

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-SECOND LEGISLATURE

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TWENTY-SECOND DAY

St. Paul, Minnesota, Thursday, March 15, 2001

The Senate met at 9:30 a.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, Rev. Gary L. Langness.

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

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

The President declared a quorum present.

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

## MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 289.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 12, 2001

## REPORTS OF COMMITTEES

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

**Senator Ranum from the Committee on Crime Prevention, to which was referred**

**S.F. No. 972:** A bill for an act relating to crimes; repealing the law prohibiting endurance contests; repealing Minnesota Statutes 2000, section 624.66.

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

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2000, section 375.40, is amended to read:

375.40 [COUNTY BOARD MAY LICENSE EXHIBITIONS AND SHOWS.]

A county board may license and regulate itinerant shows, carnivals, circuses, endurance contests, and exhibitions of any nature whatsoever, ~~except those prohibited by section 624.66.~~ Sections 375.40 to 375.42 do not apply to shows, carnivals, circuses, contests, and exhibitions held within the incorporated limits of a city.

The fee for a license shall be fixed by the county board in the amount it deems advisable.

The board may require, as a condition for granting the license, the posting of a penal bond in the amount it shall determine.

Application for a license shall be made on the form the county board determines. Upon approval of an application and the payment of the license fee and the posting of the required bond, the county auditor shall issue the license."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "contests" insert "and striking a reference to it in law" and after the semicolon, insert "amending Minnesota Statutes 2000, section 375.40;"

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

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

**S.F. No. 989:** A bill for an act relating to employment; requiring paid leave for organ donation; amending Minnesota Statutes 2000, section 181.945.

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

Page 1, line 23, after "LEAVE" insert "; BONE MARROW DONATIONS"

Page 1, line 25, delete the new language

Page 2, line 1, delete "another person"

Page 2, line 2, delete "for"

Page 2, line 3, delete "each donation"

Page 2, line 6, delete "or for organ donation"

Page 2, line 8, delete "or organ"

Page 2, after line 9, insert:

"Subd. 2a. [LEAVE; ORGAN DONATION.] An employer must grant a paid leave of absence to an employee who seeks to undergo a medical procedure to donate an organ or partial organ to

another person. The length of the leave shall be determined by the employee, but may not exceed 30 working days unless agreed to by the employer. The employer may require verification by a physician of the purpose and length of the leave required by the employee for organ donation. If there is a medical determination that the employee does not qualify as an organ donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited."

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

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

**S.F. No. 288:** A bill for an act relating to appropriations; appropriating money for redevelopment grants.

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

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

**S.F. No. 1027:** A bill for an act relating to economic development; providing for technical assistance to support microenterprise development; appropriating money.

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

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

**S.F. No. 428:** A bill for an act relating to education; permitting independent school district No. 238, Mabel-Canton, to permanently start the school year before Labor Day; amending Laws 2000, chapter 489, article 6, section 44, subdivision 2.

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

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

**S.F. No. 1033:** A bill for an act relating to public employment; Minnesota state colleges and universities; merging unions for technical and community college employees; amending Minnesota Statutes 2000, sections 43A.06, subdivision 1; 179A.10, subdivision 2; 354B.21, subdivision 1; 354B.25, subdivision 1a; and 354C.11, subdivision 2.

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

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

**S.F. No. 341:** A bill for an act relating to higher education; requiring credit transfer for certain courses taught within the Minnesota state colleges and universities system.

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 STATE COLLEGES AND UNIVERSITIES; CREDIT TRANSFER.]

The board of trustees of the Minnesota state colleges and universities shall require that any lower division general education course in an Associate degree program: (1) taught at a North

Central Association of Colleges and Schools-accredited institution in Minnesota; (2) taught by a faculty member who holds a license or credential the same as or equivalent to requirements established by the board; and (3) in which the student received a grade of "C" or higher, be accepted for full credit at any college or university in the system. In addition, courses meeting the requirements of this section which have been determined by the sending institution pursuant to an established process with significant faculty involvement to meet one of the areas of emphasis within the Minnesota transfer curriculum, shall be accepted for full credit within such areas of emphasis at any other college or university within the system. This section does not apply to developmental or remedial courses."

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

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

**S.F. No. 876:** A bill for an act relating to health; permitting schools to sponsor potluck events; amending Minnesota Statutes 2000, section 157.22.

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

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

**S.F. No. 1127:** A bill for an act relating to health; changing the frequency with which physician assistant delegated prescribing activities must be reviewed; amending Minnesota Statutes 2000, sections 147A.18, subdivision 1; and 147A.20.

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

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

**S.F. No. 948:** A bill for an act relating to human services; adjusting inpatient hospital rates for certain diagnosis related groups for facilities located outside of the seven-county metropolitan area; requiring adjustments in capitation rates; amending Minnesota Statutes 2000, section 256.969, 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 Sams from the Committee on Health and Family Security, to which was referred**

**S.F. No. 956:** A bill for an act relating to human services; increasing prepaid medical assistance and prepaid general assistance medical care program capitation rates for nonmetropolitan counties; amending Minnesota Statutes 2000, section 256B.69, subdivision 5b.

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

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

**S.F. No. 1167:** A bill for an act relating to taxation; increasing the credit for research in the health care provider tax; amending Minnesota Statutes 2000, section 295.53, subdivision 4a.

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

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

**S.F. No. 1187:** A bill for an act relating to professions; modifying penalty provisions for psychologists; amending Minnesota Statutes 2000, section 148.941, subdivision 2, and by adding a subdivision.

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

Page 5, line 22, delete the semicolon and insert a comma

Page 5, line 23, before "client" insert "former"

Page 5, line 30, before the period, insert "from the date the complaint is received by the board"

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

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

**S.F. No. 1128:** A bill for an act relating to health; providing for waiver of certain ambulance staffing requirements; amending Minnesota Statutes 2000, section 144E.101, subdivision 6.

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

Page 2, line 6, before the period, insert "that operates outside of the seven-county metropolitan area"

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

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

**S.F. No. 574:** A bill for an act relating to health; requiring home care providers to provide at least 15 days' notice of service termination; increasing state health care program reimbursement rates for home care providers; amending Minnesota Statutes 2000, section 144A.44, subdivision 1.

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

Page 2, line 33, delete "15" and insert "ten"

Page 2, line 34, after "provider" insert "except in cases where:

(i) the recipient of services engages in conduct that alters the conditions of employment as specified in the employment contract between the home care provider and the individual providing home care services, or creates an abusive or unsafe work environment for the individual providing home care services; or

(ii) an emergency for the informal caregiver or a significant change in the recipient's condition requires immediate services that exceed the current service provider agreement and which cannot be safely provided by the home care provider"

Page 3, delete section 2

Amend the title as follows:

Page 1, line 3, delete "15" and insert "ten"

Page 1, line 4, delete everything after the semicolon

Page 1, line 5, delete everything before "amending"

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

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

**S.F. No. 1145:** A bill for an act relating to child protection; establishing provisions dealing with maltreatment of a child in a facility; clarifying access to medical records for purposes of maltreatment investigations; providing additional appeal rights for interested persons acting on

behalf of a child; expanding duties of facility operators; providing additional criminal liability for knowingly permitting conditions that allow maltreatment of a child in a facility to occur; requiring training; imposing criminal penalties; amending Minnesota Statutes 2000, sections 13.461, subdivision 17; 626.556, subdivisions 2, 10, 10b, 10d, 10e, 10f, 10i, 11, and 12; and 626.559, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 256.

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

Page 1, line 27, after "child" insert "in a facility"

Page 8, after line 16, insert:

"(p) "Accident" means a sudden, unforeseen, and unexpected occurrence or event that:

(1) was not likely to occur and could not have been prevented by the exercise of due care; and

(2) if occurring while a child is receiving services from a facility, occurs when the facility and the staff person providing the services in the facility are in compliance with applicable law relevant to the occurrence or event.

Sec. 4. Minnesota Statutes 2000, section 626.556, is amended by adding a subdivision to read:

Subd. 3d. [FACILITY PROCEDURES; INTERNAL REPORTING.] (a) Except for child foster care and family child care, a facility licensed under sections 245A.01 to 245A.16 and chapter 245B shall establish and enforce an ongoing written procedure in compliance with applicable licensing rules to ensure that all cases of suspected maltreatment are reported. The procedure must include the definitions of maltreatment and the phone numbers for the local welfare agency, police department, county sheriff, and agency responsible for assessing or investigating maltreatment under this section. Procedures must include a method for providing children or family members with written information on where to report suspected maltreatment. Mandated reporters in a facility must receive orientation on this procedure before having direct contact with children and annual training on reporting of maltreatment.

(b) If a facility has an internal reporting procedure, a mandated reporter may meet the reporting requirements of this section by reporting internally. The facility remains responsible for complying with the immediate reporting requirements of this section. A facility with an internal reporting procedure that receives an internal report from a mandated reporter shall give the mandated reporter a written notice if the facility has not reported the incident to the agency responsible for assessing or investigating maltreatment. The written notice must be provided within two working days of receipt of the internal report in a manner that protects the confidentiality of the reporter. The written notice to the mandated reporter must inform the reporter that if the reporter is not satisfied with the action taken by the facility, the reporter may report externally.

(c) A facility may not prohibit a mandated reporter from reporting externally and may not retaliate against a mandated reporter who, in good faith, reports an incident to the agency responsible for assessing or investigating maltreatment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 14, delete "and" in both places and after "12" insert ", by adding a subdivision"

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

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

**S.F. No. 715:** A bill for an act relating to child support; modifying the penalties for noncompliance with work reporting; requiring payors who hire independent contractors for public

projects to comply with the work reporting laws; requiring a report from the commissioner of human services; amending Minnesota Statutes 2000, section 256.998, subdivisions 6 and 9.

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

Pages 1 and 2, delete section 1

Page 2, line 26, strike "may" and insert "shall also"

Page 2, line 27, after "they" insert "expect to" and strike "that" and insert "of more than \$2,500 and would"

Page 2, line 31, delete everything after "(c)"

Page 2, delete lines 32 to 36

Page 3, delete line 1

Page 3, line 2, delete "(d)"

Page 3, after line 17, insert:

"The public authority responsible for child support enforcement may exchange private data with the department of economic security and the department of revenue for the purpose of determining employers' and payors' compliance with this section."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "for public projects"

Page 1, line 8, delete "subdivisions 6 and" and insert "subdivision"

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

**Senator Kelly, R.C. from the Committee on Transportation, to which was re-referred**

**S.F. No. 518:** A bill for an act relating to veterans; exempting combat-wounded veterans from the special motor vehicle license plate design that identifies eligibility groups using decal stickers; amending Minnesota Statutes 2000, section 168.1291, subdivision 1.

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

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2000, section 168.123, subdivision 2, is amended to read:

Subd. 2. [DESIGN.] The commissioner of veterans affairs shall design the special plates, subject to the approval of the registrar, that satisfy the following requirements:

(a) For a Vietnam veteran who served after July 1, 1961, and before July 1, 1978, the special plates must bear the inscription "VIETNAM VET" and the letters "V" and "V" with the first letter directly above the second letter and both letters just preceding the first numeral of the special license plate number.

(b) For a veteran stationed on the island of Oahu, Hawaii, or offshore, during the attack on Pearl Harbor on December 7, 1941, the special plates must bear the inscription "PEARL HARBOR SURVIVOR" and the letters "P" and "H" with the first letter directly above the second letter and both letters just preceding the first numeral of the special license plate number.

(c) For a veteran who served during World War I or World War II, the special plates must bear the inscription "WORLD WAR VET" and:

(1) for a World War I veteran, the characters "W" and "I" with the first character directly above the second character and both characters just preceding the first numeral of the special license plate number; or

(2) for a World War II veteran, the characters "W" and "II" with the first character directly above the second character and both characters just preceding the first numeral of the special license plate number.

(d) For a veteran who served during the Korean Conflict, the special plates must bear the inscription "KOREAN VET" and the letters "K" and "V" with the first letter directly above the second letter and both letters just preceding the first numeral of the special license plate number.

(e) For a combat wounded veteran who is a recipient of the purple heart medal, the special plates must bear the inscription "COMBAT WOUNDED VET" and inscribed with a facsimile of the official purple heart medal and the letters "c" over "w" with the first letter directly over the second letter just preceding the first numeral of the special license plate number.

(f) For a Persian Gulf war veteran, the special plates must bear the inscription "GULF WAR VET" and the letters "G" and "W" with the first letter directly above the second letter and both letters just preceding the first numeral of the special license plate number. For the purposes of this section, "Persian Gulf war veteran" means a person who served on active duty after August 1, 1990, in a branch of the armed forces of the United States or United Nations during Operation Desert Shield, Operation Desert Storm, or other military operation in the Persian Gulf area combat zone as designated in United States Presidential Executive Order No. 12744, dated January 21, 1991.

(g) For a veteran who served in the Laos War after July 1, 1961, and before July 1, 1978, the special plates must bear the inscription "LAOS WAR VET" and the letters "L" and "V" with the first letter directly above the second letter and both letters just preceding the first numeral of the special license plate number.

(h) For a veteran who, while a member of a branch of the armed forces of the United States, served on active duty in the United States military action in Grenada, the special plates must bear the inscription "GRENADA VET" and the letters "G" and "V" with the first letter directly above the second letter and both letters preceding the first numeral of the special license plate number."

Page 1, line 12, strike "; 168.123" and delete the new language

Page 1, line 13, delete the new language

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "authorizing special license plates for veterans of the United States military action in Grenada;" and delete "combat-wounded"

Page 1, line 5, delete "section" and insert "sections 168.123, subdivision 2;"

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

**Senator Kelly, R.C. from the Committee on Transportation, to which was referred**

**S.F. No. 1113:** A bill for an act relating to motor vehicles; clarifying exemption from registration taxes for certain well drilling machines, pump hoists, and other equipment; amending Minnesota Statutes 2000, section 168.012, subdivision 5.

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

Page 1, after line 19, insert:



"Sec. 2. Minnesota Statutes 2000, section 169.781, subdivision 2, is amended to read:

Subd. 2. [INSPECTION REQUIRED.] It is unlawful for a person to operate or permit the operation of:

(1) a commercial motor vehicle registered in Minnesota; or

(2) special mobile equipment as defined in section 168.011, subdivision 22, if it is mounted on a commercial motor vehicle chassis, including, but not limited to, a mobile crane, a water well-drilling rig, and a concrete placement pumper,

unless the vehicle displays a valid safety inspection decal issued by an inspector certified by the commissioner, or the vehicle carries (1) proof that the vehicle complies with federal motor vehicle inspection requirements for vehicles in interstate commerce, and (2) a certificate of compliance with federal requirements issued by the commissioner under subdivision 9.

Sec. 3. Minnesota Statutes 2000, section 169.781, subdivision 5, is amended to read:

Subd. 5. [INSPECTION DECAL.] (a) A person inspecting a commercial motor vehicle shall issue an inspection decal for the vehicle if each inspected component of the vehicle complies with federal motor carrier safety regulations. The decal must state that in the month specified on the decal the vehicle was inspected and each inspected component complied with federal motor carrier safety regulations. The decal is valid for 12 months after the month specified on the decal. The commissioners of public safety and transportation shall make decals available, at a fee of not more than \$2 for each decal, to persons certified to perform inspections under subdivision 3, paragraph (b).

(b) Minnesota inspection decals may be affixed only to:

(1) commercial motor vehicles bearing Minnesota-based license plates; or

(2) special mobile equipment, within the meaning of subdivision 2, clause (2).

(c) Notwithstanding paragraph (a), a person inspecting (1) a vehicle of less than 57,000 pounds gross vehicle weight and registered as a farm truck, (2) a storage semitrailer, or (3) a building mover vehicle must issue an inspection decal to the vehicle unless the vehicle has one or more defects that would result in the vehicle being declared out of service under the North American Uniform Driver, Vehicle, and Hazardous Materials Out-of-Service Criteria issued by the federal highway administration and the commercial motor vehicle safety alliance. A decal issued to a vehicle described in clause (1), (2), or (3) is valid for two years from the date of issuance. A decal issued to such a vehicle must clearly indicate that it is valid for two years from the date of issuance.

(d) Notwithstanding paragraph (a), a commercial motor vehicle that (1) is registered as a farm truck, (2) is not operated more than 75 miles from the owner's home post office, and (3) was manufactured before 1979 that has a dual transmission system, is not required to comply with a requirement in an inspection standard that requires that the service brake system and parking brake system be separate systems in the motor vehicle."

Page 1, line 20, delete "2" and insert "4"

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

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections" and before the period, insert "; 169.781, subdivisions 2, 5"

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

**Senator Kelly, R.C. from the Committee on Transportation, to which was referred**

**S.F. No. 1017:** A bill for an act relating to traffic regulations; authorizing statutory cities, home rule charter cities, and urban towns to develop and implement programs for peace officers to detect and cite traffic signal violations by use of photographic evidence; appropriating money; providing penalties; amending Minnesota Statutes 2000, sections 169.06, by adding a subdivision; and 171.12, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Page 1, line 20, delete "or rule"

Page 2, line 10, delete "169.061" and insert "169.06"

Amend the title as follows:

Page 1, line 6, delete "appropriating money;"

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

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

**S.F. No. 1350:** A bill for an act relating to natural resources; extending certain advisory committees; modifying contracting authority; modifying stamp requirements; allowing certain grant money to carry forward; appropriating money; amending Minnesota Statutes 2000, sections 15.059, subdivision 5a; 84.025, subdivision 7; 84.0887, subdivision 4; 84.83, subdivision 3; 86A.21; 93.002, subdivision 1; 97A.045, subdivision 7; 97A.055, subdivision 4a; 97A.405, subdivision 2; 97A.411, subdivision 2; 97A.473, subdivisions 2, 3, and 5; 97A.474, subdivisions 2 and 3; 97A.475, subdivisions 5 and 10; 97A.485, subdivision 6; 97B.721; 97C.305; and 116P.06, subdivision 1; Laws 1996, chapter 407, section 32, subdivision 4.

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

Page 4, line 36, after "units," insert "federally recognized American tribal governments,"

Page 14, line 35, delete "until June 30, 2005"

Page 14, after line 35, insert:

"Sec. 22. [626.94] [CONSERVATION LAW ENFORCEMENT AUTHORITY.]

Subdivision 1. [DEFINITION.] As used in this section, "Indian conservation enforcement authority" means:

(1) a federally recognized Indian tribe, as defined in United States Code, title 25, section 450b, subsection (e), located within Minnesota, provided that the tribe has the authority to adopt and enforce game, fish, and natural resources codes governing the conduct of its members within the geographic boundaries of a reservation or in the 1854 and 1837 ceded territories; or

(2) an Indian conservation agency having the authority to adopt and enforce game, fish, and natural resources codes and regulations governing the conduct of Indians in the 1854 and 1837 ceded territories.

Subd. 2. [INDIAN CONSERVATION ENFORCEMENT AUTHORITY REQUIREMENTS.] Upon agreement by the commissioner of natural resources, an Indian conservation enforcement authority may exercise authority under subdivision 3 if it satisfies the following requirements:

(1) the Indian conservation enforcement authority agrees to be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of the law enforcement agency powers conferred by this section to the same extent as a municipality under chapter 466 and the Indian conservation enforcement authority

further agrees, notwithstanding section 16C.05, subdivision 7, to waive its sovereign immunity for purposes of claims arising out of the liability;

(2) the Indian conservation enforcement authority files with the board of peace officer standards and training a bond or certificate of insurance for liability coverage with the maximum single occurrence amounts set forth in section 466.04 and an annual cap for all occurrences within a year of three times the single occurrence amounts;

(3) the Indian conservation enforcement authority files with the board of peace officer standards and training a certificate of insurance for liability of its conservation law enforcement officers, employees, and agents for lawsuits under the United States Constitution;

(4) the Indian conservation enforcement authority agrees to be subject to section 13.82 and any other laws of the state relating to data practices of law enforcement agencies; and

(5) the Indian conservation enforcement authority enters into a written cooperative agreement with the commissioner of natural resources under section 471.59 to define and regulate the provision of conservation law enforcement services under this section and to provide conservation officers employed by the department of natural resources with concurrent jurisdiction to enforce Indian codes and regulations within the reservation or ceded territory. When entering into an agreement under this clause, the Indian conservation enforcement authority is considered a "governmental unit" as defined under section 471.59, subdivision 1. Nothing in this section shall be construed to invalidate or limit the terms of any valid agreement approved by a federal court order.

Subd. 3. [CONCURRENT JURISDICTION.] If the requirements of subdivision 2 are met:

(1) the Indian conservation enforcement authority may appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), to serve as conservation officers having the same powers as conservation officers employed by the department of natural resources. The exercise of these powers is limited to the geographical boundaries of the reservation or ceded territory unless the geographical jurisdiction is extended by the written agreement specified in subdivision 2, clause (5); and

(2) the jurisdiction of conservation officers appointed by the Indian conservation enforcement authority is concurrent with the jurisdiction of conservation officers employed by the department of natural resources to enforce the state's game and fish, natural resource, and recreational laws within the geographical boundaries of the reservation or ceded territory.

Subd. 4. [EFFECT ON FEDERAL LAW.] Nothing in this section shall be construed to restrict the band's authority under federal law.

Subd. 5. [CONSTRUCTION.] This section is limited to law enforcement authority only. Nothing in this section shall affect any other jurisdictional relationship or dispute."

Page 16, line 22, delete "22" and insert "23"

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing for conservation law enforcement by agreement with Indian authorities;"

Page 1, line 15, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 626"

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

**S.F. No. 1434:** A bill for an act relating to waters; providing for administrative penalty orders; modifying water appropriation permit provisions; establishing fees; providing civil penalties; amending Minnesota Statutes 2000, sections 103G.271, subdivisions 1, 5, and 5a; and 103G.301, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 103G.

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

Page 5, after line 1, insert:

"(e) If the administrative law judge issues a report that recommends dismissal of the order assessing the administrative penalty, the commissioner must refund the costs charged to the person receiving the order by the office of administrative hearings for the hearing and reasonable and necessary attorney fees incurred for the hearing. For purposes of this paragraph, the administrative law judge may recommend attorney fees to be refunded, not to exceed the amount of the penalty order."

Page 5, line 2, delete "(e)" and insert "(f)"

Page 5, line 9, delete "(f)" and insert "(g)"

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

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

**S.F. No. 996:** A bill for an act relating to natural resources; creating the Central Lakes trail; amending Minnesota Statutes 2000, section 85.015, by adding a subdivision.

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

Page 1, after line 12, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on August 1, 2005."

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

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

**S.F. No. 912:** A bill for an act relating to highways; modifying provisions governing use of highway right-of-way by snowmobiles; amending Minnesota Statutes 2000, section 84.87, subdivision 1.

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

Page 1, line 24, after "commissioner" insert "of transportation"

Page 2, line 1, after "commissioner" insert "of transportation"

Page 2, line 2, after "highway" insert "or snowmobilers using the trail"

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

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

**S.F. No. 565:** A bill for an act relating to telecommunications; enacting the

Telecommunications Consumer Privacy Act; providing for the privacy of telecommunications customer information; requiring consent for disclosure of customer information; amending Minnesota Statutes 2000, section 13.681, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

TELECOMMUNICATIONS PRIVACY

Section 1. Minnesota Statutes 2000, section 13.99, is amended by adding a subdivision to read:

Subd. 65f. [TELECOMMUNICATIONS SERVICE PROVIDER DATA.] Data on customers of telecommunications service providers are classified under section 237.83.

Sec. 2. [237.82] [TELECOMMUNICATIONS CONSUMER PRIVACY ACT; DEFINITIONS.]

Subdivision 1. [GENERALLY.] For purposes of sections 237.82 to 237.87, the following terms have the meanings given them.

Subd. 2. [AFFILIATE.] "Affiliate" means any person that controls, is controlled by, or is under the common control with a telecommunications service provider.

Subd. 3. [AGGREGATE INFORMATION.] "Aggregate information" means collective data that relate to a group or category of services or customers from which individual customer identities have been removed or cannot be ascertained.

Subd. 4. [CUSTOMER.] "Customer" means an individual or entity or authorized representative of an individual or entity to whom a telecommunications service provider is providing or has provided a telecommunications service.

Subd. 5. [CUSTOMER INFORMATION.] "Customer information" means individually identifiable information about a customer that is available to a telecommunications service provider by virtue of the relationship between the customer and the provider, including information regarding the identity of persons called or from whom calls were received, length and dates of calls, account balances, bank account information for automatic withdrawal and other purposes, payment records, transaction histories, or credit information. Aggregate information is not customer information. Subscriber list information under section 237.86 is not customer information, except for information about a subscriber that has requested not to be listed.

Subd. 6. [TELECOMMUNICATIONS.] "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Subd. 7. [TELECOMMUNICATIONS SERVICE.] (a) "Telecommunications service" means:

(1) the offering of telecommunications for a fee directly to the public, or to classes of users as to be effectively available directly to the public, regardless of the facilities used; and

(2) any service subject to this chapter, provided to a customer at retail for ultimate consumption.

(b) Telecommunications service does not include a service furnished by one provider to another for resale.

Subd. 8. [TELECOMMUNICATIONS SERVICE PROVIDER.] "Telecommunications service provider" means a provider of a telecommunications service, including an independent telephone company, telephone company, or telecommunications carrier; a municipality that provides a telecommunications service; or a cellular or other wireless telecommunications service provider.

Sec. 3. [237.83] [PRIVACY OF CUSTOMER INFORMATION.]

Subdivision 1. [DUTY OF CONFIDENTIALITY.] Except as required by law or with the specific, express, prior consent of the customer under section 237.84, a telecommunications service provider that receives or obtains customer information about a customer by virtue of its provision of a telecommunications service to the customer shall only disclose or permit access to that customer information in its provision of:

- (1) the telecommunications service from which the private information is derived; or
- (2) services necessary to, or used in, the provision of the telecommunications service, if the entity receiving the information complies with the provisions of sections 237.82 to 237.87.

Subd. 2. [EXCEPTIONS.] Sections 237.82 to 237.87 do not prohibit a telecommunications service provider from disclosing or permitting access to customer information:

- (1) if necessary to initiate, render, bill, or collect for telecommunications services;
- (2) if necessary to protect the rights or property of the telecommunications service provider or to protect other users of the telecommunications service provider's services and other providers from fraudulent, abusive, or unlawful use of or subscription to telecommunications services;
- (3) if requested by a government entity pursuant to a subpoena or court order; or
- (4) to an affiliate of the telecommunications service provider for the purpose of providing telecommunications services to the customer, if the affiliate receiving the information complies with the provisions of sections 237.82 to 237.87.

Subd. 3. [GOVERNMENT DATA.] Customer information obtained by a government entity from a telecommunications service provider is private data on individuals, as defined in section 13.02, subdivision 12, unless specifically classified by other law. Long-distance telephone bills paid for by the state or a political subdivision are public data under section 10.46.

Subd. 4. [AGGREGATE CUSTOMER INFORMATION.] Disclosure of aggregate customer information by a telecommunications service provider must be made on reasonable and nondiscriminatory terms and conditions.

Sec. 4. [237.84] [CUSTOMER NOTICE AND CONSENT FOR DISCLOSURE.]

Subdivision 1. [NOTICE.] (a) Before an initial request for customer consent to the release of customer information and, if there is an initial request, annually after that initial request, a telecommunications service provider shall notify the customer of the customer's right to control disclosure of and access to information on the customer. A telecommunications service provider shall provide this notice in writing directly to the customer. The notice must be labeled "IMPORTANT PRIVACY INFORMATION." The notice must provide sufficient information to enable the customer to make an informed decision as to whether to consent to disclosure of or access to information on the customer.

(b) A telecommunications service provider shall notify each customer annually of any currently valid consents the customer has executed.

Subd. 2. [CONSENT.] A consent to the release of customer information must be in writing and signed by the customer or by electronic means. The public utilities commission shall, within 120 days of enactment, develop and issue by order a method by which a customer may consent electronically to disclosure of and access to information on the customer under this section. The consent must be contained on a separate page that clearly and conspicuously discloses and allows the customer to specify:

- (1) the time during which the consent is effective, which may not be longer than five years;
- (2) each category of customer information that may be disclosed, including identities of persons called or from whom calls were received, length and dates of calls, account balances, bank account information, payment records, transaction histories, or credit information; and

(3) the persons to whom disclosures may be made.

Sec. 5. [237.85] [PENALTIES.]

In addition to other penalties provided in this chapter, the attorney general may use its existing authority and remedies against any telecommunications service provider who violates section 237.82 or 237.84.

Sec. 6. [237.86] [SUBSCRIBER LIST INFORMATION.]

(a) The commission shall require a telecommunications service provider that provides local telecommunications services to provide subscriber list information gathered in its capacity as a provider of those services in a timely and unbundled basis under nondiscriminatory and reasonable rates, terms, and conditions to any person upon request for the purpose of publishing telephone directories, to the extent required by federal law and consistent with the purposes of sections 237.82 to 237.87.

(b) "Subscriber list information" means the list of names of subscribers of a telecommunications service provider and the subscribers' telephone numbers and addresses that the telecommunications service provider, or an affiliate, has published, caused to be published, or accepted for publication in any directory format. Information about a subscriber that has requested not to be listed is not subscriber list information.

Sec. 7. [237.87] [AUTHORITY OF COMMISSION UNAFFECTED.]

Nothing in sections 237.82 to 237.86 is intended to limit the existing authority of the public utilities commission under state or federal law with respect to the disclosure of information. A telecommunications service provider that obtains information pursuant to the commission's existing authority may only disclose or permit access to that information as provided in sections 237.83 and 237.84.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective the day following final enactment.

## ARTICLE 2

### INTERNET CONSUMER PROTECTION

Section 1. [325F.694] [FALSE OR MISLEADING COMMERCIAL ELECTRONIC MAIL MESSAGES.]

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

(b) "Commercial electronic mail message" means an electronic mail message sent for the purpose of promoting real property, goods, or services for sale or lease.

(c) "Electronic mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.

(d) "Initiate the transmission" refers to the action by the original sender of an electronic mail message, not to the action by an intervening interactive computer service that may handle or retransmit the message.

(e) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the Internet and these systems operated or services offered by libraries or educational institutions.

(f) "Internet domain name" refers to a globally unique, hierarchical reference to an Internet host or service, assigned through centralized Internet naming authorities, comprising a series of character strings separated by periods, with the rightmost string specifying the top of the hierarchy.

Subd. 2. [FALSE OR MISLEADING MESSAGES PROHIBITED.] (a) No person may initiate the transmission of a commercial electronic mail message from a computer located in this state or to an electronic mail address that the sender knows, or has reason to know, is held by a resident of this state that:

(1) uses a third party's Internet domain name without permission of the third party, or otherwise misrepresents any information in identifying the point of origin or the transmission path of a commercial electronic mail message; or

(2) contains false or misleading information in the subject line.

(b) For purposes of this subdivision, a person knows that the intended recipient of a commercial electronic mail message is a resident of this state if that information is available, upon request, from the registrant of the Internet domain name contained in the recipient's electronic mail address.

Subd. 3. [DAMAGES.] In addition to remedies available under section 8.31, 325F.70, or other law:

(1) a recipient of a commercial electronic mail message sent in violation of this section is entitled to damages of \$500, or actual damages, whichever is greater; and

(2) an interactive computer service that is injured by a violation of this section is entitled to damages of \$1,000, or actual damages, whichever is greater.

Subd. 4. [BLOCKING RECEIPT OR TRANSMISSION.] (a) An interactive computer service may, upon its own initiative, block the receipt or transmission through its service of any commercial electronic mail that it reasonably believes is, or will be, sent in violation of this section.

(b) No interactive computer service may be held liable for any action voluntarily taken in good faith to block the receipt or transmission through its service of any commercial electronic mail that it reasonably believes is, or will be, sent in violation of this section.

Sec. 2. [325M.01] [DEFINITIONS.]

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

Subd. 2. [CONSUMER.] "Consumer" means a person who agrees to pay a fee for access to an interactive services provider for personal, family, or household purposes.

Subd. 3. [INTERACTIVE SERVICES PROVIDER.] "Interactive services provider" means a person in the primary business of offering access to online or Internet information directly to or for a consumer via telecommunications. Interactive services provider includes electronic publishing but does not include:

(1) a service that is provided to business, professional, or commercial users;

(2) a use of the capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service; or

(3) a governmental entity.

Subd. 4. [ORDINARY COURSE OF BUSINESS.] "Ordinary course of business" means debt collection activities, order fulfillment, request processing, or the transfer of ownership.

Subd. 5. [PERSONALLY IDENTIFIABLE INFORMATION.] "Personally identifiable information" means information that identifies:

(1) a person by physical or electronic address or telephone number;

(2) a person as having requested or obtained specific materials or services from an interactive services provider;



- (3) Internet or online sites visited by a person; or
- (4) any of the contents of a person's data storage devices.

Subd. 6. [TELECOMMUNICATIONS SERVICE.] "Telecommunications service" means the offering, on a common carrier basis, of telecommunications facilities or of telecommunications by means of these facilities. It does not include an interactive services provider.

Sec. 3. [325M.02] [DISCLOSURE OF CONSUMER'S PERSONALLY IDENTIFIABLE INFORMATION.]

Subdivision 1. [DISCLOSURE PROHIBITED.] Except as provided in subdivisions 2 and 3, an interactive services provider who knowingly discloses personally identifiable information concerning a consumer of the interactive services provider is liable to the consumer for the relief provided in section 325M.03.

Subd. 2. [DISCLOSURE REQUIRED.] An interactive services provider shall disclose personally identifiable information concerning a consumer:

- (1) to a grand jury pursuant to a grand jury subpoena;
- (2) to an investigative or law enforcement officer as defined in section 626A.01, subdivision 7, carrying out conduct authorized by chapter 626A or United States Code, title 18, sections 2510 to 2521;
- (3) pursuant to a court order in a civil proceeding upon a showing of compelling need for the information that cannot be accommodated by other means; or
- (4) to a court in a civil action for conversion commenced by the interactive services provider or in a civil action to enforce collection of unpaid subscription fees or purchase amounts, and then only to the extent necessary to establish the fact of the subscription delinquency or purchase agreement, and with appropriate safeguards against unauthorized disclosure.

Subd. 3. [DISCLOSURE PERMITTED; CONSENT.] (a) An interactive services provider may disclose personally identifiable information concerning a consumer to:

- (1) the consumer;
- (2) any person if the disclosure is incident to the ordinary course of business of the interactive services provider; or
- (3) any person with the informed consent of the consumer.

(b) The interactive services provider may obtain the consumer's informed consent to the disclosure of personally identifiable information in writing or by electronic means. The request for consent must reasonably describe the types of persons to whom personally identifiable information may be disclosed and anticipated uses of the information. A consent may be obtained in a manner consistent with self-regulatory guidelines issued by representatives of the interactive services provider industry or other representatives of the marketing or online industries, or in any other manner reasonably designed to comply with this paragraph.

Subd. 4. [SECURED ACCOUNT.] The interactive services provider shall provide the consumer with a secured, verifiable account. The interactive services provider shall maintain the security and privacy of a consumer's personally identifiable information concerning this account.

Subd. 5. [EXCLUSION FROM EVIDENCE.] Personally identifiable information obtained in any manner other than as provided in this section may not be received in evidence in any trial, hearing, arbitration, or other proceeding before any court, grand jury, officer, agency, regulatory body, legislative committee, or other authority of the state or any political subdivision.

Sec. 4. [325M.03] [ENFORCEMENT; CIVIL LIABILITY.]

A consumer who prevails or substantially prevails in an action brought under sections 325M.01 to 325M.04 is entitled to the greater of \$500 or actual damages, plus costs, disbursements, and reasonable attorney fees.

Sec. 5. [325M.04] [OTHER LAW.]

This chapter does not limit any greater protection of the privacy of information under other law.

Sec. 6. [325M.05] [APPLICATION.]

This chapter applies to interactive services providers in the provision of services to consumers in this state."

Delete the title and insert:

"A bill for an act relating to telecommunications; regulating privacy of telecommunications users; providing penalties; amending Minnesota Statutes 2000, section 13.99, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 237; 325F; proposing coding for new law as Minnesota Statutes, chapter 325M."

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

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

**S.F. No. 880:** A bill for an act relating to human services; changing provisions for licensing background studies; amending Minnesota Statutes 2000, sections 13.46, subdivision 4; 214.104; and 245A.04, subdivisions 3a and 3d.

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

Page 3, after line 32, insert:

"Sec. 2. Minnesota Statutes 2000, section 144.057, subdivision 3, is amended to read:

Subd. 3. [RECONSIDERATIONS.] Except for the provisions under section 245A.04, subdivisions 3b, paragraphs (e) and (f); and 3c, the commissioner of health shall review and decide reconsideration requests, including the granting of variances, in accordance with the procedures and criteria contained in chapter 245A and Minnesota Rules, parts 9543.3000 to 9543.3090. The commissioner's decision shall be provided to the individual and to the department of human services. The commissioner's decision to grant or deny a reconsideration of disqualification is the final administrative agency action."

Page 4, line 10, after "receipt" insert ", and after the review,"

Page 5, line 11, delete "or" and insert a semicolon

Page 5, line 12, after "applicant" insert "; or require the regulated person to be continuously supervised,"

Page 5, line 23, delete "suspension or denial of a credential" and insert "action"

Page 5, line 24, delete "first class" and insert "certified"

Page 5, line 30, delete "it" and insert "the board"

Page 5, line 31, after the comma, insert "the regulated person shall inform the board of all settings in which the regulated person is employed or practices." and after "shall" insert "inform all known employment and practice settings of the board action and"

Page 5, line 34, after the first "hearing" insert ", unless the parties agree to a hearing date that provides less than 30 days' notice,"

Page 6, line 28, strike "only"

Page 6, line 33, delete "the basis of a disqualification is" and insert "a disqualification is based on"

Page 6, line 36, after "informed" insert "by the commissioner"

Page 9, after line 6, insert:

"Sec. 5. Minnesota Statutes 2000, section 245A.04, subdivision 3b, is amended to read:

Subd. 3b. [RECONSIDERATION OF DISQUALIFICATION.] (a) The individual who is the subject of the disqualification may request a reconsideration of the disqualification.

The individual must submit the request for reconsideration to the commissioner in writing. A request for reconsideration for an individual who has been sent a notice of disqualification under subdivision 3a, paragraph (b), ~~clause (1) or (2)~~, must be submitted within 30 ~~15~~ calendar days of the disqualified individual's receipt of the notice of disqualification. ~~A request for reconsideration for an individual who has been sent a notice of disqualification under subdivision 3a, paragraph (b), clause (3), must be submitted within 15 calendar days of the disqualified individual's receipt of the notice of disqualification.~~ Removal of a disqualified individual from direct contact shall be ordered if the individual does not request reconsideration within the prescribed time, and for an individual who submits a timely request for reconsideration, if the disqualification is not set aside. The individual must present information showing that:

(1) the information the commissioner relied upon is incorrect or inaccurate. If the basis of a reconsideration request is that a maltreatment determination or disposition under section 626.556 or 626.557 is incorrect, and the commissioner has issued a final order in an appeal of that determination or disposition under section 256.045 or 245A.08, subdivision 5, the commissioner's order is conclusive on the issue of maltreatment. If the individual did not request reconsideration of the maltreatment determination, the maltreatment determination is deemed conclusive; or

(2) the subject of the study does not pose a risk of harm to any person served by the applicant or license holder.

(b) The commissioner shall rescind the disqualification if the commissioner finds that the information relied on to disqualify the subject is incorrect. The commissioner may set aside the disqualification under this section if the commissioner finds that the ~~information the commissioner relied upon is incorrect or~~ the individual does not pose a risk of harm to any person served by the applicant or license holder. In determining that an individual does not pose a risk of harm, the commissioner shall consider the consequences of the event or events that lead to disqualification, whether there is more than one disqualifying event, the vulnerability of the victim at the time of the event, the time elapsed without a repeat of the same or similar event, documentation of successful completion by the individual studied of training or rehabilitation pertinent to the event, and any other information relevant to reconsideration. In reviewing a disqualification under this section, the commissioner shall give preeminent weight to the safety of each person to be served by the license holder or applicant over the interests of the license holder or applicant.

(c) Unless the information the commissioner relied on in disqualifying an individual is incorrect, the commissioner may not set aside the disqualification of an individual in connection with a license to provide family day care for children, foster care for children in the provider's own home, or foster care or day care services for adults in the provider's own home if:

(1) less than ten years have passed since the discharge of the sentence imposed for the offense; and the individual has been convicted of a violation of any offense listed in sections 609.20 (manslaughter in the first degree), 609.205 (manslaughter in the second degree), criminal vehicular homicide under 609.21 (criminal vehicular homicide and injury), 609.215 (aiding suicide or aiding attempted suicide), felony violations under 609.221 to 609.2231 (assault in the first, second, third, or fourth degree), 609.713 (terroristic threats), 609.235 (use of drugs to injure or to facilitate crime), 609.24 (simple robbery), 609.245 (aggravated robbery), 609.25 (kidnapping), 609.255 (false imprisonment), 609.561 or 609.562 (arson in the first or second

degree), 609.71 (riot), burglary in the first or second degree under 609.582 (burglary), 609.66 (dangerous weapon), 609.665 (spring guns), 609.67 (machine guns and short-barreled shotguns), 609.749 (harassment; stalking), 152.021 or 152.022 (controlled substance crime in the first or second degree), 152.023, subdivision 1, clause (3) or (4), or subdivision 2, clause (4) (controlled substance crime in the third degree), 152.024, subdivision 1, clause (2), (3), or (4) (controlled substance crime in the fourth degree), 609.224, subdivision 2, paragraph (c) (fifth-degree assault by a caregiver against a vulnerable adult), 609.228 (great bodily harm caused by distribution of drugs), 609.23 (mistreatment of persons confined), 609.231 (mistreatment of residents or patients), 609.2325 (criminal abuse of a vulnerable adult), 609.233 (criminal neglect of a vulnerable adult), 609.2335 (financial exploitation of a vulnerable adult), 609.234 (failure to report), 609.265 (abduction), 609.2664 to 609.2665 (manslaughter of an unborn child in the first or second degree), 609.267 to 609.2672 (assault of an unborn child in the first, second, or third degree), 609.268 (injury or death of an unborn child in the commission of a crime), 617.293 (disseminating or displaying harmful material to minors), a gross misdemeanor offense under 609.324, subdivision 1 (other prohibited acts), a gross misdemeanor offense under 609.378 (neglect or endangerment of a child), a gross misdemeanor offense under 609.377 (malicious punishment of a child), 609.72, subdivision 3 (disorderly conduct against a vulnerable adult); or an attempt or conspiracy to commit any of these offenses, as each of these offenses is defined in Minnesota Statutes; or an offense in any other state, the elements of which are substantially similar to the elements of any of the foregoing offenses;

(2) regardless of how much time has passed since the discharge of the sentence imposed for the offense, the individual was convicted of a violation of any offense listed in sections 609.185 to 609.195 (murder in the first, second, or third degree), 609.2661 to 609.2663 (murder of an unborn child in the first, second, or third degree), a felony offense under 609.377 (malicious punishment of a child), a felony offense under 609.324, subdivision 1 (other prohibited acts), a felony offense under 609.378 (neglect or endangerment of a child), 609.322 (solicitation, inducement, and promotion of prostitution), 609.342 to 609.345 (criminal sexual conduct in the first, second, third, or fourth degree), 609.352 (solicitation of children to engage in sexual conduct), 617.246 (use of minors in a sexual performance), 617.247 (possession of pictorial representations of a minor), 609.365 (incest), a felony offense under sections 609.2242 and 609.2243 (domestic assault), a felony offense of spousal abuse, a felony offense of child abuse or neglect, a felony offense of a crime against children, or an attempt or conspiracy to commit any of these offenses as defined in Minnesota Statutes, or an offense in any other state, the elements of which are substantially similar to any of the foregoing offenses;

(3) within the seven years preceding the study, the individual committed an act that constitutes maltreatment of a child under section 626.556, subdivision 10e, and that resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by competent psychological or psychiatric evidence; or

(4) within the seven years preceding the study, the individual was determined under section 626.557 to be the perpetrator of a substantiated incident of maltreatment of a vulnerable adult that resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by competent psychological or psychiatric evidence.

In the case of any ground for disqualification under clauses (1) to (4), if the act was committed by an individual other than the applicant or license holder residing in the applicant's or license holder's home, the applicant or license holder may seek reconsideration when the individual who committed the act no longer resides in the home.

The disqualification periods provided under clauses (1), (3), and (4) are the minimum applicable disqualification periods. The commissioner may determine that an individual should continue to be disqualified from licensure because the license holder or applicant poses a risk of harm to a person served by that individual after the minimum disqualification period has passed.

(d) The commissioner shall respond in writing or by electronic transmission to all reconsideration requests for which the basis for the request is that the information relied upon by the commissioner to disqualify is incorrect or inaccurate within 30 working days of receipt of a

request and all relevant information. If the basis for the request is that the individual does not pose a risk of harm, the commissioner shall respond to the request within 15 working days after receiving the request for reconsideration and all relevant information. If the request is based on both the correctness or accuracy of the information relied on to disqualify the individual and the risk of harm, the commissioner shall respond to the request within 45 working days after receiving the request for reconsideration and all relevant information. If the disqualification is set aside, the commissioner shall notify the applicant or license holder in writing or by electronic transmission of the decision.

(e) ~~Except as provided in subdivision 3c, the commissioner's decision to disqualify an individual, including the decision to grant or deny a rescission or set aside a disqualification under this section, is the final administrative agency action and shall not be subject to further review in a contested case under chapter 14 involving a negative licensing appeal taken in response to the disqualification or involving an accuracy and completeness appeal under section 13.04 if a disqualification is not set aside, an individual who was disqualified on the basis of a preponderance of evidence that the individual committed an act or acts that meet the definition of any of the crimes lists in subdivision 3d, clauses (1) to (4); or for failure to make required reports under section 626.556, subdivision 3, or 626.557, subdivision 3, pursuant to subdivision 3d, clause (4), may request a fair hearing under section 256.045.~~

(f) Except as provided under subdivision 3c, if an individual was disqualified on the basis of a determination of maltreatment under section 626.556 or 626.557, which was serious or recurring, and the individual has requested reconsideration of the maltreatment determination under section 626.556, subdivision 10i, or 626.557, subdivision 9d, and also requested reconsideration of the disqualification under this subdivision, reconsideration of the maltreatment determination and reconsideration of the disqualification shall be consolidated into a single reconsideration. For maltreatment and disqualification determinations made by county agencies, the consolidated reconsideration shall be conducted by the county agency. Except as provided under subdivision 3c, if an individual who was disqualified on the basis of serious recurring maltreatment requests a fair hearing on the maltreatment determination under section 626.556, subdivision 10i, or 626.557, subdivision 9d, the scope of the fair hearing under section 256.045 shall include the maltreatment determination and the disqualification. Except as provided under subdivision 3c, the hearing for an individual under this paragraph is conclusive on the issue of maltreatment and disqualification, including for purposes of subsequent studies conducted under section 245A.04, subdivision 3, and is the only administrative appeal of the final agency determination, specifically, including a challenge to the accuracy and completeness of data under section 13.04.

Sec. 6. Minnesota Statutes 2000, section 245A.04, subdivision 3c, is amended to read:

Subd. 3c. [CONTESTED CASE.] ~~If a disqualification is not set aside, a person who is an employee of an employer, as defined in section 179A.03, subdivision 15, may request a contested case hearing under chapter 14. Rules adopted under this chapter may not preclude an employee in a contested case hearing for disqualification from submitting evidence concerning information gathered under subdivision 3, paragraph (e).~~ (a) If a disqualification for which reconsideration was requested and which was not set aside under subdivision 3b, is the basis for a denial of a license under section 245A.05 or a licensing sanction under section 245A.07, the license holder has the right to a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8550 to 1400.8612. The appeal must be submitted in accordance with section 245A.07, subdivision 3. As provided for under section 245A.08, subdivision 2a, the scope of the consolidated contested case hearing shall include the disqualification and the licensing sanction. If the disqualification was based on a determination of substantiated serious or recurring maltreatment under section 626.556 or 626.557, the appeal must be submitted in accordance with sections 245A.07, subdivision 3, and 626.556, subdivision 10i, or 626.557, subdivision 9d. As provided for under section 245A.08, subdivision 2a, the scope of the contested case hearing shall include the maltreatment determination, the disqualification, and the licensing sanction. In such cases, a fair hearing shall not be conducted under section 256.045.

(b) If a maltreatment determination or disqualification, which was not set aside under subdivision 3b, is the basis for licensing sanction under section 245A.07, and the disqualified

subject is an individual other than the license holder and upon whom a background study must be conducted under subdivision 3, the hearing of all parties may be consolidated into a single contested case hearing upon consent of all parties and the administrative law judge.

(c) The commissioner's final order under section 245A.08, subdivision 5, is conclusive on the issue of maltreatment and disqualification, including for purposes of subsequent background studies. The contested case hearing under this subdivision is the only administrative appeal of the final agency determination, specifically, including a challenge to the accuracy and completeness of data under section 13.04."

Page 9, line 15, after "or" insert "an investigation results in"

Page 15, after line 25, insert:

"Sec. 8. Minnesota Statutes 2000, section 245A.05, is amended to read:

245A.05 [DENIAL OF APPLICATION.]

The commissioner may deny a license if an applicant fails to comply with applicable laws or rules, or knowingly withholds relevant information from or gives false or misleading information to the commissioner in connection with an application for a license or during an investigation. An applicant whose application has been denied by the commissioner must be given notice of the denial. Notice must be given by certified mail. The notice must state the reasons the application was denied and must inform the applicant of the right to a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8550 to 1400.8612. The applicant may appeal the denial by notifying the commissioner in writing by certified mail within 20 calendar days after receiving notice that the application was denied. Section 245A.08 applies to hearings held to appeal the commissioner's denial of an application.

Sec. 9. Minnesota Statutes 2000, section 245A.06, is amended to read:

245A.06 [CORRECTION ORDER AND FINES CONDITIONAL LICENSE.]

Subdivision 1. [CONTENTS OF CORRECTION ORDERS ~~OR FINES~~ AND CONDITIONAL LICENSES.] (a) If the commissioner finds that the applicant or license holder has failed to comply with an applicable law or rule and this failure does not imminently endanger the health, safety, or rights of the persons served by the program, the commissioner may issue a correction order and an order of conditional license to ~~or impose a fine on~~ the applicant or license holder. When issuing a conditional license, the commissioner shall consider the nature, chronicity, or severity of the violation of law or rule and the effect of the violation on the health, safety, or rights of persons served by the program. The correction order or ~~fine~~ conditional license must state:

- (1) the conditions that constitute a violation of the law or rule;
- (2) the specific law or rule violated;
- (3) the time allowed to correct each violation; and
- (4) if a fine is imposed, the amount of the fine license is made conditional, the length and terms of the conditional license.

(b) Nothing in this section prohibits the commissioner from proposing a sanction as specified in section 245A.07, prior to issuing a correction order or ~~fine~~ conditional license.

Subd. 2. [RECONSIDERATION OF CORRECTION ORDERS.] If the applicant or license holder believes that the contents of the commissioner's correction order are in error, the applicant or license holder may ask the department of human services to reconsider the parts of the correction order that are alleged to be in error. The request for reconsideration must be in writing and received by the commissioner within 20 calendar days after receipt of the correction order by the applicant or license holder, and:

- (1) specify the parts of the correction order that are alleged to be in error;

- (2) explain why they are in error; and
- (3) include documentation to support the allegation of error.

A request for reconsideration does not stay any provisions or requirements of the correction order. The commissioner's disposition of a request for reconsideration is final and not subject to appeal under chapter 14.

Subd. 3. [FAILURE TO COMPLY.] If the commissioner finds that the applicant or license holder has not corrected the violations specified in the correction order or conditional license, the commissioner may impose a fine and order other licensing sanctions pursuant to section 245A.07. ~~If a fine was imposed and the violation was not corrected, the commissioner may impose an additional fine. This section does not prohibit the commissioner from seeking a court order, denying an application, or suspending, revoking, or making conditional the license in addition to imposing a fine.~~

Subd. 4. [NOTICE OF FINE CONDITIONAL LICENSE; RECONSIDERATION OF FINE CONDITIONAL LICENSE.] ~~A license holder who is ordered to pay a fine~~ If a license is made conditional, the license holder must be notified of the order by certified mail. The notice must be mailed to the address shown on the application or the last known address of the license holder. The notice must state the reasons the fine conditional license was ordered and must inform the license holder of the responsibility for payment of fines in subdivision 7 and the right to request reconsideration of the fine conditional license by the commissioner. The license holder may request reconsideration of the order to ~~forfeit a fine of conditional license~~ by notifying the commissioner by certified mail ~~within 20 calendar days after receiving the order.~~ The request must be in writing and must be received by the commissioner within ten calendar days after the license holder received the order. The license holder may submit with the request for reconsideration written argument or evidence in support of the request for reconsideration. A timely request for reconsideration shall ~~stay forfeiture of the fine imposition of the terms of the conditional license~~ until the commissioner issues a decision on the request for reconsideration. ~~The request for reconsideration must be in writing and:~~

- ~~(1) specify the parts of the violation that are alleged to be in error;~~
- ~~(2) explain why they are in error;~~
- ~~(3) include documentation to support the allegation of error; and~~
- ~~(4) any other information relevant to the fine or the amount of the fine.~~

The commissioner's disposition of a request for reconsideration is final and not subject to appeal under chapter 14.

Subd. 5. [FORFEITURE OF FINES.] ~~The license holder shall pay the fines assessed on or before the payment date specified in the commissioner's order. If the license holder fails to fully comply with the order, the commissioner shall issue a second fine or suspend the license until the license holder complies. If the license holder receives state funds, the state, county, or municipal agencies or departments responsible for administering the funds shall withhold payments and recover any payments made while the license is suspended for failure to pay a fine.~~

Subd. 5a. [ACCRUAL OF FINES.] ~~A license holder shall promptly notify the commissioner of human services, in writing, when a violation specified in an order to forfeit is corrected. If upon reinspection the commissioner determines that a violation has not been corrected as indicated by the order to forfeit, the commissioner may issue a second fine. The commissioner shall notify the license holder by certified mail that a second fine has been assessed. The license holder may request reconsideration of the second fine under the provisions of subdivision 4.~~

Subd. 6. [AMOUNT OF FINES.] ~~Fines shall be assessed as follows:~~

- ~~(1) the license holder shall forfeit \$1,000 for each occurrence of violation of law or rule prohibiting the maltreatment of children or the maltreatment of vulnerable adults, including but~~

~~not limited to corporal punishment, illegal or unauthorized use of physical, mechanical, or chemical restraints, and illegal or unauthorized use of aversive or deprivation procedures;~~

~~(2) the license holder shall forfeit \$200 for each occurrence of a violation of law or rule governing matters of health, safety, or supervision, including but not limited to the provision of adequate staff to child or adult ratios; and~~

~~(3) the license holder shall forfeit \$100 for each occurrence of a violation of law or rule other than those included in clauses (1) and (2).~~

~~For the purposes of this section, "occurrence" means each violation identified in the commissioner's forfeiture order.~~

~~Subd. 7. [RESPONSIBILITY FOR PAYMENT OF FINES.] When a fine has been assessed, the license holder may not avoid payment by closing, selling, or otherwise transferring the licensed program to a third party. In such an event, the license holder will be personally liable for payment. In the case of a corporation, each controlling individual is personally and jointly liable for payment.~~

~~Fines for child care centers must be assessed according to this section.~~

Sec. 10. Minnesota Statutes 2000, section 245A.07, is amended to read:

245A.07 [SANCTIONS.]

Subdivision 1. [SANCTIONS AVAILABLE.] In addition to ~~ordering forfeiture of fines making a license conditional under section 245A.06~~, the commissioner may propose to suspend, or revoke, ~~or make conditional the license, impose a fine, or secure an injunction against the continuing operation of the program of a license holder who does not comply with applicable law or rule.~~ When applying sanctions authorized under this section, the commissioner shall consider the nature, chronicity, or severity of the violation of law or rule and the effect of the violation on the health, safety, or rights of persons served by the program.

Subd. 2. [IMMEDIATE SUSPENSION IN CASES OF IMMINENT DANGER TO HEALTH, SAFETY, OR RIGHTS TEMPORARY IMMEDIATE SUSPENSION.] If the license holder's ~~actions or failure to comply with applicable law or rule has placed~~ poses an imminent risk of harm to the health, safety, or rights of persons served by the program in imminent danger, the commissioner shall act immediately to temporarily suspend the license. No state funds shall be made available or be expended by any agency or department of state, county, or municipal government for use by a license holder regulated under this chapter while a license is under immediate suspension. A notice stating the reasons for the immediate suspension and informing the license holder of the right to a ~~contested case~~ an expedited hearing under chapter 14 and Minnesota Rules, parts 1400.8550 to 1400.8612, must be delivered by personal service to the address shown on the application or the last known address of the license holder. The license holder may appeal an order immediately suspending a license. The appeal of an order immediately suspending a license must be made in writing by certified mail and must be received by the commissioner within five calendar days after the license holder receives notice that the license has been immediately suspended. A license holder and any controlling individual shall discontinue operation of the program upon receipt of the commissioner's order to immediately suspend the license.

Subd. 2a. [IMMEDIATE SUSPENSION EXPEDITED HEARING.] (a) Within five working days of receipt of the license holder's timely appeal, the commissioner shall request assignment of an administrative law judge. The request must include a proposed date, time, and place of a hearing. A hearing must be conducted by an administrative law judge within 30 calendar days of the request for assignment, unless an extension is requested by either party and granted by the administrative law judge for good cause. The commissioner shall issue a notice of hearing by certified mail at least ten working days before the hearing. The scope of the hearing shall be limited solely to the issue of whether the temporary immediate suspension should remain in effect pending the commissioner's final order under section 245A.08, regarding a licensing sanction



issued under subdivision 3 following the immediate suspension. The burden of proof in expedited hearings under this subdivision shall be limited to the commissioner's demonstration that reasonable cause exists to believe that the license holder's actions or failure to comply with applicable law or rule poses an imminent risk of harm to the health, safety, or rights of persons served by the program.

(b) The administrative law judge shall issue findings of fact, conclusions, and a recommendation within ten working days from the date of hearing. The commissioner's final order shall be issued within ten working days from receipt of the recommendation of the administrative law judge. Within 90 calendar days after a final order affirming an immediate suspension, the commissioner shall make a determination regarding whether a final licensing sanction shall be issued under subdivision 3. The license holder shall continue to be prohibited from operation of the program during this 90-day period.

Subd. 3. [LICENSE SUSPENSION, REVOCATION, DENIAL OR CONDITIONAL LICENSE FINE.] The commissioner may suspend, or revoke, ~~make conditional, or deny~~ a license, or impose a fine if an applicant or a license holder fails to comply fully with applicable laws or rules, or knowingly withholds relevant information from or gives false or misleading information to the commissioner in connection with an application for a license or during an investigation. A license holder who has had a license suspended, revoked, ~~or made conditional~~ or has been ordered to pay a fine must be given notice of the action by certified mail. The notice must be mailed to the address shown on the application or the last known address of the license holder. The notice must state the reasons the license was suspended, revoked, or ~~made conditional~~ a fine was ordered.

(a) If the license was suspended or revoked, the notice must inform the license holder of the right to a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8550 to 1400.8612. The license holder may appeal an order suspending or revoking a license. The appeal of an order suspending or revoking a license must be made in writing by certified mail and must be received by the commissioner within ten calendar days after the license holder receives notice that the license has been suspended or revoked.

(b) If the license was made conditional, the notice must inform the license holder of the right to request a reconsideration by the commissioner. The request for reconsideration must be made in writing by certified mail and must be received by the commissioner within ten calendar days after the license holder receives notice that the license has been made conditional. The license holder may submit with the request for reconsideration written argument or evidence in support of the request for reconsideration. The commissioner's disposition of a request for reconsideration is final and is not subject to appeal under chapter 14 (1) If the license holder was ordered to pay a fine, the notice must inform the license holder of the responsibility for payment of fines and the right to a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8550 to 1400.8612. The appeal of an order to pay a fine must be made in writing by certified mail and must be received by the commissioner within ten calendar days after the license holder receives notice that the fine has been ordered.

(2) The license holder shall pay the fines assessed on or before the payment date specified. If the license holder fails to fully comply with the order, the commissioner may issue a second fine or suspend the license until the license holder complies. If the license holder receives state funds, the state, county, or municipal agencies or departments responsible for administering the funds shall withhold payments and recover any payments made while the license is suspended for failure to pay a fine. A timely appeal shall stay payment of the fine until the commissioner issues a final order.

(3) A license holder shall promptly notify the commissioner of human services, in writing, when a violation specified in the order to forfeit a fine is corrected. If upon reinspection the commissioner determines that a violation has not been corrected as indicated by the order to forfeit a fine, the commissioner may issue a second fine. The commissioner shall notify the license holder by certified mail that a second fine has been assessed. The license holder may appeal the second fine as provided under this subdivision.

(4) Fines shall be assessed as follows: the license holder shall forfeit \$1,000 for each

determination of maltreatment of a child under section 626.556 or the maltreatment of a vulnerable adult under section 626.557; the license holder shall forfeit \$200 for each occurrence of a violation of law or rule governing matters of health, safety, or supervision, including failure to submit a background study; and the license holder shall forfeit \$100 for each occurrence of a violation of law or rule other than those subject to a \$1,000 or \$200 fine above. For purposes of this section, "occurrence" means each violation identified in the commissioner's fine order.

(5) When a fine has been assessed, the license holder may not avoid payment by closing, selling, or otherwise transferring the licensed program to a third party. In such an event, the license holder will be personally liable for payment. In the case of a corporation, each controlling individual is personally and jointly liable for payment.

Subd. 4. [ADOPTION AGENCY VIOLATIONS.] If a license holder licensed to place children for adoption fails to provide services as described in the disclosure form required by section 259.37, subdivision 2, the sanctions under this section may be imposed.

Sec. 11. Minnesota Statutes 2000, section 245A.08, is amended to read:

245A.08 [HEARINGS.]

Subdivision 1. [RECEIPT OF APPEAL; CONDUCT OF HEARING.] Upon receiving a timely appeal or petition pursuant to section 245A.04, subdivision 3c, 245A.05, or 245A.07, subdivision 3, the commissioner shall issue a notice of and order for hearing to the appellant under chapter 14 and Minnesota Rules, parts 1400.8550 to 1400.8612.

Subd. 2. [CONDUCT OF HEARINGS.] At any hearing provided for by section 245A.04, subdivision 3c, 245A.05, or 245A.07, subdivision 3, the appellant may be represented by counsel and has the right to call, examine, and cross-examine witnesses. The administrative law judge may require the presence of witnesses and evidence by subpoena on behalf of any party.

Subd. 2a. [CONSOLIDATED CONTESTED CASE HEARINGS FOR SANCTIONS BASED ON MALTREATMENT DETERMINATIONS AND DISQUALIFICATIONS.] (a) When a licensing sanction under section 245A.07, subdivision 3, is based on a disqualification for which reconsideration was requested and which was not set aside under section 245A.04, subdivision 3b, the scope of the contested case hearing shall include the disqualification and the licensing sanction. When the licensing sanction is based on a determination of maltreatment under section 626.556 or 626.557, or a disqualification for serious or recurring maltreatment which was not set aside, the scope of the contested case hearing shall include the maltreatment determination, disqualification, and the licensing sanction. In such cases, a fair hearing under section 256.045 shall not be conducted as provided for in sections 626.556, subdivision 10i, and 626.557, subdivision 9d.

(b) In consolidated contested case hearings regarding sanctions issued in family child care, child foster care, and adult foster care, the county attorney shall defend the commissioner's orders in accordance with section 245A.16, subdivision 4.

(c) The commissioner's final order under subdivision 5 is conclusive on the issue of maltreatment and disqualification, including for purposes of subsequent background studies under section 245A.04, subdivision 3, and is the only administrative appeal of the final agency determination, specifically, including a challenge to the accuracy and completeness of data under section 13.04.

(d) When consolidated hearings under this subdivision involve a licensing sanction based on a previous maltreatment determination for which the commissioner has issued a final order in an appeal of that determination under section 256.045, or the individual failed to exercise their right to appeal the previous maltreatment determination under section 626.556, subdivision 10i, or 626.557, subdivision 9d, the commissioner's order is conclusive on the issue of maltreatment. In such cases, the scope of the administrative law judge's review shall be limited to the disqualification and the licensing sanction.

(e) If a maltreatment determination or disqualification, which was not set aside under section

245A.04, subdivision 3b, is the basis for a licensing sanction under section 245A.07, and the disqualified subject is an individual other than the license holder and upon whom a background study must be conducted under section 245A.04, subdivision 3, the hearings of all parties may be consolidated into a single contested case hearing upon consent of all parties and the administrative law judge.

Subd. 3. [BURDEN OF PROOF.] (a) ~~At a hearing regarding suspension, immediate suspension, or revocation of a license for family day care or foster care~~ a licensing sanction under section 245.07, including consolidated hearings under subdivision 2a, the commissioner may demonstrate reasonable cause for action taken by submitting statements, reports, or affidavits to substantiate the allegations that the license holder failed to comply fully with applicable law or rule. If the commissioner demonstrates that reasonable cause existed, the burden of proof in hearings involving suspension, immediate suspension, or revocation of a family day care or foster care license shifts to the license holder to demonstrate by a preponderance of the evidence that the license holder was in full compliance with those laws or rules that the commissioner alleges the license holder violated, at the time that the commissioner alleges the violations of law or rules occurred.

(b) At a hearing on denial of an application, the applicant bears the burden of proof to demonstrate by a preponderance of the evidence that the appellant has complied fully with ~~sections 245A.01 to 245A.15~~ chapter 245A and other applicable law or rule and that the application should be approved and a license granted.

~~(c) At all other hearings under this section, the commissioner bears the burden of proof to demonstrate, by a preponderance of the evidence, that the violations of law or rule alleged by the commissioner occurred.~~

Subd. 4. [RECOMMENDATION OF ADMINISTRATIVE LAW JUDGE.] The administrative law judge shall recommend whether or not the commissioner's order should be affirmed. The recommendations must be consistent with this chapter and the rules of the commissioner. The recommendations must be in writing and accompanied by findings of fact and conclusions and must be mailed to the parties by certified mail to their last known addresses as shown on the license or application.

Subd. 5. [NOTICE OF THE COMMISSIONER'S FINAL ORDER.] After considering the findings of fact, conclusions, and recommendations of the administrative law judge, the commissioner shall issue a final order. The commissioner shall consider, but shall not be bound by, the recommendations of the administrative law judge. The appellant must be notified of the commissioner's final order as required by chapter 14 and Minnesota Rules, parts 1400.8550 to 1400.8612. The notice must also contain information about the appellant's rights under chapter 14 and Minnesota Rules, parts 1400.8550 to 1400.8612. The institution of proceedings for judicial review of the commissioner's final order shall not stay the enforcement of the final order except as provided in section 14.65. A license holder and each controlling individual of a license holder whose license has been revoked because of noncompliance with applicable law or rule must not be granted a license for five years following the revocation. An applicant whose application was denied must not be granted a license for two years following a denial, unless the applicant's subsequent application contains new information which constitutes a substantial change in the conditions that caused the previous denial.

Sec. 12. Minnesota Statutes 2000, section 256.045, subdivision 3, is amended to read:

Subd. 3. [STATE AGENCY HEARINGS.] (a) State agency hearings are available for the following: (1) any person applying for, receiving or having received public assistance, medical care, or a program of social services granted by the state agency or a county agency or the federal Food Stamp Act whose application for assistance is denied, not acted upon with reasonable promptness, or whose assistance is suspended, reduced, terminated, or claimed to have been incorrectly paid; (2) any patient or relative aggrieved by an order of the commissioner under section 252.27; (3) a party aggrieved by a ruling of a prepaid health plan; (4) except as provided under chapter 245A, any individual or facility determined by a lead agency to have maltreated a vulnerable adult under section 626.557 after they have exercised their right to administrative

reconsideration under section 626.557; (5) any person whose claim for foster care payment according to a placement of the child resulting from a child protection assessment under section 626.556 is denied or not acted upon with reasonable promptness, regardless of funding source; (6) any person to whom a right of appeal according to this section is given by other provision of law; (7) an applicant aggrieved by an adverse decision to an application for a hardship waiver under section 256B.15; or (8) except as provided under chapter 245A, an individual or facility determined to have maltreated a minor under section 626.556, after the individual or facility has exercised the right to administrative reconsideration under section 626.556; or (9) except as provided under chapter 245A, an individual disqualified under section 245A.04, subdivision 3d, on the basis of serious or recurring maltreatment; a preponderance of the evidence that the individual has committed an act or acts that meet the definition of any of the crimes listed in clauses (1) to (4) of that subdivision; or for failing to make reports required under section 626.556, subdivision 3, or 626.557, subdivision 3. Hearings regarding a maltreatment determination under clause (8) and a disqualification under clause (9) in which the basis for a disqualification is serious and recurring maltreatment, which has not been set aside under section 245A.04, subdivision 3b, shall be consolidated into a single fair hearing. In such cases, the scope of review by the human services referee shall include both the maltreatment determination and the disqualification. The failure to exercise the right to an administrative reconsideration shall not be a bar to a hearing under this section if federal law provides an individual the right to a hearing to dispute a finding of maltreatment. Individuals and organizations specified in this section may contest the specified action, decision, or final disposition before the state agency by submitting a written request for a hearing to the state agency within 30 days after receiving written notice of the action, decision, or final disposition, or within 90 days of such written notice if the applicant, recipient, patient, or relative shows good cause why the request was not submitted within the 30-day time limit.

The hearing for an individual or facility under clause (4) ~~or~~, (8), or (9) is the only administrative appeal to the final agency determination specifically, including a challenge to the accuracy and completeness of data under section 13.04. Hearings requested under clause (4) apply only to incidents of maltreatment that occur on or after October 1, 1995. Hearings requested by nursing assistants in nursing homes alleged to have maltreated a resident prior to October 1, 1995, shall be held as a contested case proceeding under the provisions of chapter 14. Hearings requested under ~~elause~~ clauses (8) and (9) apply only to incidents of maltreatment that occur on or after July 1, 1997. A hearing for an individual or facility under clause (8) is only available when there is no juvenile court or adult criminal action pending. If such action is filed in either court while an administrative review is pending, the administrative review must be suspended until the judicial actions are completed. If the juvenile court action or criminal charge is dismissed or the criminal action overturned, the matter may be considered in an administrative hearing.

For purposes of this section, bargaining unit grievance procedures are not an administrative appeal.

The scope of hearings involving claims to foster care payments under clause (5) shall be limited to the issue of whether the county is legally responsible for a child's placement under court order or voluntary placement agreement and, if so, the correct amount of foster care payment to be made on the child's behalf and shall not include review of the propriety of the county's child protection determination or child placement decision.

(b) A vendor of medical care as defined in section 256B.02, subdivision 7, or a vendor under contract with a county agency to provide social services under section 256E.08, subdivision 4, is not a party and may not request a hearing under this section, except if assisting a recipient as provided in subdivision 4.

(c) An applicant or recipient is not entitled to receive social services beyond the services included in the amended community social services plan developed under section 256E.081, subdivision 3, if the county agency has met the requirements in section 256E.081.

(d) The commissioner may summarily affirm the county or state agency's proposed action without a hearing when the sole issue is an automatic change due to a change in state or federal law.

Sec. 13. Minnesota Statutes 2000, section 256.045, subdivision 3b, is amended to read:

Subd. 3b. [STANDARD OF EVIDENCE FOR MALTREATMENT AND DISQUALIFICATION HEARINGS.] The state human services referee shall determine that maltreatment has occurred if a preponderance of evidence exists to support the final disposition under sections 626.556 and 626.557. For purposes of hearings regarding disqualification, the state human services referee shall affirm the proposed disqualification in an appeal under subdivision 3, paragraph (a), clause (9), if a preponderance of the evidence shows the individual has:

- (1) committed maltreatment under section 626.556 or 626.557, which is serious or recurring;
- (2) committed an act or acts meeting the definition of any of the crimes listed in section 245A.04, subdivision 3d, clauses (1) to (4); or
- (3) failed to make required reports under section 626.556 or 626.557, for incidents in which:
  - (i) the final disposition under section 626.556 or 626.557 was substantiated maltreatment; and
  - (ii) the maltreatment was recurring or serious; or substantiated serious or recurring maltreatment of a minor under section 626.556 or of a vulnerable adult under section 626.557 for which there is a preponderance of evidence that the maltreatment occurred, and that the subject was responsible for the maltreatment. If the disqualification is affirmed, the state human services referee shall determine whether the individual poses a risk of harm in accordance with the requirements of section 245A.04, subdivision 3b.

The state human services referee shall recommend an order to the commissioner of health or human services, as applicable, who shall issue a final order. The commissioner shall affirm, reverse, or modify the final disposition. Any order of the commissioner issued in accordance with this subdivision is conclusive upon the parties unless appeal is taken in the manner provided in subdivision 7. In any licensing appeal under chapter 245A and sections 144.50 to 144.58 and 144A.02 to 144A.46, the commissioner's determination as to maltreatment is conclusive.

Sec. 14. Minnesota Statutes 2000, section 256.045, subdivision 4, is amended to read:

Subd. 4. [CONDUCT OF HEARINGS.] (a) All hearings held pursuant to subdivision 3, 3a, 3b, or 4a shall be conducted according to the provisions of the federal Social Security Act and the regulations implemented in accordance with that act to enable this state to qualify for federal grants-in-aid, and according to the rules and written policies of the commissioner of human services. County agencies shall install equipment necessary to conduct telephone hearings. A state human services referee may schedule a telephone conference hearing when the distance or time required to travel to the county agency offices will cause a delay in the issuance of an order, or to promote efficiency, or at the mutual request of the parties. Hearings may be conducted by telephone conferences unless the applicant, recipient, former recipient, person, or facility contesting maltreatment objects. The hearing shall not be held earlier than five days after filing of the required notice with the county or state agency. The state human services referee shall notify all interested persons of the time, date, and location of the hearing at least five days before the date of the hearing. Interested persons may be represented by legal counsel or other representative of their choice, including a provider of therapy services, at the hearing and may appear personally, testify and offer evidence, and examine and cross-examine witnesses. The applicant, recipient, former recipient, person, or facility contesting maltreatment shall have the opportunity to examine the contents of the case file and all documents and records to be used by the county or state agency at the hearing at a reasonable time before the date of the hearing and during the hearing. In hearings under subdivision 3, paragraph (a), clauses (4) ~~and~~, (8), and (9), either party may subpoena the private data relating to the investigation prepared by the agency under section 626.556 or 626.557 that is not otherwise accessible under section 13.04, provided the identity of the reporter may not be disclosed.

(b) The private data obtained by subpoena in a hearing under subdivision 3, paragraph (a), clause (4) ~~or~~, (8), or (9), must be subject to a protective order which prohibits its disclosure for any other purpose outside the hearing provided for in this section without prior order of the district

court. Disclosure without court order is punishable by a sentence of not more than 90 days imprisonment or a fine of not more than \$700, or both. These restrictions on the use of private data do not prohibit access to the data under section 13.03, subdivision 6. Except for appeals under subdivision 3, paragraph (a), clauses (4), (5), and (8), and (9), upon request, the county agency shall provide reimbursement for transportation, child care, photocopying, medical assessment, witness fee, and other necessary and reasonable costs incurred by the applicant, recipient, or former recipient in connection with the appeal. All evidence, except that privileged by law, commonly accepted by reasonable people in the conduct of their affairs as having probative value with respect to the issues shall be submitted at the hearing and such hearing shall not be "a contested case" within the meaning of section 14.02, subdivision 3. The agency must present its evidence prior to or at the hearing, and may not submit evidence after the hearing except by agreement of the parties at the hearing, provided the petitioner has the opportunity to respond.

Sec. 15. Minnesota Statutes 2000, section 626.556, subdivision 10i, is amended to read:

Subd. 10i. [ADMINISTRATIVE RECONSIDERATION OF FINAL DETERMINATION OF MALTREATMENT AND DISQUALIFICATION BASED ON SERIOUS OR RECURRING MALTREATMENT.] (a) Except as provided under paragraph (e), an individual or facility that the commissioner or a local social service agency determines has maltreated a child, or the child's designee, regardless of the determination, who contests the investigating agency's final determination regarding maltreatment, may request the investigating agency to reconsider its final determination regarding maltreatment. The request for reconsideration must be submitted in writing to the investigating agency within 15 calendar days after receipt of notice of the final determination regarding maltreatment.

(b) Except as provided under paragraphs (e) and (f), if the investigating agency denies the request or fails to act upon the request within 15 calendar days after receiving the request for reconsideration, the person or facility entitled to a fair hearing under section 256.045 may submit to the commissioner of human services a written request for a hearing under that section.

(c) If, as a result of the reconsideration, the investigating agency changes the final determination of maltreatment, that agency shall notify the parties specified in subdivisions 10b, 10d, and 10f.

(d) Except as provided under paragraph (f), if an individual or facility contests the investigating agency's final determination regarding maltreatment by requesting a fair hearing under section 256.045, the commissioner of human services shall assure that the hearing is conducted and a decision is reached within 90 days of receipt of the request for a hearing. The time for action on the decision may be extended for as many days as the hearing is postponed or the record is held open for the benefit of either party.

(e) If an individual was disqualified under section 245A.04, subdivision 3d, on the basis of a determination of maltreatment, which was serious or recurring, and the individual has requested reconsideration of the maltreatment determination under paragraph (a) and requested reconsideration of the disqualification under section 245A.04, subdivision 3b, reconsideration of the maltreatment determination and reconsideration of the disqualification shall be consolidated into a single reconsideration. If an individual disqualified on the basis of a determination of maltreatment, which was serious or recurring requests a fair hearing under paragraph (b), the scope of the fair hearing shall include the maltreatment determination and the disqualification.

(f) If a maltreatment determination or a disqualification based on serious or recurring maltreatment is the basis for a licensing sanction under section 245A.07, the license holder has the right to a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8550 to 1400.8612. As provided for under section 245A.08, subdivision 2a, the scope of the contested case hearing shall include the maltreatment determination, disqualification, and licensing sanction. In such cases, a fair hearing regarding the maltreatment determination shall not be conducted under paragraph (b). If the disqualified subject is an individual other than the license holder and upon whom a background study must be conducted under section 245A.04, subdivision 3, the hearings of all parties may be consolidated into a single contested case hearing upon consent of all parties and the administrative law judge.

Sec. 16. Minnesota Statutes 2000, section 626.557, subdivision 3, is amended to read:

Subd. 3. [TIMING OF REPORT.] (a) A mandated reporter who has reason to believe that a vulnerable adult is being or has been maltreated, or who has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained shall immediately report the information to the common entry point. If an individual is a vulnerable adult solely because the individual is admitted to a facility, a mandated reporter is not required to report suspected maltreatment of the individual that occurred prior to admission, unless:

(1) the individual was admitted to the facility from another facility and the reporter has reason to believe the vulnerable adult was maltreated in the previous facility; or

(2) the reporter knows or has reason to believe that the individual is a vulnerable adult as defined in section 626.5572, subdivision 21, clause (4).

(b) A person not required to report under the provisions of this section may voluntarily report as described above.

(c) Nothing in this section requires a report of known or suspected maltreatment, if the reporter knows or has reason to know that a report has been made to the common entry point.

(d) Nothing in this section shall preclude a reporter from also reporting to a law enforcement agency.

(e) Notwithstanding section 626.5572, subdivision 17, paragraph (c), clause (5), a mandated reporter who knows or has reason to believe that an error in the provision of care or services to a vulnerable adult resulted in injury or harm to the vulnerable adult, which reasonably requires or required medical or mental health care must make a report under this subdivision. If the reporter believes that an investigation by a lead agency will determine or should determine that the reported error was not neglect according to the criteria under section 626.5572, subdivision 17, paragraph (c), clause (5), the report must include information explaining how the event meets the criteria under section 626.557, subdivision 17, paragraph (c), clause (5). The lead agency shall consider this information when making an initial disposition of the report under subdivision 9c.

Sec. 17. Minnesota Statutes 2000, section 626.557, subdivision 9d, is amended to read:

Subd. 9d. [ADMINISTRATIVE RECONSIDERATION OF FINAL DISPOSITION OF MALTREATMENT AND DISQUALIFICATION BASED ON SERIOUS OR RECURRING MALTREATMENT; REVIEW PANEL.] (a) Except as provided under paragraph (e), any individual or facility which a lead agency determines has maltreated a vulnerable adult, or the vulnerable adult or an interested person acting on behalf of the vulnerable adult, regardless of the lead agency's determination, who contests the lead agency's final disposition of an allegation of maltreatment, may request the lead agency to reconsider its final disposition. The request for reconsideration must be submitted in writing to the lead agency within 15 calendar days after receipt of notice of final disposition or, if the request is made by an interested person who is not entitled to notice, within 15 days after receipt of the notice by the vulnerable adult or the vulnerable adult's legal guardian.

(b) Except as provided under paragraphs (e) and (f), if the lead agency denies the request or fails to act upon the request within 15 calendar days after receiving the request for reconsideration, the person or facility entitled to a fair hearing under section 256.045, may submit to the commissioner of human services a written request for a hearing under that statute. The vulnerable adult, or an interested person acting on behalf of the vulnerable adult, may request a review by the vulnerable adult maltreatment review panel under section 256.021 if the lead agency denies the request or fails to act upon the request, or if the vulnerable adult or interested person contests a reconsidered disposition. The lead agency shall notify persons who request reconsideration of their rights under this paragraph. The request must be submitted in writing to the review panel and a copy sent to the lead agency within 30 calendar days of receipt of notice of a denial of a request for reconsideration or of a reconsidered disposition. The request must specifically identify the aspects of the agency determination with which the person is dissatisfied.

(c) If, as a result of a reconsideration or review, the lead agency changes the final disposition, it shall notify the parties specified in subdivision 9c, paragraph (d).

(d) For purposes of this subdivision, "interested person acting on behalf of the vulnerable adult" means a person designated in writing by the vulnerable adult to act on behalf of the vulnerable adult, or a legal guardian or conservator or other legal representative, a proxy or health care agent appointed under chapter 145B or 145C, or an individual who is related to the vulnerable adult, as defined in section 245A.02, subdivision 13.

(e) If an individual was disqualified under section 245A.04, subdivision 3d, on the basis of a determination of maltreatment, which was serious or recurring, and the individual has requested reconsideration of the maltreatment determination under paragraph (a) and reconsideration of the disqualification under section 245A.04, subdivision 3b, reconsideration of the maltreatment determination and requested reconsideration of the disqualification shall be consolidated into a single reconsideration. If an individual who was disqualified on the basis of serious or recurring maltreatment requests a fair hearing under paragraph (b), the scope of the fair hearing shall include the maltreatment determination and the disqualification.

(f) If a maltreatment determination or a disqualification based on serious or recurring maltreatment is the basis for a licensing sanction under section 245A.07, the license holder has the right to a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8550 to 1400.8612. As provided for under section 245A.08, the scope of the contested case hearing shall include the maltreatment determination, disqualification, and licensing sanction. In such cases, a fair hearing shall not be conducted under paragraph (b). If the disqualified subject is an individual other than the license holder and upon whom a background study must be conducted under section 245A.04, subdivision 3, the hearings of all parties may be consolidated into a single contested case hearing upon consent of all parties and the administrative law judge.

(g) An individual or facility that was determined by the commissioner of human services or the commissioner of health to be responsible for neglect under section 626.5572, subdivision 17, prior to August 1, 2001, that believes that the finding of neglect does not meet an amended definition of neglect may request a reconsideration of the determination of neglect. The request for reconsideration must state how the established findings no longer meet the elements of the definition of neglect. The commissioner shall review the request for reconsideration and make a determination within 15 calendar days. The commissioner's decision on this reconsideration is the final agency action.

(1) For purposes of compliance with the data destruction schedule under section 626.557, subdivision 12b, paragraph (d), when a finding of substantiated maltreatment has been changed as a result of a reconsideration under this paragraph, the date of the original finding of a substantiated maltreatment must be used to calculate the destruction date.

(2) For purposes of any background studies under section 245A.04, when a determination of substantiated maltreatment has been changed as a result of a reconsideration under this paragraph, any prior disqualification of the individual under section 245A.04 that was based on this determination of maltreatment shall be rescinded, and for future background studies under section 245A.04 the commissioner shall use the previous determination of substantiated maltreatment as a basis for disqualification or as a basis for referring the individual's maltreatment history to a health-related licensing board under section 245A.04, subdivision 3d, paragraph (b).

Sec. 18. Minnesota Statutes 2000, section 626.5572, subdivision 17, is amended to read:

Subd. 17. [NEGLECT.] "Neglect" means:

(a) The failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is:

(1) reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and



(2) which is not the result of an accident or therapeutic conduct.

(b) The absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult.

(c) For purposes of this section, a vulnerable adult is not neglected for the sole reason that:

(1) the vulnerable adult or a person with authority to make health care decisions for the vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C, or 252A, or section 253B.03, or 525.539 to 525.6199, refuses consent or withdraws consent, consistent with that authority and within the boundary of reasonable medical practice, to any therapeutic conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical or mental condition of the vulnerable adult, or, where permitted under law, to provide nutrition and hydration parenterally or through intubation; this paragraph does not enlarge or diminish rights otherwise held under law by:

(i) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an involved family member, to consent to or refuse consent for therapeutic conduct; or

(ii) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct; or

(2) the vulnerable adult, a person with authority to make health care decisions for the vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of medical care, provided that this is consistent with the prior practice or belief of the vulnerable adult or with the expressed intentions of the vulnerable adult;

(3) the vulnerable adult, who is not impaired in judgment or capacity by mental or emotional dysfunction or undue influence, engages in sexual contact with:

(i) a person including a facility staff person when a consensual sexual personal relationship existed prior to the caregiving relationship; or

(ii) a personal care attendant, regardless of whether the consensual sexual personal relationship existed prior to the caregiving relationship; or

(4) an individual makes an error in the provision of therapeutic conduct to a vulnerable adult which: ~~(i) does not result in injury or harm which reasonably requires medical or mental health care; or, if it reasonably requires care;~~

(5) an individual makes an error in the provision of therapeutic conduct to a vulnerable adult that results in injury or harm, which reasonably requires medical or mental health care; and:

(i) the necessary care is sought and provided in a timely fashion as dictated by the condition of the vulnerable adult; and the injury or harm that required care does not result in substantial acute, or chronic injury or illness, or permanent disability above and beyond the vulnerable adult's preexisting condition;

(ii) is after receiving care, the health status of the vulnerable adult is restored to the vulnerable adult's preexisting condition within 30 days;

(iii) the error is not part of a pattern of errors by the individual;

(iv) if in a facility, the error is immediately reported as required under section 626.557, subdivision 3, and recorded internally by the employee or person providing services in the facility in order to evaluate and identify corrective action;

(v) if in a facility, the facility identifies and takes corrective action and implements measures designed to reduce the risk of further occurrence of this error and similar errors; and

~~(iii) is (vi) if in a facility, the actions required under items (iv) and (v) are sufficiently documented for review and evaluation by the facility and any applicable licensing, certification, and ombudsman agency; and~~

~~(iv) is not part of a pattern of errors by the individual.~~

(d) Nothing in this definition requires a caregiver, if regulated, to provide services in excess of those required by the caregiver's license, certification, registration, or other regulation.

(e) If the findings of an investigation by a lead agency result in a determination of substantiated maltreatment for the sole reason that the actions required of a facility under paragraph (c), clause (5), item (iv), (v), or (vi), were not taken, then notwithstanding the mitigating factors under section 626.557, subdivision 9c, paragraph (c), the facility, and not the individual caregiver, shall be determined as the party responsible for the maltreatment.

Sec. 19. [FEDERAL LAW CHANGE REQUEST OR WAIVER.]

The commissioner of health or human services, whichever is appropriate, shall pursue changes to federal law necessary to allow greater discretion on disciplinary activities of unlicensed health care workers, and apply for necessary federal waivers or approval that would allow for a set-aside process related to disqualifications for nurse aides in nursing homes by July 1, 2001."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to human services; changing provisions for licensing background studies; amending Minnesota Statutes 2000, sections 13.46, subdivision 4; 144.057, subdivision 3; 214.104; 245A.04, subdivisions 3a, 3b, 3c, 3d; 245A.05; 245A.06; 245A.07; 245A.08; 256.045, subdivisions 3, 3b, 4; 626.556, subdivision 10i; 626.557, subdivisions 3, 9d; 626.5572, subdivision 17."

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

## SECOND READING OF SENATE BILLS

S.F. Nos. 972, 428, 341, 876, 1127, 1128, 574, 518, 1113 and 912 were read the second time.

## MOTIONS AND RESOLUTIONS

Senator Betzold moved that the name of Senator Marty be added as a co-author to S.F. No. 179. The motion prevailed.

Senator Oliver moved that the name of Senator Lessard be added as a co-author to S.F. No. 396. The motion prevailed.

Senator Ranum moved that the name of Senator Kinkel be added as a co-author to S.F. No. 943. The motion prevailed.

Senator Scheid moved that the name of Senator Robertson be added as a co-author to S.F. No. 989. The motion prevailed.

Senator Rest moved that the name of Senator Wiger be added as a co-author to S.F. No. 1505. The motion prevailed.

Senator Chaudhary moved that the name of Senator Wiger be added as a co-author to S.F. No. 1551. The motion prevailed.

Senator Betzold moved that S.F. No. 133 be withdrawn from the Committee on State and Local Government Operations and returned to its author. The motion prevailed.

Senator Berglin moved that S.F. No. 1370 be withdrawn from the Committee on Finance and re-referred to the Committee on Health and Family Security. The motion prevailed.

**Senator Kinkel introduced--**

**Senate Resolution No. 81:** A Senate resolution congratulating Darcie Maninga of Menahga High School on scoring 1,000 points in her high school basketball career.

Referred to the Committee on Rules and Administration.

**Senator Langseth introduced--**

**Senate Resolution No. 82:** A Senate resolution congratulating Ruth and Norman Langseth on their 65th wedding anniversary.

Referred to the Committee on Rules and Administration.

**Senator Reiter introduced--**

**Senate Resolution No. 83:** A Senate resolution honoring the City of Shoreview on winning a national engineering award.

Referred to the Committee on Rules and Administration.

**Senator Lessard introduced--**

**Senate Resolution No. 84:** A Senate resolution congratulating the Greenway High School Boys hockey team on winning third place in the 2001 State High School Class AA Boys Hockey Tournament.

Referred to the Committee on Rules and Administration.

Senator Price moved that S.F. No. 295 be withdrawn from the Committee on Finance and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Senator Scheid moved that S.F. No. 1108 be withdrawn from the Committee on Commerce and re-referred to the Committee on Judiciary. The motion prevailed.

**Senator Pogemiller introduced--**

**Senate Concurrent Resolution No. 6:** A Senate concurrent resolution relating to adoption of revenue targets under Minnesota Statutes 2000, section 16A.102, subdivision 2.

BE IT RESOLVED, by the Senate, the House of Representatives concurring, that the following revenue targets be adopted under the requirements of Minnesota Statutes 2000, section 16A.102:

	Fiscal Years 2002 and 2003	Fiscal Years 2004 and 2005
(1) the maximum share of personal income to be collected in taxes and other revenues	16.2 percent	15.7 percent
(2) the division of the share between		

state services	62 percent	64 percent
local services	38 percent	36 percent
(3) the appropriate mix of rates	increased reliance on state sales and income taxes; decreased reliance on local property taxes for both biennia	

Senator Schwab moved to amend Senate Concurrent Resolution No. 6 as follows:

Page 1, line 11, delete "16.2" and insert "15.9" and delete "15.7" and insert "15.5"

Page 1, line 17, delete "62" and insert "61" and delete "64" and insert "61"

Page 1, line 18, delete "38" and insert "39" and delete "36" and insert "39"

Page 1, delete lines 19 to 23 and insert:

"(3) the appropriate mix of rates	adoption of these revenue targets will result in reductions of both state and local taxes"
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### CALL OF THE SENATE

Senator Pogemiller imposed a call of the Senate for the balance of the proceedings on Senate Concurrent Resolution No. 6. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 39, as follows:

Those who voted in the affirmative were:

Bachmann	Frederickson	Larson	Olson	Schwab
Belanger	Johnson, Debbie	Lesewski	Ourada	Stevens
Berg	Kierlin	Lessard	Pariseau	Terwilliger
Day	Kiscaden	Limmer	Reiter	
Dille	Kleis	Neuville	Robling	
Fischbach	Knutson	Oliver	Scheevel	

Those who voted in the negative were:

Anderson	Hottinger	Langseth	Pogemiller	Scheid
Berglin	Johnson, Dave	Lourey	Price	Solon
Betzold	Johnson, Dean	Marty	Ranum	Stumpf
Chaudhary	Johnson, Doug	Metzen	Rest	Tomassoni
Cohen	Kelley, S.P.	Moe, R.D.	Ring	Vickerman
Foley	Kelly, R.C.	Murphy	Sabo	Wiener
Fowler	Kinkel	Orfield	Sams	Wiger
Higgins	Krentz	Pappas	Samuelson	

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

Senator Pogemiller moved the adoption of Senate Concurrent Resolution No. 6. The motion prevailed. So the resolution was adopted.

Pursuant to Rule 26, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 47 a Special Order to be heard immediately.

**SPECIAL ORDER**

**H.F. No. 47:** A bill for an act relating to economic development; requiring a closed iron mine and related facilities to be maintained for a period of time; providing extra unemployment benefits for certain workers laid off from the LTV Mining Company; amending Minnesota Statutes 2000, section 93.003.

Senator Johnson, Doug moved to amend H.F. No. 47, as amended pursuant to Rule 45, adopted by the Senate March 12, 2001, as follows:

(The text of the amended House File is identical to S.F. No. 39.)

Page 2, after line 1, insert:

"Sec. 2. [IRON ORE MINING EXTRA BENEFITS.]

Subdivision 1. [EXTRA BENEFITS; AVAILABILITY.] Extra unemployment benefits are available to an applicant if the applicant was permanently laid off due to lack of work after August 1, 2000, from the LTV Mining Company in St. Louis county, including the LTV Mining Company power plant operation at Taconite Harbor in Cook county.

Subd. 2. [PAYMENT FROM FUND; EFFECT ON EMPLOYER.] Extra unemployment benefits are payable from the Minnesota unemployment insurance program trust fund. Extra unemployment benefits shall not affect the future tax rate of a taxpaying employer.

Subd. 3. [ELIGIBILITY CONDITIONS.] An applicant is eligible to receive extra unemployment benefits under this section for any week during the 78-week period following the effective date of the applicant's benefit account of regular unemployment benefits, as a result of a layoff described under subdivision 1, if:

(1) a majority of the applicant's wage credits were with the employer described in subdivision 1;

(2) except as provided in subdivision 6, the applicant meets the eligibility requirements of Minnesota Statutes, section 268.085;

(3) the applicant is not subject to a disqualification under Minnesota Statutes, section 268.095; and

(4) the applicant is not entitled to regular unemployment benefits and the applicant is not entitled to receive unemployment benefits under any other state or federal law for that week.

If an applicant qualifies for a new regular benefit account at any time after exhausting regular unemployment benefits as a result of the layoff under subdivision 1, the applicant must apply for and exhaust entitlement to those new regular unemployment benefits.

Subd. 4. [WEEKLY AMOUNT OF EXTRA UNEMPLOYMENT BENEFITS.] (a) The weekly extra unemployment benefit amount available to an applicant is the same as the applicant's weekly regular unemployment benefit amount on the benefit account established as a result of a layoff under subdivision 1.

(b) If an applicant qualifies for a new benefit account in this or any other state, after exhausting regular unemployment benefits as a result of a layoff under subdivision 1 and the weekly benefit amount on that new benefit account is less than the applicant's extra unemployment benefit amount, the applicant shall be entitled to receive a weekly benefit amount under this section equal to the difference between the weekly benefit amount on the new benefit account and the applicant's weekly amount of extra unemployment benefits. If the weekly benefit amount on the new benefit account exceeds the weekly amount of extra unemployment benefits, the applicant shall not be entitled to any extra unemployment benefits until the applicant exhausts unemployment benefits on that new benefit account.

Subd. 5. [MAXIMUM AMOUNT OF EXTRA UNEMPLOYMENT BENEFITS.] The maximum amount of extra unemployment benefits available is 30 times the applicant's weekly extra unemployment benefits amount.

Subd. 6. [WORKERS' COMPENSATION OFFSET.] Notwithstanding Minnesota Statutes, section 268.085, subdivision 3, paragraph (a), clause (3), an applicant laid off under subdivision 1 is eligible to receive any type of unemployment benefits for any week even if the applicant has a pending claim for that week for payment in an amount equal to or in excess of the applicant's weekly unemployment benefit amount in the form of compensation for loss of wages under the workers' compensation law of this state or any other state or under a similar law of the United States; however, such a pending claim shall raise an issue of the applicant's ability to work under Minnesota Statutes, section 268.085, subdivision 1, clause (2), that the commissioner shall determine. If payment is made on the workers' compensation claim for any week for which any type of unemployment benefits are received, the unemployment benefits for that week must be reduced by the amount of the workers' compensation benefits received for that week. The amount of the reduction is an overpayment and may be recovered in the same manner as other overpayments.

This subdivision shall be effective starting with the date of layoff under subdivision 1 and continues to be effective so long as the applicant is entitled to extra unemployment benefits.

Subd. 7. [PROGRAM EXPIRATION.] This extra unemployment benefit program expires on January 1, 2004. No extra unemployment benefits shall be paid for any week after the expiration of this program."

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

Page 2, line 4, after the period, insert "Section 2 is effective the day following final enactment and is effective retroactive to August 1, 2000."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 47 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Kiscaden

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Higgins moved that S.F. No. 1555 be withdrawn from the Committee on Agriculture, General Legislation and Veterans Affairs and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

**Senators Tomassoni, Day, Scheid and Kleis introduced--**

**S.F. No. 1609:** A bill for an act relating to public safety; authorizing limited personal use of fireworks; requiring an affidavit of safety guidelines; providing for criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 624.

Referred to the Committee on Commerce.

**Senators Rest, Hottinger, Larson, Belanger and Wiener introduced--**

**S.F. No. 1610:** A bill for an act relating to insurance; regulating liquidations and investments of insurers; amending Minnesota Statutes 2000, sections 60B.44, subdivision 4; 60L.01, subdivision 14; 60L.10, subdivision 1; 61A.276, subdivision 2; 61A.28, subdivision 6; 61A.29, subdivision 2.

Referred to the Committee on Commerce.

**Senator Wiger introduced--**

**S.F. No. 1611:** A bill for an act relating to vocational rehabilitation; making technical changes; modifying procedures for grants to rehabilitation facilities; amending Minnesota Statutes 2000, sections 268A.06, subdivision 1; and 268A.08; repealing Minnesota Statutes 2000, section 268A.06, subdivision 3.

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

**Senator Wiger introduced--**

**S.F. No. 1612:** A bill for an act relating to agriculture; providing for uniformity with certain federal dairy regulations; amending Minnesota Statutes 2000, sections 31.101, by adding a subdivision; 32.21, subdivision 4; 32.394, subdivision 4; 32.415; 32.475, subdivision 2; and 32.70, subdivisions 7 and 8; repealing Minnesota Statutes 2000, sections 32.471, subdivision 1; 32.474; 32.481, subdivision 2; 32.529; 32.53; 32.531, subdivisions 1, 5, 6, and 7; 32.5311; 32.5312; 32.532; 32.533; 32.534; and 32.55, subdivisions 15, 16, and 17.

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

**Senators Knutson, Frederickson and Krentz introduced--**

**S.F. No. 1613:** A bill for an act relating to the environment; expanding the pollution control agency's authority to expedite permits; amending Minnesota Statutes 2000, section 116.07, subdivision 4d.

Referred to the Committee on Environment and Natural Resources.

**Senators Hottinger, Cohen, Anderson, Orfield and Marty introduced--**

**S.F. No. 1614:** A bill for an act relating to relating to civil law; providing for civil actions against the state under the federal Age Discrimination in Employment Act and the federal Fair Labor Standards Act; proposing coding for new law in Minnesota Statutes, chapter 1.

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

**Senators Sams, Solon, Stevens, Scheid and Wiener introduced--**

**S.F. No. 1615:** A bill for an act relating to health; providing for greater flexibility, and simplifying regulation, of health care coverage products; establishing a process for further regulatory reform; amending Minnesota Statutes 2000, sections 62A.146; 62A.148; 62A.17, subdivisions 2, 5; 62A.20, subdivision 2; 62A.21, subdivision 2a; 62A.65, subdivision 5; 62C.11, subdivisions 2, 3; 62C.142, subdivision 2a; 62D.02, subdivision 8; 62D.08, subdivision 5; 62D.101, subdivision 2a; 62D.12, subdivision 2; 62D.14, subdivisions 1, 4a; 62E.16; 62M.02, subdivision 21; 62N.25, subdivision 7; 62Q.07; 62Q.185; proposing coding for new law in Minnesota Statutes, chapters 62D; 62Q.

Referred to the Committee on Health and Family Security.

**Senators Stevens and Pariseau introduced--**

**S.F. No. 1616:** A bill for an act relating to game and fish; allowing the use of dogs to take bear; amending Minnesota Statutes 2000, section 97B.205; proposing coding for new law in Minnesota Statutes, chapter 97B.

Referred to the Committee on Environment and Natural Resources.

**Senators Anderson, Sabo, Cohen and Hottinger introduced--**

**S.F. No. 1617:** A bill for an act relating to employment; providing for voluntary paid parental leave; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 268.

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

**Senator Dille introduced--**

**S.F. No. 1618:** A bill for an act relating to land use; prohibiting adoption of official controls that conflict with a local land use plan; amending Minnesota Statutes 2000, sections 394.24, subdivision 1; and 462.357, subdivision 2.

Referred to the Committee on State and Local Government Operations.

**Senator Rest introduced--**

**S.F. No. 1619:** A bill for an act relating to housing; streamlining the residential development process; authorizing the state building official to have final interpretive authority of the State Building Code; authorizing the construction codes advisory council to establish a technical advisory group; requiring a report; establishing the State Building Code as the building standard for the state of Minnesota; authorizing municipalities to require developers to include affordable housing; modifying the requirements for adoption or amendment of zoning ordinances; amending Minnesota Statutes 2000, sections 16B.63, by adding a subdivision; 327A.01, subdivision 2; 327A.02, subdivisions 1 and 3; 462.351; 462.352, by adding a subdivision; and 462.357, subdivisions 1, 2, and by adding a subdivision; repealing Minnesota Statutes 2000, section 462.357, subdivision 5.

Referred to the Committee on State and Local Government Operations.

**Senators Chaudhary; Fowler; Stumpf; Kelly, R.C. and Rest introduced--**



**S.F. No. 1620:** A bill for an act relating to education; reducing early elementary class size; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 126C.

Referred to the Committee on Education.

**Senators Johnson, Dave and Belanger introduced--**

**S.F. No. 1621:** A bill for an act relating to taxes; sales and use taxes; exempting the purchase of construction materials and equipment used in constructing or renovating various city facilities for the city of Bloomington; amending Minnesota Statutes 2000, sections 297A.71, by adding a subdivision; and 297A.75.

Referred to the Committee on Taxes.

**Senator Sabo introduced--**

**S.F. No. 1622:** A bill for an act relating to state employment; making technical and housekeeping changes; classifying employee identification numbers as public data; extending a pilot project; placing department of human services chief executive officers in the unclassified service; repealing provisions governing appointment of human services chief executive officers and law enforcement vacation donation; amending Minnesota Statutes 2000, sections 13.43, subdivision 2; and 43A.08, subdivision 1; repealing Minnesota Statutes 2000, sections 43A.04, subdivision 8; and 246.02.

Referred to the Committee on State and Local Government Operations.

**Senator Metzen introduced--**

**S.F. No. 1623:** A bill for an act relating to energy; directing public utilities commission to establish programs for low-income utility customers; amending Minnesota Statutes 2000, section 216B.16, subdivision 15.

Referred to the Committee on Telecommunications, Energy and Utilities.

**Senators Ranum, Anderson, Cohen, Belanger and Terwilliger introduced--**

**S.F. No. 1624:** A bill for an act relating to human services; authorizing a grant for a residential rehabilitative program for chemically dependent women leaving prostitution; appropriating money.

Referred to the Committee on Finance.

**Senator Day introduced--**

**S.F. No. 1625:** A bill for an act relating to agriculture; providing funding for Farmamerica - Minnesota's Agricultural Interpretive Center; appropriating money.

Referred to the Committee on Finance.

**Senator Tomassoni introduced--**

**S.F. No. 1626:** A bill for an act relating to state government; revising provisions governing compensation of boards and advisory groups; amending Minnesota Statutes 2000, sections 15.059, subdivision 3; 15.0575, subdivision 3; and 214.09, subdivision 3.

Referred to the Committee on State and Local Government Operations.

**Senators Tomassoni and Solon introduced--**

**S.F. No. 1627:** A bill for an act relating to state government; appropriating money for costs related to compliance with the Fair Labor Standards Act.

Referred to the Committee on Finance.

**Senators Rest, Betzold, Tomassoni, Metzen and Robertson introduced--**

**S.F. No. 1628:** A bill for an act relating to state government; reclassifying certain Minnesota state colleges and universities positions as classified; amending Minnesota Statutes 2000, section 43A.08, subdivision 1.

Referred to the Committee on State and Local Government Operations.

**Senators Johnson, Dave; Belanger and Terwilliger introduced--**

**S.F. No. 1629:** A bill for an act relating to taxes; sales and use taxes; exempting the purchase of construction materials and equipment used on constructing a joint public safety training facility for the cities of Bloomington, Eden Prairie, and Edina, and the Metropolitan Airports Commission; amending Minnesota Statutes 2000, sections 297A.71, by adding a subdivision; 297A.75.

Referred to the Committee on Taxes.

**Senator Langseth introduced--**

**S.F. No. 1630:** A bill for an act relating to human services; providing an exception to the moratorium on new nursing facility beds; amending Minnesota Statutes 2000, section 144A.071, subdivision 4a.

Referred to the Committee on Health and Family Security.

**Senators Ranum and Anderson introduced--**

**S.F. No. 1631:** A bill for an act relating to taxation; exempting low-income housing owned by a qualified nonprofit agency from property taxation; exempting construction and rehabilitation of low-income housing owned by a qualified nonprofit agency from the sales tax; providing for payments in lieu of taxes; amending Minnesota Statutes 2000, sections 272.02, by adding a subdivision; 297A.71, by adding a subdivision; 297A.75.

Referred to the Committee on Taxes.

**Senators Krentz; Stumpf; Johnson, Doug and Lourey introduced--**

**S.F. No. 1632:** A bill for an act relating to education; appropriating money for the commission on national and community service for the service learning program.

Referred to the Committee on Education.

**Senator Ring introduced--**

**S.F. No. 1633:** A bill for an act relating to joint powers authority; authorizing a joint powers board that owns and operates sewage treatment facilities to issue general obligation bonds backed by the full faith and credit of the member governmental units; amending Minnesota Statutes 2000, section 471.59, subdivision 11.

Referred to the Committee on State and Local Government Operations.

**Senator Kinkel introduced--**

**S.F. No. 1634:** A bill for an act relating to capital improvements; appropriating money to complete construction of the Longville city hall ambulance building; authorizing the sale of state bonds.

Referred to the Committee on Finance.

**Senators Samuelson, Sams, Higgins, Kiscaden and Lourey introduced--**

**S.F. No. 1635:** A bill for an act relating to human services; expanding medical assistance to cover intensive early intervention behavior therapy for autistic children; amending Minnesota Statutes 2000, section 256B.0625, by adding a subdivision.

Referred to the Committee on Health and Family Security.

**Senators Chaudhary, Pappas, Robertson and Fowler introduced--**

**S.F. No. 1636:** A bill for an act relating to education; improving the financial reporting systems and financial management practices of charter schools; amending Minnesota Statutes 2000, sections 124D.10, subdivisions 4, 17, 23, and by adding a subdivision; and 124D.11, subdivision 9, and by adding a subdivision.

Referred to the Committee on Education.

**Senators Chaudhary, Sams and Fowler introduced--**

**S.F. No. 1637:** A bill for an act relating to taxation; individual income; expanding the long-term care credit; appropriating money; amending Minnesota Statutes 2000, section 290.0672, subdivision 2, and by adding subdivisions.

Referred to the Committee on Taxes.

**Senators Chaudhary, Reiter, Marty and Krentz introduced--**

**S.F. No. 1638:** A bill for an act relating to governmental operations; appropriating money for subregional regional planning.

Referred to the Committee on State and Local Government Operations.

**Senators Limmer, Olson, Reiter, Bachmann and Johnson, Debbie introduced--**

**S.F. No. 1639:** A bill for an act relating to taxation; sales and use; exempting sales to political subdivisions of a state; amending Minnesota Statutes 2000, sections 297A.70, subdivisions 1, 2, and 3; and 297A.991, subdivision 2.

Referred to the Committee on Taxes.

**Senator Terwilliger introduced--**

**S.F. No. 1640:** A bill for an act relating to taxation; providing retailers a deduction from the amount of sales tax remitted to compensate for costs of collecting the tax; amending Minnesota Statutes 2000, section 289A.31, subdivision 7.

Referred to the Committee on Taxes.

**Senators Terwilliger, Anderson, Pappas, Robertson and Berglin introduced--**

**S.F. No. 1641:** A bill for an act relating to housing; appropriating money for home ownership assistance and homebuyer education.

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

**Senators Kelly, R.C.; Orfield; Scheid; Johnson, Dean and Kleis introduced--**

**S.F. No. 1642:** A bill for an act relating to crime prevention; appropriating money for grants related to the investigation and prosecution of criminal gangs.

Referred to the Committee on Finance.

**Senator Kelly, R.C. introduced--**

**S.F. No. 1643:** A bill for an act relating to highways; directing commissioner of transportation to place directional signs for certain colleges and universities on I-94.

Referred to the Committee on Transportation.

**Senators Kelly, R.C.; Chaudhary; Day; Wiger and Samuelson introduced--**

**S.F. No. 1644:** A resolution memorializing the President and Congress to promptly provide aid to the victims of the January 26 earthquake in India.

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

**Senators Pappas and Anderson introduced--**

**S.F. No. 1645:** A bill for an act relating to state government; creating a student worker program to encourage employment of protected group and economically disadvantaged persons; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 43A.

Referred to the Committee on State and Local Government Operations.

**Senators Limmer, Frederickson, Marty, Kiscaden and Scheid introduced--**

**S.F. No. 1646:** A bill for an act relating to the fair campaign practices act; prohibiting use of the name, image, or voice of certain candidates in public service messages or advertising by state agencies; proposing coding for new law in Minnesota Statutes, chapter 211B.

Referred to the Committee on Rules and Administration.

**Senators Sabo and Stumpf introduced--**

**S.F. No. 1647:** A bill for an act relating to education; appropriating money for a residential academy.

Referred to the Committee on Education.

**Senators Betzold; Robling; Stevens; Orfield and Kelley, S.P. introduced--**

**S.F. No. 1648:** A bill for an act relating to public safety; authorizing appropriation of money from 911 fees to provide assistance for certain emergency telephone service costs in the metropolitan area; amending Minnesota Statutes 2000, section 473.901, subdivision 1.

Referred to the Committee on State and Local Government Operations.

**Senator Johnson, Doug introduced--**

**S.F. No. 1649:** A bill for an act relating to elections; providing for judicial retention elections; providing for an instant runoff election in state offices; providing for a vote for "none of the

above" in state offices; creating a campaign jury; changing the dates of the party caucuses and the state primary; providing for absentee voting without qualification; creating a state fund for the purchase of voting tabulation equipment; appropriating money; amending Minnesota Statutes 2000, sections 10A.31, by adding a subdivision; 202A.14, subdivision 1; 203B.02, subdivision 1; 203B.04, subdivision 1; 204B.06, subdivision 6, and by adding a subdivision; 204B.09, subdivision 1; 204B.34, subdivision 3; 204B.36, subdivisions 4 and 5; 204C.40, by adding a subdivision; 204D.03, subdivision 1; and 204D.08, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 10A and 204B.

Referred to the Committee on Rules and Administration.

**Senators Tomassoni, Langseth and Ring introduced--**

**S.F. No. 1650:** A bill for an act relating to education; providing for revenue for extracurricular activities; proposing coding for new law in Minnesota Statutes, chapter 123B.

Referred to the Committee on Education.

**Senators Tomassoni, Langseth and Ring introduced--**

**S.F. No. 1651:** A bill for an act relating to education; providing for revenue for transportation for staff development; proposing coding for new law in Minnesota Statutes, chapter 122A.

Referred to the Committee on Education.

**Senators Tomassoni, Langseth and Ring introduced--**

**S.F. No. 1652:** A bill for an act relating to education; modifying the general education revenue formula; modifying the referendum allowance for the referendum revenue program; amending Minnesota Statutes 2000, sections 126C.10, subdivision 1; and 126C.17, subdivision 1.

Referred to the Committee on Education.

**Senator Dille introduced--**

**S.F. No. 1653:** A bill for an act relating to civil actions; providing limits on liability of certain nonprofit corporations securing or maintaining homes for dependent children or providing day training and habilitation services for adults with mental retardation and daytime developmental achievement center services for children with mental retardation and related conditions; proposing coding for new law in Minnesota Statutes, chapter 604A.

Referred to the Committee on Judiciary.

**Senators Neuville, Limmer, Berglin, Ranum and Olson introduced--**

**S.F. No. 1654:** A bill for an act relating to human services; modifying the group residential housing supplementary rate for certain facilities; amending Minnesota Statutes 2000, section 256I.05, subdivision 1e.

Referred to the Committee on Health and Family Security.

**Senator Johnson, Dean introduced--**

**S.F. No. 1655:** A bill for an act relating to taxation; sales and use; exempting the purchase of construction materials and supplies used in a street reconstruction project in the city of Raymond; amending Minnesota Statutes 2000, sections 297A.71, by adding a subdivision; 297A.75.

Referred to the Committee on Taxes.

**Senators Johnson, Dean and Lesewski introduced--**

**S.F. No. 1656:** A bill for an act relating to appropriations; appropriating money for travel information facilities in the upper Minnesota valley.

Referred to the Committee on Finance.

**Senators Cohen; Marty; Kelly, R.C.; Wiger and Pappas introduced--**

**S.F. No. 1657:** A bill for an act relating to taxation; providing for state payment of court administration costs in the second judicial district; appropriating money; amending Minnesota Statutes 2000, sections 97A.065, subdivision 2; 179A.103, subdivision 1; 273.1398, by adding a subdivision; 299D.03, subdivision 5; 357.021, subdivision 1a; 480.181, subdivision 1; 487.02, subdivision 2; 487.33, subdivision 5; and 574.34, subdivision 1.

Referred to the Committee on Taxes.

**Senator Chaudhary introduced--**

**S.F. No. 1658:** A bill for an act relating to taxation; authorizing creation of housing replacement tax increment financing projects in the cities of Mounds View and New Brighton; amending Laws 1995, chapter 264, article 5, section 44, subdivision 4, as amended; Laws 1995, chapter 264, article 5, section 45, subdivision 1, as amended.

Referred to the Committee on Taxes.

**Senator Murphy introduced--**

**S.F. No. 1659:** A bill for an act relating to agriculture; providing for a level 1 feedlot inventory.

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

**Senator Samuelson introduced--**

**S.F. No. 1660:** A bill for an act relating to public safety; appropriating money for grants for law enforcement costs associated with methamphetamine labs.

Referred to the Committee on Crime Prevention.

**Senator Samuelson introduced--**

**S.F. No. 1661:** A bill for an act relating to appropriations; appropriating money for the city zoo in Little Falls.

Referred to the Committee on Finance.

**Senators Ranum, Sabo and Berglin introduced--**

**S.F. No. 1662:** A bill for an act relating to property taxation; airport property; attaching the territory of Minneapolis-St. Paul International Airport to special school district No. 1; eliminating the school district property tax exemption for the St. Paul intermediate airport; amending Minnesota Statutes 2000, section 473.625.

Referred to the Committee on State and Local Government Operations.

**Senator Tomassoni introduced--**

**S.F. No. 1663:** A bill for an act relating to cities; increasing census figures by the three percent

margin of error to continue state aid; proposing coding for new law in Minnesota Statutes, chapter 4A.

Referred to the Committee on State and Local Government Operations.

**Senator Tomassoni introduced--**

**S.F. No. 1664:** A bill for an act relating to occupational safety and health; providing data practices provisions for occupational safety and health investigations; amending Minnesota Statutes 2000, section 182.659, subdivision 8.

Referred to the Committee on Judiciary.

**Senators Pogemiller and Sabo introduced--**

**S.F. No. 1665:** A bill for an act relating to retirement; providing an exception to the restriction on contributions to supplemental pension plans; amending Minnesota Statutes 2000, section 356.24, subdivision 1.

Referred to the Committee on State and Local Government Operations.

**Senators Murphy and Ourada introduced--**

**S.F. No. 1666:** A bill for an act relating to commerce; allowing licensing exemption for certain sales of horse trailers and temporary sales of recreational vehicles; amending Minnesota Statutes 2000, section 168.27, subdivision 10.

Referred to the Committee on Commerce.

**Senator Rest introduced--**

**S.F. No. 1667:** A bill for an act relating to employment; appropriating money for a transitional employment training project.

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

**Senator Rest introduced--**

**S.F. No. 1668:** A bill for an act relating to employment; appropriating money from federal TANF funds for a transitional employment training project.

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

**Senators Scheid, Murphy, Kleis, Hottinger and Solon introduced--**

**S.F. No. 1669:** A bill for an act relating to higher education; creating a technical college printing and publishing program; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 136F.

Referred to the Committee on Education.

**Senators Stevens, Schwab, Fischbach, Neville and Sams introduced--**

**S.F. No. 1670:** A bill for an act relating to public safety; enacting the Minnesota Citizens' Personal Protection Act of 2001; recognizing the inherent right of law-abiding citizens to self-protection through the lawful use of self-defense; providing a system under which responsible, competent adults can exercise their right to self-protection by authorizing them to obtain a permit to carry a pistol; providing criminal penalties; amending Minnesota Statutes 2000,

section 624.714, subdivisions 2, 3, 4, 6, 7, 8, 10, 12, by adding subdivisions; repealing Minnesota Statutes 2000, section 624.714, subdivisions 1, 5.

Referred to the Committee on Crime Prevention.

**Senator Day introduced--**

**S.F. No. 1671:** A bill for an act relating to government data practices; requiring educational agencies and institutions to provide certain data to military recruiting officers; amending Minnesota Statutes 2000, section 13.32, by adding a subdivision.

Referred to the Committee on Judiciary.

**Senators Kelley, S.P.; Kierlin; Stumpf; Chaudhary and Rest introduced--**

**S.F. No. 1672:** A bill for an act relating to education; expanding telecommunication access revenue program to intermediate school districts; creating an improved technology and curriculum development grant program; appropriating money; amending Minnesota Statutes 2000, sections 125B.20, subdivision 1; 125B.25, subdivision 9, by adding a subdivision; 126C.10, subdivision 13; Laws 2000, chapter 489, article 5, section 28, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 134; repealing Minnesota Statutes 2000, section 125B.20, subdivision 3.

Referred to the Committee on Education.

**Senators Samuelson, Sams, Kiscaden, Stevens and Hottinger introduced--**

**S.F. No. 1673:** A bill for an act relating to human services; modifying provisions for family and adult self-sufficiency; amending Minnesota Statutes 2000, sections 256D.053, subdivision 1; 256J.11, subdivision 3; 256J.24, subdivision 10; 256J.39, subdivision 2; 256J.42, subdivisions 1, 3, 4, and by adding subdivisions; 256J.46, subdivisions 1, 2a, and by adding a subdivision; 256J.48, subdivision 2; 256J.50, subdivisions 1 and 7; 256J.52, subdivision 2; 256J.53, subdivision 1; 256J.62, subdivision 9; and 256J.625, subdivisions 1, 2, and 4; proposing coding for new law in Minnesota Statutes, chapter 256J; repealing Minnesota Statutes 2000, sections 256J.46, subdivision 1a; and 256J.53, subdivision 4.

Referred to the Committee on Health and Family Security.

**Senator Vickerman introduced--**

**S.F. No. 1674:** A bill for an act relating to motor vehicles; authorizing use of unmarked motor vehicles by investigators of gambling control board and exempting their vehicles from payment of registration tax; amending Minnesota Statutes 2000, sections 16B.54, subdivision 2; 168.012, subdivision 1.

Referred to the Committee on State and Local Government Operations.

**Senators Kelley, S.P.; Solon and Metzen introduced--**

**S.F. No. 1675:** A bill for an act relating to liquor; authorizing additional on-sale intoxicating liquor licenses for the city of St. Louis Park.

Referred to the Committee on Commerce.

**Senators Tomassoni and Johnson, Doug introduced--**

**S.F. No. 1676:** A bill for an act relating to retirement; teachers retirement association and first class city teacher retirement fund associations; authorizing the purchase of developmental



achievement center or day activity center teaching service credit; amending Minnesota Statutes 2000, sections 354.536, subdivision 1; 354A.101, subdivision 1.

Referred to the Committee on State and Local Government Operations.

**Senators Sams, Vickerman, Stumpf, Langseth and Johnson, Dean introduced--**

**S.F. No. 1677:** A bill for an act relating to county agricultural societies; providing indexed funding levels for exhibitor awards; appropriating money; amending Minnesota Statutes 2000, section 38.02, subdivision 1.

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

**Senators Rest, Vickerman and Stevens introduced--**

**S.F. No. 1678:** A bill for an act relating to insurance; removing certain state involvement with the state fund mutual insurance company; repealing Minnesota Statutes 2000, sections 79.371; 176A.01; 176A.02; 176A.03; 176A.04; 176A.05; 176A.06; 176A.07; 176A.08; 176A.09; 176A.10; 176A.11; and 176A.12.

Referred to the Committee on Commerce.

**Senators Sams, Berglin, Foley, Kiscaden and Dille introduced--**

**S.F. No. 1679:** A bill for an act relating to mental health; establishing a children's mental health screening, diagnosis, and treatment demonstration project administered by the commissioner of health; requiring a report to the legislature; appropriating money.

Referred to the Committee on Health and Family Security.

**Senators Robertson, Metzen, Vickerman, Stevens and Reiter introduced--**

**S.F. No. 1680:** A bill for an act relating to state government; programs administered by the department of administration; modifying privacy provisions; extending the expiration date of certain advisory councils; extending the term of the shared-savings program for energy conservation in state-owned buildings; authorizing Indian tribal governments to be served by the state information infrastructure; adding political subdivisions to the state risk management program; repealing statutory authority for the citizens council on Voyageurs National Park; canceling the conveyance of surplus land to Sauk Centre; amending Minnesota Statutes 2000, sections 13.64; 16B.055, by adding a subdivision; 16B.27, subdivision 3; 16B.32, subdivision 2; 16B.465, subdivision 1a; 16B.76, subdivision 1; 16B.85, subdivisions 2 and 3; and 16C.17, subdivision 2; repealing Minnesota Statutes 2000, section 84B.11; Laws 2000, chapter 326.

Referred to the Committee on State and Local Government Operations.

**Senator Johnson, Dean introduced--**

**S.F. No. 1681:** A bill for an act relating to education; providing for additional disabled access levy authority for independent school district No. 2159, Buffalo Lake-Hector.

Referred to the Committee on Education.

**Senator Johnson, Dean introduced--**

**S.F. No. 1682:** A bill for an act relating to human services; increasing funding for senior nutrition meals; appropriating money.

Referred to the Committee on Finance.

**Senator Johnson, Dean introduced--**

**S.F. No. 1683:** A bill for an act relating to appropriations; appropriating money for Minnesota rural partners.

Referred to the Committee on Finance.

**Senators Hottinger and Fowler introduced--**

**S.F. No. 1684:** A bill for an act relating to energy; providing for renewable energy production incentive payments; amending Minnesota Statutes 2000, section 216C.41.

Referred to the Committee on Telecommunications, Energy and Utilities.

**Senator Murphy introduced--**

**S.F. No. 1685:** A bill for an act relating to Goodhue county; permitting the appointment of the auditor-treasurer.

Referred to the Committee on State and Local Government Operations.

**Senators Terwilliger, Langseth, Metzen and Johnson, Dean introduced--**

**S.F. No. 1686:** A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 5; allowing general obligation bonds to be issued for highways.

Referred to the Committee on Transportation.

**Senators Ourada; Johnson, Dave; Terwilliger and Robling introduced--**

**S.F. No. 1687:** A bill for an act relating to transportation; establishing major transportation project fund for highway and transit projects; allocating proceeds from sales tax on motor vehicles to highway user tax distribution fund and major transportation project fund; proposing an amendment to the Minnesota Constitution by adding a section to article XIV to dedicate revenues from motor vehicle sales tax to major transportation project fund; appropriating money; amending Minnesota Statutes 2000, section 297B.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 174.

Referred to the Committee on Transportation.

**Senator Cohen introduced--**

**S.F. No. 1688:** A bill for an act relating to state government; providing for administration of the state employee combined charities campaign; appropriating money; amending Minnesota Statutes 2000, section 43A.04, by adding a subdivision.

Referred to the Committee on State and Local Government Operations.

**Senators Vickerman and Sams introduced--**

**S.F. No. 1689:** A bill for an act relating to agriculture; requiring a study of and report on certain grain inspection fees; appropriating money.

Referred to the Committee on Finance.

**Senators Sams, Berglin and Lourey introduced--**

**S.F. No. 1690:** A bill for an act relating to health; modifying fees related to wells and borings;

establishing fees for the licensing of radioactive material and source and special nuclear material; providing for inspections; modifying environmental laboratory certification and certain facility fees; amending Minnesota Statutes 2000, sections 103I.101, subdivision 6; 103I.112; 103I.208, subdivisions 1, 2; 103I.235, subdivision 1; 103I.525, subdivisions 2, 6, 8, 9; 103I.531, subdivisions 2, 6, 8, 9; 103I.535, subdivisions 2, 6, 8, 9; 103I.541, subdivisions 2b, 4, 5; 103I.545; 144.122; 144.98, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Finance.

**Senators Solon and Johnson, Doug introduced--**

**S.F. No. 1691:** A bill for an act relating to elections; appropriating money for Kids Voting Minnesota and participating school districts.

Referred to the Committee on Rules and Administration.

**Senators Pappas, Wiger and Kelly, R.C. introduced--**

**S.F. No. 1692:** A bill for an act relating to taxation; clarifying that publicly owned parking facilities are exempt from taxation; amending Minnesota Statutes 2000, section 272.02, by adding a subdivision.

Referred to the Committee on Taxes.

**Senators Pappas, Anderson, Wiger and Cohen introduced--**

**S.F. No. 1693:** A bill for an act relating to liquor; authorizing the city of St. Paul to issue on-sale wine and malt liquor licenses to the Great American History Theater and Flanagan's Wake at the Palace Theatre; amending Minnesota Statutes 2000, section 340A.404, subdivision 2b.

Referred to the Committee on Commerce.

**Senator Betzold introduced--**

**S.F. No. 1694:** A bill for an act relating to retirement; volunteer firefighter relief associations; clarifying the application of the open meeting law; amending Minnesota Statutes 2000, section 13D.01, subdivision 1.

Referred to the Committee on State and Local Government Operations.

**Senator Chaudhary introduced--**

**S.F. No. 1695:** A bill for an act relating to transportation; limiting license registration taxes on passenger automobiles; providing for appropriations from the transit assistance fund; dedicating certain revenue from the sales tax to the transit assistance fund; proposing an amendment to the Minnesota Constitution, article XIV, to dedicate net proceeds from the motor vehicle sales tax to the highway user tax distribution fund; amending Minnesota Statutes 2000, sections 168.013, subdivision 1a; 174.32, subdivisions 2, 3, and 4; 297A.94; and 297B.09, subdivision 1.

Referred to the Committee on Transportation.

**Senators Pogemiller, Stevens, Higgins, Orfield and Betzold introduced--**

**S.F. No. 1696:** A bill for an act relating to retirement; authorizing the Minneapolis police relief association to conduct a referendum of its members in accordance with certain procedures; amending Minnesota Statutes 2000, section 423B.05, by adding a subdivision.

Referred to the Committee on State and Local Government Operations.

**Senator Murphy introduced--**

**S.F. No. 1697:** A bill for an act relating to railroads; authorizing local units of government to establish "quiet zones," subject to federal law and regulation, in which audible locomotive warning devices are regulated or prohibited; proposing coding for new law in Minnesota Statutes, chapter 219.

Referred to the Committee on Transportation.

**Senators Anderson; Cohen; Kelly, R.C.; Wiger and Pappas introduced--**

**S.F. No. 1698:** A bill for an act relating to appropriations; appropriating money for the St. Paul port authority to remove blight around the Trout Brook area.

Referred to the Committee on Finance.

**Senators Anderson; Cohen; Kelly, R.C.; Wiger and Pappas introduced--**

**S.F. No. 1699:** A bill for an act relating to appropriations; appropriating money to the St. Paul Port Authority to reestablish habitat in the Trout Brook area and for recreational and environmental educational opportunities.

Referred to the Committee on Finance.

**Senators Pappas; Cohen; Anderson; Kelly, R.C. and Langseth introduced--**

**S.F. No. 1700:** A bill for an act relating to capital improvements; providing for a grant to the city of St. Paul for improvements on Raspberry Island; appropriating money.

Referred to the Committee on Finance.

**Senators Tomassoni, Solon, Metzen, Higgins and Robertson introduced--**

**S.F. No. 1701:** A bill for an act relating to centers for independent living; appropriating money.

Referred to the Committee on Finance.

**Senator Murphy introduced--**

**S.F. No. 1702:** A bill for an act relating to the State Building Code; directing the departments of administration and health to adopt the newest editions of certain standards; clarifying the licensing requirements for pipe layers; amending Minnesota Statutes 2000, sections 326.243; 326.37, subdivisions 1, 3; proposing coding for new law in Minnesota Statutes, chapter 16B.

Referred to the Committee on State and Local Government Operations.

**Senator Stevens introduced--**

**S.F. No. 1703:** A bill for an act relating to Steele county; providing for the imposition of the production tax on aggregate materials; amending Minnesota Statutes 2000, section 298.75, subdivision 1.

Referred to the Committee on Taxes.

**Senator Krentz introduced--**

**S.F. No. 1704:** A bill for an act relating to cities; allowing the charter to prohibit members of the governing body of the city from serving on the charter commission; amending Minnesota Statutes 2000, section 410.05, subdivision 1.

Referred to the Committee on State and Local Government Operations.

**Senators Pogemiller, Terwilliger, Betzold and Johnson, Dean introduced--**

**S.F. No. 1705:** A bill for an act relating to retirement; modifying the administrative provisions of the first class city teacher pension funds; classifying certain data; providing for the monthly payment of lump sum benefits to certain retirees for first class city teacher pension funds and the Minneapolis employees retirement fund; providing reporting and remittance requirements; granting authority to amend articles of incorporation to the Minneapolis teachers retirement fund association; amending Minnesota Statutes 2000, sections 354A.011, subdivision 24; 354A.12, subdivision 5; 354A.31, subdivision 3; 354A.35, subdivision 4; and 356A.06, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 13; 354A; and 356; repealing Minnesota Statutes 2000, sections 354A.026; 356.86; and 356.865.

Referred to the Committee on State and Local Government Operations.

**Senator Wiger introduced--**

**S.F. No. 1706:** A bill for an act relating to education; allowing public elementary and secondary school students to possess and use asthma medications; proposing coding for new law in Minnesota Statutes, chapter 121A.

Referred to the Committee on Education.

**Senators Vickerman; Metzen; Johnson, Dean; Day and Anderson introduced--**

**S.F. No. 1707:** A bill for an act relating to public safety; defining certain employees of the commissioner of public safety as public safety officers for purposes of public safety officer's survivor benefits; amending Minnesota Statutes 2000, section 299A.41, subdivision 4.

Referred to the Committee on Crime Prevention.

**Senator Robertson introduced--**

**S.F. No. 1708:** A bill for an act relating to education; developing special education services and access to information; amending Minnesota Statutes 2000, sections 122A.18, by adding a subdivision; 122A.61, subdivision 1; 125A.76, subdivision 1.

Referred to the Committee on Education.

**Senators Johnson, Dean; Fowler; Murphy; Dille and Berg introduced--**

**S.F. No. 1709:** A bill for an act relating to traffic regulations; exempting certain towed implements of husbandry from requirement to display tail lamps; making clarifying changes; amending Minnesota Statutes 2000, section 169.50, subdivision 1.

Referred to the Committee on Transportation.

**Senator Frederickson introduced--**

**S.F. No. 1710:** A bill for an act relating to taxation; sales and use; exempting the purchase of construction materials and equipment used in constructing or improving certain buildings in the city of New Ulm; amending Minnesota Statutes 2000, section 297A.71, by adding a subdivision.

Referred to the Committee on Taxes.

**Senators Knutson, Schwab, Kleis, Ranum and Foley introduced--**

**S.F. No. 1711:** A bill for an act relating to crimes; prohibiting making counterfeit drivers' licenses and identification cards or having instruments and material for counterfeiting drivers' licenses and identification cards; imposing criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Crime Prevention.

**Senators Schwab, Lesewski, Scheevel, Fischbach and Kierlin introduced--**

**S.F. No. 1712:** A bill for an act relating to crime prevention; clarifying provisions of the sex offender registration law, registration law for other offenders, and law requiring submission of a biological specimen for DNA testing; providing criminal penalties; requiring additional offenders to submit a biological specimen for DNA testing; amending Minnesota Statutes 2000, sections 243.166, subdivisions 1, 3, 4a, 6; 243.167, subdivision 1; 609.117, subdivision 2; repealing Minnesota Statutes 2000, section 243.166, subdivision 10.

Referred to the Committee on Crime Prevention.

**Senator Wiener introduced--**

**S.F. No. 1713:** A bill for an act relating to taxation; sales and use; exempting the purchase of construction materials and equipment used in constructing a community center in the city of Eagan; amending Minnesota Statutes 2000, sections 297A.71, by adding a subdivision; 297A.75.

Referred to the Committee on Taxes.

**Senators Robertson, Sabo, Pogemiller, Betzold and Olson introduced--**

**S.F. No. 1714:** A bill for an act relating to Hennepin county; providing for design-build contracts; proposing coding for new law in Minnesota Statutes, chapter 383B.

Referred to the Committee on State and Local Government Operations.

**Senators Scheid, Knutson, Marty, Limmer and Ranum introduced--**

**S.F. No. 1715:** A bill for an act relating to civil actions; regulating liability for issuing dishonored checks; regulating charges, civil penalties, and time limits; modifying certain notice requirements; amending Minnesota Statutes 2000, section 332.50, subdivisions 2 and 3.

Referred to the Committee on Judiciary.

**Senators Chaudhary, Metzen and Johnson, Debbie introduced--**

**S.F. No. 1716:** A bill for an act relating to education; requiring the commissioner of children, families, and learning to amend graduation standards rules to add instruction in the history and traditions of national symbols, including, but not limited to, flags, oaths, and anthems.

Referred to the Committee on Education.

**Senators Marty and Krentz introduced--**

**S.F. No. 1717:** A bill for an act relating to elections; increasing disclosure of contributions and expenditures for local political campaigns; amending Minnesota Statutes 2000, section 211A.02, subdivisions 1, 2.

Referred to the Committee on Rules and Administration.

**Senator Kelly, R.C. introduced--**

**S.F. No. 1718:** A bill for an act relating to public safety; appropriating money for reimbursement grants to organizations that have contributed members to the criminal gang strike force.

Referred to the Committee on Finance.

**Senators Rest, Robertson, Lourey, Olson and Sabo introduced--**

**S.F. No. 1719:** A bill for an act relating to education; funding the on-line computer-based library catalogue system in state agency libraries; appropriating money.

Referred to the Committee on Education.

**Senators Tomassoni, Pappas, Ranum, Sabo and Robertson introduced--**

**S.F. No. 1720:** A bill for an act relating to education; appropriating money for multicounty, multitype library systems.

Referred to the Committee on Education.

**Senators Anderson, Marty, Ranum, Betzold and Limmer introduced--**

**S.F. No. 1721:** A bill for an act relating to employment; regulating the use of genetic testing in employment; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 181.

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

**Senators Higgins, Berglin, Sams, Robertson and Stevens introduced--**

**S.F. No. 1722:** A bill for an act relating to human services; providing a rate increase for mental health services under certain circumstances; appropriating money; amending Minnesota Statutes 2000, section 256B.76.

Referred to the Committee on Health and Family Security.

**Senator Berglin introduced--**

**S.F. No. 1723:** A bill for an act relating to human services; providing program options for certain persons with developmental disabilities; appropriating money.

Referred to the Committee on Health and Family Security.

**Senators Berglin, Ranum, Sams and Foley introduced--**

**S.F. No. 1724:** A bill for an act relating to welfare; providing exemptions from and extensions of the 60-month time limit on MFIP assistance; amending Minnesota Statutes 2000, section 256J.42, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 256J.

Referred to the Committee on Health and Family Security.

**Senator Betzold introduced--**

**S.F. No. 1725:** A bill for an act relating to government data practices; providing for classification of certain data; eliminating reporting redundancy; abolishing administrative remedies; amending Minnesota Statutes 2000, sections 13.719, by adding a subdivision; 138.17, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 2000, section 13.081.

Referred to the Committee on Judiciary.

**Senators Ranum, Stumpf, Robertson, Krentz and Chaudhary introduced--**

**S.F. No. 1726:** A bill for an act relating to education; requiring the adoption of technology standards; establishing technology for staff development grants; requiring a statewide audit of technology; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 125B.

Referred to the Committee on Education.

**Senators Kelly, R.C.; Ranum and Chaudhary introduced--**

**S.F. No. 1727:** A bill for an act relating to crime victims; implementing an automated victim notification system; requiring a report; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A.

Referred to the Committee on Crime Prevention.

**Senators Rest and Ranum introduced--**

**S.F. No. 1728:** A bill for an act relating to education funding; authorizing a grant for the metro homework hotline; appropriating money.

Referred to the Committee on Education.

**Senator Day introduced--**

**S.F. No. 1729:** A bill for an act relating to highways; advancing construction projects on I-494; suspending construction of I-35W/trunk highway No. 62 improvement project until I-494 work is completed; redirecting available funds from I-35W/trunk highway No. 62 project to I-494 project; imposing moratorium on issuance of certain permits and adoption of certain ordinances.

Referred to the Committee on Transportation.

**Senators Vickerman, Metzen, Larson, Knutson and Johnson, Dave introduced--**

**S.F. No. 1730:** A bill for an act relating to appropriations; appropriating money to the director of the office of strategic and long-range planning for a grant to Government Training Service.

Referred to the Committee on Finance.

**Senators Johnson, Debbie; Oliver; Langseth; Kierlin and Limmer introduced--**

**S.F. No. 1731:** A bill for an act relating to taxation; property; reducing class rates on commercial and industrial property, utility property, and apartments; increasing the education homestead credit; amending Minnesota Statutes 2000, sections 273.13, subdivisions 24 and 25; and 273.1382, subdivision 1a.

Referred to the Committee on Taxes.

**Senators Scheevel, Ourada, Wiger, Kiscaden and Johnson, Debbie introduced--**

**S.F. No. 1732:** A bill for an act relating to education; creating high performance school facilities pilot projects in independent school districts Nos. 728 and 535, Elk River and Rochester; requiring an integrated facilities plan; appropriating money.

Referred to the Committee on Education.



**Senators Lourey, Berglin, Wiger, Pappas and Anderson introduced--**

**S.F. No. 1733:** A bill for an act relating to state government; creating a task force to study certain works of art in the capitol.

Referred to the Committee on State and Local Government Operations.

**Senator Foley introduced--**

**S.F. No. 1734:** A bill for an act relating to appropriations; appropriating money for the Mississippi riverbank stabilization project.

Referred to the Committee on Finance.

**Senators Lourey; Stumpf; Moe, R.D.; Dille and Langseth introduced--**

**S.F. No. 1735:** A bill for an act relating to agriculture; providing partial funding for Farm Connect; appropriating money.

Referred to the Committee on Finance.

**Senators Pogemiller, Terwilliger, Betzold and Johnson, Dean introduced--**

**S.F. No. 1736:** A bill for an act relating to retirement; Minnesota state colleges and universities; modifying annuity program provisions; amending Minnesota Statutes 2000, section 136F.45, subdivision 1a.

Referred to the Committee on State and Local Government Operations.

**Senators Vickerman; Johnson, Doug; Frederickson; Johnson, Dave and Price introduced--**

**S.F. No. 1737:** A bill for an act relating to housing; establishing a program to assist with purchases of manufactured homes; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 462A.

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

**Senators Terwilliger; Stevens; Johnson, Dean; Pogemiller and Limmer introduced--**

**S.F. No. 1738:** A bill for an act relating to retirement; including certain correctional employees in the correctional employees retirement plan; providing coverage for prior state service for certain persons; amending Minnesota Statutes 2000, section 352.91, subdivision 3g.

Referred to the Committee on State and Local Government Operations.

**Senator Vickerman introduced--**

**S.F. No. 1739:** A bill for an act relating to education finance; authorizing a fund transfer for independent school district No. 173, Mountain Lake.

Referred to the Committee on Education.

**Senators Anderson, Higgins, Cohen and Johnson, Dave introduced--**

**S.F. No. 1740:** A bill for an act relating to appropriations; appropriating money for WomenVenture.

Referred to the Committee on Finance.

**Senators Higgins, Cohen and Johnson, Dave introduced--**

**S.F. No. 1741:** A bill for an act relating to appropriations; appropriating money for grants to the Metropolitan Economic Development Association.

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

**Senators Wiener; Kinkel; Kleis; Moe, R.D. and Langseth introduced--**

**S.F. No. 1742:** A bill for an act relating to higher education; capital improvements; appropriating money for higher education asset preservation and replacement; authorizing the issuance of state bonds.

Referred to the Committee on Education.

**Senators Krentz; Hottinger; Johnson, Doug; Dille and Price introduced--**

**S.F. No. 1743:** A bill for an act relating to the environment; providing for revenues and expenditures from the environmental fund; establishing a remediation fund; appropriating money; amending Minnesota Statutes 2000, sections 16A.531, subdivision 1, by adding subdivisions; 115.073; 115.56, subdivision 4; 115A.908, subdivisions 1, 2; 115A.9651, subdivision 6; 115B.17, subdivisions 6, 7, 14, 16; 115B.19; 115B.20; 115B.22, subdivision 7; 115B.25, subdivisions 1a, 4; 115B.26; 115B.30; 115B.31, subdivisions 1, 3, 4; 115B.32, subdivision 1; 115B.33, subdivision 1; 115B.34; 115B.36; 115B.40, subdivision 4; 115B.41, subdivisions 1, 2, 3; 115B.42, subdivision 2; 115B.421; 115B.445; 115B.48, subdivision 2; 115B.49, subdivisions 2, 3, 4; 115B.50, subdivision 3; 116.07, subdivisions 4d, 4h; 116.994; 116C.834, subdivision 1; 297H.13, subdivisions 1, 2; 325E.10, subdivision 1; 325E.112, subdivision 3; 469.175, subdivision 7; 473.843, subdivision 2; 473.844, subdivisions 1, 1a; 473.845, subdivisions 3, 7, 8; 473.846; proposing coding for new law in Minnesota Statutes, chapter 116; repealing Minnesota Statutes 2000, sections 2.0230; 115B.02, subdivision 1a; 115B.19; 115B.22, subdivision 8; 115B.42, subdivision 1; 115B.48, subdivision 2; 115B.49, subdivision 1; 116.12; 297H.13, subdivisions 3, 4; 325E.113; 473.845, subdivisions 1, 4; Minnesota Rules, parts 7002.0210; 7002.0220; 7002.0230; 7002.0240; 7002.0250; 7002.0270; 7002.0280; 7002.0290; 7002.0300; 7002.0305; 7002.0310.

Referred to the Committee on Environment and Natural Resources.

**Senators Higgins, Fischbach, Sams, Hottinger and Stevens introduced--**

**S.F. No. 1744:** A bill for an act relating to health; providing for certain mental health coverage; prohibiting certain payment methods for health maintenance organizations; amending Minnesota Statutes 2000, section 62D.102; proposing coding for new law in Minnesota Statutes, chapter 62D.

Referred to the Committee on Health and Family Security.

**Senators Anderson, Robertson, Higgins and Terwilliger introduced--**

**S.F. No. 1745:** A bill for an act relating to state government; creating the department of economic and workforce development; transferring certain duties of the departments of trade and economic development, economic security, and labor and industry; providing for a transition team; appropriating money; amending Minnesota Statutes 2000, section 15.01.

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

**Senators Cohen, Langseth, Stevens and Robling introduced--**

**S.F. No. 1746:** A bill for an act relating to public administration; providing for design-build

contracts; providing for exempt rules; amending Minnesota Statutes 2000, sections 16B.31, subdivision 1; 16B.33, subdivision 1, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 16C.

Referred to the Committee on State and Local Government Operations.

**Senators Pappas, Oliver, Scheid and Belanger introduced--**

**S.F. No. 1747:** A bill for an act relating to commerce; banning the sale or rental of certain video games to children; prohibiting the public showing, display, or other exhibition of certain video games in specified places; providing remedies; requiring a study; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 325I.

Referred to the Committee on Commerce.

**Senators Bachmann, Olson and Day introduced--**

**S.F. No. 1748:** A bill for an act proposing an amendment to the Minnesota Constitution by adding a section to article XI; prohibiting the use of state funds for abortion services.

Referred to the Committee on Health and Family Security.

**Senator Vickerman introduced--**

**S.F. No. 1749:** A bill for an act relating to agriculture; providing continued funding for the Passing on the Farm Center; appropriating money.

Referred to the Committee on Finance.

**Senators Johnson, Dave; Schwab; Limmer and Cohen introduced--**

**S.F. No. 1750:** A bill for an act relating to crime prevention; authorizing local government units to establish a financial crimes investigation unit; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A; repealing Minnesota Statutes 2000, section 299A.68.

Referred to the Committee on Crime Prevention.

**Senators Metzen, Lessard, Limmer and Tomassoni introduced--**

**S.F. No. 1751:** A bill for an act relating to taxation; sales and use tax; removing access to amusement devices from the definition of a taxable service; amending Minnesota Statutes 2000, section 297A.61, subdivision 16.

Referred to the Committee on Taxes.

**Senators Solon, Scheid and Metzen introduced--**

**S.F. No. 1752:** A bill for an act relating to liquor; authorizing the use of machines to premix and dispense intoxicating liquor; amending Minnesota Statutes 2000, section 340A.508, by adding a subdivision.

Referred to the Committee on Commerce.

**Senators Pappas, Olson, Stumpf and Robertson introduced--**

**S.F. No. 1753:** A bill for an act relating to education; repealing, modifying, and expanding certain provisions of the kindergarten through grade 12 education code; amending Minnesota Statutes 2000, sections 120A.05, by adding subdivisions; 120A.22, subdivisions 1, 5; 120B.11,

subdivision 5; 120B.22, subdivision 1; 121A.06; 121A.11, subdivision 1; 121A.15; 121A.26; 121A.27; 121A.28; 121A.29, subdivision 1; 121A.32, subdivision 1; 121A.34; 121A.55; 121A.69, subdivision 3; 122A.09, subdivision 6; 122A.15; 122A.22; 122A.40, subdivisions 3, 5, 8, 19; 122A.41, subdivision 15; 122A.51; 122A.58, subdivision 1; 122A.60, subdivision 1; 122A.68, subdivisions 1, 7; 122A.69; 122A.70, subdivision 2; 122A.91; 122A.92; 123A.06, subdivision 1; 123B.02, subdivisions 1, 2, 3; 123B.04, subdivisions 2, 5; 123B.09, subdivision 8; 123B.143, subdivision 1; 123B.147; 123B.36, subdivision 1; 123B.43; 123B.445; 123B.49, subdivisions 1, 4; 123B.51, subdivisions 1, 5; 123B.73, subdivision 1; 123B.83, subdivision 1; 123B.90, subdivision 2; 123B.91, subdivision 1; 124D.02, subdivision 1; 124D.03, subdivision 3; 124D.09, subdivisions 5, 6, 7, 12; 124D.10, subdivisions 1, 6, 15, 19; 124D.115, subdivision 3; 124D.118, subdivisions 2, 3; 124D.28, subdivision 1; 124D.29, by adding a subdivision; 124D.30, subdivision 3; 124D.34, subdivision 4; 124D.35; 124D.37; 124D.40, subdivision 2; 124D.41; 124D.42, subdivision 7; 124D.46, subdivision 1; 124D.47, subdivision 2; 124D.49, subdivision 3; 124D.50, subdivisions 2, 3; 124D.65, subdivision 6; 124D.74, subdivision 1; 124D.88, subdivision 2; 124D.892; 124D.894; 124D.94, subdivisions 2, 4; 125B.05, subdivisions 1, 2; 125B.20, subdivisions 1, 4; 126C.05, subdivision 1; 126C.17, subdivision 11; 126C.31; 126C.48, subdivision 8; 127A.05, subdivisions 1, 3; 127A.06; 127A.41, subdivision 7; 127A.42, subdivision 2; 129C.10, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 122A; repealing Minnesota Statutes 2000, sections 120A.41; 120B.10; 120B.11, subdivisions 3, 4, 7; 120B.24; 121A.03, subdivision 3; 121A.11, subdivision 2; 121A.16; 121A.32, subdivisions 2, 4, 5; 121A.41, subdivision 3; 122A.162; 122A.19, subdivision 2; 122A.32; 122A.33; 122A.40, subdivision 6; 122A.42; 122A.43, subdivisions 1, 2, 3, 4, 6; 122A.45; 122A.49; 122A.52; 122A.53; 122A.54; 122A.55; 122A.56; 122A.57; 122A.71; 122A.72; 122A.75; 123A.06, subdivision 3; 123A.07; 123A.15, subdivision 1; 123A.35; 123A.36; 123A.37; 123A.38; 123A.39, subdivisions 1, 2, 4; 123A.40; 123A.41, subdivisions 1, 4; 123A.43; 123B.02, subdivisions 5, 6, 9, 10, 11, 13, 16; 123B.04, subdivision 4; 123B.11; 123B.147, subdivisions 1, 3; 123B.15; 123B.16; 123B.17; 123B.18; 123B.19; 123B.40; 123B.49, subdivisions 2, 3; 123B.51, subdivisions 2, 3, 4; 123B.744; 123B.84; 123B.87; 123B.88, subdivisions 11, 12, 13, 18, 20, 21, 22; 123B.93; 123B.95, subdivision 3; 124D.02, subdivisions 2, 3, 4; 124D.03, subdivisions 5, 7, 9, 10; 124D.06; 124D.07; 124D.081, subdivision 1; 124D.09, subdivisions 2, 8, 25, 26; 124D.10, subdivision 13; 124D.115, subdivisions 1, 2; 124D.118, subdivision 1; 124D.12; 124D.121; 124D.122; 124D.123; 124D.124; 124D.125; 124D.126; 124D.127; 124D.128, subdivisions 1, 3, 5, 6; 124D.31; 124D.34, subdivision 5; 124D.43; 124D.46, subdivision 3; 124D.47, subdivision 1; 124D.50, subdivisions 1, 2, 3; 124D.60, subdivision 3; 124D.65, subdivisions 8, 9, 10; 124D.68, subdivision 1; 124D.72; 124D.81, subdivision 7; 124D.88, subdivision 1; 124D.895; 124D.90, subdivision 5; 124D.91; 124D.92; 124D.93; 125B.02; 125B.07, subdivisions 1, 3, 5; 125B.09; 125B.11; 127A.05, subdivision 5; 127A.41, subdivision 4; Minnesota Rules, parts 3505.4300; 3520.0400; 3530.2610; 3530.2612; 3530.2614; 3530.2616; 3530.2618; 3530.2620; 3530.2622; 3530.2624; 3530.2626; 3530.2628; 3530.2630; 3530.2632; 3530.2634; 3530.2636; 3530.2638; 3530.2640; 3530.2642; 3530.2644; 3545.0600; 3545.0700; 3545.0800; 3545.0900; 3550.0100.

Referred to the Committee on Education.

**Senators Lourey, Ring, Sams, Higgins and Stumpf introduced--**

**S.F. No. 1754:** A bill for an act relating to special education; establishing regional centers on autism-related disorders; proposing coding for new law in Minnesota Statutes, chapter 125A.

Referred to the Committee on Education.

**Senators Stumpf, Rest and Pappas introduced--**

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

Referred to the Committee on State and Local Government Operations.

**Senators Pappas, Ranum, Scheid and Olson introduced--**

**S.F. No. 1756:** A bill for an act relating to violence; requiring the department of children, families, and learning to prepare a report on effective ways to control juvenile access to violent video games; requiring a scientific study on how violent video games encourage aggressive acts by juveniles.

Referred to the Committee on Education.

**Senator Orfield introduced--**

**S.F. No. 1757:** A bill for an act relating to taxation; increasing the maximum sum of the rates of certain sales taxes imposed by the city of Minneapolis; amending Laws 1986, chapter 396, section 5.

Referred to the Committee on Taxes.

**Senators Scheid; Hottinger; Terwilliger; Johnson, Doug and Knutson introduced--**

**S.F. No. 1758:** A bill for an act relating to elections; adopting an instant runoff voting system; appropriating money; amending Minnesota Statutes 2000, sections 200.02, by adding a subdivision; 204B.03; 204B.04, subdivision 2; 204B.36, subdivision 2; 204D.03, subdivision 1; 204D.05, subdivision 3; 204D.08, subdivision 3; 204D.10, subdivision 1; 204D.12; proposing coding for new law in Minnesota Statutes, chapter 204C; repealing Minnesota Statutes 2000, sections 204B.04, subdivision 3; 204B.13, subdivision 4; 204D.05, subdivision 2; 204D.07, subdivision 3; 204D.08, subdivision 6; 204D.10, subdivision 3; 205.065; 205A.03.

Referred to the Committee on Rules and Administration.

**Senator Kleis introduced--**

**S.F. No. 1759:** A bill for an act relating to taxation; providing for payment of a sales tax rebate; providing for an automatic rebate under certain circumstances; providing for transfer of unclaimed rebates to be used to fund education; appropriating money; amending Minnesota Statutes 2000, section 16A.1522, subdivisions 2, 5.

Referred to the Committee on Taxes.

**Senators Johnson, Dave; Moe, R.D.; Robertson; Higgins and Knutson introduced--**

**S.F. No. 1760:** A bill for an act relating to employment; providing for the administration of workforce development programs; changing the composition for the job skills partnership board; requiring performance standards and reporting; creating a governor's workforce development council executive committee; appropriating money; amending Minnesota Statutes 2000, sections 116L.02; 116L.03; 116L.04, by adding a subdivision; 116L.05, by adding a subdivision; 268.665, by adding subdivisions.

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

**MEMBERS EXCUSED**

Senator Robertson was excused from the Session of today. Senator Lessard was excused from the Session of today from 10:30 to 11:00 a.m. Senator Wiger was excused from the Session of today from 10:45 to 11:05 a.m. Senator Bachmann was excused from the Session of today from 10:55 to 11:05 a.m.

**ADJOURNMENT**

Senator Moe, R.D. moved that the Senate do now adjourn until 10:30 a.m., Monday, March 19, 2001. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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