

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

SIXTY-EIGHTH DAY

St. Paul, Minnesota, Monday, February 18, 2002

The Senate met at 9:00 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. Jonathan P. Swenson.

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

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Senator Day was excused from the Session of today.

REPORTS FILED WITH THE SECRETARY OF THE SENATE

The following reports were received and filed with the Secretary of the Senate: Department of Agriculture, Agricultural Land Preservation Program, Status Report, 2001; Department of Human Services, Goals, Activities and Accomplishments of the On-Site Service Coordination Projects, 2002; Department of Human Services, Supportive Housing and Managed Care Pilot, 2001; Minnesota Pollution Control Agency, Future Costs of Wastewater Treatment, 2002; Department of Human Services, Telephone Assistance Plan Program, 2002; Minnesota Partnership for Action

Against Tobacco, Biennial Report, 2002; Department of Revenue, non-filer and Tax Compliance Initiatives, Fiscal Year 2002-03; Department of Administration, Small Agency Infrastructure Initiative, Progress Report, 2002; Department of Corrections, Staffing Positions, Per Diem Reduction Update and Central Office Efficiency Plan, 2002; Department of Corrections, Goals of Court-Ordered Placement, 2001; Department of Administration, Year-End Status Report, Interstate Compact on Industrialized/Modular Buildings, 2001; Department of Administration, Minnesota Amateur Sports Commission Plan, 2002; Department of Human Services, Vulnerable Adult Maltreatment: Reconsideration Review Panel, 2002; Department of Employee Relations, Local Government Pay Equity Compliance Report, 2002; Department of Human Services, Information Technology, Fiscal Year 2001; Minnesota Housing Finance Agency, Housing Assistance, Program Assessment, October 1, 2000 - September 30, 2001; Department of Labor and Industry, Prompt First Action Report on Workers' Compensation Claims, 2002; Metropolitan Council, Metropolitan Radio Board, Budget Projection, Fiscal Year ending June 30, 2002 and 2003; Minnesota Pollution Control Agency, Annual Tracking Report for New Wastewater Facilities, 2002; Metropolitan Radio Board, Transition Plan and Report, 2002; Metropolitan Council, Service Efficiency Pilot Report, 2002; Department of Economic Security, Paid Parental Leave, 2002; University of Minnesota, Center for Transportation Studies, Annual Report, 2001; Department of Corrections, Remote Electronic Alcohol Monitoring, 2002; Department of Corrections, County Juvenile Treatment Grants, 2002; Department of Human Services and Department of Health, Minimum Nurse Staffing Requirement for Nursing Facilities, 2002; Department of Human Services, Uniform Parentage Act Task Force, Final Report, 2002; Department of Public Safety, Auto Theft Prevention Program, Annual Report, 2002; Department of Public Safety, Domestic Violence and Sexual Assault Prevention, 2002; Department of Public Safety, Alcohol and Gambling Enforcement Division, Alcohol Compliance Check Program, Review of Year One and Year Two Funding, 2001; Department of Public Safety, Division of Emergency Management, Readiness of State Government to Respond to Discharges of Oil or Hazardous Substances, Annual Report, 2001; Department of Public Safety, Status of Emergency Planning for High-Level Radioactive Waste Transportation Accidents/Incidents, and the Ability of the State to Respond Adequately to an Accident, 2001; Department of Public Safety, Legislative Buy Fund Activity Report, Fiscal Years 2000 and 2001; Department of Public Safety, Domestic Abuse Counseling or Educational Program Standards, 2002; Minnesota Housing Finance Agency, Study of Inclusionary Housing Initiatives, 2002; Department of Children, Families and Learning, Interagency Autism Coordinating Committee, 2002; Department of Children, Families and Learning, In-School Behavior Intervention Grants, Final Report, 1999-2001; Department of Children, Families and Learning, A Maximum Effort Report; Department of Children, Families and Learning, A Capitol Loan Report; Department of Children, Families and Learning, Permanent Funding for K-12 School and Public Library Telecommunications Access, 2002; Department of Human Services, Final Status Report, Pilots to Test Alternative Approaches to Improve Compliance with Minnesota Family Investment Program Work Requirements, January 2001 through November 2001; Department of Administration, Office of Technology, Technology Enterprise Fund Report, 2002; Minnesota Pollution Control Agency, Minnesota Superfund, Annual Report, Fiscal Year 2001; Department of Human Services, Development of Performance Measures for the Minnesota Family Investment Program, Progress Report, 2002; Department of Administration, CriMNet Program Goals and Performance Measurement, Progress Report, 2002; Department of Human Services, Deaf and Hard of Hearing Services Division, DeafBlind Services Study: Effective and Efficient Use of State Appropriations and Providing Seamless Service Delivery, 2002; Legislative Coordinating Commission, Services of Legislative Information Offices, 2001; Department of Transportation, State Aid for Local Transportation Group, Legislative Study of State Funding for Local Road Improvements, 2002.

REPORTS OF COMMITTEES

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

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

S.F. No. 2811: A bill for an act relating to human services; establishing a donated dental services program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256B.

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

Page 1, line 13, after the period, insert "As part of the contract, the commissioner shall include specific performance and outcome measures that the contracting organization must meet."

Page 2, line 1, delete "and"

Page 2, line 3, before the period, insert ", and provides data on meeting the specific performance and outcome measures identified by the commissioner"

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

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

S.F. No. 2758: A bill for an act relating to taxation; making technical changes to tax data classification and disclosure provisions; amending Minnesota Statutes 2000, sections 270B.01, subdivision 8; 270B.02, subdivision 4; Minnesota Statutes 2001 Supplement, sections 270B.02, subdivision 3; 270B.08, subdivision 2.

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

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

S.F. No. 2839: A bill for an act relating to the courts; repealing limitations on the term of service for judges in Hennepin and Ramsey county juvenile courts; repealing Minnesota Statutes 2000, section 260.019, subdivisions 2, 3, 4.

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

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

S.F. No. 2457: A bill for an act relating to civil commitment; conforming certain standards; authorizing the court to commit certain persons with mental illnesses to community hospitals; requiring the commissioner of human services to provide a report to the legislature on the mental health system; amending Minnesota Statutes 2000, sections 253B.05, subdivision 2; 253B.07, subdivision 2b; Minnesota Statutes 2001 Supplement, section 253B.09, subdivision 1.

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

Page 1, line 22, strike "restrained" and insert "detained"

Page 2, lines 22 and 26, after "others" insert "if not immediately detained"

Page 3, line 3, before "apprehended" insert "immediately"

And when so amended the bill be reported to the Senate without recommendation. Amendments adopted. Report adopted.

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

S.F. No. 1030: A bill for an act relating to government data; providing for a National Crime Prevention and Privacy Compact; providing for an electronic information sharing system between the federal government and the state to access criminal history data; proposing coding for new law in Minnesota Statutes, chapter 299C.

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

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

S.F. No. 2448: A bill for an act relating to government data practices; providing for disclosure by the department of public safety of personal data related to operation of a motor vehicle; amending Minnesota Statutes 2000, section 168.346.

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

Page 2, line 23, delete "shall" and insert "may"

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

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

S.F. No. 2727: A bill for an act relating to natural resources; modifying land acquisition procedures; modifying certain local planning regulations; adding to and deleting from certain state parks and state recreation areas; authorizing public and private sales of certain state land in Big Stone, Kandiyohi, Itasca, Morrison, and Scott counties; appropriating money; amending Minnesota Statutes 2000, sections 84.0272; 394.36, by adding a subdivision; 462.357, by adding a subdivision.

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

Page 2, after line 33, insert:

"Sec. 2. Minnesota Statutes 2000, section 85.015, is amended by adding a subdivision to read:

Subd. 24. [CUYUNA LAKES TRAIL, CROW WING AND AITKIN COUNTIES.] The trail shall provide for separate alignments insofar as practical, one paved and one unpaved, to maximize use and to minimize user conflicts and maintenance costs. The trail alignments shall originate in Crow Wing county at the Paul Bunyan trail in the city of Baxter and shall extend in an east-northeasterly direction to the city of Riverton, Crow Wing county, where they shall connect to the Sagamore Mine segment of the Cuyuna Country state recreation area. The trail alignments shall then continue in a northeasterly direction, generally along and using former railroad rights-of-way insofar as practical, to connect with the main body of the Cuyuna Country state recreation area, the communities of Ironton and Crosby in Crow Wing county, and the Croft Mine historical park. The trail alignments shall then continue in an east-northeasterly direction, generally along and using former railroad rights-of-way insofar as practical, to the city of Cuyuna in Crow Wing county, and then continue east to the city of Aitkin, Aitkin county, and there terminate.

Sec. 3. Minnesota Statutes 2000, section 97C.025, is amended to read:

97C.025 [FISHING AND MOTORBOATS PROHIBITED IN CERTAIN AREAS.]

(a) The commissioner may prohibit fishing or restrict the taking of fish or the operation of motorboats by posting waters that:

(1) are designated as spawning beds or fish preserves; ~~or~~

(2) are being used by the commissioner for fisheries research or management activities; or

(3) are licensed by the commissioner as a private fish hatchery or aquatic farm under section 97C.211, subdivision 1, or 17.4984, subdivision 1.

An area may be posted under this paragraph if necessary to prevent excessive depletion of fish or interference with fisheries research or management activities or private fish hatchery or aquatic farm operations. The commissioner will consider the following criteria in determining if waters licensed under a private fish hatchery or aquatic farm should be posted under this paragraph:

(i) the waters contain game fish brood stock that are vital to the private fish hatchery or aquatic farm operation;

(ii) game fish are present in the licensed waters only as a result of aquaculture activities by the licensee; and

(iii) no public access to the waters existed when the waters were first licensed.

A private fish hatchery or aquatic farm licensee may not take fish or authorize others to take fish in licensed waters that are posted under this paragraph, except as provided in section 17.4983, subdivision 3, and except that if waters are posted to allow the taking of fish under special restrictions, licensees and others who can legally access the waters may take fish under those special restrictions.

(b) Except as provided in paragraph paragraphs (a) and (c), a person may not take fish or operate a motorboat if prohibited by posting under paragraph (a).

(c) An owner of riparian land adjacent to an area posted under paragraph (a) may operate a motorboat through the area by the shortest direct route at a speed of not more than five miles per hour."

Page 4, after line 35, insert:

"Sec. 9. [ADDITION TO BIG BOG STATE RECREATION AREA; BELTRAMI COUNTY.]

[85.013] [Subd. 2c.] [BIG BOG STATE RECREATION AREA, BELTRAMI COUNTY.] The following areas are added to Big Bog state recreation area, all in Township 156 North, Range 31 West, Beltrami county:

(1) the Southeast Quarter of Section 35; and

(2) the Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southeast Quarter of Section 36."

Page 5, after line 26, insert:

"Sec. 11. [ADDITIONS TO CUYUNA COUNTRY STATE RECREATION AREA, CROW WING COUNTY.]

[85.013] [Subd. 5c.] [CUYUNA COUNTRY STATE RECREATION AREA, CROW WING COUNTY.]

The following areas are added to Cuyuna Country state recreation area, Crow Wing county, all in Township 46 North, Range 29 West:

That part of the Northwest Quarter lying East of the westerly right-of-way line of the Soo Line Railroad of Section 1; the North Half of the Southwest Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter of Section 2; and the North Half of the Northeast Quarter of the Northwest Quarter of Section 11.

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

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Douglas county may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

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

(c) The land to be sold is located in Douglas county and is described as:

Lot 4, Block 1, Cedar Hills 1st Addition, Section 8, Township 130, Range 37.

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

Page 7, after line 23, insert:

"Sec. 15. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; MEEKER COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Meeker county may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

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

(c) The land to be sold is located in Meeker county and is described as:

Pt Southeast Quarter of Southeast Quarter (SE1/4 SE1/4) beginning southeast corner Section 23, thence West 683.17 feet to point of beginning, northwest 252.31 feet northwest 122 feet, northeast 91 feet, southerly to south line Southeast Quarter of Southeast Quarter (SE1/4 SE1/4), thence West 44 feet to point of beginning. Section 23, Township 120, Range 31 (PID 12-0213001).

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

Page 9, line 5, delete "use" and insert "hunting"

Page 9, after line 5, insert:

"Sec. 18. [PRIVATE SALE OF SURPLUS STATE LAND; SHERBURNE COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale the lands that are described in paragraph (c) to the adjacent landowners upon completion of an internal land exchange whereby the status of the lands described in paragraph (c) will become acquired state forest status.

(b) The conveyances must be in a form approved by the attorney general for consideration not less than the appraised value of the lands.

(c) The lands to be conveyed are located in Sherburne county and are described as:

(1) that part of the Southeast Quarter of the Southwest Quarter of Section 36, Township 34 North, Range 27 West, Sherburne county, Minnesota, described as follows: Beginning at the northeast corner of said Southeast Quarter of the Southwest Quarter; thence on a bearing, based on the 1983 Sherburne County Coordinate System (1986 Adjustment), of South 02 degrees 42 minutes 52 seconds West 746.69 feet along the east line of said Southeast Quarter of the Southwest Quarter to the center line of a township road; thence North 71 degrees 56 minutes 43 seconds West 61.36 feet along said center line; thence North 00 degrees 35 minutes 14 seconds West 727.25 feet to the north line of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 47 minutes 12 seconds East 101.15 feet along said north line to the point of beginning; containing 1.35 acres;

(2) that part of the Northeast Quarter of the Southwest Quarter of Section 36, Township 34 North, Range 27 West, Sherburne county, Minnesota, described as follows: Commencing at the northeast corner of said Northeast Quarter of the Southwest Quarter; thence on a bearing, based on the 1983 Sherburne County Coordinate System (1986 Adjustment), of South 02 degrees 42 minutes 52 seconds West 905.10 feet along the east line of said Northeast Quarter of the Southwest Quarter to a point on the south line of the North 904.20 feet of the Northwest Quarter of the Southeast Quarter of said Section 36 and the point of beginning; thence North 89 degrees 50 minutes 32 seconds West 123.41 feet on the westerly extension of the North 904.20 feet of said Northwest Quarter of the Southeast Quarter; thence South 00 degrees 20 minutes 40 seconds East

416.58 feet to the south line of said Northeast Quarter of the Southwest Quarter; thence South 89 degrees 47 minutes 12 seconds East 101.15 feet along said south line to the southeast corner of said Northeast Quarter of the Southwest Quarter; thence North 02 degrees 42 minutes 52 seconds East 417.08 feet along the east line of said Northeast Quarter of the Southwest Quarter to the point of beginning; containing 1.06 acres;

(3) that part of the Southeast Quarter of the Southwest Quarter of Section 36, Township 34 North, Range 27 West, Sherburne county, Minnesota, described as follows: Commencing at the northeast corner of said Southeast Quarter of the Southwest Quarter; thence on a bearing, based on the 1983 Sherburne County Coordinate System (1986 Adjustment), of South 02 degrees 42 minutes 52 seconds West 746.69 feet along the east line of said Southeast Quarter of the Southwest Quarter to the center line of a township road and the point of beginning; thence North 71 degrees 56 minutes 43 seconds West 61.36 feet along said center line; thence South 00 degrees 35 minutes 14 seconds East 593.77 feet to the south line of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 43 minutes 53 seconds East 25.00 feet along said south line to the southeast corner of said Southeast Quarter of the Southwest Quarter; thence North 02 degrees 42 minutes 52 seconds East 575.49 feet along the east line of said Southeast Quarter of the Southwest Quarter to the point of beginning; containing 0.59 acres; and

(4) that part of the Northeast Quarter of the Southwest Quarter of Section 36, Township 34 North, Range 27 West, Sherburne county, Minnesota, described as follows: Beginning at the northeast corner of said Northeast Quarter of the Southwest Quarter; thence on a bearing, based on the 1983 Sherburne County Coordinate System (1986 Adjustment), of South 02 degrees 42 minutes 52 seconds West 905.10 feet along the east line of said Northeast Quarter of the Southwest Quarter to a point on the south line of the North 904.20 feet of the Northwest Quarter of the Southeast Quarter of said Section 36; thence North 89 degrees 50 minutes 32 seconds West 123.41 feet on the westerly extension of the North 904.20 feet of said Northwest Quarter of the Southeast Quarter; thence North 00 degrees 20 minutes 40 seconds West 904.24 feet to the north line of said Northeast Quarter of the Southwest Quarter; thence South 89 degrees 50 minutes 32 seconds East 171.71 feet along said north line to the point of beginning; containing 3.06 acres.

(d) The lands described in paragraph (c) are part of an internal pending land exchange. After approval of the exchange by the state land exchange board, the trust fund status of the lands described in paragraph (c) will become acquired state forest status. The lands described in paragraph (c) are then withdrawn from the Sand Dunes state forest and will be certified as surplus by the commissioner. The commissioner of natural resources has determined, due to recent survey information, that the lands described in paragraph (c) are not suitable for public land management; that the state's land management interests would best be served by conveyance of the land to the adjacent land owners; and that the conveyance will resolve a long-standing unintentional trespass.

Sec. 19. [PRIVATE SALE OF SURPLUS STATE LAND; WINONA COUNTY.]

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

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

(c) The land to be sold is located in Winona county and is described as:

That part of the Southeast Quarter of the Southwest Quarter of Section 26, Township 105 North, Range 9 West, Winona county, Minnesota, described as follows:

Beginning at the northwest corner of said Southeast Quarter of the Southwest Quarter; thence on a bearing, based on the Winona County Coordinate System of 1983 (1986 Adjustment), of South 00 degrees 17 minutes 40 seconds West along the west line of said Southeast Quarter of the Southwest Quarter 388.05 feet; thence North 85 degrees 20 minutes 05 seconds East 87.79 feet; thence North 02 degrees 44 minutes 27 seconds West 353.94 feet; thence North 86 degrees 36 minutes 30 seconds East 423.51 feet to the north line of said Southeast Quarter of the Southwest Quarter; thence North 89 degrees 43 minutes 52 seconds West along the north line of said

Southeast Quarter of the Southwest Quarter 491.34 feet to the point of beginning; containing 0.82 acres.

(d) The commissioner has determined that the land is no longer needed for any natural resource purpose and that the state's land management interests would best be served if the land was returned to private ownership."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to natural resources; modifying land acquisition procedures; modifying certain local planning regulations; adding to and deleting from certain state parks and state recreation areas; establishing the Cuyuna Lakes state trail; restricting the taking of fish on certain waters; authorizing public and private sales of certain state land in Big Stone, Douglas, Kandiyohi, Itasca, Meeker, Morrison, Scott, Sherburne, and Winona counties; appropriating money; amending Minnesota Statutes 2000, sections 84.0272; 85.015, by adding a subdivision; 97C.025; 394.36, by adding a subdivision; 462.357, by adding a subdivision."

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

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

S.F. No. 2987: A bill for an act relating to telecommunications; changing name of telecommunications access for communication-impaired persons program to telecommunications access Minnesota program; modifying and clarifying provisions for contracting the telecommunication relay system; amending Minnesota Statutes 2000, section 237.52, subdivision 1; Minnesota Statutes 2001 Supplement, sections 237.51, subdivision 1; 237.54, subdivision 2.

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

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

S.F. No. 2945: A bill for an act relating to Nobles county; permitting the appointment of the auditor-treasurer and recorder.

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

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

S.F. No. 2963: A bill for an act relating to state government; transferring duties of the state treasurer to the commissioner of finance; amending Minnesota Statutes 2000, sections 7.26; 16A.27, subdivision 5; 16A.626; 35.08; 49.24, subdivisions 13, 16; 84A.11; 84A.23, subdivision 4; 84A.33, subdivision 4; 84A.40; 85A.05, subdivision 2; 94.53; 115A.58, subdivision 2; 116.16, subdivision 4; 116.17, subdivision 2; 126C.72, subdivision 2; 127A.40; 161.05, subdivision 3; 161.07; 167.50, subdivision 2; 174.51, subdivision 2; 176.181, subdivision 2; 176.581; 190.11; 241.08, subdivision 1; 241.10; 241.13, subdivision 1; 244.19, subdivision 7; 246.15, subdivision 1; 246.18, subdivision 1; 246.21; 280.29; 293.06; 352.05; 352B.03, subdivision 2; 354.06, subdivision 3; 354.52, subdivision 5; 385.05; 475A.04; 475A.06, subdivision 2; 481.01; 490.123, subdivision 2; 525.161; 525.841; Minnesota Statutes 2001 Supplement, sections 35.09, subdivision 3; 122A.21; 276.11, subdivision 1; 299D.03, subdivision 5; repealing Minnesota Statutes 2000, section 7.21.

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

Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2783 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS	CONSENT CALENDAR	CALENDAR
H.F. No. S.F. No.	H.F. No. S.F. No.	H.F. No. S.F. No.
2783 2671		

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2783 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2783 and insert the language after the enacting clause of S.F. No. 2671; further, delete the title of H.F. No. 2783 and insert the title of S.F. No. 2671.

And when so amended H.F. No. 2783 will be identical to S.F. No. 2671, and further recommends that H.F. No. 2783 be given its second reading and substituted for S.F. No. 2671, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2839, 2457, 1030, 2448, 2727, 2987, 2945 and 2963 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 2783 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Ranum moved that S.F. No. 2678, No. 9 on General Orders, be stricken and re-referred to the Committee on Crime Prevention. The motion prevailed.

RECESS

Senator Moe, R.D. moved that the Senate do now recess until 10:00 a.m. The motion prevailed.

The hour of 10:00 a.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Senator Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

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

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

S.F. No. 1555: A bill for an act relating to agriculture; regulating the use on turf of certain fertilizers containing phosphorus; limiting a penalty; amending Minnesota Statutes 2000, section 18C.231, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 18C.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 18C.231, subdivision 2, is amended to read:

Subd. 2. [FACTORS CAUSING ADULTERATION.] A fertilizer, soil amendment, or plant amendment is adulterated if:

(1) it contains a deleterious or harmful ingredient in an amount to render it injurious to plant life if applied in accordance with directions for use on the label;

(2) the composition guaranteed analysis falls below or differs from investigational allowances or exceeds over formulation allowances as established by rule, that which the product is purported to possess by its labeling; or

(3) the product contains unwanted crop seed or weed seed.

Sec. 2. [18C.60] [PHOSPHORUS TURF FERTILIZER USE RESTRICTIONS.]

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

(b) "Impervious surface" means a highway, street, sidewalk, parking lot, driveway, or other material that prevents infiltration of water into the soil.

(c) "Metropolitan county" means any one of the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.

(d) "Turf" means noncrop land planted in closely mowed, managed grasses including, but not limited to, residential and commercial residential property, private golf courses, and property owned by federal, state, or local units of government, including parks, recreation areas, and public golf courses. Turf does not mean pasture, hayland, hay, turf grown on turf farms, or any other form of agricultural production.

Subd. 2. [PHOSPHORUS USE RESTRICTIONS.] (a) A person may not apply a fertilizer containing the plant nutrient phosphorus to turf in a metropolitan county, except under conditions listed in paragraphs (d) and (e).

(b) A person may not apply granular fertilizer containing greater than three percent phosphate (P205) by weight, or liquid fertilizer at a rate greater than 0.3 pounds phosphate (P205) per 1,000 square feet, to turf in counties other than a metropolitan county, except under conditions listed in paragraph (d).

(c) A local unit of government in counties other than a metropolitan county may adopt paragraph (a) in place of paragraph (b). The local unit of government must notify the commissioner of the adoption of paragraph (a) within 30 days of its adoption. The commissioner shall maintain a list of local units of government in counties other than a metropolitan county that have adopted paragraph (a).

(d) Paragraphs (a) and (b) do not apply when:

(1) a tissue, soil, or other test by a laboratory or method approved by the commissioner and performed within the last three years indicates that the levels of available phosphorous in the soil is insufficient to support healthy turf growth;

(2) the property owner or an agent of the property owner is first establishing turf via seed or sod procedures, and only during the first growing season; or

(3) the fertilizer containing the plant food phosphorus is used on a golf course under the direction of a person licensed, certified, or approved by an organization with an ongoing training program approved by the commissioner.

(e) Paragraph (a) does not apply when the property owner or an agent of the property is applying a natural organic fertilizer product to turf that contains two percent or less phosphate (P205).

(f) Applications of phosphorus fertilizer authorized under paragraph (d), clause (1) or (2), must not exceed rates currently recommended by the University of Minnesota and approved by the commissioner.

(g) A person may not apply a fertilizer containing the plant nutrient phosphorus to an impervious surface. Fertilizer containing phosphorus released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site as allowed under this subdivision, or returned to the original or other appropriate container.

Subd. 3. [CONSUMER INFORMATION.] The commissioner, in consultation with the University of Minnesota extension service, fertilizer industry representatives, lakes groups, and other interested or affected parties, must produce consumer information in a format and of a content suitable for posting and distribution at retail points of sale of fertilizer that contains phosphorus and is for use on turf.

Subd. 4. [RESEARCH EVALUATION.] The commissioner, in cooperation with the University of Minnesota and the University of Minnesota extension service, and, after consultation with representatives of the fertilizer industry, lakes groups, and other interested or affected parties shall evaluate research needs and encourage targeted research opportunities to investigate the effects of phosphorus fertilization of turf on urban stormwater quality.

Subd. 5. [ENFORCEMENT.] This section is enforced by the commissioner under chapter 18D or by local units of government under their existing authority. Violation of this section is a petty misdemeanor.

Sec. 3. [EFFECTIVE DATE.]

Section 2 is effective on January 1, 2004."

Delete the title and insert:

"A bill for an act relating to agriculture; regulating the use on turf of certain fertilizers containing phosphorus; providing for enforcement; amending Minnesota Statutes 2000, section 18C.231, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 18C."

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

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

S.F. No. 2795: A bill for an act relating to human rights; adding sanctions that may be imposed; creating standing to seek sanctions; amending Minnesota Statutes 2001 Supplement, section 363.06, subdivision 4.

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

Page 4, line 30, delete "the chief"

Page 4, line 31, delete "administrative law judge"

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. 2392: A bill for an act relating to public safety; modifying emergency 911 telephone system provisions to establish emergency 911 telecommunications system; amending Minnesota Statutes 2000, sections 403.01; 403.02, subdivisions 3, 6, 7, by adding subdivisions; 403.05; 403.06; 403.07; 403.08; 403.09; 403.10, subdivision 1; 403.11, subdivisions 1, 3, 4, by adding a subdivision; 403.113, subdivision 1; repealing Minnesota Statutes 2000, sections 403.04; 403.11, subdivision 2; 403.113, subdivision 5; 403.12, subdivision 1; 403.13; 403.14; Minnesota Rules, parts 1215.0400; 1215.0600; 1215.0700; 1215.1200, subpart 3; 1215.1500.

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

Page 5, line 32, delete "relinquish" and insert "expend"

Page 6, line 6, delete "must" and insert "may"

Page 11, line 15, delete "8" and insert "7"

Pages 11 to 13, delete section 13 and insert:

"Sec. 13. Minnesota Statutes 2001 Supplement, section 403.11, subdivision 1, is amended to read:

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

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

~~(b)~~ (c) The fee is 27 cents a month for each customer access line or other basic access service, including trunk equivalents as designated by the public utilities commission for access charge purposes and including ~~cellular and other nonwire access~~ wireless telecommunications services. The fee must be the same for all customers.

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

~~(d)~~ (e) This subdivision does not apply to customers of a ~~telecommunications carrier as defined in section 237.01, subdivision 6~~ interexchange carriers.

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

Page 14, line 1, after "invoice" insert "itemizing rate elements by county or service area"

Page 14, line 13, before "911" insert "recurring"

Page 15, line 6, after "other" insert "affected"

Page 15, line 7, after "changes" insert "related to 911 service"

Amend the title as follows:

Page 1, line 8, delete "1,"

Page 1, line 9, after the semicolon, insert "Minnesota Statutes 2001 Supplement, section 403.11, subdivision 1;"

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

S.F. No. 2949: A bill for an act relating to government data; background checks; modifying procedures for school bus driver background checks; authorizing criminal history checks for certain liquor license applicants; clarifying use of data collected on employees of certain license holders; amending Minnesota Statutes 2000, sections 171.321, subdivision 3; 326.336, subdivision 1; 340A.301, subdivision 2; 340A.402.

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

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 2000, section 13.87, subdivision 1, is amended to read:

Subdivision 1. [CRIMINAL HISTORY DATA.] (a) [DEFINITION.] For purposes of this subdivision, "criminal history data" means all data maintained in criminal history records compiled by the bureau of criminal apprehension and disseminated through the criminal justice information system, including, but not limited to fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data, custody and supervision data.

(b) [CLASSIFICATION.] Criminal history data maintained by agencies, political subdivisions

and statewide systems are classified as private, pursuant to section 13.02, subdivision 12, except that data created, collected, or maintained by the bureau of criminal apprehension that identify an individual who was convicted of a crime and, the offense of which the individual was convicted, associated court disposition and sentence information, controlling agency, and confinement information are public data for 15 years following the discharge of the sentence imposed for the offense.

The bureau of criminal apprehension shall provide to the public at the central office of the bureau the ability to inspect in person, at no charge, through a computer monitor the criminal conviction data classified as public under this subdivision.

(c) [LIMITATION.] Nothing in paragraph (a) or (b) shall limit public access to data made public by section 13.82."

Page 2, after line 20, insert:

"Sec. 3. Minnesota Statutes 2000, section 299C.68, subdivision 5, is amended to read:

Subd. 5. [RESPONSE OF BUREAU.] The superintendent shall respond in writing to a background check request within a reasonable time not to exceed ten working days after receiving the signed form under subdivision 3. ~~If a search is being done of the national criminal records repository and that portion of the background check is not completed, the superintendent shall notify the owner that the background check is not complete and shall provide that portion of the background check to the owner as soon as it is available.~~ If a search is being done of the national criminal records repository, the superintendent shall determine eligibility based upon national records received. The superintendent shall reply to the owner in writing, indicating whether the manager is or is not eligible for employment. The superintendent's response must clearly indicate whether the manager has ever been convicted of a background check crime and, if so, a description of the crime, date and jurisdiction of conviction, and date of discharge of the sentence."

Page 3, line 11, strike "bureau report or"

Page 4, line 28, delete "may forward the fingerprints" and insert "forwarded"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "expanding what is considered to be public criminal history data;"

Page 1, line 3, delete "school bus driver" and insert "certain"

Page 1, line 7, after "sections" insert "13.87, subdivision 1;"

Page 1, line 8, after the first semicolon, insert "299C.68, subdivision 5;"

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

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

S.F. No. 3019: A bill for an act relating to public safety; expanding those persons who are required to register as a predatory offender for their lifetime after a second conviction; amending Minnesota Statutes 2001 Supplement, section 243.166, subdivision 6.

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

Page 2, line 16, reinstate the stricken "was" and before "would" insert "or"

Page 2, line 36, before the period, insert "and applies to persons who commit crimes requiring lifetime registration on or after the effective date"

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

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

S.F. No. 3020: A bill for an act relating to crimes; requiring presumptive executed sentences for persons convicted of certain criminal sexual conduct offenses in the second degree; amending Minnesota Statutes 2000, section 609.343, subdivision 2.

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

Page 1, line 23, delete "the day following final enactment" and insert "August 1, 2002, and applies to crimes committed on or after that day"

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

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

S.F. No. 2575: A bill for an act relating to the environment; providing for the indemnification of local units of government participating in household hazardous waste programs; amending Minnesota Statutes 2000, section 115A.96, by adding a subdivision.

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

Page 1, before line 8, insert:

"Section 1. Minnesota Statutes 2000, section 115A.96, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] The following definitions apply to this section:

(a) "Household" means a single detached dwelling unit or a single unit of a multiple dwelling unit and appurtenant structures.

(b) "Household hazardous waste" means waste generated from household activity that exhibits the characteristics of or that is listed as hazardous waste under agency rules, but does not include waste from commercial activities that is generated, stored, or present in a household.

(c) "Collection site" means a permanent or temporary designated location with scheduled hours for collection where individuals may bring household hazardous wastes.

(d) "Municipality" has the meaning given it in section 466.01, subdivision 1."

Page 1, line 10, delete everything after the semicolon and insert "MUNICIPALITIES.] (a) A municipality"

Page 1, line 11, delete "government unit"

Page 1, line 20, delete "local government unit's" and insert "municipality's"

Page 1, line 22, delete "local"

Page 1, line 23, delete "government unit" and insert "the municipality's"

Page 1, line 25, before "The" insert "(b)" and delete "local"

Page 1, line 26, delete "government unit" and insert "municipality"

Page 2, line 1, delete "local government unit's" and insert "municipality's" and delete "local"

Page 2, line 2, delete "government's" and insert "municipality's"

Page 2, line 4, delete "local government unit" and insert "municipality"

Page 2, after line 4, insert:

"Sec. 3. [EFFECTIVE DATE.]

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

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "local units of government" and insert "municipalities"

Page 1, line 5, before "by" insert "subdivision 1,"

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. 2532: A bill for an act relating to health; modifying prior authorization requirements for health care services; establishing requirements for provider contracting; amending Minnesota Statutes 2000, sections 62M.07; 62Q.74, as amended; 62Q.75, subdivision 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 2001 Supplement, section 62Q.745.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 62M.07, is amended to read:

62M.07 [PRIOR AUTHORIZATION OF SERVICES.]

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

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

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

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

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

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

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

(c) If prior authorization for a health care service is required, the utilization review organization, health plan company, or claim administrator must provide access without unreasonable delay by telephone or through electronic communications, 24 hours a day, seven

days a week, the opportunity for a provider to request prior authorization of a health care service. A utilization review organization, health plan company, or claim administrator may not charge a provider any sort of fee, including a user fee of an electronic communication system for requesting prior authorization of a health care service.

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

Sections 62Q.732 to 62Q.751 may be cited as the "Minnesota Fair Health Plan Contracting Act."

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

Subdivision 1. [APPLICABILITY.] For purposes of sections 62Q.732 to 62Q.751, the following definitions apply.

Subd. 2. [ALLOWABLE PAYMENT.] "Allowable payment" means the total financial compensation to be paid to a health care provider for providing a health care service as determined by the contract between the health plan company and the provider, including any amount for which the patient or other third party may be obligated to pay under the contract.

Subd. 3. [CONTRACT.] "Contract" means a written agreement between a health care provider and a health plan company to provide health care services. For purposes of this definition, a contract shall not be construed to include a health care professional employment contract.

Subd. 4. [HEALTH CARE PROVIDER.] "Health care provider" or "provider" means:

- (1) a physician, chiropractor, dentist, or other provider as defined under section 62J.03; or
- (2) a hospital licensed under chapter 144, ambulatory surgical treatment center, pharmacy, long-term care facility, or other facility that is licensed or otherwise authorized to deliver health care services.

For purposes of this definition, health care provider includes independent practice associations and physician-hospital organizations.

Subd. 5. [HEALTH PLAN COMPANY.] "Health plan company" means:

- (1) a health maintenance organization operating under chapter 62D;
- (2) a community integrated service network operating under chapter 62N;
- (3) a preferred provider organization as defined in section 145.61, subdivision 4c; or
- (4) an insurance company licensed under chapter 60A, nonprofit health service corporation operating under chapter 62C, fraternal benefit society operating under chapter 64B, or any other entity that establishes, operates, or maintains a network of health care providers where the providers have entered into a contract with the entity to provide health care services.

Sec. 4. [62Q.7335] [EXEMPTION.]

Sections 62Q.734, 62Q.735, 62Q.737, 62Q.739, 62Q.74, 62Q.75, subdivision 1, and 62Q.751 do not apply to health plan companies whose annual Minnesota health premium revenues are less than three percent of the total annual Minnesota health premium revenues, as measured by the assessment base of the Minnesota comprehensive health association. For purposes of this percentage calculation, a health plan company's premiums include the Minnesota health premium revenues of its affiliates.

Sec. 5. [62Q.734] [PROVIDER CONTRACTING PROCEDURES.]

Subdivision 1. [CONTRACT DISCLOSURE.] Before requiring a health care provider to sign a contract, a health plan company shall provide to the provider a complete copy of the proposed contract with all attachments and exhibits, including a copy of all guidelines and treatment

parameters incorporated or referenced in the contract. The health plan company shall make available to the provider a method or process that allows the provider to determine the allowable payment amounts for each health care service to be provided under the contract. The provider shall be allowed 90 days to review the complete contract before being required to sign the contract.

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

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

Sec. 6. [62Q.735] [PAYMENT RATES.]

A formal or informal contract, term, condition, or policy may not mandate or require a health care provider to accept from the health plan company any payment amounts for services agreed to in a contract with any other health plan company or any payment amounts other than those stated in the contract between the health plan company and the health care provider.

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

(a) A health plan company shall not change a service code (current procedural terminology (CPT), current dental terminology (CDT), ICD-9-CM, diagnosis-related groups (DRGs), or other system) properly submitted by a health care provider. The health plan company shall determine the manner in which it adjudicates claims and may limit the service codes it pays for based upon factors recognized by a service code (current procedural terminology (CPT), current dental terminology (CDT), ICD-9-CM, diagnosis-related groups (DRGs), or other system).

(b) Notwithstanding paragraph (a), a health plan company may correct errors in submitted claims which prevent the claims from being processed provided that the health plan company:

(1) utilizes as specifically defined the most recently issued service code (current procedural terminology (CPT), current dental terminology (CDT), ICD-9-CM, diagnosis-related groups (DRGs), or other system) within a year of its release;

(2) notifies the provider of the corrections; and

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

Sec. 8. [62Q.738] [RECOUPMENTS.]

(a) A health plan company shall provide a health care provider with a written explanation of any proposed recoupment that includes the name of the patient, the date of the service, the service code, the payment amount, the details concerning the reasons for the recoupment, and an explanation of the appeal process. Upon receiving the written explanation, the provider has 30 days to either appeal the proposed recoupment or to repay the recoupment amount. If the provider chooses to appeal the proposed recoupment, and, upon appeal, the proposed recoupment is determined to be appropriate, the provider must pay the recoupment within 30 days of receiving the notice of the final appeal's decision. If the provider fails to make the required recoupment payment within the required time period or fails to appeal the proposed recoupment within the required time period, the health plan company may offset future payments to effectuate the recoupment.

(b) Any attempts by the health plan company to recoup payments shall be limited to the same period of time allowed in contract for the submission of initial claims from the date of payment, except where the provider has been convicted of insurance fraud.

Sec. 9. [62Q.739] [UNILATERAL TERMS PROHIBITED.]

(a) A contract between a health plan company and a health care provider shall not contain or require unilateral terms regarding termination, indemnification, or arbitration. These provisions shall apply equally to both the health plan company and the provider.

(b) A health plan company may not terminate a health care provider's contract except for good cause. If a health plan company terminates a provider's contract, the health plan company must inform the provider 90 days prior to the date of termination of the reasons for termination. For purposes of this paragraph, good cause includes failure to meet the health plan company's credentialing standards, failure to comply with the terms of the contract, and failure to comply with the managed care protocols of the health plan company as defined in section 62Q.095, subdivision 2.

Sec. 10. Minnesota Statutes 2000, section 62Q.74, as amended by Laws 2001, chapter 170, is amended to read:

62Q.74 [NETWORK SHADOW CONTRACTING.]

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

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

- (1) health;
- (2) no-fault automobile medical benefits; or
- (3) workers' compensation medical benefits.

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

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

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

(b) ~~This section does not apply to situations in which the network organization wishes~~ No health plan company shall require the provider to participate in a new or different health plan, product, or other arrangement within a category of coverage that is already provided for in an existing contract between the network organization and the provider without the affirmative consent of the provider obtained under subdivision 3. This paragraph does not apply to participating in health plans that provide health care services to government programs, including the prepaid medical assistance program, the MinnesotaCare program, the prepaid general assistance medical care program, and the demonstration project for people with disabilities.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 11. Minnesota Statutes 2000, section 62Q.75, is amended by adding a subdivision to read:

Subd. 1a. [SUBMITTING CLAIMS.] A health care provider must submit to a health plan company an initial claim for health care services within a reasonable period as provided in accordance with the contract, or within one year and any final claims within 15 months of the date of service.

Sec. 12. Minnesota Statutes 2000, section 62Q.75, subdivision 2, is amended to read:

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

- (1) health care provider, except a provider licensed under chapter 151;
- (2) home health care provider, as defined in section 144A.43, subdivision 4; or
- (3) health care facility.

All health plan companies and third-party administrators must pay or deny claims that are clean claims within 30 calendar days after the date upon which the health plan company or third-party administrator received the claim, or, upon the determination that a claim is not clean, the health plan company or third-party administrator must inform the provider of this determination and the reasons preventing timely payment within 30 calendar days after the date upon which the health plan company or third-party administrator received the claim.

(b) If a health plan company or third-party administrator does not pay or deny a clean claim within the period provided in paragraph (a), the health plan company or third-party administrator must pay interest on the claim for the period beginning on the day after the required payment date specified in paragraph (a) and ending on the date on which the health plan company or third-party administrator makes the payment or denies the claim. In any payment, the health plan company or third-party administrator must itemize any interest payment being made separately from other payments being made for services provided. ~~The health plan company or third-party administrator may, at its discretion, require the health care provider~~ The provider shall not be required to bill the health plan company or third-party administrator for the interest required under this section before any interest payment is made. Payment of interest must be paid to the provider automatically with the original claim.

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

(d) A health plan company or third-party administrator is not required to make an interest payment on a claim for which payment has been delayed for purposes of reviewing potentially fraudulent or abusive billing practices. If payment of a claim is delayed, the health plan company or third-party administrator must promptly inform the provider of the delay and the reasons for it.

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

Sec. 13. [62Q.751] [PROFILING.]

A health plan company or health plan sponsor that uses data, or whose data is used, for utilization profiling as a method of differentiating providers, including, but not limited to, distinctions relating to cost of service, quality of care, or differences in reimbursements, or as a requirement for continued participation in the health plan company's provider network shall make available to participating providers and their agents at least 90 days prior to its release the following information:

(1) a description of the methodology used in profiling so that providers can clearly understand why and how they are affected:

(i) a list of the codes measured;

(ii) a provider's personal frequency data within each code so that the accuracy of the data may be verified; and

(iii) an individual provider's representation of scoring that compares the provider to classification points established in the profiling methodology; and

(2) a list of factors affecting a provider's profile not included in the profiling methodology.

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

Sec. 14. [COST AND QUALITY DISCLOSURE.]

(a) The commissioner of health shall assess options and develop recommendations for the legislature on methods of making available to patients information on the expected costs of receiving a course of treatment from a particular health care provider, health plan company, or

system of providers, and information on provider's quality of care. The commissioner shall submit a report to the legislature by December 1, 2002.

(b) The commissioner's recommendations must ensure that the cost information to be made available to consumers is based on:

- (1) the expected course of treatment as determined by the patient's health care provider;
- (2) the health plan's allowable payment and provider's charges for each service and how many times each service is expected to be provided; and
- (3) the methodology used to make any adjustments or discounts to the health plan's allowable payment and the provider's charges under the patient's health.

(c) The commissioner's recommendations shall ensure that patients will have access to reliable and useful information on health care provider quality. The commissioner shall consider, among other possible measures of quality, information on consumer satisfaction and complaint rates; patient outcomes measures; mortality and morbidity rates; rates of infections, complications, and medical errors; chart reviews to determine whether best practice guidelines were followed; preventive care rates; reputation among peers; frequency and experience with a particular procedure; research assessments of the effectiveness of a procedure, drug, device, or technology; and accreditation status.

(d) The report must include an analysis of the impact of various options and recommendations on the cost of health care services and health coverage and the expected impact on the health care marketplace. In developing the report and recommendations, the commissioner shall solicit input from all interested organizations.

Sec. 15. [REPEALER.]

Minnesota Statutes 2001 Supplement, section 62Q.745, is repealed."

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

Senator Johnson, Doug from the Committee on Finance, to which was referred

S.F. No. 107: A bill for an act relating to communications; appropriating money for grants to noncommercial television.

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

Delete everything after the enacting clause and insert:

"Section 1. [DIGITAL TELEVISION CONVERSION APPROPRIATION.]

\$7,800,000 is appropriated from the general fund to the commissioner of administration for grants to noncommercial television stations to assist with conversion to a digital broadcast signal as mandated by the federal government.

The grants must be paid within 30 days after the effective date of this act to the following stations, each of which has already met the criteria established for grants in Minnesota Statutes, section 129D.12, subdivision 2, and has certified to the Federal Communications Commission that it will convert to a digital broadcast signal:

KAWB-DT Brainerd;

Kawe-DT Bemidji;

KFME-DT Fargo-Moorhead;

KGFE-DT Crookston;

KSMN-DT Chandler;
KSMQ-DT Austin;
KTCA-DT St. Paul;
KTCI-DT St. Paul;
KWCM-DT Appleton; and
WDSE-DT Duluth.

The grants must be paid in equal shares, except that KFME-DT and KGFE-DT must each be paid a 40 percent share.

When the grantee's digital broadcasting infrastructure is fully operational, but not before January 1, 2004, the grantee must make available to the state of Minnesota one of its standard definition digital channels for a period of five hours per week for the purposes of broadcasting nonpartisan public service programming, at a time or times of the commissioner's choosing, provided that the commissioner must exercise the discretion reasonably and without undue disruption to or interference with the regular broadcast program schedule of the grantee. The grantee's obligation to broadcast the programming is subject to applicable state and federal rules and regulations, including but not limited to, the grantee's obligations to exercise editorial control, and expires three years after the commencement of the programming.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2795, 3019, 3020 and 107 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Wiger moved that S.F. No. 2704 be withdrawn from the Committee on State and Local Government Operations and re-referred to the Committee on Transportation. The motion prevailed.

Senator Samuelson moved that S.F. No. 3127 be withdrawn from the Committee on Jobs, Housing and Community Development and re-referred to the Committee on Taxes. The motion prevailed.

Pursuant to Rule 26, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 980 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 980: A bill for an act relating to public construction and remodeling projects; increasing the construction cost limits under which capital projects are exempt from legislative notification and review; amending Minnesota Statutes 2000, section 16B.335, subdivision 1.

Senator Langseth moved to amend H.F. No. 980, the unofficial engrossment, as follows:

Page 31, line 23, delete "8,496,000" and insert "8,546,000"

The motion prevailed. So the amendment was adopted.

Senator Wiener moved to amend H.F. No. 980, the unofficial engrossment, as follows:

Page 5, delete lines 12 and 13 and insert:

"Subd. 7. Morris 8,600,000"

Page 5, line 22, delete the period and insert ", and"

Page 5, delete line 23

Page 5, line 24, delete the paragraph coding

The motion prevailed. So the amendment was adopted.

Senator Orfield moved to amend H.F. No. 980, the unofficial engrossment, as follows:

Page 20, line 59, after "of" insert "up to"

Page 21, line 1, after the period, insert "Notwithstanding Minnesota Statutes, section 103G.222, or any other law, rule, ordinance, or regulation to the contrary, a project at Lake of the Isles to mitigate past flood damage and prevent future flooding paid for with this appropriation or the appropriation in Laws 2000, chapter 492, article 1, section 7, requires a maximum replacement of two acres of wetland for each one acre of filled wetland inside the entire watershed district."

The motion prevailed. So the amendment was adopted.

Senator Samuelson moved to amend H.F. No. 980, the unofficial engrossment, as follows:

Page 31, after line 58, insert:

"This appropriation includes state money to match federal money for a feasibility study of extending the Northstar corridor rail project from Rice to Camp Ripley."

The motion prevailed. So the amendment was adopted.

Senator Johnson, Dean moved to amend H.F. No. 980, the unofficial engrossment, as follows:

Page 26, after line 54, insert:

"Subd. 5. Location of Department of Agriculture
Principal Administrative Offices

The commissioner of administration, in consultation with the commissioner of agriculture, shall develop comprehensive plans and timelines for relocation of the principal administrative offices of the department of agriculture to a location outside the metropolitan counties listed in Minnesota Statutes, section 473.121, subdivision 4. Planning for the relocation must be completed no later than June 30, 2003, the date on which the current lease on the Agriculture Department headquarters at 90 West Plato Blvd., Saint Paul, MN expires.

Priority to be used in determining a nonmetropolitan area location of the principal administrative offices shall be:

- (1) relocation to an existing state-owned building that is currently vacant;
- (2) relocation to suitable existing space available for lease or purchase; and
- (3) relocation to newly constructed administrative space.

This section is not intended to preclude colocation of agriculture department laboratories with laboratory facilities of other appropriate departments, nor to specify the location of a colocated laboratory."

Page 27, line 1, delete "5" and insert "6"

Page 27, line 7, delete "6" and insert "7"

Page 27, line 21, delete "7" and insert "8"

Page 27, line 35, delete "8" and insert "9"

Page 27, line 54, delete "9" and insert "10"

Senator Frederickson moved to amend the Johnson, Dean amendment to H.F. No. 980 as follows:

Page 1, line 18, delete "June 30" and insert "March 31"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Johnson, Dean amendment, as amended.

The roll was called, and there were yeas 35 and nays 28, as follows:

Those who voted in the affirmative were:

Berg	Johnson, Doug	Lesewski	Rest	Scheid
Chaudhary	Kelley, S.P.	Lessard	Ring	Schwab
Dille	Kinkel	Lourey	Robling	Solon, Y.P.
Fischbach	Kiscaden	Moe, R.D.	Sabo	Stevens
Fowler	Kleis	Moua	Sams	Stumpf
Frederickson	Langseth	Murphy	Samuelson	Tomassoni
Johnson, Dean	Larson	Neuville	Scheevel	Vickerman

Those who voted in the negative were:

Anderson	Foley	Limmer	Pappas	Robertson
Bachmann	Johnson, Dave	Marty	Pariseau	Terwilliger
Belanger	Johnson, Debbie	Metzen	Pogemiller	Wiener
Berglin	Kierlin	Oliver	Price	Wiger
Betzold	Knutson	Olson	Ranum	
Cohen	Krentz	Orfield	Reiter	

The motion prevailed. So the Johnson, Dean amendment, as amended, was adopted.

Senator Moe, R.D. moved to amend H.F. No. 980, the unofficial engrossment, as follows:

Page 20, line 26, before "\$1,050,000" insert "Up to"

Page 21, line 55, before "\$1,500,000" insert "Up to"

The motion prevailed. So the amendment was adopted.

Senator Price moved to amend H.F. No. 980, the unofficial engrossment, as follows:

Page 24, line 28, delete "\$200,000" and insert "\$100,000"

The motion prevailed. So the amendment was adopted.

Senator Krentz moved to amend H.F. No. 980, the unofficial engrossment, as follows:

Page 48, after line 28, insert:

"Sec. 41. Minnesota Statutes 2000, section 115A.151, is amended to read:

115A.151 [STATE AND LOCAL FACILITIES.]

(a) A state agency, local unit of government, or school district shall:

(1) ensure that facilities under its control, from which mixed municipal solid waste is collected, have containers for at least three recyclable materials, such as, but not limited to, paper, glass, plastic, and metal; and

(2) transfer all recyclable materials collected to a recycler.

(b) An entity that receives an appropriation from the state for a capital improvement project after the effective date of this section must comply with the requirements in paragraph (a)."

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Reiter moved to amend H.F. No. 980, the unofficial engrossment, as follows:

Page 31, delete lines 54 to 58

Page 32, delete lines 1 to 16 and insert:

"Subd. 7. Interchange Between I-35W and County Road J 8,000,000

To reconstruct the interchange between I-35W and County Road J."

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on H.F. No. 980. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Reiter amendment.

The roll was called, and there were yeas 8 and nays 51, as follows:

Those who voted in the affirmative were:

Bachmann	Oliver	Pariseau	Robling	Scheevel
Limmer	Olson	Reiter		

Those who voted in the negative were:

Anderson	Fischbach	Kelley, S.P.	Lourey	Pappas
Belanger	Foley	Kierlin	Marty	Pogemiller
Berg	Fowler	Kinkel	Metzen	Price
Berglin	Higgins	Kleis	Moua	Ranum
Betzold	Hottinger	Knutson	Murphy	Rest
Chaudhary	Johnson, Dave	Krentz	Neuville	Ring
Cohen	Johnson, Dean	Langseth	Orfield	Robertson
Dille	Johnson, Debbie	Lessard	Ourada	Sabo

Sams
Samuelson
Scheid

Schwab
Solon, Y.P.

Stevens
Stumpf

Terwilliger
Vickerman

Wiener
Wiger

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

Senator Bachmann moved to amend H.F. No. 980, the unofficial engrossment, as follows:

Page 32, after line 21, insert:

"Subd. 9. St. Croix River Bridge
Environmental Mitigation

15,000,000

To the commissioner of transportation from the bond proceeds account in the trunk highway fund to pay the costs of environmental mitigation related to the trunk highway project that would construct a new bridge across the St. Croix river at or near the terminus of marked trunk highway No. 36. This appropriation is not available unless the federal government has not waived the requirement for environmental mitigation by May 15, 2002."

Page 42, after line 17, insert:

"Subd. 4. [BOND SALE AUTHORIZATION.] To provide the money appropriated in section 18, subdivision 9, from the bond proceeds account in the trunk highway fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$15,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7."

Correct the section totals and the appropriation summary

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 39, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Wiener moved to amend H.F. No. 980, the unofficial engrossment, as follows:

Page 20, line 45, before the period, insert ", and for Dakota county to construct storm water capital improvements for flood mitigation in Lebanon Hills regional park"

The motion prevailed. So the amendment was adopted.

Senator Johnson, Dean moved to amend H.F. No. 980, the unofficial engrossment, as follows:

Page 27, line 2, delete "4,291,000" and insert "3,291,000"

Page 39, after line 46, insert:

"Subd. 15. St. Paul - Armory 1,000,000

For a grant to the department of military affairs to acquire land in St. Paul, prepare a site, including any contamination cleanup needed, predesign and design, and construct a community center and athletic facilities associated with construction of a new armory."

Correct the section totals and the appropriation summary

Senator Johnson, Dean then moved to amend the second Johnson, Dean amendment to H.F. No. 980 as follows:

Page 1, line 3, delete "3,291,000" and "3,991,000"

Page 1, line 5, delete "1,000,000" and insert "300,000"

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

The question recurred on the adoption of the second Johnson, Dean amendment. The motion did not prevailed. So the amendment was not adopted.

Senator Schwab moved to amend H.F. No. 980, the unofficial engrossment, as follows:

Page 16, line 12, delete "2,900,000" and insert "2,800,000"

Page 32, after line 21, insert:

"Subd. 9. Radio Communications 100,000
Statewide System

To the department of transportation for planning the state radio communications system infrastructure, coordinating it with other state and local units of government, and extending it to the Rochester and St. Cloud districts of the state patrol district radio system, subject to the requirements of Minnesota Statutes, section 16A.695."

Correct the section totals and the appropriation summary

Senator Frederickson moved to amend the Schwab amendment to H.F. No. 980 as follows:

Page 1, delete line 3

Page 1, after line 15, insert:

"Page 35, line 39, delete "23,100,000" and insert "23,000,000"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the adoption of the Schwab amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Scheevel moved to amend H.F. No. 980, the unofficial engrossment, as follows:

Page 23, line 52, delete "7,000,000" and insert "15,000,000"

Page 39, delete lines 26 to 36

Page 39, line 37, delete "14" and insert "13"

Correct the section totals and the appropriation summary

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

Senator Wiener moved to amend H.F. No. 980, the unofficial engrossment, as follows:

Page 3, line 33, delete "and is exempt" and insert a period

Page 3, delete lines 34 to 37

Page 3, line 54, delete "and is exempt from the" and insert a period

Page 4, delete lines 1 to 4

Page 4, line 18, delete everything after "project" and insert a period

Page 4, delete lines 19 to 22

Page 46, after line 15, insert:

"Sec. 36. Minnesota Statutes 2000, section 16B.31, subdivision 1, is amended to read:

Subdivision 1. [CONSTRUCTION PLANS AND SPECIFICATIONS.] (a) The commissioner shall (1) have plans and specifications prepared for the construction, alteration, or enlargement of all state buildings, structures, and other improvements except highways and bridges, and except for buildings and structures under the control of the board of regents for the university of Minnesota and of the board of trustees of the Minnesota state colleges and universities; (2) approve those plans and specifications; (3) advertise for bids and award all contracts in connection with the improvements; (4) supervise and inspect all work relating to the improvements; (5) approve all lawful changes in plans and specifications after the contract for an improvement is let; and (6) approve estimates for payment. This subdivision does not apply to the construction of the zoological gardens.

(b) Notwithstanding any law to the contrary, the commissioner, the board of regents for the university of Minnesota, and the board of trustees for the Minnesota state colleges and universities may solicit and award a design-build contract for those projects designated by law for design-build in section 2 using the procedures provided in section 16C.30.

(c) Paragraph (b) expires January 1, 2004.

(d) The commissioner, the board, the board of regents for the university of Minnesota, and the board of trustees of the Minnesota state colleges and universities shall create a panel of representatives of all entities and also including representatives of the construction industry and the architecture and engineering professions, to evaluate the use of design-build and the procedures for design-builder selection under section 16C.30, and shall report to the legislature on or before January 1, 2004, as to the success of design-build as a method of construction and the need and desirability for any changes in the selection procedure.

Sec. 37. Minnesota Statutes 2000, section 16B.33, is amended by adding a subdivision to read:

Subd. 5. [DESIGN-BUILD.] (a) The board shall select design-builders pursuant to section 16C.30 for all such projects undertaken with an estimated cost greater than \$750,000. In the event a project is undertaken with an estimated cost of less than \$750,000, the commissioner or board, in the commissioner's sole discretion, may select the design-builder following the requirements in section 16C.30. If the commissioner elects to make the selection, the commissioner shall perform the duties prescribed for the board in section 16C.30. This paragraph does not apply to projects

under the control of the board of regents for the university of Minnesota and the board of trustees for the Minnesota state colleges and universities.

(b) Upon written request by the board of regents for the university of Minnesota and the board of trustees for the Minnesota state colleges and universities, the board shall evaluate and recommend at least three design-builders following the requirements in section 16C.30 for any such project under the control of the board of regents and the board of trustees.

(c) The commissioner and the board of regents for the university of Minnesota and the board of trustees for the Minnesota state colleges and universities shall forward to the board a written report describing each instance in which the performance of a design-builder has been less than satisfactory for projects under their supervision.

(d) This subdivision expires January 1, 2004."

Page 47, after line 5, insert:

"Sec. 39. [16C.29] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For purposes of section 16C.30, the terms in this section have the meanings given them, unless the context clearly indicates otherwise.

Subd. 2. [BOARD.] "Board" means the designer selection board, as described in section 16B.33.

Subd. 3. [CLARIFICATIONS.] "Clarifications" means a written or oral exchange of information that takes place after the receipt of proposals to ensure conformance with the request for proposals and to address minor, clerical revisions in a proposal.

Subd. 4. [COMMISSIONER.] "Commissioner" means the commissioner of administration.

Subd. 5. [DESIGNER.] "Designer" means an architect, landscape architect, or engineer licensed or certified under sections 326.02 to 326.15 or a partnership, association, or corporation comprised primarily of registered architects, landscape architects, or engineers or of all three.

Subd. 6. [DISCUSSIONS.] "Discussions" means written or oral exchanges that take place with the offeror of the top ranked proposal with the intent of allowing the offeror to revise its proposal.

Subd. 7. [OWNER'S REPRESENTATIVE.] "Owner's representative" means a qualified professional who may oversee scheduling, cost control, constructability, project management, quality control, life-cycle costing, and building technology.

Subd. 8. [PERSON.] "Person" means an individual, partnership, corporation, association, or any other legal entity.

Subd. 9. [PHASE-ONE SUBMITTAL.] "Phase-one submittal" means statements of qualifications from design-builders under section 16C.30, subdivision 5.

Subd. 10. [PHASE-TWO PROPOSAL.] "Phase-two proposal" means an offer by a design-builder to enter into a design-build contract for a project under section 16C.30, subdivision 6, in response to a request for proposals.

Subd. 11. [PROJECT.] "Project" means an undertaking to design and construct, erect, or remodel a building by or for the state or an agency under the supervision and control of the commissioner pursuant to section 16B.30 or the board of regents for the university of Minnesota and the board of trustees for the Minnesota state colleges and universities.

Subd. 12. [EXPIRATION.] This section expires January 1, 2004.

Sec. 40. [16C.30] [DESIGN-BUILD CONTRACTS.]

Subdivision 1. [GENERAL AUTHORITY.] (a) Notwithstanding any law to the contrary, the

commissioner may solicit and award a design-build contract between the department of administration and a design-builder utilizing the competitive acquisition process described in subdivisions 5 through 9 if the commissioner meets the conditions in paragraph (b). A design-build contract may provide the architectural, engineering, and related design services as well as the labor, materials, supplies, equipment, and construction services for a project. A design-build contract may include telecommunications cabling but must not include acquisition of personal property related to the operations of the occupants. The commissioner may make changes to the project without invalidating the design-build contract.

(b) The commissioner shall, for each project for which the commissioner intends to use the design-build method, make a written determination that it is in the best interest of the state to use the design-build method to complete the project. In making this determination, the commissioner shall use the following criteria as the minimum basis for the determination:

(1) the extent to which the project requirements can be adequately defined in a request for proposal before completing the design process;

(2) the suitability of the delivery method with respect to scope, schedule, cost, and quality factors;

(3) the suitability of the delivery method to minimize life-cycle costs to the extent available within the project budget;

(4) the suitability of the delivery method to efficiently achieve functionality requirements;

(5) the impact of the project schedule on the agency's delivery of services and project cost;

(6) the resources of the department of administration to manage the project through employment of experienced personnel or hiring of consultants;

(7) the resources of the department of administration to oversee the project with persons who are familiar and experienced with the design-build method of project delivery or similar experience; and

(8) other criteria that the commissioner deems relevant and that are included in the written determination.

(c) The authority and duties prescribed for the board, the commissioner, and department of administration under this section are granted to and must be performed by the board of regents for the university of Minnesota and the board of trustees for the Minnesota state colleges and universities on projects under their control.

Subd. 2. [LICENSING REQUIREMENTS.] (a) Each design-builder shall be, employ, or have as a partner, member, coventurer, or subcontractor, persons duly licensed, certified, or registered to provide the services required to complete the project and do business in this state.

(b) A design-builder may contract with the commissioner to provide professional or construction services that the design-builder is not itself licensed, certified, registered, or qualified to perform, so long as the design-builder provides the services through subcontracts with duly licensed, certified, or registered, or otherwise qualified persons in accordance with this section.

(c) Nothing in this section authorizing design-build contracts is intended to limit or eliminate the responsibility or liability owed by a professional on a design-build project to the state or other third parties under existing law. The design service portion of a design-build contract shall be considered a service and not a product.

Subd. 3. [UNIVERSITY OF MINNESOTA AND MINNESOTA STATE COLLEGES AND UNIVERSITIES SELECTION PROCESS.] (a) The board of regents for the university of Minnesota and the board of trustees for the Minnesota state colleges and universities shall select design-builders for all design-build projects under their supervision and control following the procedures and performing the duties prescribed for the board and commissioner in subdivisions 5

through 9. The board of regents and the board of trustees shall either use the board or establish an evaluation team of at least seven persons to evaluate and recommend design-builders under this section to include three persons selected as provided in paragraph (b). The final selection must be made by the board of regents or the board of trustees.

(b) Upon written request from the board of regents or the board of trustees, each of the following three organizations shall nominate one individual whose name and qualifications shall be submitted to the board of trustees for consideration: the Consulting Engineers Council of Minnesota after consultation with other professional engineering societies in the state; the AIA Minnesota; and the Minnesota chapter of the Associated General Contractors after consultation with other commercial contractor associations in the state. The board of regents or the board of trustees may appoint the three named individuals to the evaluation team but may reject a nominated individual and request another nomination. The board of regents or the board of trustees shall determine the term of the appointment. The other members of the evaluation team must be representatives of the university of Minnesota or the Minnesota state colleges and universities.

Subd. 4. [DEVELOPMENT OF DESIGN CRITERIA.] (a) Each request for proposals for a design-build contract must contain design criteria prepared by a design criteria professional who holds licenses or certifications under sections 326.02 to 326.15 and is either an employee of the state, the university of Minnesota, or a consultant hired by the commissioner. If the design criteria professional is a consultant hired by the state, the licensure requirement may be met by employing individuals who hold a license or licenses under sections 326.02 to 326.15. The commissioner may elect to designate the board to select the consultant in compliance with section 16B.33.

(b) Design criteria set forth in the request for proposals must specify all information needed to adequately describe the project including performance-based criteria such as sustainability and life-cycle costing requirements; interior space requirements, including adjacency diagrams; material quality standards; architectural image and building form standards; building air quality requirements; commissioning requirements; building burn-in requirements; cost estimates; design and construction schedules; site development requirements; utility requirements; storm water retention and disposal requirements; and parking requirements. If necessary to adequately describe the project, the design criteria must include a boundary and topographic survey of the site, with the legal description and geotechnical and environmental information available concerning the site.

(c) There must be an owner's representative for each design-build project. The owner's representative must be either an employee of the state, university of Minnesota, or a consultant hired by the commissioner. The commissioner, in consultation with the agency, the owner's representative, and the design criteria professional, shall determine the scope and level of detail required for the design criteria to be included in the request for proposals.

Subd. 5. [SOLICITATION OF PROPOSALS.] (a) The commissioner shall prepare a request for proposals, which must contain, at a minimum, the following elements:

- (1) the identity of the agency that will utilize the completed project;
- (2) the procedures for submitting proposals, the criteria for evaluation of proposals and their relative weight for each phase, how those criteria will be scored, and the procedures for making awards;
- (3) the terms and conditions for the design-build contract;
- (4) the design criteria;
- (5) the qualifications the design builder will be required to have;
- (6) a critical path method schedule for commencement and completion of the project;
- (7) budget limits for the project;
- (8) affirmative action, disadvantaged businesses, small business, or set-aside goals or requirements for the design-build contract;

(9) requirements for insurance, required performance and payment bonds, and bid bonds, and/or cash deposit;

(10) a description of the drawings, specifications, or other submittals to be submitted with the phase-two proposal, with guidance as to the form and level of completeness of the drawings, specifications, or submittals that will be acceptable;

(11) the professional/technical contract to be entered into with the design-builders selected to submit phase-two proposals, including scope of work, use of ideas or information, and compensation; and

(12) identification of any other material information available from the commissioner or board, including, without limitation, surveys, soils reports, drawings or models of existing structures, environmental studies, photographs, or references to public records.

(b) The solicitation of request for proposals does not obligate the commissioner to enter into a design-build contract. The commissioner may accept or reject any or all proposals or parts of proposals received as a result of this request. The notification of rejection of all proposals must include an explanation for all proposals being rejected. The solicitation for proposals may be canceled at any time if it is considered to be in the state's best interest in the commissioner's sole discretion. If the commissioner rejects all proposals or cancels the solicitation for proposals, the commissioner may resolicit a request for proposals using the same or different requirements or request the board to select a designer pursuant to section 16B.33 and proceed with the design-bid-build or contractor preselect delivery method.

Subd. 6. [QUALIFICATION; PHASE-ONE SUBMITTAL.] (a) In phase one, the board and commissioner shall evaluate the design-build qualifications of the design-builders who responded to the request for proposals with phase-one submittals based on each design-builder's experience, technical competence, and capability to perform; the past performance of the design-builder and its employees, quality control organization and system, sustainability, and life-cycle costing methodology; and other appropriate facts submitted by each design-builder in response to the request for proposals all pursuant to the weighted criteria that are stated for phase-one evaluations in the request for proposals. The phase-one or phase-two evaluation of the "past performance" or "experience" of a proposer must not include the exercise or assertion of a person's legal rights. The board or commissioner may require clarifications or further information from design-builders to ensure conformance of proposals with the request for proposals and the design criteria.

(b) If the project is within the capitol area, the capitol area architecture and planning board, as defined in section 15.50, shall participate in the evaluation of phase-one submittals.

(c) The board shall select to a short list the most qualified design-builders that have responded with phase-one submittals based on the weighted criteria for phase-one evaluations stated in the request for proposals. For projects involving only renovation, in the discretion of the commissioner, the design-builder may be selected only on the phase-one submissions, or after a phase-two submission. For all other projects, the board shall short-list at least three potential design-builders to submit phase-two proposals. The board shall not proceed to obtain phase-two proposals or make a selection, as applicable, unless it receives phase-one submittals from at least three qualified design-builders. If the board receives fewer than three phase-one submittals from qualified design-builders, the commissioner may cancel the solicitation for proposals, revise the request for proposals, and solicit new proposals or request the board to select a designer pursuant to section 16B.33 and proceed with the design-bid-build delivery method.

(d) The commissioner shall enter into the professional and technical services contract included in the request for proposals with each of the design-builders qualified by the board to submit phase-two proposals.

Subd. 7. [PHASE-TWO PROPOSALS.] (a) The professional and technical services contract with the design-builders selected to submit phase-two proposals provided in the request for proposals must require at least the following:

(1) preliminary plans and specifications, renderings, and models as may be required in the request for proposals in sufficient detail, to describe the character, quality, and scope of the project;

(2) a design and construction schedule;

(3) the all-inclusive fixed price at which the design-builder will complete the project if the phase-two proposal is accepted, including a total development cost budget in detail by building component with all soft costs, allowances, and design fees; and

(4) other materials the board or commissioner determines are necessary to fix the design, schedule, and cost of the project.

(b) Phase-two proposals must be sealed and may not be opened until expiration of the time established for making proposals as set forth in the request for proposals.

(c) Phase-two proposals must identify each person with whom the design-builder proposes to enter into subcontracts for primary design and construction obligations under the design-build contract. Persons so identified may not be replaced without the approval of the commissioner, or the award may be revoked.

(d) A written statement must be provided indicating that the phase-two proposal meets all requirements of the request for proposals.

(e) The commissioner may require each design-builder to submit with its phase-one or phase-two proposal, as applicable, a cash deposit or bid bond in the amount of five percent of the budget for the design-build contract. If the phase-one or phase-two proposal, as applicable, is accepted but the design-builder fails to execute the design-build contract, the deposit or bond is forfeited to the extent allowable under law including the cost to the state of delays, resolicitation, and other results of the failure of the selected design-builder to enter into the design-build contract.

Subd. 8. [DESIGN-BUILDER SELECTION.] (a) After obtaining and evaluating proposals from each design-builder according to the criteria and procedures in the request for proposals, the board shall rank the phase-one or phase-two proposals, as applicable, and select the proposal that is rated the highest based on the weighted evaluation criteria in the request for proposal. The board or commissioner may require clarifications or further information from design-builders during the evaluation process. Selection according to this method may result in an award not being made to the lowest cost proposal.

(b) Prior to final selection, the board or commissioner may conduct discussions with the design-builder offering the top ranked phase-two proposal to insure selection of the proposal that is the best value based on the weighted evaluation criteria in the request for proposal. The board or commissioner may remove the top-ranked proposal from consideration and proceed to consider the next ranked proposal at any time.

(c) If the project is within the capitol area, the capitol area architecture and planning board shall participate in the evaluation of phase-two proposals.

Subd. 9. [AWARD OF DESIGN-BUILD CONTRACT.] (a) The commissioner may award and enter into the design-build contract with the design-builder that submitted the phase-one or phase-two proposal, as applicable, rated highest based on the weighted evaluation criteria as evaluated by the board after any clarifications and/or discussions, or as determined in subdivision 8.

(b) The commissioner may negotiate additional provisions to the design-build contract awarded under the request for proposals.

Subd. 10. [EXPIRATION.] This section expires January 1, 2004."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 980 was read the third time, as amended, and placed on its final passage.

Pursuant to Rule 41, Senator Krentz moved that she be excused from voting on H.F. No. 980. The motion prevailed.

Senator Belanger moved that those not voting be excused from voting. The motion prevailed.

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

The roll was called, and there were yeas 51 and nays 13, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Orfield	Schwab
Belanger	Hottinger	Lesewski	Pappas	Solon, Y.P.
Berg	Johnson, Dave	Lessard	Pogemiller	Stumpf
Berglin	Johnson, Dean	Lourey	Price	Tomassoni
Betzold	Johnson, Doug	Marty	Ranum	Vickerman
Chaudhary	Kelley, S.P.	Metzen	Rest	Wiener
Cohen	Kierlin	Moe, R.D.	Ring	Wiger
Dille	Kinkel	Moua	Sabo	
Foley	Kiscaden	Murphy	Sams	
Fowler	Kleis	Oliver	Samuelson	
Frederickson	Langseth	Olson	Scheid	

Those who voted in the negative were:

Bachmann	Knutson	Ourada	Robertson	Stevens
Fischbach	Limmer	Pariseau	Robling	
Johnson, Debbie	Neuville	Reiter	Scheevel	

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

MOTIONS AND RESOLUTIONS - CONTINUED

SUSPENSION OF RULES

Senator Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 107 and that the rules of the Senate be so far suspended as to give S.F. No. 107, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

S.F. No. 107: A bill for an act relating to communications; appropriating money for grants to noncommercial television.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Johnson, Dave	Kiscaden	Lessard
Belanger	Fischbach	Johnson, Dean	Kleis	Lourey
Berg	Foley	Johnson, Debbie	Knutson	Marty
Berglin	Fowler	Johnson, Doug	Krentz	Metzen
Betzold	Frederickson	Kelley, S.P.	Langseth	Moe, R.D.
Chaudhary	Higgins	Kierlin	Larson	Moua
Cohen	Hottinger	Kinkel	Lesewski	Murphy

Oliver	Price	Robling	Schwab	Vickerman
Olson	Ranum	Sabo	Solon, Y.P.	Wiener
Orfield	Reiter	Sams	Stevens	Wiger
Pappas	Rest	Samuelson	Stumpf	
Pariseau	Ring	Scheevel	Terwilliger	
Pogemiller	Robertson	Scheid	Tomassoni	

Those who voted in the negative were:

Bachmann	Limmer	Neuville	Ourada
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So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Kiscaden moved that S.F. No. 3108 be withdrawn from the Committee on Health and Family Security and re-referred to the Committee on Judiciary. The motion prevailed.

Senator Johnson, Dean moved that S.F. No. 1857 be taken from the table and re-referred to the Committee on Taxes. The motion prevailed.

S.F. No. 1857: A bill for an act relating to a stadium; financing a major league professional baseball stadium; requiring private funding; providing for an interest-bearing loan; providing for certain tax exemptions; creating a site selection commission; providing for the issuance of bonds; transferring funds from the assigned risk plan; requiring enhanced revenue sharing by major league baseball for act to take effect; appropriating money; amending Minnesota Statutes 2000, sections 272.02, by adding a subdivision; 297A.67, by adding a subdivision; 297A.71, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 4A.

Pursuant to Rule 5.1, Senator Reiter, first author, moved that S.F. No. 2411 be withdrawn from the Committee on Education, given a second reading, and placed on General Orders.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 26 and nays 38, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Sabo, Tomassoni, Krentz and Wiener introduced--

S.F. No. 3241: A bill for an act relating to education; requiring teacher and community expert display of license or credential; limiting nonlicensed community expert teaching; providing for an optional credential for community experts; increasing grant amounts to promote teaching standards; providing for rulemaking; appropriating money; amending Minnesota Statutes 2000, sections 122A.22; 122A.25, subdivision 2, by adding a subdivision; Laws 1997, First Special Session chapter 4, article 5, section 22, as amended; proposing coding for new law in Minnesota Statutes, chapter 122A.

Referred to the Committee on Education.

Senators Tomassoni, Schwab, Sabo, Wiener and Scheid introduced--

S.F. No. 3242: A bill for an act relating to education; imposing an alternate bargaining deadline for districts and teachers.

Referred to the Committee on Education.

Senator Higgins introduced--

S.F. No. 3243: A bill for an act relating to traffic regulations; requiring parked vehicle to be parallel with curb; amending Minnesota Statutes 2000, section 169.35, subdivision 1.

Referred to the Committee on Transportation.

Senators Schwab, Neuville, Kleis, Marty and Chaudhary introduced--

S.F. No. 3244: A bill for an act relating to evidence; authorizing electronic signature on certain laboratory blood sample reports; amending Minnesota Statutes 2000, section 634.15, subdivision 1.

Referred to the Committee on Crime Prevention.

Senator Cohen introduced--

S.F. No. 3245: A bill for an act relating to the city of St. Paul; authorizing the creation of a library agency; modifying notice of proposed property taxes; amending Minnesota Statutes 2001 Supplement, section 275.065, subdivision 3.

Referred to the Committee on Education.

Senator Cohen introduced--

S.F. No. 3246: A bill for an act relating to trade practices; limiting unsolicited telephone calls to certain individuals; proposing coding for new law in Minnesota Statutes, chapter 325E.

Referred to the Committee on Commerce.

Senator Lessard introduced--

S.F. No. 3247: A bill for an act relating to taxation; levy limits; modifying the calculation of levy limit base; amending Minnesota Statutes 2001 Supplement, section 275.71, subdivision 2.

Referred to the Committee on Taxes.

Senators Rest, Scheevel, Murphy, Tomassoni and Fischbach introduced--

S.F. No. 3248: A bill for an act relating to taxation; exempting certain bakery products and certain food sold in bulk or requiring cooking by the consumer to prevent food borne illness from

sales and use taxes; amending Minnesota Statutes 2001 Supplement, section 297A.61, subdivision 31.

Referred to the Committee on Taxes.

Senators Fowler, Hottinger and Vickerman introduced--

S.F. No. 3249: A bill for an act relating to education finance; increasing the equalizing factor in the debt service equalization program for independent school district No. 2071, Lake Crystal-Wellcome Memorial.

Referred to the Committee on Education.

Senators Fowler, Hottinger and Vickerman introduced--

S.F. No. 3250: A bill for an act relating to education finance; increasing the equalizing factor in the debt service equalization program; amending Minnesota Statutes 2001 Supplement, section 123B.53, subdivision 5.

Referred to the Committee on Education.

Senator Berglin introduced--

S.F. No. 3251: A bill for an act relating to human services; extending the time for emergency assistance; amending Minnesota Statutes 2000, section 256J.48, subdivision 1.

Referred to the Committee on Health and Family Security.

Senator Betzold introduced--

S.F. No. 3252: A bill for an act relating to emergency services; providing a procedure for certain emergency medical aid arrangements; authorizing a city or nonprofit firefighting corporation to impose a service charge for emergency services; providing for the collection of delinquent service charges; amending Minnesota Statutes 2000, section 12.03, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 471.

Referred to the Committee on State and Local Government Operations.

Senator Tomassoni introduced--

S.F. No. 3253: A bill for an act relating to natural resources; modifying timber sale provisions on tax-forfeited land; amending Minnesota Statutes 2001 Supplement, section 282.04, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

Senators Price, Lourey and Pappas introduced--

S.F. No. 3254: A bill for an act relating to consumer protection; regulating tanning facilities; requiring consent by a parent or guardian of a person under the age of 18 before initial exposure; amending Minnesota Statutes 2000, section 325H.08.

Referred to the Committee on Commerce.

Senator Stevens introduced--

S.F. No. 3255: A bill for an act relating to Garrison-Kathio-West Mille Lacs sanitary district; imposing requirements on the parties in order for state funds appropriated to the project to be made available.

Referred to the Committee on Environment and Natural Resources.

Senator Stevens introduced--

S.F. No. 3256: A bill for an act relating to agriculture; modifying limits on the sale of prepared foods at community events or farmers' markets; amending Minnesota Statutes 2000, section 28A.15, subdivision 9.

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

Senator Solon, Y.P. introduced--

S.F. No. 3257: A bill for an act relating to municipalities; housing and redevelopment authority officers; adding an exception to conflict of interest provisions; amending Minnesota Statutes 2000, section 471.88, by adding a subdivision.

Referred to the Committee on State and Local Government Operations.

Senator Larson introduced--

S.F. No. 3258: A bill for an act relating to state lands; providing for a land exchange with city of Garfield.

Referred to the Committee on Environment and Natural Resources.

Senators Murphy and Johnson, Dean introduced--

S.F. No. 3259: A bill for an act relating to highways; providing for issuance by road authorities in the metropolitan area of permits for certain vehicles during certain periods in which seasonal weight restrictions are in effect; amending Minnesota Statutes 2000, section 169.87, by adding a subdivision.

Referred to the Committee on Transportation.

Senator Ring introduced--

S.F. No. 3260: A bill for an act relating to real property; requiring furnace certification at time of sale; proposing coding for new law in Minnesota Statutes, chapter 325F.

Referred to the Committee on Commerce.

Senator Ring introduced--

S.F. No. 3261: A bill for an act relating to education finance; authorizing an adjustment in special education excess cost for independent school district No. 911, Cambridge-Isanti.

Referred to the Committee on Education.

Senators Pogemiller, Sabo, Krentz and Berglin introduced--

S.F. No. 3262: A bill for an act relating to the environment; clarifying and increasing regulation of pesticide use; increasing pesticide registration application fees; classifying restricted-use pesticide records as public data; expanding the definition of pollutant; increasing the scope of groundwater monitoring; creating a task force; amending Minnesota Statutes 2000, sections 18B.02; 18B.04; 18B.064; 18B.26, subdivisions 1, 3, 5; 18B.37, subdivision 5, by adding a subdivision; 103H.005, subdivision 11; 103H.151, subdivision 4; 103H.175, by adding a subdivision; 103H.251; 103H.275.

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

Senator Pogemiller introduced--

S.F. No. 3263: A bill for an act relating to taxation; extending the sales and use tax to pesticides; amending Minnesota Statutes 2001 Supplement, section 297A.69, subdivision 2.

Referred to the Committee on Taxes.

Senator Lessard introduced--

S.F. No. 3264: A bill for an act relating to retirement; pre-1973 retiree special postretirement adjustments; allowing recipients to reverse 2001 conversion from lump-sum payment to monthly benefit increase; amending Minnesota Statutes 2001 Supplement, section 356.866.

Referred to the Committee on State and Local Government Operations.

Senator Lessard introduced--

S.F. No. 3265: A bill for an act relating to state lands; authorizing conveyance of land in Itasca county.

Referred to the Committee on Environment and Natural Resources.

Senator Pogemiller introduced--

S.F. No. 3266: A bill for an act relating to taxation; delaying the expiration date of the authority of Ramsey and Hennepin counties to impose deed and mortgage registry taxes; amending Minnesota Statutes 2000, sections 383A.80, subdivision 4; 383B.80, subdivision 4.

Referred to the Committee on Taxes.

Senators Dille, Murphy, Lesewski, Scheevel and Johnson, Dean introduced--

S.F. No. 3267: A bill for an act relating to agriculture; changing eligibility criteria for certain loan programs; making additional kinds of business organizations eligible for value-added stock loan participation; amending Minnesota Statutes 2000, section 41B.03, subdivisions 1, 3; Minnesota Statutes 2001 Supplement, section 41B.046, subdivision 2.

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

Senators Lesewski, Murphy, Dille, Scheevel and Johnson, Dean introduced--

S.F. No. 3268: A bill for an act relating to agriculture; changing certain powers concerning grain; clarifying a term; providing for interstate cooperation; amending Minnesota Statutes 2000, sections 17B.03, subdivision 1; 21.111, by adding a subdivision; 223.16, subdivision 5.

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

Senators Lesewski, Murphy, Dille, Scheevel and Johnson, Dean introduced--

S.F. No. 3269: A bill for an act relating to agriculture; providing for uniformity of certain Minnesota food rules with certain federal standards; amending Minnesota Statutes 2000, sections 31.101, as amended; 31.102, subdivision 1; 31.103, subdivision 1; 31.104.

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

Senator Krentz introduced--

S.F. No. 3270: A bill for an act relating to highways; authorizing local zoning authorities to impose certain restrictions on outdoor advertising devices in zoned commercial or industrial areas; amending Minnesota Statutes 2000, section 173.16, subdivision 5.

Referred to the Committee on Transportation.

Senator Vickerman introduced--

S.F. No. 3271: A bill for an act relating to human services; providing for choice of residential treatment facility; allowing medical assistance to reimburse facilities in border states for residential services for children with severe emotional disturbance; amending Minnesota Statutes 2000, sections 245.4882, subdivision 1; 256B.0945, subdivision 1.

Referred to the Committee on Health and Family Security.

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

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

Referred to the Committee on Telecommunications, Energy and Utilities.

Senators Knutson and Scheevel introduced--

S.F. No. 3273: A bill for an act relating to education; consolidating uses of basic skills revenue; requiring a school district to collaborate with the school site decision-making team in allocating compensatory education revenue; amending Minnesota Statutes 2000, section 126C.15, subdivision 3; Minnesota Statutes 2001 Supplement, section 126C.15, subdivision 1.

Referred to the Committee on Education.

Senator Kiscaden introduced--

S.F. No. 3274: A bill for an act relating to health; changing health plan company regulation provisions; establishing a prescription drug discount program; changing provisions in the Minnesota provider tax and tobacco tax; imposing a limit on punitive damages for health care provider malpractice; appropriating money; amending Minnesota Statutes 2000, sections 62A.02, subdivisions 3, 4a, 5a, by adding a subdivision; 62A.021, subdivision 1; 62C.01; 62C.02, subdivision 6; 62D.02, subdivisions 4, 8; 62D.03, subdivision 1; 62D.04, subdivision 1; 295.52, subdivisions 1, 1a, 2, 3; 297F.05, subdivisions 1, 3; 297F.08, subdivision 7; 297F.10; 549.20, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 62Q; 256; repealing Minnesota Statutes 2000, sections 62A.02, subdivision 2; 62A.309; Minnesota Statutes 2001 Supplement, section 295.52, subdivision 7.

Referred to the Committee on Health and Family Security.

Senators Limmer and Olson introduced--

S.F. No. 3275: A bill for an act relating to education; allowing, instead of requiring, a district to reserve revenue for staff development purposes; amending Minnesota Statutes 2001 Supplement, section 122A.61, subdivision 1.

Referred to the Committee on Education.

Senators Kleis, Knutson, Olson, Ranum and Foley introduced--

S.F. No. 3276: A bill for an act relating to crime prevention; reinstating the domestic abuse investigation fee; amending Minnesota Statutes 2000, section 609.2244, by adding a subdivision.

Referred to the Committee on Crime Prevention.

Senators Johnson, Dave; Ourada and Belanger introduced--

S.F. No. 3277: A bill for an act relating to highways; requiring all highways in national highway system be subject to same final construction plan procedures as interstate highways; amending Minnesota Statutes 2001 Supplement, section 161.165, subdivision 1.

Referred to the Committee on Transportation.

Senators Scheid, Schwab and Wiener introduced--

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

Referred to the Committee on Transportation.

Senators Anderson and Metzen introduced--

S.F. No. 3279: A bill for an act relating to public safety; restructuring the nuclear waste council; providing for nuclear security; appropriating money; amending Minnesota Statutes 2000, section 116C.711; proposing coding for new law in Minnesota Statutes, chapters 144; 299A; repealing Minnesota Statutes 2000, section 116C.712.

Referred to the Committee on Telecommunications, Energy and Utilities.

Senators Johnson, Doug; Tomassoni and Lessard introduced--

S.F. No. 3280: A bill for an act relating to the northeast Minnesota economic protection trust; regulating expenditures of funds; amending Minnesota Statutes 2001 Supplement, section 298.296, subdivision 2.

Referred to the Committee on Taxes.

Senators Johnson, Doug; Fowler; Tomassoni and Kierlin introduced--

S.F. No. 3281: A bill for an act relating to economic development; authorizing the establishing of tax-free zones; providing tax exemptions for individuals and business entities in tax-free zones; providing for repayment of tax benefits under certain circumstances; providing for the payment of state aid; appropriating money; amending Minnesota Statutes 2000, sections 272.02, by adding a subdivision; 290.0922, subdivision 3; 297A.68, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 290.01, subdivisions 19b, 29; 290.091, subdivision 2; 290.0921, subdivision 3; 297B.03; proposing coding for new law in Minnesota Statutes, chapters 469; 477A.

Referred to the Committee on Taxes.

Senator Wiger introduced--

S.F. No. 3282: A bill for an act relating to licensed gambling distributors; regulating sale of certain gambling devices; amending Minnesota Statutes 2000, section 299L.07, subdivision 2.

Referred to the Committee on State and Local Government Operations.

Senators Price and Krentz introduced--

S.F. No. 3283: A bill for an act relating to game and fish; providing for a lifetime firearms and archery deer hunting license; amending Minnesota Statutes 2000, sections 97A.421, subdivision 4; 97A.473, subdivisions 1, 4; 97A.4742, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

Senators Lessard; Solon, Y.P. and Samuelson introduced--

S.F. No. 3284: A bill for an act relating to veteran's affairs; making residents who are awarded the Congressional Medal of Honor eligible for state-paid life, hospital, medical, and dental insurance; amending Minnesota Statutes 2000, section 43A.24, subdivision 2.

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

Senator Pogemiller introduced--

S.F. No. 3285: A bill for an act relating to taxation; exempting certain utility attached machinery from the property tax; exempting the purchase of construction materials used in constructing certain hydroelectric generating facilities from the sales tax; amending Minnesota Statutes 2000, sections 272.02, by adding a subdivision; 297A.71, by adding a subdivision.

Referred to the Committee on Telecommunications, Energy and Utilities.

MEMBERS EXCUSED

Senator Ourada was excused from the Session of today from 12:10 to 12:50 p.m. Senator Hottinger was excused from the Session of today from 12:15 to 12:30 p.m. Senator Rest was excused from the Session of today at 2:00 p.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Wednesday, February 20, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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