain the services of not-for-profit organizations to assist in the development and delivery systems in aiding victims of financial crime. The program may not provide any financial assistance to victims, but may assist victims in obtaining police assistance and advise victims in how to protect personal accounts and identities. Services may include a victim toll-free telephone number, fax number, Web site, Monday through Friday telephone service, e-mail response, and interfaces to other helpful Web sites. Victims' information compiled are governed under chapter 13.

(b) The oversight council may post or communicate through public service announcements in newspapers, radio, television, cable access, billboards, Internet, Web sites, and other normal advertising channels, a financial reward of up to \$2,000 for tips leading to the apprehension and successful prosecution of individuals committing economic crime. All rewards must meet the oversight council's standards. The release of funds must be made to an individual whose information leads to the apprehension and prosecution of offenders committing economic or financial crimes against citizens or businesses in Minnesota. All rewards paid to an individual must be reported to the Department of Revenue along with the individual's Social Security number.

Subd. 9. [OVERSIGHT COUNCIL AND TASK FORCE IS PERMANENT.] Notwithstanding section 15.059, this section does not expire.

Subd. 10. [FUNDING.] The oversight council may accept lawful grants and in-kind contributions from any federal source or legal business or individual not funded by this section for general operation support, including personnel costs. These grants or in-kind contributions are not to be directed toward the case of a particular victim or business. The oversight council's fiscal agent shall handle all funds approved by the oversight council, including in-kind contributions.

Subd. 11. [FORFEITURE.] Property seized by the task force is subject to forfeiture pursuant to sections 609.531, 609.5312, 609.5313, and 609.5315 if ownership cannot be established. The council shall receive the proceeds from the sale of all property properly seized and forfeited.

Subd. 12. [TRANSFER EQUIPMENT FROM CURRENT TASK FORCE.] All equipment possessed by the task force described in Minnesota Statutes 2004, section 299A.68, is transferred to the oversight council for use by the task force described in this section.

[EFFECTIVE DATE.] This section is effective July 1, 2005.

Sec. 2. [APPROPRIATION.]

\$..... is appropriated for the fiscal year ending June 30, 2006, and \$..... is appropriated for the fiscal year ending June 30, 2007, from the general fund to the commissioner of public safety to be used to implement section 1.

Sec. 3. [REPEALER.]

Minnesota Statutes 2004, section 299A.68, is repealed.

[EFFECTIVE DATE.] This section is effective July 1, 2005."

Delete the title and insert:

"A bill for an act relating to crimes; establishing the Minnesota Financial Crimes Oversight Council; providing for a statewide financial crimes task force and commander; providing for the transition of the current task force to the new one; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A; repealing Minnesota Statutes 2004, section 299A.68."

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

S.F. No. 606: A bill for an act relating to crime prevention; providing for an aggressive initiative against impaired driving and chemical dependency; increasing the tax on alcoholic beverages to fund this initiative; eliminating obsolete language and making technical corrections; appropriating money; amending Minnesota Statutes 2004, sections 169A.275, subdivision 5; 169A.284, subdivision 1; 169A.54, subdivision 11; 169A.70, subdivisions 2, 3, by adding subdivisions; 254B.01, subdivisions 2, 3; 254B.02, subdivision 1; 254B.03, subdivisions 1, 4; 254B.04, subdivisions 1, 3; 254B.06, subdivisions 1, 2; 297G.03, subdivisions 1, 2; 297G.04, subdivisions 1, 2; 299A.62, subdivisions 1, 2; 609.115, subdivision 8; 609.135, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 373; 609; repealing Minnesota Statutes 2004, sections 254B.02, subdivisions 2, 3, 4; 254B.09, subdivisions 4, 5, 7.

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

Page 1, line 26, after "alcohol" insert ", methamphetamine, and other drugs"

Page 1, line 27, after "alcohol" insert "and drug" and delete "contributes" and insert "contribute"

Page 1, line 28, delete "destroys" and insert "destroy"

Pages 4 and 5, delete sections 6 and 7 and insert:

"Sec. 6. Minnesota Statutes 2004, section 169A.70, subdivision 3, is amended to read:

Subd. 3. [ASSESSMENT REPORT.] (a) ~~The assessment and assessment report for this section must be on a form prescribed by the commissioner and shall contain an evaluation of the convicted defendant concerning the defendant's prior traffic record, characteristics and history of alcohol and chemical use problems, and amenability to rehabilitation through the alcohol safety program. The report is classified as private data on individuals as defined in section 13.02, subdivision 12.~~

(b) ~~The assessment report must include:~~

~~(1) a recommended level of care for the offender in accordance with the criteria contained in rules adopted by the commissioner of human services under section 254A.03, subdivision 3 (chemical dependency treatment rules);~~

~~(2) recommendations for other appropriate remedial action or care that may consist of educational programs, one-on-one counseling, a program or type of treatment that addresses mental health concerns, or a combination of them; or~~

~~(3) a specific explanation why no level of care or action was recommended meet the requirements of section 254A.03 and rules adopted under the authority granted in section 254A.10. Additionally, the assessment must include access to and review of criminal records and most recent arrest reports."~~

Page 5, line 28, delete "7" and insert "6"

Page 5, line 32, delete everything after "standards" and insert "set by sections 254A.03 and 254A.10."

Page 6, line 3, delete "8" and insert "7" and delete "Chemical use assessments"

Page 6, delete line 4

Page 6, line 5, delete everything before "It"

Page 6, line 10, delete "9" and insert "8"

Pages 6 and 7, delete section 12

Page 17, line 21, delete "Each county shall" and insert "The state shall provide adequate funding for counties to"

Page 17, line 27, delete everything after the period

Page 17, delete lines 28 to 30

Page 19, line 27, before the period, insert ", unless there are compelling reasons to do otherwise"

Page 21, line 32, after "services" insert ". Of these amounts:

(1) \$..... the first year and \$..... the second year are to reimburse counties for detoxification and detoxification transportation services; and

(2) \$..... the first year and \$..... the second year are"

Page 22, line 10, after "health" insert ". Of these amounts:

(1) \$..... the first year and \$..... the second year are for health screenings for children and vulnerable adults residing or found at methamphetamine manufacturing sites;

(2) \$..... the first year and \$..... the second year are for grants to county health boards for methamphetamine abuse prevention efforts; and

(3) \$..... the first year and \$..... the second year are"

Page 22, line 17, delete "10 and 27 to 29" and insert "9 and 25 to 27"

Page 22, line 19, delete "20 to 23" and insert "18 to 21"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, delete everything before the first semicolon and insert "subdivision 2"

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

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

S.F. No. 804: A bill for an act relating to crime prevention; expanding the fourth-degree assault law; amending Minnesota Statutes 2004, section 609.2231, subdivision 3.

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

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

S.F. No. 569: A bill for an act relating to natural resources; modifying safety training provisions; providing for certain background checks; providing that boat trailers are subject to forfeiture for a designated offense; providing for advanced hunter designation on driver's license or identification card; modifying reporting requirements of certain snowmobile and all-terrain vehicle sanctions; modifying lawful purposes for which gambling profits may be expended; amending Minnesota Statutes 2004, sections 84.027, by adding a subdivision; 84.91, subdivision

1; 84.9256, subdivision 1; 97B.015, subdivisions 1, 2, 5; 97B.020; 169A.63, subdivision 6; 171.07, subdivision 13; 349.12, subdivision 25.

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

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

S.F. No. 660: A bill for an act relating to public safety; expanding the definition of "designated offense" in the criminal code forfeiture law and addressing seizures and forfeitures of computers and related property; amending Minnesota Statutes 2004, sections 609.531, subdivision 1; 609.5312, by adding a subdivision.

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

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

S.F. No. 1005: A bill for an act relating to adoption records; providing access to certain records by certain persons; providing for certain services; changing classification of certain data; amending Minnesota Statutes 2004, sections 144.218, subdivisions 1, 2; 259.83, subdivisions 1, 3, by adding a subdivision; 259.89.

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

Page 3, line 24, delete "August 1, 2005" and insert "January 1, 2006"

Page 4, line 20, delete "AND OTHER INFORMATION" and delete "AGENCY"

Page 4, line 21, delete "AND"

Page 4, line 22, delete "August 1, 2005" and insert "January 1, 2006"

Page 4, line 28, delete everything after "Health"

Page 4, delete lines 29 to 31

Page 4, line 32, delete everything before the semicolon

Page 5, line 4, delete everything after the first "agency" and insert "; and"

Page 5, delete line 5

Page 5, line 7, delete "agency" and insert "Department of Health"

Page 5, line 8, delete everything after the period

Page 5, delete lines 9 to 14

Page 5, line 19, delete "August 1, 2005" and insert "January 1, 2006"

Page 5, after line 32, insert:

"Subd. 1a. [AFFIDAVIT OF NONDISCLOSURE.] A birth parent may file an affidavit of nondisclosure regardless of the date of relinquishment. An affidavit of nondisclosure on file by January 1, 2006, must be honored."

Page 5, line 33, before "Upon" insert "(a)"

Page 6, line 15, before "For" insert "(b)"

Page 6, line 22, strike everything after "by"

Page 6, line 23, strike "of notification executed by the person who notified" and delete "the"

Page 6, line 24, strike "parent certifying that" and delete the new language and strike "was given"

Page 6, line 25, before "the" insert "notifying the adopted person of"

Page 7, line 2, after the semicolon, insert "and"

Page 7, line 3, delete "; and" and insert a period

Page 7, line 4, delete "(3)" and insert "(c)"

Page 7, line 6, before the period, insert "must be filed with the Department of Health, Office of the State Registrar" and before the comma, insert "and a notarized request from the adopted person"

Page 7, line 9, before "If" insert:

"(d)"

Page 7, line 12, delete everything after the period

Page 7, delete line 13

Page 8, line 5, delete "AUGUST 1, 2005" and insert "JANUARY 1, 2006"

Page 8, line 21, delete "August 1, 2005" and insert "January 1, 2006"

Page 9, line 8, delete "August 1, 2005" and insert "January 1, 2006"

And when so amended the bill be re-referred to the Committee on Judiciary without recommendation. Amendments adopted. Report adopted.

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

S.F. No. 65: A bill for an act relating to health care; modifying premium rate restrictions; establishing expenditure limits; modifying cost containment provisions; providing for an electronic medical record system; modifying certain loan forgiveness programs; modifying medical assistance, general assistance medical care, and MinnesotaCare programs; authorizing the sale of bonds; requiring reports; appropriating money; amending Minnesota Statutes 2004, sections 62A.65, subdivision 3; 62J.04, subdivision 3, by adding a subdivision; 62J.041; 62J.301, subdivision 3; 62J.38; 62J.43; 62J.692, subdivision 3; 62L.08, subdivision 8; 144.1501, subdivisions 2, 4; 256.955, subdivisions 2a, 2b, 3, 4, 6; 256.9693; 256B.03, subdivision 3; 256B.061; 256B.0625, subdivisions 3b, 9, 13e, by adding a subdivision; 256B.0631, by adding a subdivision; 256B.075, subdivisions 1, 2, 3; 256D.03, subdivisions 3, 4; 256L.03, subdivision 1; 256L.05, subdivision 4; 256L.07, subdivision 1; 256L.12, subdivision 6; Laws 2003, First Special Session chapter 14, article 6, section 65; proposing coding for new law in Minnesota Statutes, chapters 62J; 62Q; 256; 256B; 256L; repealing Minnesota Statutes 2004, sections 256.955, subdivision 4a; 256B.075, subdivision 5; 256L.035.

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 2004, section 62A.65, subdivision 3, is amended to read:

Subd. 3. [PREMIUM RATE RESTRICTIONS.] No individual health plan may be offered, sold, issued, or renewed to a Minnesota resident unless the premium rate charged is determined in accordance with the following requirements:

(a) Premium rates must be no more than 25 percent above and no more than 25 percent below the index rate charged to individuals for the same or similar coverage, adjusted pro rata for rating periods of less than one year. The premium variations permitted by this paragraph must be based only upon health status, claims experience, and occupation. For purposes of this paragraph, health status includes refraining from tobacco use or other actuarially valid lifestyle factors associated with good health, provided that the lifestyle factor and its effect upon premium rates have been determined by the commissioner to be actuarially valid and have been approved by the commissioner. Variations permitted under this paragraph must not be based upon age or applied differently at different ages. This paragraph does not prohibit use of a constant percentage adjustment for factors permitted to be used under this paragraph.

(b) Premium rates may vary based upon the ages of covered persons only as provided in this paragraph. In addition to the variation permitted under paragraph (a), each health carrier may use an additional premium variation based upon age of up to plus or minus 50 percent of the index rate.

(c) A health carrier may request approval by the commissioner to establish no more than three geographic regions and to establish separate index rates for each region, provided that the index rates do not vary between any two regions by more than 20 percent. Health carriers that do not do business in the Minneapolis/St. Paul metropolitan area may request approval for no more than two geographic regions, and clauses (2) and (3) do not apply to approval of requests made by those health carriers. The commissioner may grant approval if the following conditions are met:

- (1) the geographic regions must be applied uniformly by the health carrier;
- (2) one geographic region must be based on the Minneapolis/St. Paul metropolitan area;
- (3) for each geographic region that is rural, the index rate for that region must not exceed the index rate for the Minneapolis/St. Paul metropolitan area; and
- (4) the health carrier provides actuarial justification acceptable to the commissioner for the proposed geographic variations in index rates, establishing that the variations are based upon differences in the cost to the health carrier of providing coverage.

(d) Health carriers may use rate cells and must file with the commissioner the rate cells they use. Rate cells must be based upon the number of adults or children covered under the policy and may reflect the availability of Medicare coverage. The rates for different rate cells must not in any way reflect generalized differences in expected costs between principal insureds and their spouses.

(e) In developing its index rates and premiums for a health plan, a health carrier shall take into account only the following factors:

- (1) actuarially valid differences in rating factors permitted under paragraphs (a) and (b); and
- (2) actuarially valid geographic variations if approved by the commissioner as provided in paragraph (c).

(f) All premium variations must be justified in initial rate filings and upon request of the commissioner in rate revision filings. All rate variations are subject to approval by the commissioner.

(g) The loss ratio must comply with the section 62A.021 requirements for individual health plans.

(h) ~~Notwithstanding paragraphs (a) to (g), the rates must not be approved, unless the commissioner has determined that the rates are reasonable. In determining reasonableness, the commissioner shall consider the growth rates applied under section 62J.04, subdivision 1, paragraph (b) apply the premium growth limits established under section 62J.04, subdivision 1b, to the calendar year or years that the proposed premium rate would be in effect, and shall consider actuarially valid changes in risks associated with the enrollee populations, and actuarially valid changes as a result of statutory changes in Laws 1992, chapter 549.~~

Sec. 2. Minnesota Statutes 2004, section 62D.12, subdivision 19, is amended to read:

Subd. 19. [COVERAGE OF SERVICE.] A health maintenance organization may not deny or limit coverage of a service which the enrollee has already received solely on the basis of lack of prior authorization or second opinion, to the extent that the service would otherwise have been covered under the member's contract by the health maintenance organization had prior authorization or second opinion been obtained. This subdivision does not apply to prior authorization under chapter 256B, 256D, or 256L.

Sec. 3. Minnesota Statutes 2004, section 62J.04, is amended by adding a subdivision to read:

Subd. 1b. [PREMIUM GROWTH LIMITS.] (a) For calendar year 2005 and each year thereafter, the commissioner shall set annual premium growth limits for health plan companies. The premium limits set by the commissioner for calendar years 2005 to 2010 shall not exceed the regional Consumer Price Index for urban consumers for the preceding calendar year plus two percentage points and an additional one percentage point to be used to finance the implementation of the electronic medical record system described under section 62J.565. The commissioner shall ensure that the additional percentage point is being used to provide financial assistance to health care providers to implement electronic medical record systems either directly or through an increase in reimbursement.

(b) For the calendar years beyond 2010, the rate of premium growth shall be limited to the change in the Consumer Price Index for urban consumers for the previous calendar year plus two percentage points. The commissioners of health and commerce shall make a recommendation to the legislature by January 15, 2009, regarding the continuation of the additional percentage point to the growth limit described in paragraph (a). The recommendation shall be based on the progress made by health care providers in instituting an electronic medical record system and in creating a statewide interactive electronic health record system.

(c) The commissioner may add additional percentage points as needed to the premium limit for a calendar year if a major disaster, bioterrorism, or a public health emergency occurs that results in higher health care costs. Any additional percentage points must reflect the additional cost to the health care system directly attributed to the disaster or emergency.

(d) The commissioner shall publish the annual premium growth limits in the State Register by January 31 of the year that the limits are to be in effect.

(e) For the purpose of this subdivision, premium growth is measured as the percentage change in per member, per month premium revenue from the current year to the previous year. Premium growth rates shall be calculated for the following lines of business: individual, small group, and large group. Data used for premium growth rate calculations shall be submitted as part of the cost containment filing under section 62J.38.

(f) For purposes of this subdivision, "health plan company" has the meaning given in section 62J.041.

(g) For coverage that is provided by a health plan company under the terms of a contract with the Department of Employee Relations, the commissioner of employee relations shall direct the contracting health plan companies to reduce reimbursement to providers in order to meet the premium growth limitations required by this section.

Sec. 4. Minnesota Statutes 2004, section 62J.04, subdivision 3, is amended to read:

Subd. 3. [COST CONTAINMENT DUTIES.] The commissioner shall:

(1) establish statewide and regional cost containment goals for total health care spending under this section and collect data as described in sections 62J.38 to 62J.41 to monitor statewide achievement of the cost containment goals and premium growth limits;

(2) divide the state into no fewer than four regions, with one of those regions being the Minneapolis/St. Paul metropolitan statistical area but excluding Chisago, Isanti, Wright, and

Sherburne Counties, for purposes of fostering the development of regional health planning and coordination of health care delivery among regional health care systems and working to achieve the cost containment goals;

(3) monitor the quality of health care throughout the state and take action as necessary to ensure an appropriate level of quality;

(4) issue recommendations regarding uniform billing forms, uniform electronic billing procedures and data interchanges, patient identification cards, and other uniform claims and administrative procedures for health care providers and private and public sector payers. In developing the recommendations, the commissioner shall review the work of the work group on electronic data interchange (WEDI) and the American National Standards Institute (ANSI) at the national level, and the work being done at the state and local level. The commissioner may adopt rules requiring the use of the Uniform Bill 82/92 form, the National Council of Prescription Drug Providers (NCPDP) 3.2 electronic version, the Centers for Medicare and Medicaid Services 1500 form, or other standardized forms or procedures;

(5) undertake health planning responsibilities;

(6) authorize, fund, or promote research and experimentation on new technologies and health care procedures;

(7) within the limits of appropriations for these purposes, administer or contract for statewide consumer education and wellness programs that will improve the health of Minnesotans and increase individual responsibility relating to personal health and the delivery of health care services, undertake prevention programs including initiatives to improve birth outcomes, expand childhood immunization efforts, and provide start-up grants for worksite wellness programs;

(8) undertake other activities to monitor and oversee the delivery of health care services in Minnesota with the goal of improving affordability, quality, and accessibility of health care for all Minnesotans; and

(9) make the cost containment goal and premium growth limit data available to the public in a consumer-oriented manner.

Sec. 5. Minnesota Statutes 2004, section 62J.041, is amended to read:

~~62J.041 [INTERIM HEALTH PLAN COMPANY COST-CONTAINMENT GOALS HEALTH CARE EXPENDITURE LIMITS.]~~

~~Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the following definitions apply.~~

~~(b) "Health plan company" has the definition provided in section 62Q.01 and also includes employee health plans offered by self-insured employers.~~

~~(c) "Total Health care expenditures" means incurred claims or expenditures on health care services, administrative expenses, charitable contributions, and all other payments made by health plan companies out of premium revenues.~~

~~(d) "Net expenditures" means total expenditures minus exempted taxes and assessments and payments or allocations made to establish or maintain reserves.~~

~~(e) "Exempted taxes and assessments" means direct payments for taxes to government agencies, contributions to the Minnesota Comprehensive Health Association, the medical assistance provider's surcharge under section 256.9657, the MinnesotaCare provider tax under section 295.52, assessments by the Health Coverage Reinsurance Association, assessments by the Minnesota Life and Health Insurance Guaranty Association, assessments by the Minnesota Risk Adjustment Association, and any new assessments imposed by federal or state law.~~

~~(f) "Consumer cost-sharing or subscriber liability" means enrollee coinsurance, co-payment, deductible payments, and amounts in excess of benefit plan maximums.~~

Subd. 2. [ESTABLISHMENT.] ~~The commissioner of health shall establish cost containment goals health care expenditure limits for the increase in net calendar year 2006, and each year thereafter, for health care expenditures by each health plan company for calendar years 1994, 1995, 1996, and 1997. The cost containment goals must be the same as the annual cost containment goals for health care spending established under section 62J.04, subdivision 1, paragraph (b). Health plan companies that are affiliates may elect to meet one combined cost containment goal health care expenditure limit. The limits set by the commissioner shall not exceed the premium limits established in section 62J.04, subdivision 1b.~~

Subd. 3. [DETERMINATION OF EXPENDITURES.] ~~Health plan companies shall submit to the commissioner of health, by April 1, 1994, for calendar year 1993; April 1, 1995, for calendar year 1994; April 1, 1996, for calendar year 1995; April 1, 1997, for calendar year 1996; and April 1, 1998, for calendar year 1997 of each year beginning 2006, all information the commissioner determines to be necessary to implement this section. The information must be submitted in the form specified by the commissioner. The information must include, but is not limited to, health care expenditures per member per month or cost per employee per month, and detailed information on revenues and reserves. The commissioner, to the extent possible, shall coordinate the submittal of the information required under this section with the submittal of the financial data required under chapter 62J, to minimize the administrative burden on health plan companies. The commissioner may adjust final expenditure figures for demographic changes, risk selection, changes in basic benefits, and legislative initiatives that materially change health care costs, as long as these adjustments are consistent with the methodology submitted by the health plan company to the commissioner, and approved by the commissioner as actuarially justified. The methodology to be used for adjustments and the election to meet one cost containment goal for affiliated health plan companies must be submitted to the commissioner by September 1, 1994. Community integrated service networks may submit the information with their application for licensure. The commissioner shall also accept changes to methodologies already submitted. The adjustment methodology submitted and approved by the commissioner must apply to the data submitted for calendar years 1994 and 1995. The commissioner may allow changes to accepted adjustment methodologies for data submitted for calendar years 1996 and 1997. Changes to the adjustment methodology must be received by September 1, 1996, and must be approved by the commissioner.~~

Subd. 4. [MONITORING OF RESERVES.] (a) ~~The commissioners of health and commerce shall monitor health plan company reserves and net worth as established under chapters 60A, 62C, 62D, 62H, and 64B, with respect to the health plan companies that each commissioner respectively regulates to assess the degree to which savings resulting from the establishment of cost containment goals are passed on to consumers in the form of lower premium rates.~~

(b) ~~Health plan companies shall fully reflect in the premium rates the savings generated by the cost containment goals. No premium rate, currently reviewed by the Department of Health or Commerce, may be approved for those health plan companies unless the health plan company establishes to the satisfaction of the commissioner of commerce or the commissioner of health, as appropriate, that the proposed new rate would comply with this paragraph.~~

(c) ~~Health plan companies, except those licensed under chapter 60A to sell accident and sickness insurance under chapter 62A, shall annually before the end of the fourth fiscal quarter provide to the commissioner of health or commerce, as applicable, a projection of the level of reserves the company expects to attain during each quarter of the following fiscal year. These health plan companies shall submit with required quarterly financial statements a calculation of the actual reserve level attained by the company at the end of each quarter including identification of the sources of any significant changes in the reserve level and an updated projection of the level of reserves the health plan company expects to attain by the end of the fiscal year. In cases where the health plan company has been given a certificate to operate a new health maintenance organization under chapter 62D, or been licensed as a community integrated service network under chapter 62N, or formed an affiliation with one of these organizations, the health plan company shall also submit with its quarterly financial statement, total enrollment at the beginning and end of the quarter and enrollment changes within each service area of the new organization. The reserve calculations shall be maintained by the commissioners as trade secret information,~~

except to the extent that such information is also required to be filed by another provision of state law and is not treated as trade secret information under such other provisions.

(d) Health plan companies in paragraph (c) whose reserves are less than the required minimum or more than the required maximum at the end of the fiscal year shall submit a plan of corrective action to the commissioner of health or commerce under subdivision 7.

(e) The commissioner of commerce, in consultation with the commissioner of health, shall report to the legislature no later than January 15, 1995, as to whether the concept of a reserve corridor or other mechanism for purposes of monitoring reserves is adaptable for use with indemnity health insurers that do business in multiple states and that must comply with their domiciliary state's reserves requirements.

Subd. 5. [NOTICE.] The commissioner of health shall publish in the State Register and make available to the public by July 1, 1995 2007, and each year thereafter, a list of all health plan companies that exceeded their cost containment goal health care expenditure limit for the 1994 previous calendar year. ~~The commissioner shall publish in the State Register and make available to the public by July 1, 1996, a list of all health plan companies that exceeded their combined cost containment goal for calendar years 1994 and 1995.~~ The commissioner shall notify each health plan company that the commissioner has determined that the health plan company exceeded its cost containment goal, health care expenditure limit at least 30 days before publishing the list, and shall provide each health plan company with ten days to provide an explanation for exceeding the cost containment goal health care expenditure limit. The commissioner shall review the explanation and may change a determination if the commissioner determines the explanation to be valid.

Subd. 6. [ASSISTANCE BY THE COMMISSIONER OF COMMERCE.] The commissioner of commerce shall provide assistance to the commissioner of health in monitoring health plan companies regulated by the commissioner of commerce.

Sec. 6. [62J.255] [HEALTH RISK INFORMATION SHEET.]

(a) A health plan company shall provide to each enrollee on an annual basis information on the increased personal health risks and the additional costs to the health care system due to obesity and to the use of tobacco.

(b) The commissioner, in consultation with the Minnesota Medical Association, shall develop an information sheet on the personal health risks of obesity and smoking and on the additional costs to the health care system due to obesity and due to smoking. The information sheet shall be posted on the Minnesota Department of Health's Web site.

(c) When providing the information required in paragraph (a), the health plan company must also provide each enrollee with information on the best practices care guidelines and quality of care measurement criteria identified in section 62J.43 as well as the availability of this information on the department's Web site.

Sec. 7. Minnesota Statutes 2004, section 62J.301, subdivision 3, is amended to read:

Subd. 3. [GENERAL DUTIES.] The commissioner shall:

(1) collect and maintain data which enable population-based monitoring and trending of the access, utilization, quality, and cost of health care services within Minnesota;

(2) collect and maintain data for the purpose of estimating total Minnesota health care expenditures and trends;

(3) collect and maintain data for the purposes of setting cost containment goals and premium growth limits under section 62J.04, and measuring cost containment goal and premium growth limit compliance;

(4) conduct applied research using existing and new data and promote applications based on existing research;

(5) develop and implement data collection procedures to ensure a high level of cooperation from health care providers and health plan companies, as defined in section 62Q.01, subdivision 4;

(6) work closely with health plan companies and health care providers to promote improvements in health care efficiency and effectiveness; and

(7) participate as a partner or sponsor of private sector initiatives that promote publicly disseminated applied research on health care delivery, outcomes, costs, quality, and management.

Sec. 8. Minnesota Statutes 2004, section 62J.38, is amended to read:

62J.38 [COST CONTAINMENT DATA FROM GROUP PURCHASERS.]

(a) The commissioner shall require group purchasers to submit detailed data on total health care spending for each calendar year. Group purchasers shall submit data for the 1993 calendar year by April 1, 1994, and each April 1 thereafter shall submit data for the preceding calendar year.

(b) The commissioner shall require each group purchaser to submit data on revenue, expenses, and member months, as applicable. Revenue data must distinguish between premium revenue and revenue from other sources and must also include information on the amount of revenue in reserves and changes in reserves. Premium revenue data, information on aggregate enrollment, and data on member months must be broken down to distinguish between individual market, small group market, and large group market. Filings under this section for calendar year 2005 must also include information broken down by individual market, small group market, and large group market for calendar year 2004. Expenditure data must distinguish between costs incurred for patient care and administrative costs. Patient care and administrative costs must include only expenses incurred on behalf of health plan members and must not include the cost of providing health care services for nonmembers at facilities owned by the group purchaser or affiliate. Expenditure data must be provided separately for the following categories and for other categories required by the commissioner: physician services, dental services, other professional services, inpatient hospital services, outpatient hospital services, emergency, pharmacy services and other nondurable medical goods, mental health, and chemical dependency services, other expenditures, subscriber liability, and administrative costs. Administrative costs must include costs for marketing; advertising; overhead; salaries and benefits of central office staff who do not provide direct patient care; underwriting; lobbying; claims processing; provider contracting and credentialing; detection and prevention of payment for fraudulent or unjustified requests for reimbursement or services; clinical quality assurance and other types of medical care quality improvement efforts; concurrent or prospective utilization review as defined in section 62M.02; costs incurred to acquire a hospital, clinic, or health care facility, or the assets thereof; capital costs incurred on behalf of a hospital or clinic; lease payments; or any other costs incurred pursuant to a partnership, joint venture, integration, or affiliation agreement with a hospital, clinic, or other health care provider. Capital costs and costs incurred must be recorded according to standard accounting principles. The reports of this data must also separately identify expenses for local, state, and federal taxes, fees, and assessments. The commissioner may require each group purchaser to submit any other data, including data in unaggregated form, for the purposes of developing spending estimates, setting spending limits, and monitoring actual spending and costs. In addition to reporting administrative costs incurred to acquire a hospital, clinic, or health care facility, or the assets thereof; or any other costs incurred pursuant to a partnership, joint venture, integration, or affiliation agreement with a hospital, clinic, or other health care provider; reports submitted under this section also must include the payments made during the calendar year for these purposes. The commissioner shall make public, by group purchaser data collected under this paragraph in accordance with section 62J.321, subdivision 5. Workers' compensation insurance plans and automobile insurance plans are exempt from complying with this paragraph as it relates to the submission of administrative costs.

(c) The commissioner may collect information on:

(1) premiums, benefit levels, managed care procedures, and other features of health plan companies;

(2) prices, provider experience, and other information for services less commonly covered by insurance or for which patients commonly face significant out-of-pocket expenses; and

(3) information on health care services not provided through health plan companies, including information on prices, costs, expenditures, and utilization.

(d) All group purchasers shall provide the required data using a uniform format and uniform definitions, as prescribed by the commissioner.

Sec. 9. Minnesota Statutes 2004, section 62J.692, subdivision 3, is amended to read:

Subd. 3. [APPLICATION PROCESS.] (a) A clinical medical education program conducted in Minnesota by a teaching institution to train physicians, doctor of pharmacy practitioners, dentists, chiropractors, or physician assistants is eligible for funds under subdivision 4 if the program:

(1) is funded, in part, by patient care revenues;

(2) occurs in patient care settings that face increased financial pressure as a result of competition with nonteaching patient care entities; and

(3) emphasizes primary care or specialties that are in undersupply in Minnesota.

A clinical medical education program that trains pediatricians is requested to include in its program curriculum training in case management and medication management for children suffering from mental illness to be eligible for funds under subdivision 4.

(b) A clinical medical education program for advanced practice nursing is eligible for funds under subdivision 4 if the program meets the eligibility requirements in paragraph (a), clauses (1) to (3), and is sponsored by the University of Minnesota Academic Health Center, the Mayo Foundation, or institutions that are part of the Minnesota State Colleges and Universities system or members of the Minnesota Private College Council.

(c) Applications must be submitted to the commissioner by a sponsoring institution on behalf of an eligible clinical medical education program and must be received by October 31 of each year for distribution in the following year. An application for funds must contain the following information:

(1) the official name and address of the sponsoring institution and the official name and site address of the clinical medical education programs on whose behalf the sponsoring institution is applying;

(2) the name, title, and business address of those persons responsible for administering the funds;

(3) for each clinical medical education program for which funds are being sought; the type and specialty orientation of trainees in the program; the name, site address, and medical assistance provider number of each training site used in the program; the total number of trainees at each training site; and the total number of eligible trainee FTEs at each site. Only those training sites that host 0.5 FTE or more eligible trainees for a program may be included in the program's application; and

(4) other supporting information the commissioner deems necessary to determine program eligibility based on the criteria in paragraphs (a) and (b) and to ensure the equitable distribution of funds.

(d) An application must include the information specified in clauses (1) to (3) for each clinical medical education program on an annual basis for three consecutive years. After that time, an application must include the information specified in clauses (1) to (3) in the first year of each biennium:

(1) audited clinical training costs per trainee for each clinical medical education program when available or estimates of clinical training costs based on audited financial data;

(2) a description of current sources of funding for clinical medical education costs, including a description and dollar amount of all state and federal financial support, including Medicare direct and indirect payments; and

(3) other revenue received for the purposes of clinical training.

(e) An applicant that does not provide information requested by the commissioner shall not be eligible for funds for the current funding cycle.

Sec. 10. Minnesota Statutes 2004, section 62L.08, subdivision 8, is amended to read:

Subd. 8. [FILING REQUIREMENT.] (a) No later than July 1, 1993, and each year thereafter, a health carrier that offers, sells, issues, or renews a health benefit plan for small employers shall file with the commissioner the index rates and must demonstrate that all rates shall be within the rating restrictions defined in this chapter. Such demonstration must include the allowable range of rates from the index rates and a description of how the health carrier intends to use demographic factors including case characteristics in calculating the premium rates.

(b) Notwithstanding paragraph (a), the rates shall not be approved, unless the commissioner has determined that the rates are reasonable. In determining reasonableness, the commissioner shall consider the growth rates applied under section 62J.04, subdivision 1, paragraph (b) apply the premium growth limits established under section 62J.04, subdivision 1b, to the calendar year or years that the proposed premium rate would be in effect, and shall consider actuarially valid changes in risk associated with the enrollee population, and actuarially valid changes as a result of statutory changes in Laws 1992, chapter 549. For premium rates proposed to go into effect between July 1, 1993 and December 31, 1993, the pertinent growth rate is the growth rate applied under section 62J.04, subdivision 1, paragraph (b), to calendar year 1994.

Sec. 11. [62Q.175] [COVERAGE EXEMPTIONS.]

Notwithstanding any law to the contrary, no health plan company is required to provide coverage for any health care service included on the list established under section 256B.0625, subdivision 46.

Sec. 12. Minnesota Statutes 2004, section 144.1501, subdivision 2, is amended to read:

Subd. 2. [CREATION OF ACCOUNT.] (a) A health professional education loan forgiveness program account is established. The commissioner of health shall use money from the account to establish a loan forgiveness program:

(1) for medical residents agreeing to practice in designated rural areas or underserved urban communities, or specializing in the area of pediatric psychiatry;

(2) for midlevel practitioners agreeing to practice in designated rural areas; and

(3) for nurses who agree to practice in a Minnesota nursing home or intermediate care facility for persons with mental retardation or related conditions.

(b) Appropriations made to the account do not cancel and are available until expended, except that at the end of each biennium, any remaining balance in the account that is not committed by contract and not needed to fulfill existing commitments shall cancel to the fund.

Sec. 13. Minnesota Statutes 2004, section 144.1501, subdivision 4, is amended to read:

Subd. 4. [LOAN FORGIVENESS.] The commissioner of health may select applicants each year for participation in the loan forgiveness program, within the limits of available funding. The commissioner shall distribute available funds for loan forgiveness proportionally among the eligible professions according to the vacancy rate for each profession in the required geographic area ~~or, facility type, or specialty area~~ specified in subdivision 2. The commissioner shall allocate funds for physician loan forgiveness so that ~~75~~ 50 percent of the funds available are used for rural physician loan forgiveness ~~and, 25 percent of the funds available are used for underserved urban~~

communities loan forgiveness, and 25 percent of the funds available are used for pediatric psychiatry loan forgiveness. If the commissioner does not receive enough qualified applicants each year to use the entire allocation of funds for urban underserved communities, the remaining funds may be allocated for rural physician loan forgiveness. Applicants are responsible for securing their own qualified educational loans. The commissioner shall select participants based on their suitability for practice serving the required geographic area or, facility type, or specialty area specified in subdivision 2, as indicated by experience or training. The commissioner shall give preference to applicants closest to completing their training. For each year that a participant meets the service obligation required under subdivision 3, up to a maximum of four years, the commissioner shall make annual disbursements directly to the participant equivalent to 15 percent of the average educational debt for indebted graduates in their profession in the year closest to the applicant's selection for which information is available, not to exceed the balance of the participant's qualifying educational loans. Before receiving loan repayment disbursements and as requested, the participant must complete and return to the commissioner an affidavit of practice form provided by the commissioner verifying that the participant is practicing as required under subdivisions 2 and 3. The participant must provide the commissioner with verification that the full amount of loan repayment disbursement received by the participant has been applied toward the designated loans. After each disbursement, verification must be received by the commissioner and approved before the next loan repayment disbursement is made. Participants who move their practice remain eligible for loan repayment as long as they practice as required under subdivision 2.

Sec. 14. Minnesota Statutes 2004, section 256.045, subdivision 3a, is amended to read:

Subd. 3a. [PREPAID HEALTH PLAN APPEALS.] (a) All prepaid health plans under contract to the commissioner under chapter 256B or 256D must provide for a complaint system according to section 62D.11. When a prepaid health plan denies, reduces, or terminates a health service or denies a request to authorize a previously authorized health service, the prepaid health plan must notify the recipient of the right to file a complaint or an appeal. The notice must include the name and telephone number of the ombudsman and notice of the recipient's right to request a hearing under paragraph (b). When a complaint is filed, the prepaid health plan must notify the ombudsman within three working days. Recipients may request the assistance of the ombudsman in the complaint system process. The prepaid health plan must issue a written resolution of the complaint to the recipient within 30 days after the complaint is filed with the prepaid health plan. A recipient is not required to exhaust the complaint system procedures in order to request a hearing under paragraph (b).

(b) Recipients enrolled in a prepaid health plan under chapter 256B or 256D may contest a prepaid health plan's denial, reduction, or termination of health services, a prepaid health plan's denial of a request to authorize a previously authorized health service, or the prepaid health plan's written resolution of a complaint by submitting a written request for a hearing according to subdivision 3. A state human services referee shall conduct a hearing on the matter and shall recommend an order to the commissioner of human services. The referee may not overturn a decision on prior authorization for services covered under section 28, if the prepaid health plan has appropriately used evidence-based criteria or guidelines in making the determination. The commissioner need not grant a hearing if the sole issue raised by a recipient is the commissioner's authority to require mandatory enrollment in a prepaid health plan in a county where prepaid health plans are under contract with the commissioner. The state human services referee may order a second medical opinion from the prepaid health plan or may order a second medical opinion from a nonprepaid health plan provider at the expense of the prepaid health plan. Recipients may request the assistance of the ombudsman in the appeal process.

(c) In the written request for a hearing to appeal from a prepaid health plan's denial, reduction, or termination of a health service, a prepaid health plan's denial of a request to authorize a previously authorized service, or the prepaid health plan's written resolution to a complaint, a recipient may request an expedited hearing. If an expedited appeal is warranted, the state human services referee shall hear the appeal and render a decision within a time commensurate with the level of urgency involved, based on the individual circumstances of the case.

Sec. 15. [256.9545] [PRESCRIPTION DRUG DISCOUNT PROGRAM.]

Subdivision 1. [ESTABLISHMENT; ADMINISTRATION.] The commissioner shall establish and administer the prescription drug discount program, effective July 1, 2005.

Subd. 2. [COMMISSIONER'S AUTHORITY.] The commissioner shall administer a drug rebate program for drugs purchased according to the prescription drug discount program. The commissioner shall require a rebate agreement from all manufacturers of covered drugs as defined in section 256B.0625, subdivision 13. For each drug, the amount of the rebate shall be equal to the rebate as defined for purposes of the federal rebate program in United States Code, title 42, section 1396r-8. The rebate program shall utilize the terms and conditions used for the federal rebate program established according to section 1927 of title XIX of the federal Social Security Act.

Subd. 3. [DEFINITIONS.] For the purpose of this section, the following terms have the meanings given them.

(a) "Commissioner" means the commissioner of human services.

(b) "Manufacturer" means a manufacturer as defined in section 151.44, paragraph (c).

(c) "Covered prescription drug" means a prescription drug as defined in section 151.44, paragraph (d), that is covered under medical assistance as described in section 256B.0625, subdivision 13, and that is provided by a manufacturer that has a fully executed rebate agreement with the commissioner under this section and complies with that agreement.

(d) "Health carrier" means an insurance company licensed under chapter 60A to offer, sell, or issue an individual or group policy of accident and sickness insurance as defined in section 62A.01; a nonprofit health service plan corporation operating under chapter 62C; a health maintenance organization operating under chapter 62D; a joint self-insurance employee health plan operating under chapter 62H; a community integrated systems network licensed under chapter 62N; a fraternal benefit society operating under chapter 64B; a city, county, school district, or other political subdivision providing self-insured health coverage under section 471.617 or sections 471.98 to 471.982; and a self-funded health plan under the Employee Retirement Income Security Act of 1974, as amended.

(e) "Participating pharmacy" means a pharmacy as defined in section 151.01, subdivision 2, that agrees to participate in the prescription drug discount program.

(f) "Enrolled individual" means a person who is eligible for the program under subdivision 4 and has enrolled in the program according to subdivision 5.

Subd. 4. [ELIGIBLE PERSONS.] To be eligible for the program, an applicant must:

(1) be a permanent resident of Minnesota as defined in section 256L.09, subdivision 4;

(2) not be enrolled in Medicare, medical assistance, general assistance medical care, or MinnesotaCare;

(3) not be enrolled in and have currently available prescription drug coverage under a health plan offered by a health carrier or employer or under a pharmacy benefit program offered by a pharmaceutical manufacturer; and

(4) not be enrolled in and have currently available prescription drug coverage under a Medicare supplement plan, as defined in sections 62A.31 to 62A.44, or policies, contracts, or certificates that supplement Medicare issued by health maintenance organizations or those policies, contracts, or certificates governed by section 1833 or 1876 of the federal Social Security Act, United States Code, title 42, section 1395, et seq., as amended.

Subd. 5. [APPLICATION PROCEDURE.] (a) Applications and information on the program must be made available at county social services agencies, health care provider offices, and agencies and organizations serving senior citizens. Individuals shall submit applications and any

information specified by the commissioner as being necessary to verify eligibility directly to the commissioner. The commissioner shall determine an applicant's eligibility for the program within 30 days from the date the application is received. Upon notice of approval, the applicant must submit to the commissioner the enrollment fee specified in subdivision 10. Eligibility begins the month after the enrollment fee is received by the commissioner.

(b) An enrollee's eligibility must be renewed every 12 months with the 12-month period beginning in the month after the application is approved.

(c) The commissioner shall develop an application form that does not exceed one page in length and requires information necessary to determine eligibility for the program.

Subd. 6. [PARTICIPATING PHARMACY.] According to a valid prescription, a participating pharmacy must sell a covered prescription drug to an enrolled individual at the pharmacy's usual and customary retail price, minus an amount that is equal to the rebate amount described in subdivision 8, plus the amount of any switch fee established by the commissioner under subdivision 10. Each participating pharmacy shall provide the commissioner with all information necessary to administer the program, including, but not limited to, information on prescription drug sales to enrolled individuals and usual and customary retail prices.

Subd. 7. [NOTIFICATION OF REBATE AMOUNT.] The commissioner shall notify each drug manufacturer, each calendar quarter or according to a schedule to be established by the commissioner, of the amount of the rebate owed on the prescription drugs sold by participating pharmacies to enrolled individuals.

Subd. 8. [PROVISION OF REBATE.] To the extent that a manufacturer's prescription drugs are prescribed to a resident of this state, the manufacturer must provide a rebate equal to the rebate provided under the medical assistance program for any prescription drug distributed by the manufacturer that is purchased by an enrolled individual at a participating pharmacy. The manufacturer must provide full payment within 30 days of receipt of the state invoice for the rebate, or according to a schedule to be established by the commissioner. The commissioner shall deposit all rebates received into the Minnesota prescription drug dedicated fund established under subdivision 11. The manufacturer must provide the commissioner with any information necessary to verify the rebate determined per drug.

Subd. 9. [PAYMENT TO PHARMACIES.] The commissioner shall distribute on a biweekly basis an amount that is equal to an amount collected under subdivision 8 to each participating pharmacy based on the prescription drugs sold by that pharmacy to enrolled individuals.

Subd. 10. [ENROLLMENT FEE; SWITCH FEE.] (a) The commissioner shall establish an annual enrollment fee that covers the commissioner's expenses for enrollment, processing claims, and distributing rebates under this program.

(b) The commissioner shall establish a reasonable switch fee that covers expenses incurred by pharmacies in formatting for electronic submission claims for prescription drugs sold to enrolled individuals.

Subd. 11. [DEDICATED FUND; CREATION; USE OF FUND.] (a) The Minnesota prescription drug dedicated fund is established as an account in the state treasury. The commissioner of finance shall credit to the dedicated fund all rebates paid under subdivision 8, any federal funds received for the program, all enrollment fees paid by the enrollees, and any appropriations or allocations designated for the fund. The commissioner of finance shall ensure that fund money is invested under section 11A.25. All money earned by the fund must be credited to the fund. The fund shall earn a proportionate share of the total state annual investment income.

(b) Money in the fund is appropriated to the commissioner to reimburse participating pharmacies for prescription drug discounts provided to enrolled individuals under this section; to reimburse the commissioner for costs related to enrollment, processing claims, and distributing rebates and for other reasonable administrative costs related to administration of the prescription drug discount program; and to repay the appropriation provided for this section. The

commissioner must administer the program so that the costs total no more than funds appropriated plus the drug rebate proceeds.

Sec. 16. Minnesota Statutes 2004, section 256.9693, is amended to read:

256.9693 [CONTINUING CARE PROGRAM FOR PERSONS WITH MENTAL ILLNESS.]

The commissioner shall establish a continuing care benefit program for persons with mental illness in which persons with mental illness may obtain acute care hospital inpatient treatment for mental illness for up to 45 days beyond that allowed by section 256.969. Persons with mental illness who are eligible for medical assistance or general assistance medical care may obtain inpatient treatment under this program in hospital beds for which the commissioner contracts under this section. The commissioner may selectively contract with hospitals to provide this benefit through competitive bidding when reasonable geographic access by recipients can be assured. Payments under this section shall not affect payments under section 256.969. The commissioner may contract externally with a utilization review organization to authorize persons with mental illness to access the continuing care benefit program. The commissioner, as part of the contracts with hospitals, shall establish admission criteria to allow persons with mental illness to access the continuing care benefit program. If a court orders acute care hospital inpatient treatment for mental illness for a person, the person may obtain the treatment under the continuing care benefit program. The commissioner shall not require, as part of the admission criteria, any commitment or petition under chapter 253B as a condition of accessing the program. This benefit is not available for people who are also eligible for Medicare and who have not exhausted their annual or lifetime inpatient psychiatric benefit under Medicare. If a recipient is enrolled in a prepaid plan, this program is included in the plan's coverage.

Sec. 17. Minnesota Statutes 2004, section 256B.0625, subdivision 3b, is amended to read:

Subd. 3b. [TELEMEDICINE CONSULTATIONS.] Medical assistance covers telemedicine consultations. Telemedicine consultations must be made via two-way, interactive video or store-and-forward technology. Store-and-forward technology includes telemedicine consultations that do not occur in real time via synchronous transmissions, and that do not require a face-to-face encounter with the patient for all or any part of any such telemedicine consultation. The patient record must include a written opinion from the consulting physician providing the telemedicine consultation. A communication between two physicians that consists solely of a telephone conversation is not a telemedicine consultation, unless the communication is between a pediatrician and psychiatrist for the purpose of managing the medications of a child with mental health needs. Coverage is limited to three telemedicine consultations per recipient per calendar week. Telemedicine consultations shall be paid at the full allowable rate.

Sec. 18. Minnesota Statutes 2004, section 256B.0625, is amended by adding a subdivision to read:

Subd. 46. [LIST OF HEALTH CARE SERVICES NOT ELIGIBLE FOR COVERAGE.] (a) The commissioner of human services, in consultation with the commissioner of health, shall biennially establish a list of diagnosis/treatment pairings that are not eligible for reimbursement under this chapter and chapters 256D and 256L, effective for services provided on or after July 1, 2007. The commissioner shall review the list in effect for the prior biennium and shall make any additions or deletions from the list as appropriate, taking into consideration the following:

(1) scientific and medical information;

(2) clinical assessment;

(3) cost-effectiveness of treatment;

(4) prevention of future costs; and

(5) medical ineffectiveness.

(b) The commissioner may appoint an ad hoc advisory panel made up of physicians,

consumers, nurses, dentists, chiropractors, and other experts to assist the commissioner in reviewing and establishing the list. The commissioner shall solicit comments and recommendations from any interested persons and organizations and shall schedule at least one public hearing.

(c) The list must be established by January 15, 2007, for the list effective July 1, 2007, and by October 1 of the even-numbered years beginning October 1, 2008, for the lists effective the following July 1. The commissioner shall publish the list in the State Register by November 1 of the even-numbered years beginning November 1, 2008. The list shall be submitted to the legislature by January 15 of the odd-numbered years beginning January 15, 2007.

Sec. 19. Minnesota Statutes 2004, section 256B.0627, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] (a) "Activities of daily living" includes eating, toileting, grooming, dressing, bathing, transferring, mobility, and positioning.

(b) "Assessment" means a review and evaluation of a recipient's need for home care services conducted in person. Assessments for private duty nursing shall be conducted by a registered private duty nurse. Assessments for home health agency services shall be conducted by a home health agency nurse. Assessments for personal care assistant services shall be conducted by the county public health nurse or a certified public health nurse under contract with the county. A face-to-face assessment must include: documentation of health status, determination of need, evaluation of service effectiveness, identification of appropriate services, service plan development or modification, coordination of services, referrals and follow-up to appropriate payers and community resources, completion of required reports, recommendation of service authorization, and consumer education. Once the need for personal care assistant services is determined under this section, the county public health nurse or certified public health nurse under contract with the county is responsible for communicating this recommendation to the commissioner and the recipient. A face-to-face assessment for personal care assistant services is conducted on those recipients who have never had a county public health nurse assessment. A face-to-face assessment must occur at least annually or when there is a significant change in the recipient's condition or when there is a change in the need for personal care assistant services. A service update may substitute for the annual face-to-face assessment when there is not a significant change in recipient condition or a change in the need for personal care assistant service. A service update or review for temporary increase includes a review of initial baseline data, evaluation of service effectiveness, redetermination of service need, modification of service plan and appropriate referrals, update of initial forms, obtaining service authorization, and on going consumer education. Assessments for medical assistance home care services for mental retardation or related conditions and alternative care services for developmentally disabled home and community-based waived recipients may be conducted by the county public health nurse to ensure coordination and avoid duplication. Assessments must be completed on forms provided by the commissioner within 30 days of a request for home care services by a recipient or responsible party. Assessments shall not be conducted by the same agency, individual, or organization providing the care services.

(c) "Care plan" means a written description of personal care assistant services developed by the qualified professional or the recipient's physician with the recipient or responsible party to be used by the personal care assistant with a copy provided to the recipient or responsible party.

(d) "Complex and regular private duty nursing care" means:

(1) complex care is private duty nursing provided to recipients who are ventilator dependent or for whom a physician has certified that were it not for private duty nursing the recipient would meet the criteria for inpatient hospital intensive care unit (ICU) level of care; and

(2) regular care is private duty nursing provided to all other recipients.

(e) "Health-related functions" means functions that can be delegated or assigned by a licensed health care professional under state law to be performed by a personal care attendant.

(f) "Home care services" means a health service, determined by the commissioner as medically necessary, that is ordered by a physician and documented in a service plan that is reviewed by the physician at least once every 60 days for the provision of home health services, or private duty nursing, or at least once every 365 days for personal care. Home care services are provided to the recipient at the recipient's residence that is a place other than a hospital or long-term care facility or as specified in section 256B.0625.

(g) "Instrumental activities of daily living" includes meal planning and preparation, managing finances, shopping for food, clothing, and other essential items, performing essential household chores, communication by telephone and other media, and getting around and participating in the community.

(h) "Medically necessary" has the meaning given in Minnesota Rules, parts 9505.0170 to 9505.0475.

(i) "Personal care assistant" means a person who:

(1) is at least 18 years old, except for persons 16 to 18 years of age who participated in a related school-based job training program or have completed a certified home health aide competency evaluation;

(2) is able to effectively communicate with the recipient and personal care provider organization;

(3) effective July 1, 1996, has completed one of the training requirements as specified in Minnesota Rules, part 9505.0335, subpart 3, items A to D;

(4) has the ability to, and provides covered personal care assistant services according to the recipient's care plan, responds appropriately to recipient needs, and reports changes in the recipient's condition to the supervising qualified professional or physician;

(5) is not a consumer of personal care assistant services; and

(6) is subject to criminal background checks and procedures specified in chapter 245C.

(j) "Personal care provider organization" means an organization enrolled to provide personal care assistant services under the medical assistance program that complies with the following: (1) owners who have a five percent interest or more, and managerial officials are subject to a background study as provided in chapter 245C. This applies to currently enrolled personal care provider organizations and those agencies seeking enrollment as a personal care provider organization. An organization will be barred from enrollment if an owner or managerial official of the organization has been convicted of a crime specified in chapter 245C, or a comparable crime in another jurisdiction, unless the owner or managerial official meets the reconsideration criteria specified in chapter 245C; (2) the organization must maintain a surety bond and liability insurance throughout the duration of enrollment and provides proof thereof. The insurer must notify the Department of Human Services of the cancellation or lapse of policy; and (3) the organization must maintain documentation of services as specified in Minnesota Rules, part 9505.2175, subpart 7, as well as evidence of compliance with personal care assistant training requirements.

(k) "Responsible party" means an individual who is capable of providing the support necessary to assist the recipient to live in the community, is at least 18 years old, actively participates in planning and directing of personal care assistant services, and is not the personal care assistant. The responsible party must be accessible to the recipient and the personal care assistant when personal care services are being provided and monitor the services at least weekly according to the plan of care. The responsible party must be identified at the time of assessment and listed on the recipient's service agreement and care plan. Responsible parties who are parents of minors or guardians of minors or incapacitated persons may delegate the responsibility to another adult who is not the personal care assistant during a temporary absence of at least 24 hours but not more than six months. The person delegated as a responsible party must be able to meet the definition of responsible party, except that the delegated responsible party is required to reside with the recipient only while serving as the responsible party. The responsible party must assure that the

delegate performs the functions of the responsible party, is identified at the time of the assessment, and is listed on the service agreement and the care plan. Foster care license holders may be designated the responsible party for residents of the foster care home if case management is provided as required in section 256B.0625, subdivision 19a. For persons who, as of April 1, 1992, are sharing personal care assistant services in order to obtain the availability of 24-hour coverage, an employee of the personal care provider organization may be designated as the responsible party if case management is provided as required in section 256B.0625, subdivision 19a.

(l) "Service plan" means a written description of the services needed based on the assessment developed by the nurse who conducts the assessment together with the recipient or responsible party. The service plan shall include a description of the covered home care services, frequency and duration of services, and expected outcomes and goals. The recipient and the provider chosen by the recipient or responsible party must be given a copy of the completed service plan within 30 calendar days of the request for home care services by the recipient or responsible party.

(m) "Skilled nurse visits" are provided in a recipient's residence under a plan of care or service plan that specifies a level of care which the nurse is qualified to provide. These services are:

(1) nursing services according to the written plan of care or service plan and accepted standards of medical and nursing practice in accordance with chapter 148;

(2) services which due to the recipient's medical condition may only be safely and effectively provided by a registered nurse or a licensed practical nurse;

(3) assessments performed only by a registered nurse; and

(4) teaching and training the recipient, the recipient's family, or other caregivers requiring the skills of a registered nurse or licensed practical nurse.

(n) "Telehomecare" means the use of telecommunications technology by a home health care professional to deliver home health care services, within the professional's scope of practice, to a patient located at a site other than the site where the practitioner is located.

Sec. 20. Minnesota Statutes 2004, section 256B.0627, subdivision 4, is amended to read:

Subd. 4. [PERSONAL CARE ASSISTANT SERVICES.] (a) The personal care assistant services that are eligible for payment are services and supports furnished to an individual, as needed, to assist in accomplishing activities of daily living; instrumental activities of daily living; health-related functions through hands-on assistance, supervision, and cuing; and redirection and intervention for behavior including observation and monitoring.

(b) Payment for services will be made within the limits approved using the prior authorized process established in subdivision 5.

(c) The amount and type of services authorized shall be based on an assessment of the recipient's needs in these areas:

(1) bowel and bladder care;

(2) skin care to maintain the health of the skin;

(3) repetitive maintenance range of motion, muscle strengthening exercises, and other tasks specific to maintaining a recipient's optimal level of function;

(4) respiratory assistance;

(5) transfers and ambulation;

(6) bathing, grooming, and hairwashing necessary for personal hygiene;

(7) turning and positioning;

- (8) assistance with furnishing medication that is self-administered;
- (9) application and maintenance of prosthetics and orthotics;
- (10) cleaning medical equipment;
- (11) dressing or undressing;
- (12) assistance with eating and meal preparation and necessary grocery shopping;
- (13) accompanying a recipient to obtain medical diagnosis or treatment;
- (14) assisting, monitoring, or prompting the recipient to complete the services in clauses (1) to (13);
- (15) redirection, monitoring, and observation that are medically necessary and an integral part of completing the personal care assistant services described in clauses (1) to (14);
- (16) redirection and intervention for behavior, including observation and monitoring;
- (17) interventions for seizure disorders, including monitoring and observation if the recipient has had a seizure that requires intervention within the past three months;
- (18) tracheostomy suctioning using a clean procedure if the procedure is properly delegated by a registered nurse. Before this procedure can be delegated to a personal care assistant, a registered nurse must determine that the tracheostomy suctioning can be accomplished utilizing a clean rather than a sterile procedure and must ensure that the personal care assistant has been taught the proper procedure; and
- (19) incidental household services that are an integral part of a personal care service described in clauses (1) to (18).

For purposes of this subdivision, monitoring and observation means watching for outward visible signs that are likely to occur and for which there is a covered personal care service or an appropriate personal care intervention. For purposes of this subdivision, a clean procedure refers to a procedure that reduces the numbers of microorganisms or prevents or reduces the transmission of microorganisms from one person or place to another. A clean procedure may be used beginning 14 days after insertion.

- (d) The personal care assistant services that are not eligible for payment are the following:
 - (1) services not ordered by the physician;
 - (2) assessments by personal care assistant provider organizations or by independently enrolled registered nurses;
 - (3) services that are not in the service plan;
 - (4) services provided by the recipient's spouse, legal guardian for an adult or child recipient, or parent of a recipient under age 18;
 - (5) services provided by a foster care provider of a recipient who cannot direct the recipient's own care, unless monitored by a county or state case manager under section 256B.0625, subdivision 19a;
 - (6) services provided by the residential or program license holder in a residence for more than four persons;
 - (7) services that are the responsibility of a residential or program license holder under the terms of a service agreement and administrative rules;
 - (8) sterile procedures;

(9) injections of fluids into veins, muscles, or skin;

(10) services provided by parents of adult recipients, adult children, or siblings of the recipient, unless these relatives meet one of the following hardship criteria and the commissioner waives this requirement:

(i) the relative resigns from a part-time or full-time job to provide personal care for the recipient;

(ii) the relative goes from a full-time to a part-time job with less compensation to provide personal care for the recipient;

(iii) the relative takes a leave of absence without pay to provide personal care for the recipient;

(iv) the relative incurs substantial expenses by providing personal care for the recipient; or

(v) because of labor conditions, special language needs, or intermittent hours of care needed, the relative is needed in order to provide an adequate number of qualified personal care assistants to meet the medical needs of the recipient;

(11) homemaker services that are not an integral part of a personal care assistant services;

(12) home maintenance or chore services;

(13) services not specified under paragraph (a); and

(14) services not authorized by the commissioner or the commissioner's designee.

(e) The recipient or responsible party may choose to supervise the personal care assistant or to have a qualified professional, as defined in section 256B.0625, subdivision 19c, provide the supervision. As required under section 256B.0625, subdivision 19c, the county public health nurse, as a part of the assessment, will assist the recipient or responsible party to identify the most appropriate person to provide supervision of the personal care assistant. Health-related delegated tasks performed by the personal care assistant will be under the supervision of a qualified professional or the direction of the recipient's physician. If the recipient has a qualified professional, Minnesota Rules, part 9505.0335, subpart 4, applies.

(f) The commissioner shall establish an ongoing audit process for potential fraud and abuse for personal care assistant services.

Sec. 21. Minnesota Statutes 2004, section 256B.0627, subdivision 9, is amended to read:

Subd. 9. [FLEXIBLE USE OF PERSONAL CARE ASSISTANT HOURS.] (a) The commissioner may allow for the flexible use of personal care assistant hours. "Flexible use" means the scheduled use of authorized hours of personal care assistant services, which vary within the length of the service authorization in order to more effectively meet the needs and schedule of the recipient. Recipients may use their approved hours flexibly within the service authorization period for medically necessary covered services specified in the assessment required in subdivision 1. The flexible use of authorized hours does not increase the total amount of authorized hours available to a recipient as determined under subdivision 5. The commissioner shall not authorize additional personal care assistant services to supplement a service authorization that is exhausted before the end date under a flexible service use plan, unless the county public health nurse determines a change in condition and a need for increased services is established.

(b) The recipient or responsible party, together with the county public health nurse, shall determine whether flexible use is an appropriate option based on the needs and preferences of the recipient or responsible party, and, if appropriate, must ensure that the allocation of hours covers the ongoing needs of the recipient over the entire service authorization period. As part of the assessment and service planning process, the recipient or responsible party must work with the county public health nurse to develop a written month-to-month plan of the projected use of personal care assistant services that is part of the service plan and ensures:

- (1) that the health and safety needs of the recipient will be met;
- (2) that the total annual authorization will not exceed before the end date; and
- (3) how actual use of hours will be monitored.

(c) If the actual use of personal care assistant service varies significantly from the use projected in the plan, the written plan must be promptly updated by the recipient or responsible party and the county public health nurse.

(d) The recipient or responsible party, together with the provider, must work to monitor and document the use of authorized hours and ensure that a recipient is able to manage services effectively throughout the authorized period. The provider must ensure that the month-to-month plan is incorporated into the care plan. Upon request of the recipient or responsible party, the provider must furnish regular updates to the recipient or responsible party on the amount of personal care assistant services used.

(e) The recipient or responsible party may revoke the authorization for flexible use of hours by notifying the provider and county public health nurse in writing.

(f) If the requirements in paragraphs (a) to (e) have not substantially been met, the commissioner shall deny, revoke, or suspend the authorization to use authorized hours flexibly. The recipient or responsible party may appeal the commissioner's action according to section 256.045. The denial, revocation, or suspension to use the flexible hours option shall not affect the recipient's authorized level of personal care assistant services as determined under subdivision 5.

Sec. 22. Minnesota Statutes 2004, section 256B.0631, is amended by adding a subdivision to read:

Subd. 5. [HEALTHY LIFESTYLE WAIVER.] The co-payments described in subdivision 1 shall be waived by the provider if the recipient is practicing a healthy lifestyle by refraining from tobacco use or is participating in a smoking cessation program. To obtain the waiver, the recipient must sign a statement stating that the recipient does not use tobacco products or is currently participating in a smoking cessation program. The provider shall keep the signed statement on file.

Sec. 23. [256B.072] [PERFORMANCE REPORTING AND QUALITY IMPROVEMENT PAYMENT SYSTEM.]

(a) The commissioner of human services shall establish a performance reporting and payment system for health care providers who provide health care services to public program recipients covered under chapters 256B, 256D, and 256L.

(b) The measures used for the performance reporting and payment system for medical groups or single-physician practices shall include, but are not limited to, measures of care for asthma, diabetes, hypertension, and coronary artery disease and measures of preventive care services. The measures used for the performance reporting and payment system for inpatient hospitals shall include, but are not limited to, measures of care for acute myocardial infarction, heart failure, and pneumonia, and measures of care and prevention of surgical infections. In the case of a medical group or single-physician practice, the measures used shall be consistent with measures published by nonprofit Minnesota or national organizations that produce and disseminate health care quality measures or evidence-based health care guidelines. In the case of inpatient hospital measures, the commissioner shall appoint the Minnesota Hospital Association and Stratis Health to develop the performance measures to be used for hospital reporting. To enable a consistent measurement process across the community, the commissioner may use measures of care provided for patients in addition to those identified in paragraph (a). The commissioner shall ensure collaboration with other health care reporting organizations so that the measures described in this section are consistent with those reported by those organizations and used by other purchasers in Minnesota.

(c) For recipients seen on or after January 1, 2007, the commissioner shall provide a performance bonus payment to providers who have achieved certain levels of performance established by the commissioner with respect to the measures or who have achieved certain rates

of improvement established by the commissioner with respect to the measures or whose rates of achievement have increased over a previous period, as established by the commissioner. The performance bonus payment may be a fixed dollar amount per patient, paid quarterly or annually, or alternatively payment may be made as a percentage increase over payments allowed elsewhere in statute for the recipients identified in paragraph (a). In order for providers to be eligible for a performance bonus payment under this section, the commissioner may require the providers to submit information in a required format to a health care reporting organization or to cooperate with the information collection procedures of that organization. The commissioner may contract with a reporting organization to assist with the collection of reporting information and to prevent duplication of reporting. The commissioner may limit application of the performance bonus payment system to providers that provide a sufficiently large volume of care to permit adequate statistical precision in the measurement of that care, as established by the commissioner, after consulting with other health care quality reporting organizations.

(d) The performance bonus payments shall be funded with the projected savings in the program costs due to improved results of these measures with the eligible providers.

(e) The commissioner shall publish a description of the proposed performance reporting and payment system for the calendar year beginning January 1, 2007, and each subsequent calendar year, at least three months prior to the beginning of that calendar year.

(f) By April 1, 2007, and annually thereafter, the commissioner shall report through a public Web site the results by medical group, single-physician practice, and hospital of the measures and the performance payments under this section, and shall compare the results by medical group, single-physician practice, and hospital for patients enrolled in public programs to patients enrolled in private health plans. To achieve this reporting, the commissioner may contract with a health care reporting organization that operates a Web site suitable for this purpose.

Sec. 24. [256B.0918] [EMPLOYEE SCHOLARSHIP COSTS AND TRAINING IN ENGLISH AS A SECOND LANGUAGE.]

(a) For the fiscal year beginning July 1, 2005, the commissioner shall provide to each provider listed in paragraph (c) a scholarship reimbursement increase of two-tenths percent of the reimbursement rate for that provider to be used:

(1) for employee scholarships that satisfy the following requirements:

(i) scholarships are available to all employees who work an average of at least 20 hours per week for the provider, except administrators, department supervisors, and registered nurses; and

(ii) the course of study is expected to lead to career advancement with the provider or in long-term care, including home care or care of persons with disabilities, including medical care interpreter services and social work; and

(2) to provide job-related training in English as a second language.

(b) A provider receiving a rate adjustment under this subdivision with an annualized value of at least \$1,000 shall maintain documentation to be submitted to the commissioner on a schedule determined by the commissioner and on a form supplied by the commissioner of the scholarship rate increase received, including:

(1) the amount received from this reimbursement increase;

(2) the amount used for training in English as a second language;

(3) the number of persons receiving the training;

(4) the name of the person or entity providing the training; and

(5) for each scholarship recipient, the name of the recipient, the amount awarded, the educational institution attended, the nature of the educational program, the program completion date, and a determination of the amount spent as a percentage of the provider's reimbursement.

The commissioner shall report to the legislature annually, beginning January 15, 2006, with information on the use of these funds.

(c) The rate increases described in this section shall be provided to home and community-based waived services for persons with mental retardation or related conditions under section 256B.501; home and community-based waived services for the elderly under section 256B.0915; waived services under community alternatives for disabled individuals under section 256B.49; community alternative care waived services under section 256B.49; traumatic brain injury waived services under section 256B.49; nursing services and home health services under section 256B.0625, subdivision 6a; personal care services and nursing supervision of personal care services under section 256B.0625, subdivision 19a; private duty nursing services under section 256B.0625, subdivision 7; day training and habilitation services for adults with mental retardation or related conditions under sections 252.40 to 252.46; alternative care services under section 256B.0913; adult residential program grants under Minnesota Rules, parts 9535.2000 to 9535.3000; semi-independent living services (SILS) under section 252.275, including SILS funding under county social services grants formerly funded under chapter 256I; community support services for deaf and hard-of-hearing adults with mental illness who use or wish to use sign language as their primary means of communication; the group residential housing supplementary service rate under section 256I.05, subdivision 1a; chemical dependency residential and nonresidential service providers under section 254B.03; and intermediate care facilities for persons with mental retardation under section 256B.5012.

(d) These increases shall be included in the provider's reimbursement rate for the purpose of determining future rates for the provider.

Sec. 25. Minnesota Statutes 2004, section 256D.03, subdivision 4, is amended to read:

Subd. 4. [GENERAL ASSISTANCE MEDICAL CARE; SERVICES.] (a)(i) For a person who is eligible under subdivision 3, paragraph (a), clause (2), item (i), general assistance medical care covers, except as provided in paragraph (c):

- (1) inpatient hospital services;
- (2) outpatient hospital services;
- (3) services provided by Medicare certified rehabilitation agencies;
- (4) prescription drugs and other products recommended through the process established in section 256B.0625, subdivision 13;
- (5) equipment necessary to administer insulin and diagnostic supplies and equipment for diabetics to monitor blood sugar level;
- (6) eyeglasses and eye examinations provided by a physician or optometrist;
- (7) hearing aids;
- (8) prosthetic devices;
- (9) laboratory and X-ray services;
- (10) physician's services;
- (11) medical transportation except special transportation;
- (12) chiropractic services as covered under the medical assistance program;
- (13) podiatric services;
- (14) dental services and dentures, subject to the limitations specified in section 256B.0625, subdivision 9;

(15) outpatient services provided by a mental health center or clinic that is under contract with the county board and is established under section 245.62;

(16) day treatment services for mental illness provided under contract with the county board;

(17) prescribed medications for persons who have been diagnosed as mentally ill as necessary to prevent more restrictive institutionalization;

(18) psychological services, medical supplies and equipment, and Medicare premiums, coinsurance and deductible payments;

(19) medical equipment not specifically listed in this paragraph when the use of the equipment will prevent the need for costlier services that are reimbursable under this subdivision;

(20) services performed by a certified pediatric nurse practitioner, a certified family nurse practitioner, a certified adult nurse practitioner, a certified obstetric/gynecological nurse practitioner, a certified neonatal nurse practitioner, or a certified geriatric nurse practitioner in independent practice, if (1) the service is otherwise covered under this chapter as a physician service, (2) the service provided on an inpatient basis is not included as part of the cost for inpatient services included in the operating payment rate, and (3) the service is within the scope of practice of the nurse practitioner's license as a registered nurse, as defined in section 148.171;

(21) services of a certified public health nurse or a registered nurse practicing in a public health nursing clinic that is a department of, or that operates under the direct authority of, a unit of government, if the service is within the scope of practice of the public health nurse's license as a registered nurse, as defined in section 148.171; and

(22) telemedicine consultations, to the extent they are covered under section 256B.0625, subdivision 3b.

(ii) Effective October 1, 2003, for a person who is eligible under subdivision 3, paragraph (a), clause (2), item (ii), general assistance medical care coverage is limited to inpatient hospital services, including physician services provided during the inpatient hospital stay. A \$1,000 deductible is required for each inpatient hospitalization.

(b) Gender reassignment surgery and related services are not covered services under this subdivision unless the individual began receiving gender reassignment services prior to July 1, 1995.

(c) In order to contain costs, the commissioner of human services shall select vendors of medical care who can provide the most economical care consistent with high medical standards and shall where possible contract with organizations on a prepaid capitation basis to provide these services. The commissioner shall consider proposals by counties and vendors for prepaid health plans, competitive bidding programs, block grants, or other vendor payment mechanisms designed to provide services in an economical manner or to control utilization, with safeguards to ensure that necessary services are provided. Before implementing prepaid programs in counties with a county operated or affiliated public teaching hospital or a hospital or clinic operated by the University of Minnesota, the commissioner shall consider the risks the prepaid program creates for the hospital and allow the county or hospital the opportunity to participate in the program in a manner that reflects the risk of adverse selection and the nature of the patients served by the hospital, provided the terms of participation in the program are competitive with the terms of other participants considering the nature of the population served. Payment for services provided pursuant to this subdivision shall be as provided to medical assistance vendors of these services under sections 256B.02, subdivision 8, and 256B.0625. For payments made during fiscal year 1990 and later years, the commissioner shall consult with an independent actuary in establishing prepayment rates, but shall retain final control over the rate methodology.

(d) Recipients eligible under subdivision 3, paragraph (a), clause (2), item (i), shall pay the following co-payments for services provided on or after October 1, 2003:

(1) \$3 per nonpreventive visit. For purposes of this subdivision, a visit means an episode of

service which is required because of a recipient's symptoms, diagnosis, or established illness, and which is delivered in an ambulatory setting by a physician or physician ancillary, chiropractor, podiatrist, nurse midwife, advanced practice nurse, audiologist, optician, or optometrist;

(2) \$25 for eyeglasses;

(3) \$25 for nonemergency visits to a hospital-based emergency room;

(4) \$3 per brand-name drug prescription and \$1 per generic drug prescription, subject to a \$20 per month maximum for prescription drug co-payments. No co-payments shall apply to antipsychotic drugs when used for the treatment of mental illness; and

(5) 50 percent coinsurance on restorative dental services.

(e) Co-payments shall be limited to one per day per provider for nonpreventive visits, eyeglasses, and nonemergency visits to a hospital-based emergency room. Recipients of general assistance medical care are responsible for all co-payments in this subdivision. The general assistance medical care reimbursement to the provider shall be reduced by the amount of the co-payment, except that reimbursement for prescription drugs shall not be reduced once a recipient has reached the \$20 per month maximum for prescription drug co-payments. The provider collects the co-payment from the recipient. Providers may not deny services to recipients who are unable to pay the co-payment, except as provided in paragraph (f).

(f) If it is the routine business practice of a provider to refuse service to an individual with uncollected debt, the provider may include uncollected co-payments under this section. A provider must give advance notice to a recipient with uncollected debt before services can be denied.

(g) The co-payments described in paragraph (d) shall be waived by the provider if the recipient practices a healthy lifestyle by refraining from tobacco use or is participating in a smoking cessation program. To obtain the waiver, the recipient must sign a statement stating that the recipient does not use tobacco products or is currently participating in a smoking cessation program. The provider shall keep the signed statement on file.

~~(g)~~ (h) Any county may, from its own resources, provide medical payments for which state payments are not made.

~~(h)~~ (i) Chemical dependency services that are reimbursed under chapter 254B must not be reimbursed under general assistance medical care.

~~(i)~~ (j) The maximum payment for new vendors enrolled in the general assistance medical care program after the base year shall be determined from the average usual and customary charge of the same vendor type enrolled in the base year.

~~(j)~~ (k) The conditions of payment for services under this subdivision are the same as the conditions specified in rules adopted under chapter 256B governing the medical assistance program, unless otherwise provided by statute or rule.

~~(k)~~ (l) Inpatient and outpatient payments shall be reduced by five percent, effective July 1, 2003. This reduction is in addition to the five percent reduction effective July 1, 2003, and incorporated by reference in paragraph (i).

~~(l)~~ (m) Payments for all other health services except inpatient, outpatient, and pharmacy services shall be reduced by five percent, effective July 1, 2003.

~~(m)~~ (n) Payments to managed care plans shall be reduced by five percent for services provided on or after October 1, 2003.

~~(n)~~ (o) A hospital receiving a reduced payment as a result of this section may apply the unpaid balance toward satisfaction of the hospital's bad debts.

Sec. 26. Minnesota Statutes 2004, section 256L.07, subdivision 1, is amended to read:

Subdivision 1. [GENERAL REQUIREMENTS.] (a) Children enrolled in the original children's health plan as of September 30, 1992, children who enrolled in the MinnesotaCare program after September 30, 1992, pursuant to Laws 1992, chapter 549, article 4, section 17, and children who have family gross incomes that are equal to or less than 150 percent of the federal poverty guidelines are eligible without meeting the requirements of subdivision 2 and the four-month requirement in subdivision 3, as long as they maintain continuous coverage in the MinnesotaCare program or medical assistance. Children who apply for MinnesotaCare on or after the implementation date of the employer-subsidized health coverage program as described in Laws 1998, chapter 407, article 5, section 45, who have family gross incomes that are equal to or less than 150 percent of the federal poverty guidelines, must meet the requirements of subdivision 2 to be eligible for MinnesotaCare.

(b) Families enrolled in MinnesotaCare under section 256L.04, subdivision 1, whose income increases above 275 percent of the federal poverty guidelines, are no longer eligible for the program and shall be disenrolled by the commissioner. Individuals enrolled in MinnesotaCare under section 256L.04, subdivision 7, whose income increases above 175 percent of the federal poverty guidelines are no longer eligible for the program and shall be disenrolled by the commissioner. For persons disenrolled under this subdivision, MinnesotaCare coverage terminates the last day of the calendar month following the month in which the commissioner determines that the income of a family or individual exceeds program income limits.

~~(c)(1) Notwithstanding paragraph (b), individuals and families enrolled in MinnesotaCare under section 256L.04, subdivision 1, may remain enrolled in MinnesotaCare if ten percent of their annual income is less than the annual premium for a policy with a \$500 deductible available through the Minnesota Comprehensive Health Association. Individuals and families who are no longer eligible for MinnesotaCare under this subdivision shall be given an 18-month a 12-month notice period from the date that ineligibility is determined before disenrollment. This clause expires February 1, 2004.~~

~~(2) Effective February 1, 2004, notwithstanding paragraph (b), children may remain enrolled in MinnesotaCare if ten percent of their annual family income is less than the annual premium for a policy with a \$500 deductible available through the Minnesota Comprehensive Health Association. Children who are no longer eligible for MinnesotaCare under this clause shall be given a 12-month notice period from the date that ineligibility is determined before disenrollment. The premium for children individuals and families remaining eligible under this clause paragraph shall be the maximum premium determined under section 256L.15, subdivision 2, paragraph (b).~~

(d) Effective July 1, 2003, notwithstanding paragraphs (b) and (c), parents are no longer eligible for MinnesotaCare if gross household income exceeds \$50,000.

Sec. 27. [256L.20] [MINNESOTACARE OPTION FOR SMALL EMPLOYERS.]

Subdivision 1. [DEFINITIONS.] (a) For the purpose of this section, the terms used have the meanings given them.

(b) "Dependent" means an unmarried child under 21 years of age.

(c) "Eligible employer" means a business that employs at least two, but not more than 50, eligible employees, the majority of whom are employed in the state, and includes a municipality that has 50 or fewer employees.

(d) "Eligible employee" means an employee who works at least 20 hours per week for an eligible employer. Eligible employee does not include an employee who works on a temporary or substitute basis or who does not work more than 26 weeks annually.

(e) "Maximum premium" has the meaning given under section 256L.15, subdivision 2, paragraph (b), clause (3).

(f) "Participating employer" means an eligible employer who meets the requirements described in subdivision 3 and applies to the commissioner to enroll its eligible employees and their dependents in the MinnesotaCare program.

(g) "Program" means the MinnesotaCare program.

Subd. 2. [OPTION.] Eligible employees and their dependents may enroll in MinnesotaCare if the eligible employer meets the requirements of subdivision 3. The effective date of coverage is according to section 256L.05, subdivision 3.

Subd. 3. [EMPLOYER REQUIREMENTS.] The commissioner shall establish procedures for an eligible employer to apply for coverage through the program. In order to participate, an eligible employer must meet the following requirements:

(1) agrees to contribute toward the cost of the premium for the employee and the employee's dependents according to subdivision 4;

(2) certifies that at least 75 percent of its eligible employees who do not have other creditable health coverage are enrolled in the program;

(3) offers coverage to all eligible employees and the dependents of eligible employees; and

(4) has not provided employer-subsidized health coverage as an employee benefit during the previous 12 months, as defined in section 256L.07, subdivision 2, paragraph (c).

Subd. 4. [PREMIUMS.] (a) The premium for MinnesotaCare coverage provided under this section is equal to the maximum premium regardless of the income of the eligible employee.

(b) For eligible employees without dependents with income equal to or less than 175 percent of the federal poverty guidelines and for eligible employees with dependents with income equal to or less than 275 percent of the federal poverty guidelines, the participating employer shall pay 50 percent of the maximum premium for the eligible employee and any dependents, if applicable.

(c) For eligible employees without dependents with income over 175 percent of the federal poverty guidelines and for eligible employees with dependents with income over 275 percent of the federal poverty guidelines, the participating employer shall pay the full cost of the maximum premium for the eligible employee and any dependents, if applicable. The participating employer may require the employee to pay a portion of the cost of the premium so long as the employer pays 50 percent of the cost. If the employer requires the employee to pay a portion of the premium, the employee shall pay the portion of the cost to the employer.

(d) The commissioner shall collect premium payments from participating employers for eligible employees and their dependents who are covered by the program as provided under this section. All premiums collected shall be deposited in the health care access fund.

Subd. 5. [COVERAGE.] The coverage offered to those enrolled in the program under this section must include all health services described under section 256L.03 and all co-payments and coinsurance requirements described under section 256L.03, subdivision 5, apply.

Subd. 6. [ENROLLMENT.] Upon payment of the premium, in accordance with this section and section 256L.06, eligible employees and their dependents shall be enrolled in MinnesotaCare. For purposes of enrollment under this section, income eligibility limits established under sections 256L.04 and 256L.07, subdivision 1, and asset limits established under section 256L.17 do not apply. The barriers established under section 256L.07, subdivision 2 or 3, do not apply to enrollees eligible under this section. The commissioner may require eligible employees to provide income verification to determine premiums.

Sec. 28. [LIMITING COVERAGE OF HEALTH CARE SERVICES FOR MEDICAL ASSISTANCE, GENERAL ASSISTANCE MEDICAL CARE, AND MINNESOTACARE PROGRAMS.]

Subdivision 1. [PRIOR AUTHORIZATION OF SERVICES.] (a) Effective July 1, 2005, prior authorization is required for the diagnosis/treatment pairings described in subdivision 2 for reimbursement under Minnesota Statutes, chapters 256B, 256D, and 256L.

(b) This subdivision expires July 1, 2007, or when a list is established according to Minnesota Statutes, section 256B.0625, subdivision 46, whichever is earlier.

Subd. 2. [SERVICES REQUIRING PRIOR AUTHORIZATION.] The following services require prior authorization:

- (1) obstetrical ultrasound;
- (2) positive emission tomography (PET) scans;
- (3) electronic beam computed tomography (EBCT);
- (4) virtual colonoscopy;
- (5) spinal fusion, unless in an emergency situation related to trauma;
- (6) bariatric surgery; and
- (7) orthodontia.

Subd. 3. [SERVICES REQUIRING REVIEW BEFORE ADDITION TO PUBLIC PROGRAMS BENEFIT SETS.] No new medical device, brand drug, or medical procedure shall be included in the public programs benefit sets under Minnesota Statutes, chapter 256B, 256D, or 256L, until a technology assessment has been completed and the potential benefits are proven to outweigh the additional costs of the new device, drug, or procedure. Technology assessments by independent organizations with no conflict of interest should be used in making these determinations.

Sec. 29. [TASK FORCE ON CHILDHOOD OBESITY.]

(a) The commissioner of health, in consultation with the commissioners of human services and education, shall convene a task force to study and make recommendations on reducing the rate of obesity among the children in Minnesota. The task force shall determine the number of children who are currently obese and set a goal, including measurable outcomes for the state in terms of reducing the rate of childhood obesity. The task force shall make recommendations on how to achieve this goal, including, but not limited to, increasing physical activities; exploring opportunities to promote physical education and healthy eating programs; improving the nutritional offerings through breakfast and lunch menus; and evaluating the availability and choice of nutritional products offered in public schools. The members of the task force shall include representatives of the Minnesota Medical Association; the Minnesota Nurses Association; the Local Public Health Association of Minnesota; the Minnesota Dietetic Association; the Minnesota School Food Service Association; the Minnesota Association of Health, Physical Education, Recreation, and Dance; the Minnesota School Boards Association; the Minnesota School Administrators Association; the Minnesota Secondary Principals Association; the vending industry; and consumers. The terms and compensation of the members of the task force shall be in accordance with Minnesota Statutes, section 15.059, subdivision 6.

(b) The commissioner must submit the recommendations of the task force to the legislature by January 15, 2007.

Sec. 30. [IMPLEMENTATION OF AN ELECTRONIC HEALTH RECORDS SYSTEM.]

The commissioner of health, in consultation with the electronic health record planning work group established in Laws 2004, chapter 288, article 7, section 7, shall develop a statewide plan for all hospitals and physician group practices to have in place an interoperable electronic health records system by January 1, 2015. In developing the plan, the commissioner shall consider:

(1) creating financial assistance to hospitals and providers for implementing or updating an electronic health records system, including, but not limited to, the establishment of grants, financial incentives, or low-interest loans;

(2) addressing specific needs and concerns of safety-net hospitals, community health clinics,

and other health care providers who serve low-income patients in implementing an electronic records system within the hospital or practice; and

(3) providing assistance in the development of possible alliances or collaborations among providers.

The commissioner shall provide preliminary reports to the chairs of the senate and house committees with jurisdiction over health care policy and finance biennially beginning January 15, 2007, on the status of reaching the goal for all hospitals and physician group practices to have an interoperable electronic health records system in place by January 1, 2005. The reports shall include recommendations on statutory language necessary to implement the plan, including possible financing options.

Sec. 31. [APPROPRIATION.]

(a) \$...... is appropriated for the biennium beginning July 1, 2005, from the general fund to the Board of Trustees of the Minnesota State Colleges and Universities for the nursing and health care education plan designed to:

(1) expand the system's enrollment in registered nursing education programs;

(2) support practical nursing programs in regions of high need;

(3) address the shortage of nursing faculty; and

(4) provide accessible learning opportunities to students through distance education and simulation experiences.

(b) \$...... is appropriated for the biennium beginning July 1, 2005, from the general fund to the commissioner of health for the loan forgiveness program in Minnesota Statutes, section 144.1501."

Delete the title and insert:

"A bill for an act relating to health care; modifying premium rate restrictions; establishing expenditure limits; modifying cost containment provisions; modifying certain loan forgiveness programs; modifying medical assistance, general assistance medical care, and MinnesotaCare programs; requiring reports; appropriating money; amending Minnesota Statutes 2004, sections 62A.65, subdivision 3; 62D.12, subdivision 19; 62J.04, subdivision 3, by adding a subdivision; 62J.041; 62J.301, subdivision 3; 62J.38; 62J.692, subdivision 3; 62L.08, subdivision 8; 144.1501, subdivisions 2, 4; 256.045, subdivision 3a; 256.9693; 256B.0625, subdivision 3b, by adding a subdivision; 256B.0627, subdivisions 1, 4, 9; 256B.0631, by adding a subdivision; 256D.03, subdivision 4; 256L.07, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 62J; 62Q; 256; 256B; 256L."

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

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

S.F. No. 1551: A bill for an act relating to elections; extending the deadline for submitting voter registration applications; clarifying documents acceptable to prove residence; specifying form of voter registration application; authorizing registered voters to withhold their name from the public information list; requiring notice to individuals whose civil rights have been restored; regulating conduct and requiring training of polling place challengers; adding to the Voter's Bill of Rights; allowing ex-felons to leave a polling place and return; amending Minnesota Statutes 2004, sections 201.061, subdivisions 1, 3, by adding a subdivision; 201.071, subdivision 1; 201.091, subdivision 4; 201.155; 204C.06, subdivision 2; 204C.07, subdivision 4, by adding a subdivision; 204C.08, subdivision 1a; 204C.12, subdivisions 2, 4.

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

Page 1, after line 18, insert:

"Section 1. Minnesota Statutes 2004, section 135A.17, subdivision 2, is amended to read:

Subd. 2. [RESIDENTIAL HOUSING LIST.] All postsecondary institutions that enroll students accepting state or federal financial aid ~~may~~ shall prepare a current list of ~~students~~ the name and address of each student enrolled in the institution and residing in the institution's housing or in other housing within ten miles of the county, or a county contiguous to the county, where the institution's campus is located. Institutions that do not consider student addresses to be public information under applicable federal and state privacy laws shall make release forms available to all students authorizing the institution to provide the addresses to the county auditor. The list shall include each student's current be based on the most recent residence address the student has provided to the institution. If the student gives the institution, before the list is sent to the county auditor or auditors, a written request that the student's name and residence address be omitted from the list, the institution must honor the request. The list shall be certified and sent to the appropriate county auditor or auditors for use in election day registration as provided under section 201.061, subdivision 3.

Sec. 2. Minnesota Statutes 2004, section 201.014, subdivision 2, is amended to read:

Subd. 2. [NOT ELIGIBLE.] The following individuals are not eligible to vote. Any individual:

- (a) Convicted of treason or any felony whose civil rights have not been restored;
- (b) Under a guardianship of ~~the person~~ in which the court order ~~provides that the ward does not retain~~ revokes the ward's right to vote; or
- (c) Found by a court of law to be legally incompetent."

Pages 2 to 4, delete sections 2 and 3 and insert:

"Sec. 4. Minnesota Statutes 2004, section 201.061, subdivision 3, is amended to read:

Subd. 3. [ELECTION DAY REGISTRATION.] (a) An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration application, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

- (1) presenting a driver's license or Minnesota identification card issued pursuant to section 171.07;
- (2) presenting a current and valid photo identification that shows the name and valid residential address of the voter;
- (3) presenting a copy of a current utility bill, signed residential lease, bank statement, government check, paycheck, or other government document that shows the name and valid residential address of the voter;
- (4) presenting any document approved by the secretary of state as proper identification;
- (3) (5) presenting one of the following:
 - (i) a current valid student identification card from a postsecondary educational institution in Minnesota, if a list of students from that institution has been prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state; or
 - (ii) a current student fee statement that contains the student's valid residential address in the precinct ~~together with a picture identification card;~~
 - (iii) a copy of a current student registration card that contains the student's valid residential address in the precinct; or

(iv) a current student monthly rental statement that contains the student's valid residential address in the precinct; or

(4) (6) having a voter who is registered to vote in the precinct, or who is an employee employed by and working in a residential facility in the precinct, sign an oath in the presence of the election judge vouching that the voter or employee personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day.

(b) The operator of a residential facility shall prepare a list of the names of its employees currently working in the residential facility and the address of the residential facility. The operator shall certify the list and provide it to the appropriate county auditor no less than 20 days before each election for use in election day registration.

(c) For tribal band members living on an Indian reservation, an individual may prove residence for purposes of registering by presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, street address, signature, and picture of the individual. The county auditor of each county having territory within the reservation shall maintain a record of the number of election day registrations accepted under this section.

(d) A county, school district, or municipality may require that an election judge responsible for election day registration initial each completed registration application.

Sec. 5. Minnesota Statutes 2004, section 201.061, is amended by adding a subdivision to read:

Subd. 3a. [DEFINITIONS.] (a) The definitions in this subdivision apply to subdivision 3.

(b) "Bank statement" includes a bank statement, investment account statement, brokerage statement, pension fund statement, dividend check, or any other notice or letter from a financial institution relating to an account or investment held by the voter at the financial institution.

(c) "Government check" includes a Social Security Administration check statement or a check stub or electronic deposit receipt from a public assistance payment or tax refund or credit.

(d) "Other government document" includes military identification; a document issued by a governmental entity that qualifies for use as identification for purposes of acquiring a driver's license in this state; a Metro Mobility card; a property tax statement; a public housing lease or rent statement or agreement, or a rent statement or agreement provided under a subsidized housing program; a document or statement provided to a voter as evidence of income or eligibility for a tax deduction or tax credit; a periodic notice from a federal, state, or local agency for a public assistance program, such as the Minnesota family investment program, food stamps, general assistance, medical assistance, general assistance medical care, MinnesotaCare, unemployment benefits, or social security; an insurance card for a government administered or subsidized health insurance program; or a discharge certificate, pardon, or other official document issued to the voter in connection with the resolution of a criminal case, indictment, sentence, or other matter, in accordance with state law.

(e) "Paycheck" includes a check stub or electronic deposit receipt.

(f) "Residential facility" means transitional housing as defined in section 119A.43, subdivision 1; a supervised living facility licensed by the commissioner of health under section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision 5; a residence registered with the commissioner of health as a housing with services establishment as defined in section 144D.01, subdivision 4; a veterans home operated by the board of directors of the Minnesota Veterans Homes under chapter 198; a residence licensed by the commissioner of human services to provide a residential program as defined in section 245A.02, subdivision 14; a residential facility for persons with a developmental disability licensed by the commissioner of human services under section 252.28; group residential housing as defined in section 256I.03, subdivision 3; a shelter for battered women as defined in section 611A.37, subdivision 4; or a supervised publicly or privately operated shelter or dwelling designed to provide temporary living accommodations for the homeless.

(g) "Utility bill" includes a bill for gas, electricity, telephone, wireless telephone, cable television, solid waste, water, or sewer services."

Page 5, lines 9 and 10, strike "of the person where I have not retained the" and insert "in which the court order revokes my"

Page 6, line 35, strike "written request"

Page 6, line 36, before the comma, insert "statement signed by the voter that withholding the voter's name from the public information list is required for the safety of the voter or the voter's family"

Page 7, delete section 6 and insert:

"Sec. 8. Minnesota Statutes 2004, section 201.15, is amended to read:

201.15 [DISTRICT JUDGE, REPORT GUARDIANSHIPS AND COMMITMENTS.]

Subdivision 1. [GUARDIANSHIPS AND INCOMPETENTS.] Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report monthly by electronic means to the secretary of state the name, address, and date of birth of each individual 18 years of age or over, who during the month preceding the date of the report:

(a) was placed under a guardianship ~~of the person in which the court order provides that the ward does not retain~~ revokes the ward's right to vote; or

(b) was adjudged legally incompetent.

The court administrator shall also report the same information for each individual transferred to the jurisdiction of the court who meets a condition specified in clause (a) or (b). The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for the county auditor. The county auditor shall change the status on the record in the statewide registration system of any individual named in the report to indicate that the individual is not eligible to reregister or vote.

Subd. 2. ~~[RESTORATION TO CAPACITY GUARDIANSHIP TERMINATION OR MODIFICATION.]~~ Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report monthly by electronic means to the secretary of state the name, address, and date of birth of each individual ~~transferred from whose guardianship to conservatorship or who is restored to capacity by the court was modified to restore the ward's right to vote or whose guardianship was terminated by order of the court under section 524.5-317~~ after being ineligible to vote for any of the reasons specified in subdivision 1. The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for the county auditor. The county auditor shall change the status on the voter's record in the statewide registration system to "active."

Sec. 9. Minnesota Statutes 2004, section 203B.16, is amended by adding a subdivision to read:

Subd. 5. [DUTIES OF COUNTY AUDITOR.] Each county auditor shall mail absentee ballot applications to the study-abroad office of each college or university whose principal administrative offices are located within the county.

Sec. 10. Minnesota Statutes 2004, section 204B.10, subdivision 6, is amended to read:

Subd. 6. [INELIGIBLE VOTER.] Upon receipt of a certified copy of a final judgment or order of a court of competent jurisdiction that a person who has filed an affidavit of candidacy or who has been nominated by petition:

(1) has been convicted of treason or a felony and the person's civil rights have not been restored;

(2) is under guardianship ~~of the person~~ in which the court order revokes the ward's right to vote; or

(3) has been found by a court of law to be legally incompetent; the filing officer shall notify the person by certified mail at the address shown on the affidavit or petition, and shall not certify the person's name to be placed on the ballot. The actions of a filing officer under this subdivision are subject to judicial review under section 204B.44.

Sec. 11. Minnesota Statutes 2004, section 204B.24, is amended to read:

204B.24 [ELECTION JUDGES; OATH.]

Each election judge shall sign the following oath before assuming the duties of the office:

"I solemnly swear that I will perform the duties of election judge according to law and the best of my ability and will diligently endeavor to prevent fraud, deceit and abuse in conducting this election. I will perform my duties in a fair and impartial manner and not attempt to create an advantage for my party or for any candidate."

The oath shall be attached to the summary statement of the election returns of that precinct. If there is no individual present who is authorized to administer oaths, the election judges may administer the oath to each other.

Sec. 12. Minnesota Statutes 2004, section 204B.27, subdivision 11, is amended to read:

Subd. 11. [TRANSLATION OF VOTING INSTRUCTIONS MATERIALS.] The secretary of state ~~may~~ shall develop voter registration applications, absentee ballot applications, ballots, absentee ballots, and voting instructions in languages other than English, ~~to be posted and made available in polling places during elections.~~ The state demographer shall determine and report to the secretary of state the languages that are so common in this state that there is a need for translated voting instructions materials. The secretary of state shall develop the materials for those languages recommended by the state demographer. The secretary of state shall publish the materials and provide paper copies on request of any voter at no charge to the voter. The voting instructions must be posted and made available in polling places during elections. The posted voting instructions must include a pictorial representation of a voter completing the voting process. In those precincts where the state demographer has determined it is likely that at least five percent of the eligible voters speak one of the languages other than English for which translated voting materials have been published by the secretary of state, the translated materials for that language must be posted or otherwise made available in the polling place."

Page 9, line 8, after "challenger" insert "who is not a registered voter in this state and"

Page 10, line 9, before "You" insert "If you are under a guardianship, you have the right to vote, unless the court order revokes your right to vote."

(10)"

Page 10, line 11, strike "(10)" and insert "(11)"

Page 10, line 14, strike "(11)" and insert "(12)"

Page 10, line 17, strike "(12)" and insert "(13)"

Page 10, line 19, strike "(13)" and insert "(14)"

Page 10, after line 20, insert:

"Sec. 17. Minnesota Statutes 2004, section 204C.10, is amended to read:

204C.10 [PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.]

(a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, maintains residence at the address shown, is not under a

guardianship in which the ~~individual has not retained~~ court order revokes the individual's right to vote, has not been found by a court of law to be legally incompetent to vote or convicted of a felony without having civil rights restored, is registered and has not already voted in the election. The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

(b) A judge may, before the applicant signs the roster, confirm the applicant's name, address, and date of birth.

(c) After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest."

Page 11, after line 7, insert:

"Sec. 20. Minnesota Statutes 2004, section 243.05, subdivision 3, is amended to read:

Subd. 3. [DUTY OF COMMISSIONER; FINAL DISCHARGE.] It is the duty of the commissioner of corrections to keep in communication, as far as possible, with all persons who are on parole and with their employers. The commissioner may grant a person on parole a final discharge from any sentence when:

(a) the person on parole has complied with the conditions of parole for a period of time sufficient to satisfy the commissioner that the parolee is reliable and trustworthy;

(b) the commissioner is satisfied the person on parole will remain at liberty without violating the law; and

(c) final discharge is not incompatible with the welfare of society.

Upon the granting of a final discharge, the commissioner shall issue a certificate of final discharge to the person discharged and also cause a record of the acts of the inmate to be made. The record shall show the date of the inmate's confinement, the inmate's record while in prison, the date of parole, the inmate's record while on parole, reasons underlying the decision for final discharge, and other facts which the commissioner regards as appropriate. Nothing in this section or section 244.05 shall be construed as impairing the power of the board of pardons to grant a pardon or commutation in any case.

The commissioner shall inform the person finally discharged that their civil rights have been restored and give them a voter registration application and a letter to be sent with the voter registration application informing the county auditor that the ex-felon's civil rights have been restored.

Sec. 21. [244.30] [NOTICE OF RESTORATION OF CIVIL RIGHTS.]

Upon final discharge from probation, the court shall inform the person finally discharged that their civil rights have been restored and give them a voter registration application and a letter to be sent with the voter registration application informing the county auditor that the ex-felon's civil rights have been restored.

Sec. 22. Minnesota Statutes 2004, section 524.5-310, is amended to read:

524.5-310 [FINDINGS; ORDER OF APPOINTMENT.]

(a) The court may appoint a limited or unlimited guardian for a respondent only if it finds by clear and convincing evidence that:

(1) the respondent is an incapacitated person; and

(2) the respondent's identified needs cannot be met by less restrictive means, including use of appropriate technological assistance.

(b) Alternatively, the court, with appropriate findings, may treat the petition as one for a protective order under section 524.5-401, enter any other appropriate order, or dismiss the proceeding.

(c) The court shall grant to a guardian only those powers necessitated by the ward's limitations and demonstrated needs and, whenever feasible, make appointive and other orders that will encourage the development of the ward's maximum self-reliance and independence. Any power not specifically granted to the guardian, following a written finding by the court of a demonstrated need for that power, is retained by the ward.

(d) Within 14 days after an appointment, a guardian shall send or deliver to the ward, and counsel if represented at the hearing, a copy of the order of appointment accompanied by a notice which advises the ward of the right to appeal the guardianship appointment in the time and manner provided by the Rules of Appellate Procedure.

(e) Each year, within 30 days after the anniversary date of an appointment, a guardian shall send or deliver to the ward a notice of the right to request termination or modification of the guardianship and notice of the status of the ward's right to vote.

Sec. 23. [641.45] [VOTING ASSISTANCE TO PRISONERS.]

The county sheriff or jailer in each county in consultation with the county auditor shall determine the number of prisoners incarcerated in the county jail, workhouse, or other correctional facility under the control of the county who are eligible to vote and who desire to vote at a municipal, county, state, or federal election but will be unable to vote in the precinct where the prisoner maintains residence because of their incarceration. The county sheriff or jailer shall obtain from the appropriate county auditor the corresponding number of absentee ballot applications and provide them to the prisoners requesting them.

Sec. 24. [642.15] [VOTING ASSISTANCE TO PRISONERS.]

The chief of police or marshal in each city in consultation with the county auditor shall determine the number of prisoners incarcerated in the city lockup, jail, workhouse, or other correctional facility under the control of the city who are eligible to vote and who desire to vote at a municipal, county, state, or federal election but will be unable to vote in the precinct where the prisoner maintains residence because of their incarceration. The chief of police or marshal shall obtain from the appropriate county auditor the corresponding number of absentee ballot applications and provide them to the prisoners requesting them."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "facilitating registering to vote and voting; facilitating voter registration by college students; clarifying voting rights of persons under guardianship;"

Page 1, line 7, delete everything after the semicolon

Page 1, delete line 8 and insert "requiring polling place officials to wear identification badges; requiring translation of voting materials;"

Page 1, line 12, after the semicolon, insert "requiring notice to ex-felons that their civil rights have been restored; providing voting assistance to prisoners;" and after "sections" insert "135A.17, subdivision 2; 201.014, subdivision 2;"

Page 1, line 14, after the second semicolon, insert "201.15;"

Page 1, line 15, delete "201.155" and insert "203B.16, by adding a subdivision; 204B.10, subdivision 6; 204B.24; 204B.27, subdivision 11"

Page 1, line 16, after the second semicolon, insert "204C.10;"

Page 1, line 17, before the period, insert "; 243.05, subdivision 3; 524.5-310; proposing coding for new law in Minnesota Statutes, chapters 244; 641; 642"

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.

SECOND READING OF SENATE BILLS

S.F. Nos. 1625, 1774, 1772, 255, 1244, 1115, 1267, 1197, 649, 1319, 1086, 852, 778, 1452, 1090, 569 and 660 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 997 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Ruud moved that her name be stricken as chief author, shown as a co-author, and the name of Senator Marty be added as chief author to S.F. No. 149. The motion prevailed.

Senator Betzold moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Neuville be added as chief author to S.F. No. 644. The motion prevailed.

Senator Rest moved that the name of Senator Marty be added as a co-author to S.F. No. 1010. The motion prevailed.

Senator LeClair moved that his name be stricken as a co-author to S.F. No. 1482. The motion prevailed.

Senator Dille moved that the name of Senator Fischbach be added as a co-author to S.F. No. 1521. The motion prevailed.

Senator Vickerman moved that the name of Senator Day be added as a co-author to S.F. No. 1715. The motion prevailed.

Senator Bachmann moved that the names of Senators LeClair and Reiter be added as co-authors to S.F. No. 1918. The motion prevailed.

Senator Bachmann moved that the name of Senator Nienow be added as a co-author to S.F. No. 1919. The motion prevailed.

Senator Neuville moved that the name of Senator Hann be added as a co-author to S.F. No. 1920. The motion prevailed.

Senator Sparks moved that S.F. No. 776 be withdrawn from the Committee on Commerce and re-referred to the Committee on Jobs, Energy and Community Development. The motion prevailed.

Senator Murphy moved that S.F. No. 1089 be withdrawn from the Committee on Finance and re-referred to the Committee on Transportation. The motion prevailed.

Senator Dille moved that S.F. No. 1521 be withdrawn from the Committee on Health and Family Security and re-referred to the Committee on Finance. The motion prevailed.

Senator Hottinger moved that S.F. No. 1551 be withdrawn from the Committee on Crime Prevention and Public Safety and re-referred to the Committee on State and Local Government Operations. The motion prevailed.

Senator Frederickson moved that S.F. No. 1589 be withdrawn from the Committee on Health and Family Security and re-referred to the Committee on Finance. The motion prevailed.

Senator Johnson, D.E., for Senator Metzen, moved that S.F. No. 1607 be withdrawn from the Committee on Health and Family Security and re-referred to the Committee on Finance. The motion prevailed.

Senator Nienow moved that S.F. No. 1868 be withdrawn from the Committee on Health and Family Security and re-referred to the Committee on State and Local Government Operations. The motion prevailed.

Senator Belanger moved that S.F. No. 1880 be withdrawn from the Committee on State and Local Government Operations and re-referred to the Committee on Taxes. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Chaudhary introduced--

S.F. No. 1928: A bill for an act relating to roads; providing for enhanced roadside wildlife habitat; amending Minnesota Statutes 2004, section 160.232.

Referred to the Committee on Transportation.

Senator Johnson, D.E. introduced--

S.F. No. 1929: A bill for an act relating to Pope County; providing a process for making certain offices appointive in Pope County.

Referred to the Committee on State and Local Government Operations.

Senator Fischbach introduced--

S.F. No. 1930: A bill for an act relating to education; providing for telecommunications/Internet access equity aid; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 125B.

Referred to the Committee on Finance.

Senators Fischbach; Sams; Larson; Johnson, D.E. and Dille introduced--

S.F. No. 1931: A bill for an act relating to taxation; authorizing an increased levy by the Sauk River Watershed District.

Referred to the Committee on Taxes.

Senators Anderson, Kubly, Kierlin, Senjem and Tomassoni introduced--

S.F. No. 1932: A bill for an act relating to taxation; providing for a regional investment credit; amending Minnesota Statutes 2004, section 290.06, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Kiscaden, Lourey, Dille, Berglin and Foley introduced--

S.F. No. 1933: A bill for an act relating to health; providing for a statewide plan for improving

health and a grant program for collaborative health improvement projects; requiring persons to refrain from smoking in certain areas; requiring all persons to maintain health coverage; requiring health plans to issue coverage to all applicants and charge community rates; increasing the tax on cigarettes and tobacco products; modifying price of cigarette stamps and disposition of revenue received from cigarette taxes; establishing an essential benefit set for all health plans; creating an income tax deduction for health plan premiums; limiting corporate income tax deductions for employee health coverage to the value of the essential benefit set; amending laws promoting high-quality, evidence-based health care; providing for public information on health care cost and quality; creating a revolving loan fund for electronic medical record systems; authorizing the sale of state revenue bonds; requiring reports; appropriating money; amending Minnesota Statutes 2004, sections 62J.43; 144.412; 144.413, subdivisions 2, 4, by adding subdivisions; 144.414; 144.416; 144.417; 145A.12, by adding subdivisions; 290.01, subdivisions 19b, 19c; 297F.05, subdivisions 1, 3, 4; 297F.08, subdivision 7; 297F.09, subdivision 2; 297F.10; proposing coding for new law in Minnesota Statutes, chapters 62J; 62Q; 144; repealing Minnesota Statutes 2004, section 144.415.

Referred to the Committee on Health and Family Security.

Senators Kiscaden, Lourey, Sparks, Kierlin and Senjem introduced--

S.F. No. 1934: A bill for an act relating to human services; modifying the quality assurance system; appropriating money; amending Minnesota Statutes 2004, sections 256B.095; 256B.0951, subdivision 1; 256B.0952, subdivision 5; 256B.0953, subdivision 1.

Referred to the Committee on Health and Family Security.

Senators Kiscaden, Senjem, Sparks and Kierlin introduced--

S.F. No. 1935: A bill for an act relating to human services; establishing a task force on licensing and alternative quality assurance.

Referred to the Committee on Health and Family Security.

Senators Chaudhary, Betzold, Marty, Foley and Langseth introduced--

S.F. No. 1936: A bill for an act relating to capital improvements; appropriating money to redevelop the Springbrook Nature Center in the city of Fridley; authorizing the sale of state bonds.

Referred to the Committee on Finance.

Senators Chaudhary and Marty introduced--

S.F. No. 1937: A bill for an act relating to natural resources; providing for enhanced roadside wildlife habitat; establishing a fee for permits to field train dogs; appropriating money; amending Minnesota Statutes 2004, sections 97B.005, subdivisions 1, 3, 4, by adding a subdivision; 160.232.

Referred to the Committee on Environment and Natural Resources.

Senators Metzen, Belanger and Johnson, D.E. introduced--

S.F. No. 1938: A bill for an act relating to the legislature; changing provisions governing the Legislative Coordinating Commission and subordinate agencies; eliminating a commission; changing membership and operation of the Compensation Council; appropriating money; amending Minnesota Statutes 2004, sections 3.303, subdivision 3, by adding a subdivision; 3.85, subdivisions 8, 9; 15A.082, subdivisions 1, 2, 3; 216C.051, subdivision 6; repealing Minnesota Statutes 2004, sections 3.304, subdivisions 1, 5; 3.884.

Referred to the Committee on Rules and Administration.

Senator Metzen introduced--

S.F. No. 1939: A bill for an act relating to data practices; educational data; allowing disclosure of private educational data on bullying behavior; amending Minnesota Statutes 2004, section 13.32, by adding a subdivision.

Referred to the Committee on Judiciary.

Senator Rest introduced--

S.F. No. 1940: A bill for an act relating to the Metropolitan Airports Commission; requiring senate confirmation for certain appointments; providing term limits for certain members; requiring commissioners to have aviation experience and knowledge; creating a nominating committee; modifying a reporting requirement; amending Minnesota Statutes 2004, sections 473.604, subdivision 1; 473.621, subdivision 1b.

Referred to the Committee on State and Local Government Operations.

Senators Koering, Kiscaden, Sparks, Larson and Lourey introduced--

S.F. No. 1941: A bill for an act relating to health; providing for a nursing facility closure and alternative service development process; requiring the commissioner of finance to issue appropriation bonds; establishing a critical access nursing facility designation; updating provisions governing the competitive moratorium exception process; appropriating money; amending Minnesota Statutes 2004, section 144A.073, subdivisions 2, 3, 4, 5, by adding a subdivision; proposing coding for new in Minnesota Statutes, chapters 16A, 144A; repealing Minnesota Statutes 2004, section 144A.071, subdivision 8.

Referred to the Committee on Health and Family Security.

Senators Stumpf, Hann, Kelley, Michel and Betzold introduced--

S.F. No. 1942: A bill for an act relating to education; restoring certain levy authority; amending Minnesota Statutes 2004, sections 126C.40, subdivision 1; 126C.43, subdivisions 2, 3; 126C.44; 126C.45.

Referred to the Committee on Finance.

Senators Anderson and Limmer introduced--

S.F. No. 1943: A bill for an act relating to corrections; creating discipline procedures for local correctional officers; proposing coding for new law in Minnesota Statutes, chapter 241.

Referred to the Committee on Crime Prevention and Public Safety.

Senator Higgins introduced--

S.F. No. 1944: A bill for an act relating to human services; extending the termination date for the Traumatic Brain Injury Advisory Committee; amending Minnesota Statutes 2004, section 256B.093, subdivision 1.

Referred to the Committee on State and Local Government Operations.

Senator Higgins introduced--

S.F. No. 1945: A bill for an act relating to local government; requiring a city council to vote on charter commission recommendations for charter amendments by ordinance; amending Minnesota Statutes 2004, section 410.12, subdivision 7.

Referred to the Committee on State and Local Government Operations.

Senators Chaudhary, McGinn, Skoglund and Murphy introduced--

S.F. No. 1946: A bill for an act relating to public safety; establishing a crime for manufacturing, transferring, or possessing certain military-style assault weapons and large-capacity ammunition magazines; defining terms; clarifying language; providing criminal penalties; amending Minnesota Statutes 2004, sections 624.712, subdivision 7, by adding subdivisions; 624.713; proposing coding for new law in Minnesota Statutes, chapter 624.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Kiscaden, Senjem, Metzen, Vickerman and Reiter introduced--

S.F. No. 1947: A bill for an act relating to state government; appropriating money for the regulatory and administrative expenses of the Minnesota Racing Commission.

Referred to the Committee on Finance.

Senator McGinn introduced--

S.F. No. 1948: A bill for an act relating to housing; requiring a duplex funding study; relating to first time homeowner duplex construction loans.

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

Senator Ourada introduced--

S.F. No. 1949: A bill for an act relating to insurance; prohibiting balance billing by health care providers and certain no-fault automobile insurance medical claims; making health care providers the party at interest in certain no-fault arbitrations; amending Minnesota Statutes 2004, section 65B.54, by adding a subdivision.

Referred to the Committee on Commerce.

Senators Higgins, Kelley, Fischbach, Moua and Berglin introduced--

S.F. No. 1950: A bill for an act relating to health; requiring a study and report of health plan coverage for clinical trials.

Referred to the Committee on Health and Family Security.

Senators Skoe, Dibble, Pappas, Vickerman and Dille introduced--

S.F. No. 1951: A bill for an act relating to agriculture; appropriating money for a grant to the Agriculture Utilization Research Institute at Crookston for vineyard production research.

Referred to the Committee on Finance.

Senator Cohen introduced--

S.F. No. 1952: A bill for an act relating to appropriations; appropriating money for the state auditor.

Referred to the Committee on Finance.

Senators Cohen, Anderson and Dibble introduced--

S.F. No. 1953: A bill for an act relating to housing; increasing the deed tax to provide rental housing assistance; amending Minnesota Statutes 2004, sections 287.21, subdivision 1; 462A.201, by adding a subdivision; 462A.33, by adding a subdivision.

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

Senator Johnson, D.E. introduced--

S.F. No. 1954: A bill for an act relating to health; increasing reimbursement rates for nursing facilities in specified counties; appropriating money; amending Minnesota Statutes 2004, section 256B.431, by adding a subdivision.

Referred to the Committee on Health and Family Security.

Senators Berglin and Lourey introduced--

S.F. No. 1955: A bill for an act relating to human services; establishing the work participation rate enhancement program; amending Minnesota Statutes 2004, sections 256J.021; 256J.08, subdivision 65; 256J.521, subdivision 1; 256J.53, subdivision 2; 256J.626, subdivisions 1, 2, 3, 4, 7; proposing coding for new law in Minnesota Statutes, chapter 256J.

Referred to the Committee on Health and Family Security.

Senator Berglin introduced--

S.F. No. 1956: A bill for an act relating to public and municipal corporations; creating a county subsidiary corporation to provide health care and related services, education, and research; providing for governance of Hennepin County Medical Center; amending Minnesota Statutes 2004, sections 179A.03, subdivisions 7, 14, 15; 179A.06, subdivision 2; 179A.16, by adding a subdivision; 353.01, subdivisions 2b, 2d, 6; 353.64, subdivision 10; 353E.02, subdivision 2a; 383B.117, subdivision 2; 383B.217, subdivision 7; 383B.46; proposing coding for new law in Minnesota Statutes, chapters 179A; 383B; repealing Minnesota Statutes 2004, section 383B.217, subdivisions 1, 2, 3, 4, 5, 6, 8.

Referred to the Committee on State and Local Government Operations.

Senator Hottinger introduced--

S.F. No. 1957: A bill for an act relating to taxation; income; allowing a deduction for postsecondary tuition and fee expenses; amending Minnesota Statutes 2004, section 290.01, subdivision 19b.

Referred to the Committee on Taxes.

Senator Betzold introduced--

S.F. No. 1958: A bill for an act proposing an amendment to the Minnesota Constitution by adding a section to article VI; restricting the judicial power to define marriage.

Referred to the Committee on Judiciary.

Senators Koering, LeClair, Limmer, Olson and Stumpf introduced--

S.F. No. 1959: A bill for an act relating to education; allowing students participating in Minnesota State High School League activities in another district during a teachers' strike to maintain their eligibility to play after the strike; amending Minnesota Statutes 2004, section 128C.02, by adding a subdivision.

Referred to the Committee on Education.

Senators Sparks, Tomassoni and Day introduced--

S.F. No. 1960: A bill for an act relating to horse racing; providing for electronic wagers; amending Minnesota Statutes 2004, sections 240.13, by adding a subdivision; 240.30, subdivision 8.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senators Anderson, Dibble, Rosen, Metzen and Kelley introduced--

S.F. No. 1961: A bill for an act relating to economic development; modifying Minnesota redevelopment accounts; amending Minnesota Statutes 2004, sections 116J.571; 116J.572; 116J.574; 116J.575; repealing Minnesota Statutes 2004, section 116J.573.

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

Senator Betzold introduced--

S.F. No. 1962: A bill for an act relating to retirement; abolishing payment of postretirement benefit costs; repealing Minnesota Statutes 2004, section 480.1811.

Referred to the Committee on Taxes.

Senator Betzold introduced--

S.F. No. 1963: A bill for an act relating to retirement; Public Employees Retirement Association; terminating retirement coverage for privatized water and wastewater facility employees; amending Minnesota Statutes 2004, section 471A.10.

Referred to the Committee on State and Local Government Operations.

Senator Solon introduced--

S.F. No. 1964: A bill for an act relating to the military; providing reimbursement grants or pay for certain honor guard members; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 192; 197.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senator Fischbach introduced--

S.F. No. 1965: A bill for an act relating to education; authorizing a fund transfer for Independent School District No. 741, Paynesville.

Referred to the Committee on Finance.

Senators Fischbach and LeClair introduced--

S.F. No. 1966: A bill for an act relating to human services; modifying child care assistance by limiting absent days; amending Minnesota Statutes 2004, section 119B.13, subdivision 1, by adding a subdivision.

Referred to the Committee on Health and Family Security.

Senator Hottinger introduced--

S.F. No. 1967: A bill for an act relating to highways; requiring highways constructed, reconstructed, or resurfaced wholly or partly with federal or state funds to be constructed to a ten-ton standard with certain exceptions; proposing coding for new law in Minnesota Statutes, chapter 160.

Referred to the Committee on Transportation.

Senators Moua, Stumpf, Pappas and Langseth introduced--

S.F. No. 1968: A bill for an act relating to education; addressing the educational, child development, and other needs of migrant seasonal farmworkers; amending Minnesota Statutes 2004, sections 119A.374, subdivision 2; 119A.375, subdivision 3.

Referred to the Committee on Education.

Senator Senjem introduced--

S.F. No. 1969: A bill for an act relating to civil law; providing for use of financial planners in preparing a conservator's inventory for the court; providing a certified public accountant's audit to be used in the conservator's annual accounting; amending Minnesota Statutes 2004, sections 524.5-419; 524.5-420.

Referred to the Committee on Judiciary.

Senators Moua and Bakk introduced--

S.F. No. 1970: A bill for an act relating to commerce; regulating sales of certain birds; imposing a civil penalty; proposing coding for new law in Minnesota Statutes, chapter 346.

Referred to the Committee on Commerce.

Senator Skoglund introduced--

S.F. No. 1971: A bill for an act relating to public safety; prohibiting the possession of ammunition by a person under the age of 18; providing penalties; amending Minnesota Statutes 2004, section 609.66, subdivision 1.

Referred to the Committee on Crime Prevention and Public Safety.

Senator Skoglund introduced--

S.F. No. 1972: A bill for an act relating to local government aid; providing additional city aid base for certain cities; increasing the limit on the city aid appropriation; requiring aid to be used for certain purposes; amending Minnesota Statutes 2004, sections 477A.011, subdivision 36; 477A.013, by adding a subdivision; 477A.03, subdivision 2a.

Referred to the Committee on Taxes.

Senators Kelley, Kierlin and Solon introduced--

S.F. No. 1973: A bill for an act relating to health; providing for the medical use of marijuana; providing civil and criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 152.

Referred to the Committee on Health and Family Security.

Senators Kelley and Stumpf introduced--

S.F. No. 1974: A bill for an act relating to education finance; establishing the Minnesota Education Innovation Council; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 127A.

Referred to the Committee on Education.

Senator Wiger introduced--

S.F. No. 1975: A bill for an act relating to commerce; regulating gasoline sales below cost; amending Minnesota Statutes 2004, section 325D.01, subdivision 5; repealing Minnesota Statutes 2004, sections 325D.01, subdivisions 11, 12; 325D.71.

Referred to the Committee on Commerce.

Senator Wergin introduced--

S.F. No. 1976: A bill for an act relating to transportation; exempting certain unsubsidized providers of public transit service from vehicle registration taxes, motor fuel taxes, and corporate income tax; deleting restriction on use of freeway and expressway shoulders by transit buses; requiring Metropolitan Council to permit providers of transit service to use its bus stops; amending Minnesota Statutes 2004, sections 168.012, subdivision 1; 169.306; 290.01, subdivision 19d; 296A.07, subdivision 4; 296A.08, subdivision 3; 473.411, by adding a subdivision.

Referred to the Committee on Transportation.

Senator Lourey introduced--

S.F. No. 1977: A bill for an act relating to counties; providing for a rate increase determination for a St. Louis County nursing facility; amending Minnesota Statutes 2004, section 256B.431, by adding a subdivision.

Referred to the Committee on Finance.

Senators Pappas, Skoe, Langseth, Metzen and Ruud introduced--

S.F. No. 1978: A bill for an act relating to gambling; providing for the operation of lottery gaming machines and the conduct of lottery and nonlottery games at a gaming facility; licensing the gaming facility and imposing a license fee; imposing a gaming transaction fee on gaming at the gaming facility; amending Minnesota Statutes 2004, sections 297A.94; 299L.07, subdivisions 2, 2a; 340A.410, subdivision 5; 349A.01, subdivision 10, by adding subdivisions; 349A.04; 349A.10, subdivisions 3, 6; 349A.13; 541.20; 541.21; 609.75, subdivision 3; 609.761, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 297A; 299L; 349A.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senator Berglin introduced--

S.F. No. 1979: A bill for an act relating to human services; creating a hospital disproportionate population adjustment; designating certified public expenditures; increasing the surcharges on criminal and traffic offenders; amending Minnesota Statutes 2004, sections 256.969, by adding a subdivision; 357.021, subdivisions 6, 7; proposing coding for new law in Minnesota Statutes, chapter 256B.

Referred to the Committee on Finance.

Senator Murphy introduced--

S.F. No. 1980: A bill for an act relating to appropriations; appropriating money for

transportation, Metropolitan Council, and public safety activities; providing for general contingent accounts and tort claims; authorizing issuance of trunk highway bonds; modifying provision for handling state mail; modifying vehicle registration tax and fee provisions; increasing fees for motor vehicle transfers and driver and vehicle services; establishing and modifying accounts; abolishing statewide bicycle registration program; proposing an amendment to the Minnesota Constitution, article XIV; authorizing street utility fees and assessments; providing for road signs; establishing multimodal transportation fund; increasing and indexing tax on motor fuels and allocating proceeds of the increase; reapportioning highway state-aid money to counties; expanding authority for county wheelage tax; changing vehicle registration tax rates; allocating proceeds of sales tax on motor vehicles; authorizing local transportation sales and excise tax; requiring a report; making technical and clarifying revisions; amending Minnesota Statutes 2004, sections 16B.49; 115A.908, subdivision 1; 161.04, by adding a subdivision; 161.081, subdivision 3; 162.06, subdivision 2; 162.07, subdivision 1, by adding subdivisions; 163.051; 168.011, by adding a subdivision; 168.013, subdivisions 1a, 8; 168.09, subdivision 7; 168.105, subdivisions 2, 3, 5; 168.12; 168.123; 168.1235; 168.124; 168.125; 168.1255; 168.127, subdivision 6; 168.128; 168.129; 168.1291; 168.1293; 168.1296; 168.1297; 168.27, subdivision 11; 168.33; 168.345, subdivisions 1, 2; 168.381; 168.54, subdivisions 4, 5; 168A.152, subdivision 2; 168A.29; 168A.31; 169.09, subdivision 13; 169A.60, subdivision 16; 171.06, subdivisions 2, 2a; 171.061, subdivision 4; 171.07, subdivision 11; 171.13, subdivision 6, by adding a subdivision; 171.20, subdivision 4; 171.26; 171.29, subdivision 2; 171.36; 296A.07, subdivision 3, by adding a subdivision; 296A.08, subdivision 2, by adding a subdivision; 297B.09, subdivision 1; 446A.085, subdivisions 3, 8, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 16A; 160; 161; 168; 297A; 299A; repealing Minnesota Statutes 2004, sections 168.012, subdivision 12; 168.041, subdivision 11; 168.105, subdivision 6; 168.231; 168.345, subdivisions 3, 4; 168C.01; 168C.02; 168C.03; 168C.04; 168C.05; 168C.06; 168C.07; 168C.08; 168C.09; 168C.10; 168C.11; 168C.12; 168C.13; 170.23; 171.12, subdivision 8; 171.185; Minnesota Rules, parts 7407.0100; 7407.0200; 7407.0300; 7407.0400; 7407.0500; 7407.0600; 7407.0700; 7407.0800; 7407.0900; 7407.1000; 7407.1100; 7407.1200; 7407.1300.

Referred to the Committee on State and Local Government Operations.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 9:00 a.m., Thursday, March 31, 2005. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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