

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

SEVENTY-SIXTH DAY

St. Paul, Minnesota, Thursday, February 28, 2002

The Senate met at 8:30 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Mary Ellen Nielsen.

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

| | | | | |
|--------------|-----------------|-----------|------------|-------------|
| Anderson | Higgins | Larson | Ourada | Scheevel |
| Bachmann | Hottinger | Lesewski | Pappas | Scheid |
| Belanger | Johnson, Dave | Lessard | Pariseau | Schwab |
| Berg | Johnson, Dean | Limmer | Pogemiller | Solon, Y.P. |
| Berglin | Johnson, Debbie | Lourey | Price | Stevens |
| Betzold | Johnson, Doug | Marty | Ranum | Stumpf |
| Chaudhary | Kelley, S.P. | Metzen | Reiter | Terwilliger |
| Cohen | Kierlin | Moe, R.D. | Rest | Tomassoni |
| Day | 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 | |

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

February 27, 2002

The Honorable Don Samuelson
President of the Senate

Dear President Samuelson:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 3207, 2655 and 58.

Sincerely,
Jesse Ventura, Governor

February 27, 2002

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2002 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

| S.F. No. | H.F. No. | Session Laws Chapter No. | Time and Date Approved 2002 | Date Filed 2002 |
|-------------|-------------|-----------------------------|-----------------------------------|--------------------|
| 58 | | 221 | 2:26 p.m. February 27 | February 27 |
| 2655 | | 219 | 2:27 p.m. February 27 | February 27 |
| 3207 | | Res. No. 7 | 2:25 p.m. February 27 | February 27 |

Sincerely,
Mary Kiffmeyer
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 3019.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 27, 2002

Mr. President:

I have the honor to announce the adoption by the House of the following House Concurrent Resolution:

House Concurrent Resolution No. 5: A House concurrent resolution relating to adjournment for more than three days.

BE IT RESOLVED, by the House of Representatives of the State of Minnesota, the Senate concurring:

(1) Upon its adjournment on Thursday, February 28, 2002, the House of Representatives may set its next meeting day for Wednesday, March 6, 2002.

(2) Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate consents to adjournment of the House of Representatives for more than three days.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 27, 2002

Senator Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. President:

I have the honor to inform you that the House has repassed House File No. 351, notwithstanding the veto of the Honorable Jesse Ventura, Governor of the State.

There is herewith transmitted to the Senate:

1. **H.F. No. 351:** A bill for an act relating to the financing of state government; changing appropriations to reflect forecast changes; reducing appropriations for the fiscal years ending June 30, 2002 and 2003; canceling balances and appropriations and transferring balances to the general fund in order to avert a deficit; eliminating certain adjustments for inflation in future fiscal years; providing for family and early childhood education appropriation adjustments, kindergarten through grade 12 appropriation adjustments, kindergarten through grade 12 forecast adjustments, higher education, corrections, public safety and transportation and other agency appropriations, environment and natural resources, agricultural and rural development, state government appropriations, courts, economic development, cancellations, transfers, and adjustments, continuing care and long-term care, health care, miscellaneous health, health and human services appropriations; changing certain fees; appropriating money; amending Minnesota Statutes 2000, sections 13.871, subdivision 5; 15.0591, subdivision 2; 16A.103, subdivisions 1a, 1b; 16A.152, subdivision 1; 16A.40; 41A.09, subdivision 3a; 62J.692, subdivision 4; 82.34, subdivision 3; 85A.02, subdivision 17; 115A.554; 120A.34; 120B.13, subdivision 3; 124D.385, subdivision 2; 124D.86, subdivisions 4, 5; 135A.15, subdivision 1; 136F.68; 144.395, subdivision 1; 145.9266, subdivision 3; 168A.40, subdivision 4; 251.013; 252.282, subdivisions 1, 3, 4, 5; 256.9657, subdivision 1; 256.9753, subdivision 3; 256B.059, subdivisions 1, 3, 5; 256B.0595, subdivision 4; 256B.0916, subdivision 5; 256B.19, subdivisions 1, 1d; 256B.32; 256B.431, subdivision 23, by adding a subdivision; 256B.5013, subdivisions 2, 4, 5, 6; 256B.69, subdivision 5a, by adding subdivisions; 256L.07, subdivisions 1, 3; 256L.12, subdivision 9; 256L.15, subdivision 3; 260C.163, subdivision 3; 299F.011, by adding a subdivision; 299L.02, subdivision 7; 299L.07, subdivision 5; 357.021, subdivision 2; 357.022; 490.123, by adding a subdivision; 611.17; 611A.371, subdivision 1; 611A.373; 611A.72; 611A.73, subdivision 2, by adding a subdivision; 611A.74, subdivisions 2, 3, 4, 5, 6; Minnesota Statutes 2001 Supplement, sections 16A.152, subdivisions 1a, 2; 16A.88, subdivision 1; 16B.65, subdivisions 1, 5a; 17.117, subdivision 5a; 62J.692, subdivision 7; 62J.694, subdivision 2a; 93.2235, subdivision 1; 115A.545, subdivisions 1, 2; 123B.54; 126C.05, subdivision 15; 136A.121, subdivision 6; 136A.124, subdivisions 2, 4; 136G.03, subdivision 25; 136G.07, subdivision 1; 136G.09, subdivision 8; 171.29, subdivision 2; 242.192; 244.054, subdivision 2; 256.01, subdivision 2; 256.022, subdivision 1; 256.969, subdivision 3a; 256B.056, subdivision 3; 256B.0595, subdivisions 1, 2; 256B.0625, subdivision 13; 256B.437, subdivision 2; 256B.439, subdivisions 1, 4; 256B.5013, subdivision 1; 256B.69, subdivisions 5b, 5c; 256B.75; 256L.15, subdivision 1; 260B.007, subdivision 16; 260C.141, subdivision 3; 299A.75, subdivision 1; 611A.372; 611A.74, subdivision 1; Laws 1997, First Special Session chapter 4, article 3, section 25, subdivision 7; Laws 1998, chapter 404, section 23, subdivision 6; Laws 2000; chapter 489, article 1, section 36; Laws 2001, First Special Session chapter 3, article 1, section 17, subdivisions 3, 7, 8, 9, 11; Laws 2001, First Special Session chapter 3, article 1, section 18; Laws 2001, First Special Session chapter 3, article 1, section 19, subdivisions 3, 5; Laws 2001, First Special Session chapter 3, article 2, section 15, subdivision 3; Laws 2001, First Special Session chapter 3, article 3, section 9, subdivision 6; Laws 2001, First Special Session chapter 3, article 4, section 5, subdivisions 2, 4; Laws 2001, First Special Session chapter 4, article 1, section 4, subdivision 6; Laws 2001, First Special Session chapter 4, article 3, section 1; Laws 2001, First Special Session chapter 4, article 3, section 2, subdivision 1; Laws 2001, First Special Session chapter 4, article 3, section 3; Laws 2001, First Special Session chapter 5, article 2, section 29, subdivision 2; Laws 2001, First Special Session chapter 6, article 1, section 54, subdivisions 2, 4, 5, 6, 7; Laws 2001, First Special Session chapter 6, article 2, section 77, subdivisions 2, 4, 5, 7, 8, 11, 15, 18, 23, 25, as amended, 29; Laws 2001, First Special Session chapter 6, article 3, section 21, subdivisions 2, 3, 4, 5, 7, 11; Laws 2001, First Special Session chapter 6, article 4, section 27, subdivisions 2, 3, 5, 6; Laws 2001, First Special Session chapter 6, article 5, section 13, subdivisions 2, 5; Laws 2001, First Special Session chapter 6, article 7, section 13, as amended; Laws 2001, First Special Session chapter 6, article 7, section 14; Laws 2001, First Special Session chapter 8, article 4, section 10, subdivisions 1, 7; Laws 2001, First Special Session chapter 8, article 4, section 11; Laws 2001, First Special Session chapter 8, article 11, section 14; Laws 2001, First Special Session chapter 9, article 2, section 7, the effective date; Laws 2001, First Special Session chapter 9, article 5, section 35; proposing coding for new law in

Minnesota Statutes, chapter 126C; repealing Minnesota Statutes 2000, sections 13.202, subdivision 8; 41B.047, subdivision 2; 103B.3369, subdivisions 7, 8; 103B.351; 103F.461; 103G.2373; 144.6905; 145.475; 256.9731; 256B.0916, subdivision 1; 256K.01; 256K.015; 256K.02; 256K.03, subdivisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12; 256K.04; 256K.05; 256K.06; 256K.08; 256K.09; 465.795; 465.796; 465.797; 465.7971; 465.798; 465.799; 465.801; 465.802; 465.803; 465.83; 465.87; 465.88; 490.123, subdivision 1d; 611A.37, subdivisions 6, 7; 611A.375; 611A.74, subdivision 1a; Minnesota Statutes 2001 Supplement, sections 4.50; 16A.1523; 256K.03, subdivision 1; 256K.07; 256L.03, subdivision 5a; 469.1799, subdivisions 1, 3; Laws 1997, chapter 183, article 2, section 19; Laws 1999, chapter 152, as amended; Laws 2000, chapter 447, section 25; Laws 2001, First Special Session chapter 3, article 3, section 8; Laws 2001, First Special Session chapter 6, article 1, section 31; Laws 2001, First Special Session chapter 9, article 13, sections 22, 25, 26, 27, 28; Minnesota Rules, parts 8405.0100; 8405.0110; 8405.0120; 8405.0130; 8405.0140; 8405.0150; 8405.0160; 8405.0170; 8405.0180; 8405.0190; 8405.0200; 8405.0210; 8405.0220; 8405.0230.

2. The veto message of the Governor, dated February 25, 2002.

3. The enrolled copy of Chapter No. 220, H.F. No. 351, with all of the signatures of the officers of the Senate and the House of Representatives but minus the signature of the Governor.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 27, 2002

Senator Moe, R.D. moved that H.F. No. 351 and the veto message thereon be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2598.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 27, 2002

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H.F. No. 2598: A bill for an act relating to education; requiring recitation of the pledge of allegiance in all public schools; providing for instruction in the proper etiquette, display, and respect of the United States flag; amending Minnesota Statutes 2000, section 121A.11, by adding subdivisions; Minnesota Statutes 2001 Supplement, section 124D.10, subdivision 8.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2411.

REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 3192. The motion prevailed.

Senator Johnson, Dean from the Committee on Transportation, to which was re-referred

S.F. No. 2704: A bill for an act relating to Washington county; authorizing the electronic processing of certain motor vehicle registration renewals; authorizing an additional fee for accepting payment by credit card.

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

Delete everything after the enacting clause and insert:

"Section 1. [168.341] [ELECTRONIC VEHICLE REGISTRATION RENEWALS; CREDIT CARD FEE.]

(a) Notwithstanding other law, under its authority in sections 373.32 and 373.33, a county may electronically process motor vehicle registration renewals by itself, or through its agent or contractor, and may impose an additional fee for accepting payment by credit card for the vehicle registration tax under section 168.013 and the filing fee under section 168.33. The additional fee must be deposited in a separate account in the county treasury for disposition by the county.

(b) A deputy registrar appointed directly by the commissioner of public safety acting as the registrar of motor vehicles may electronically process motor vehicle registration renewals and may impose an additional fee for accepting payment by credit card for the vehicle registration tax under section 168.013 and the filing fee under section 168.33. The additional fee must not exceed the amount charged to the accepting deputy registrar by the credit card issuer."

Amend the title as follows:

Page 1, line 2, delete "Washington county" and insert "public safety"

Page 1, line 5, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 168"

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

Senator Johnson, Dean from the Committee on Transportation, to which was referred

S.F. No. 2855: A bill for an act relating to transportation; limiting duration of drivers' licenses and Minnesota identification cards for noncitizens with short-term admission authorization; amending Minnesota Statutes 2000, sections 171.07, subdivision 4; 171.27.

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

Page 2, line 27, delete "(e)" and insert "(f)"

Page 2, after line 35, insert:

"(c) Notwithstanding paragraphs (a) and (b), the commissioner shall extend or renew driving privileges for a period of six months for an applicant who does not have permission to remain in the United States throughout the full extension or renewal period, if the applicant demonstrates by a statement from an agency of the United States government, or otherwise to the satisfaction of the commissioner, that an application to renew or extend a visa and other short-term admission document is pending with an agency of the United States government."

Page 2, line 36, delete "(c)" and insert "(d)"

Page 3, line 4, delete "(d)" and insert "(e)"

Page 3, lines 1 and 13, delete "(e)" and insert "(f)"

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

Senator Johnson, Dean from the Committee on Transportation, to which was referred

S.F. No. 2612: A bill for an act relating to traffic regulations; authorizing private vehicle escorting funeral procession to use flashing red lights and to access traffic control signal override system; amending Minnesota Statutes 2000, sections 169.04; 169.06, by adding a subdivision; 169.64, subdivision 3.

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

Page 2, line 18, reinstate the stricken language

Page 2, delete section 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete everything after "lights"

Page 1, line 5, delete "override system"

Page 1, line 6, delete "169.06, by adding a subdivision;"

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

Senator Johnson, Dean from the Committee on Transportation, to which was referred

S.F. No. 3178: A bill for an act relating to drivers' licenses; requiring certain young males to be registered with selective service system, or to have personal information submitted to selective service system, upon applying for issuance or renewal of a driver's license or instruction permit or a Minnesota identification card; amending Minnesota Statutes 2000, section 171.04, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 171.04, is amended by adding a subdivision to read:

Subd. 3. [COMPLIANCE WITH SELECTIVE SERVICE ACT.] In order to ensure that an applicant for an original, duplicate, or renewal instruction permit, provisional license, driver's license, commercial driver's license, or Minnesota identification card is in compliance with section 3 of the Military Selective Service Act, United States Code, title 50 appendix, sections 451, et seq., the department of public safety shall forward to the United States Selective Service System in an electronic format the necessary personal information required to register an applicant who is a male under the age of 26. The applicant's submission of the application constitutes authorization to the department to forward to the United States Selective Service System the necessary information for registration. The department shall notify the applicant on the application that his submission of the application constitutes consent to be registered with the United States Selective Service System, if required by federal law."

Amend the title as follows:

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

Page 1, line 4, delete "or"

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

Senator Johnson, Dean from the Committee on Transportation, to which was re-referred

S.F. No. 160: A bill for an act relating to local government; providing reimbursement to fire departments for expenses incurred in extinguishing certain motor vehicle fires; providing cities and towns authority to collect unpaid bills for certain emergency services from nonresidents; appropriating money; amending Minnesota Statutes 2000, sections 161.465; 366.011; and 366.012.

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

Page 2, line 5, delete "available" and insert "reasonable"

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

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

H.F. No. 3116: A bill for an act relating to natural resources; modifying certain responsibilities of the advisory committee and the legislative commission on Minnesota resources regarding the environmental and natural resources trust fund; modifying availability of funds for disbursement; providing a penalty for failure to comply with restrictions on certain state-funded acquisitions of land; requiring recipients of certain state funding for acquisitions of interests in land to record a notice of funding agreement regarding the interests; amending Minnesota Statutes 2000, sections 116P.06, subdivision 2; 116P.07; 116P.11; Minnesota Statutes 2001 Supplement, section 116P.15.

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

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

S.F. No. 3192: A bill for an act relating to public safety; providing for agriculture and pollution control, terrorist activity prevention, response, and investigation policies; appropriating money for antiterrorism initiatives; amending Minnesota Statutes 2000, sections 12.03, subdivision 4; 12.21, subdivisions 1, 3; 12.22, subdivision 2; 12.31, subdivision 2; 12.32; 12.34, subdivision 1; 12.36; 31.05, subdivision 1, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 28A.085, subdivision 4; 35.0661, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 18D; repealing Minnesota Statutes 2001 Supplement, section 35.0661, subdivision 4.

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 3082: A bill for an act relating to health; modifying provisions of licensed beds on layaway status; amending Minnesota Statutes 2000, section 144A.071, subdivision 4b.

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

Senator Johnson, Dean from the Committee on Transportation, to which was referred

S.F. No. 2422: A bill for an act relating to motor vehicles; regulating dealer transfers; amending Minnesota Statutes 2000, section 168A.11, subdivision 1.

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

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2001 Supplement, section 168.013, subdivision 1a, is amended to read:

Subd. 1a. [PASSENGER AUTOMOBILE; HEARSE.] (a) On passenger automobiles as defined in section 168.011, subdivision 7, and hearses, except as otherwise provided, the tax shall be \$10 plus an additional tax equal to 1.25 percent of the base value.

(b) Subject to the classification provisions herein, "base value" means the manufacturer's suggested retail price of the vehicle including destination charge using list price information published by the manufacturer or determined by the registrar if no suggested retail price exists, and shall not include the cost of each accessory or item of optional equipment separately added to the vehicle and the suggested retail price.

(c) If the manufacturer's list price information contains a single vehicle identification number followed by various descriptions and suggested retail prices, the registrar shall select from those listings only the lowest price for determining base value.

(d) If unable to determine the base value because the vehicle is specially constructed, or for any other reason, the registrar may establish such value upon the cost price to the purchaser or owner as evidenced by a certificate of cost but not including Minnesota sales or use tax or any local sales or other local tax.

(e) The registrar shall classify every vehicle in its proper base value class as follows:

| | |
|------|----------|
| FROM | TO |
| \$ 0 | \$199.99 |
| 200 | 399.99 |

and thereafter a series of classes successively set in brackets having a spread of \$200 consisting of such number of classes as will permit classification of all vehicles.

(f) The base value for purposes of this section shall be the middle point between the extremes of its class.

(g) The registrar shall establish the base value, when new, of every passenger automobile and hearse registered prior to the effective date of Extra Session Laws 1971, chapter 31, using list price information published by the manufacturer or any nationally recognized firm or association compiling such data for the automotive industry. If unable to ascertain the base value of any registered vehicle in the foregoing manner, the registrar may use any other available source or method. The registrar shall calculate tax using base value information available to dealers and deputy registrars at the time the application for registration is submitted. The tax on all previously registered vehicles shall be computed upon the base value thus determined taking into account the depreciation provisions of paragraph (h).

(h) The annual additional tax computed upon the base value as provided herein, during the first and second years of vehicle life shall be computed upon 100 percent of the base value; for the third and fourth years, 90 percent of such value; for the fifth and sixth years, 75 percent of such value; for the seventh year, 60 percent of such value; for the eighth year, 40 percent of such value; for the ninth year, 30 percent of such value; for the tenth year, ten percent of such value; for the 11th and each succeeding year, the sum of \$25.

In no event shall the annual additional tax be less than \$25. The total tax under this subdivision shall not exceed \$189 for the first renewal period and shall not exceed \$99 for subsequent renewal periods. The total tax under this subdivision on any vehicle filing its initial registration in Minnesota in the second year of vehicle life shall not exceed \$189 and shall not exceed \$99 for subsequent renewal periods. The total tax under this subdivision on any vehicle filing its initial registration in Minnesota in the third or subsequent year of vehicle life shall not exceed \$99 and shall not exceed \$99 in any subsequent renewal period.

(i) As used in this subdivision and section 168.017, the following terms have the meanings given: "initial registration" means the 12 consecutive months calendar period from the day of first registration of a vehicle in Minnesota; and "renewal periods" means the 12 consecutive calendar months periods following the initial registration period.

Sec. 2. Minnesota Statutes 2000, section 168.301, subdivision 3, is amended to read:

Subd. 3. [LATE FEE.] In addition to any fee or tax otherwise authorized or imposed upon the transfer of title for a motor vehicle, the commissioner of public safety shall impose a \$2 additional fee for failure to deliver a title transfer within ten business days."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to motor vehicles; regulating dealer transfers; clarifying calculation of base value; amending Minnesota Statutes 2000, sections 168.301, subdivision 3; 168A.11, subdivision 1; Minnesota Statutes 2001 Supplement, section 168.013, subdivision 1a."

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

Senator Johnson, Dean from the Committee on Transportation, to which was referred

S.F. No. 3191: A bill for an act relating to transportation; abolishing provisions related to joint county state-aid highway and municipal state-aid street status; deleting requirement for department of transportation to send copies of certain rules to county auditors; abolishing requirement that department of transportation maintain a list of highway engineers; abolishing obsolete statute related to highway jurisdiction studies; repealing authority of commissioner of transportation over pipeline carriers; repealing rules governing design standards of driveways next to highways; amending Minnesota Statutes 2000, sections 162.02, subdivisions 1, 2, 4; 162.09, subdivision 1; 163.07, subdivision 2; Minnesota Statutes 2001 Supplement, section 174.64, subdivision 4; repealing Minnesota Statutes 2000, sections 162.09, subdivision 5; 174.031; 221.54; Minnesota Statutes 2001 Supplement, section 221.55; Minnesota Rules, parts 8810.4200; 8810.4500; 8810.4600; 8810.4700; 8810.4800; 8810.4900; 8810.5000; 8810.5100; 8810.5500; 8810.9920; 8810.9921.

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

Page 4, after line 34, insert:

"Sec. 7. [CONVEYANCE TO WISCONSIN.]

(a) Notwithstanding Minnesota Statutes, section 161.43, 161.44, or any other law to the contrary, the commissioner of transportation may convey the land described in paragraph (b) to the state of Wisconsin.

(b) The lands to be conveyed are all those parts or parcels of land situated in the county of Buffalo, state of Wisconsin, more particularly described as follows:

(1) a strip of land for road purposes 200 feet in width, being 100 feet on each side of a center line described as follows: Beginning at a point on the south line of the Southeast Quarter of the Southeast Quarter of Section 1, Township 22 North, Range 14 West, 635 feet West of the southeast corner of said Section 1; thence North 27 degrees East a distance of 1,400 feet to a point in the east line of said Section 1, 85 feet South of the northeast corner of the Southeast Quarter of said Section 1, containing 6.3 acres more or less, according to the survey thereof and being a part of the Southeast Quarter of the Southeast Quarter of Section 1, Township 21 North, Range 14 West;

(2) a tract of land for road purposes situated in the southeast corner of the Northeast Quarter of the Southeast Quarter of Section 1, Township 22 North, Range 14 West, described as follows: Beginning at the southeast corner of said Northeast Quarter of said Southeast Quarter of said Section 1, running thence North 125 feet; thence South 27 degrees West a distance of 140.3 feet; thence East 63.7 feet to the place of beginning, containing one-tenth of an acre;

(3) a strip of land for road purposes 200 feet in width, being 100 feet on each side of a center line described as follows: Beginning at a point 72.6 feet North of the southwest corner of the

Northeast Quarter of the Northwest Quarter of Section 13, Township 22 North, Range 14 West; thence South 30 degrees West, 350 feet to the north bank of the Mississippi river, containing 1.6 acres and being a part of Government Lot 5 in said Section, Township, and Range; and

(4) a strip of land for road purposes 200 feet in width, being 100 feet on each side of a center line described as follows: Beginning at a point in the west line of the Northeast Quarter of the Northwest Quarter of Section 13, Township 22 North, Range 14 West, 72.6 feet North of the southwest corner of said Northeast Quarter of said Northwest Quarter of said Section 13; thence North 27 degrees East a distance of 1,400 feet to a point in the north line of said Section 13, 684.4 feet West of the northeast corner of said Northeast Quarter of the Northwest Quarter of said Section 13; thence continuing said center line in a straight line North 27 degrees, East an additional distance of 2,963 feet to a point in the east and west quarter line of said Section 12, Township and Range aforesaid, 660 feet East of center of said Section 12, said strip containing 19.90 acres and being a part of the Northeast Quarter of the Northwest Quarter of said Section 13 and the East Half of the Southwest Quarter of said Section 12 and the Northwest Quarter of the Southeast Quarter of said Section 12, in the county of Buffalo and the state of Wisconsin.

(c) The deed authorized by this law is intended to convey to the state of Wisconsin all the interest of the state of Minnesota in lands situated in the state of Wisconsin that the state of Minnesota received by deed from the Wabasha-Nelson Bridge Company, dated March 24, 1947, and filed of record in Book 91 of Deeds, page 101, files of the register of deeds in and for Buffalo county, Wisconsin."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, after the semicolon, insert "conveying certain Wisconsin land to the state of Wisconsin;"

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

Senator Johnson, Dean from the Committee on Transportation, to which was referred

S.F. No. 2715: A bill for an act relating to traffic regulations; setting maximum weight limit for milk trucks; amending Minnesota Statutes 2000, section 169.87, subdivision 4.

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 169.871, subdivision 1, is amended to read:

Subdivision 1. [CIVIL LIABILITY.] (a) The owner or lessee of a vehicle that is operated with a gross weight in excess of a weight limit imposed under sections 169.825 and 169.832 to 169.851 and 169.87 or a shipper who ships or tenders goods for shipment in a single truck or combination vehicle that exceeds a weight limit imposed under sections 169.825 and 169.832 to 169.851 and 169.87 is liable for a civil penalty as follows:

(1) if the total gross excess weight is not more than 1,000 pounds, one cent per pound for each pound in excess of the legal limit;

(2) if the total gross excess weight is more than 1,000 pounds but not more than 3,000 pounds, \$10 plus five cents per pound for each pound in excess of 1,000 pounds;

(3) if the total gross excess weight is more than 3,000 pounds but not more than 5,000 pounds, \$110 plus ten cents per pound for each pound in excess of 3,000 pounds;

(4) if the total gross excess weight is more than 5,000 pounds but not more than 7,000 pounds, \$310 plus 15 cents per pound for each pound in excess of 5,000 pounds;

(5) if the total gross excess weight is more than 7,000 pounds, \$610 plus 20 cents per pound for each pound in excess of 7,000 pounds.

(b) Any penalty imposed upon a defendant under this subdivision shall not exceed the penalty prescribed by this subdivision. Any fine paid by the defendant in a criminal overweight action that arose from the same overweight violation shall be applied toward payment of the civil penalty under this subdivision. A peace officer or department of public safety employee described in section 299D.06 who cites a driver for a violation of the weight limitations established by sections 169.81 to 169.851 and 169.87 shall give written notice to the driver that the driver or another may also be liable for the civil penalties provided herein in the same or separate proceedings.

(c) A penalty imposed upon the owner or lessee of a vehicle that is based on violations identified by the use of shippers' weight records under section 169.872 must not exceed an aggregate of \$10,000.

Sec. 2. Minnesota Statutes 2000, section 169.872, subdivision 1, is amended to read:

Subdivision 1. [RECORD KEEPING.] A person who weighs goods before or after unloading or a person who loads or unloads goods on the basis of liquid volume measure shall keep a written record of the origin, weight and composition of each shipment, the date of loading or receipt, the name and address of the shipper, the total number of axles on the vehicle or combination of vehicles, and the registration number of the power unit or some other means of identification by which the shipment was transported. The record shall be retained for ~~30~~ 14 days and shall be open to inspection and copying by a state law enforcement officer or motor transport representative, except state conservation officers, upon demand. No search warrant is required to inspect or copy the record. This subdivision does not apply to a person weighing goods who is not involved in the shipping, receiving and transporting of those goods, or to a person weighing raw and unfinished farm products transported in a single unit vehicle with not more than three axles or by a trailer towed by a farm tractor when the transportation is the first haul of the product.

Sec. 3. Minnesota Statutes 2000, section 169.872, is amended by adding a subdivision to read:

Subd. 1a. [LIMIT ON CIVIL PENALTIES.] A civil penalty for excessive weight under section 169.871 may be imposed based on a record of a shipment under this section only if a state law enforcement officer or motor transportation representative has inspected and copied the record within 14 days of the date the shipment was received by the person keeping the record."

Delete the title and insert:

"A bill for an act relating to highway traffic regulations; limiting imposition of civil fine for overweight vehicle; amending Minnesota Statutes 2000, sections 169.871, subdivision 1; 169.872, subdivision 1, by adding a subdivision."

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

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

S.F. No. 2793: A bill for an act relating to health services; requiring the commissioner of human services to develop a plan to certify out-of-state facilities that care for children with severe emotional disturbance.

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

Delete everything after the enacting clause and insert:

"Section 1. [PLAN TO CERTIFY OUT-OF-STATE FACILITIES THAT CARE FOR CHILDREN WITH SEVERE EMOTIONAL DISTURBANCE.]

The commissioner of human services shall develop a plan to expand the provisions of Minnesota Statutes, section 256B.0945, to allow medical assistance to reimburse counties for children's mental health residential treatment services provided in out-of-state facilities located in

the border states of Iowa, North Dakota, South Dakota, and Wisconsin. The commissioner's plan must include a certification procedure in lieu of state licensing for these out-of-state facilities and a method to set rates for out-of-state care comparable to those paid for care provided by in-state facilities. The plan, including proposed legislation, is due to the house of representatives and senate committees having jurisdiction over human services issues by December 15, 2002."

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

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

S.F. No. 3352: A bill for an act relating to the environment; amending provisions of the Dry Cleaner Environmental Response and Reimbursement Law; amending Minnesota Statutes 2000, sections 115B.48, subdivision 5; 115B.49, subdivision 4; 115B.51.

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

Page 1, line 11, strike "a"

Page 1, line 16, after "perchloroethylene" insert "and its degradation products"

Page 1, line 17, delete everything after "and"

Page 1, line 18, delete everything before the period and insert "their degradation products"

Pages 2 and 3, delete section 3

Page 3, line 5, delete "4" and insert "3"

Page 3, line 6, delete "Sections" and insert "Section" and delete "to 3 are" and insert "is"

Page 3, line 7, after the period, insert "Section 2 is effective April 1, 2002."

Amend the title as follows:

Page 1, line 6, delete "; 115B.51"

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

Senator Johnson, Dean from the Committee on Transportation, to which was referred

S.F. No. 3298: A bill for an act relating to transportation; establishing conditions for closing highway right-of-way to all-terrain vehicles; modifying motor carrier provisions to reduce certain regulatory obligations; modifying budget reduction of department of transportation construction district 1; making clarifying changes; amending Minnesota Statutes 2000, sections 84.928, by adding a subdivision; 221.0252, subdivision 3; 221.0314, by adding a subdivision; 221.221, subdivision 4; 221.605, subdivision 1; Minnesota Statutes 2001 Supplement, section 221.221, subdivision 2; Laws 2001, First Special Session chapter 8, article 1, section 8; repealing Minnesota Statutes 2000, section 221.0313.

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

Pages 1 and 2, delete section 1 and insert:

"Section 1. Minnesota Statutes 2000, section 161.20, subdivision 2, is amended to read:

Subd. 2. [ACQUISITION OF PROPERTY; BUILDINGS; RELOCATION OF CORNERS; AGREEMENTS WITH RAILROADS; CONTRACTS.] The commissioner is authorized to acquire by purchase, gift, or by eminent domain proceedings as provided by law, in fee or such

lesser estate as the commissioner deems necessary, all lands and properties necessary in preserving future transportation corridors; laying out, constructing, maintaining, and improving the trunk highway system including recreational vehicle lanes; to locate, construct, reconstruct, improve, and maintain the trunk highway system; to purchase all road material, machinery, tools, and supplies necessary for the construction, maintenance, and improvement thereof; to construct necessary buildings, or rent or acquire by purchase, gift, or condemnation, grounds, and buildings necessary for the storing and housing of such material, machinery, tools, and supplies or necessary for office space for employees or for providing for driver's license examinations; to maintain, repair, or remodel such buildings as may be necessary; to acquire by purchase, gift, or condemnation, replacement sites for historically significant buildings or structures and to relocate these buildings or structures onto those sites, reconstructing and maintaining them until disposed of through public sale to the highest responsible bidder; to make agreements with any county for the relocation or reestablishment, by the county, of section, quarter section, or meander corners originally established by the United States, when such relocation or reestablishment is necessary in order to write land acquisition descriptions or by reason of the construction, reconstruction, improvement, or maintenance of a trunk highway; to contract on an equitable basis with railroad companies for the installation and reinstallation of safety devices at trunk highway-railroad grade crossings, and for the construction, reconstruction and maintenance of bridges and approaches existing or necessary for the separation of grades at railroad and trunk highway intersections; and in carrying out duties, to let all necessary contracts in the manner prescribed by law. The commissioner may make agreements with and cooperate with any governmental authority for the purpose of effectuating the provisions of this chapter."

Page 2, line 14, after "safety" insert "or an inspector certified by the commissioner of public safety under section 169.781"

Page 2, line 28, delete everything after "determine"

Page 2, line 29, delete everything before the period and insert "a carrier's safety fitness as described in Code of Federal Regulations, title 49, section 385.7. At a minimum, the commissioner must conduct the record audit in paragraph (a) once in four years"

Page 3, after line 6, insert:

"Sec. 4. Minnesota Statutes 2000, section 221.0355, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For purposes of this section, the following words and phrases have the meanings given them in this subdivision:

(a) "Base state" means the state selected by a carrier according to the procedures established by the uniform program.

(b) "Base state agreement" means the agreement between participating states electing to register or permit carriers of hazardous material or hazardous waste.

(c) "Carrier" means a person who operates a motor vehicle used to transport hazardous material or hazardous waste.

(d) "Designated hazardous material" means a hazardous material described in Code of Federal Regulations, title 49, section 107.601, which is incorporated by reference.

(e) "Hazardous material" means:

(1) a hazardous material when the hazardous material is of a type or in a quantity that requires the transport vehicle to be placarded in accordance with Code of Federal Regulations, title 49, part 172; or

(2) a hazardous substance or marine pollutant when transported in bulk packaging as defined in Code of Federal Regulations, title 49, section 171.8, which is incorporated by reference.

(f) "Hazardous material transportation" means the transportation of hazardous material or hazardous waste, or both, on the public highways.

(g) "Hazardous waste" means hazardous waste of a type and amount that requires the shipment to be accompanied by a uniform hazardous waste manifest described in Code of Federal Regulations, title 40, part 262, including state-designated hazardous wastes when a list of state-designated hazardous wastes has been filed by the state with the national repository under the uniform program.

(h) "Participating state" means a state electing to participate in the uniform program by entering a base state agreement.

(i) "Person" means an individual, firm, copartnership, cooperative, company, association, limited liability company, corporation, or public entity.

(j) "Public entity" means a carrier who is a federal or state agency or political subdivision.

(k) "Shipper" means a person who offers a designated hazardous material to another person for shipment or who causes a designated hazardous material to be transported or shipped by another person.

(l) "Uniform application" means the uniform motor carrier registration and permit application form established under the uniform program.

(m) "Uniform program" means the Uniform State Hazardous Materials Transportation Motor Carrier Registration and Permit Program established in the report submitted to the secretary of transportation pursuant to the "Hazardous Materials Transportation Uniform Safety Act of 1990," United States Code, title 49 appendix, section 1819, subsection (c).

Sec. 5. Minnesota Statutes 2000, section 221.0355, subdivision 3, is amended to read:

Subd. 3. [GENERAL REQUIREMENTS.] Except as provided in subdivision 17, after October 1, 1994:

(a) No carrier, other than a public entity, may transport a hazardous material by motor vehicle in Minnesota unless it has complied with subdivision 4.

(b) No carrier, other than a public entity, may transport a hazardous waste in Minnesota unless it has complied with subdivisions 4 and 5.

(c) No shipper may offer a designated hazardous material for shipment or cause a designated hazardous material to be transported or shipped in Minnesota unless it has complied with subdivision 7.

(d) No carrier, other than a public entity, may transport a designated hazardous material by rail or water in Minnesota unless it has complied with subdivision 7a.

(e) No public entity may transport a hazardous material or hazardous waste by motor vehicle in Minnesota unless it has complied with subdivision 8.

(f) A carrier registered under this section, who exclusively offers designated materials for shipment only in vehicles controlled or operated by that carrier and who does not offer hazardous materials to other private or for-hire carriers, is not required to register as a shipper under subdivision 7."

Page 4, after line 21, insert:

"Sec. 9. Laws 2001, First Special Session chapter 8, article 1, section 2, subdivision 7, is amended to read:

| | | | |
|----------------------|-----------------|-------------|-------------|
| Subd. 7. State Roads | | 975,975,000 | 988,878,000 |
| | Summary by Fund | | |
| General | 9,000 | 9,000 | |
| Trunk Highway | 975,966,000 | 988,869,000 | |

The amounts that may be spent from this appropriation for each activity are as follows:

(a) State Road Construction

| | |
|-------------|-------------|
| 564,707,000 | 564,707,000 |
|-------------|-------------|

It is estimated that these appropriations will be funded as follows:

Federal Highway Aid

| | |
|-------------|-------------|
| 275,000,000 | 300,000,000 |
|-------------|-------------|

Highway User Taxes

| | |
|-------------|-------------|
| 289,707,000 | 264,707,000 |
|-------------|-------------|

The commissioner of transportation shall notify the chair of the transportation budget division of the senate and chair of the transportation finance committee of the house of representatives quarterly of any events that should cause these estimates to change.

This appropriation is for the actual construction, reconstruction, and improvement of trunk highways. This includes the cost of actual payment to landowners for lands acquired for highway rights-of-way, payment to lessees, interest subsidies, and relocation expenses.

The commissioner may transfer up to \$15,000,000 each year to the transportation revolving loan fund.

The commissioner may receive money covering other shares of the cost of partnership projects. These receipts are appropriated to the commissioner for these projects.

\$1,000,000 the first year and \$1,000,000 the second year are for trunk highway advantages to bus transit in conjunction with highway construction or reconstruction projects in the commissioner's statewide transportation improvement program. For purposes of this appropriation, "advantages to transit" includes shoulder bus lanes, bus park-and-ride facilities, and bus passenger waiting facilities, but does not include (1) any facility relating to light rail transit or commuter rail or (2) bus facilities or operating costs in a light rail transit or commuter rail corridor.

\$5,000,000 the first year and \$5,000,000 the second year are for acquisition of right-of-way for trunk highway construction and reconstruction projects in advance of final design work for those projects.

~~The commissioner may not spend any money~~

~~from the trunk highway fund to pay the operating costs of bus service intended solely or primarily to mitigate the effects of trunk highway construction projects.~~

Until July 1, 2002, the commissioner may not cancel, or remove from the commissioner's statewide transportation improvement program, 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.

(b) Highway Debt Service

| | |
|------------|------------|
| 19,235,000 | 24,228,000 |
|------------|------------|

\$9,235,000 the first year and \$14,228,000 the second year are for transfer to the state bond fund.

If this appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of finance shall notify the committee on state government finance of the senate and the committee on ways and means of the house of representatives of the amount of the deficiency and shall then transfer that amount under the statutory open appropriation.

Any excess appropriation must be canceled to the trunk highway fund.

(c) Research and Investment Management

| | |
|------------|------------|
| 12,187,000 | 12,211,000 |
|------------|------------|

\$600,000 the first year and \$600,000 the second year are available for grants for transportation studies outside the metropolitan area to identify critical concerns, problems, and issues. These grants are available to (1) regional development commissions, and (2) in regions where no regional development commission is functioning, joint powers boards established under agreement of two or more political subdivisions in the region to exercise the planning functions of a regional development commission, and (3) in regions where no regional development commission or joint powers board is functioning, the department's district office for that region.

\$266,000 the first year and \$266,000 the second year are available for grants to metropolitan planning organizations outside the seven-county metropolitan area, including the Mankato area.

\$200,000 the first year is for an update of the statewide transportation plan. This is a onetime appropriation and may not be added to the agency's budget base.

\$75,000 the first year and \$75,000 the second year are for a transportation research contingent account to finance research projects that are reimbursable from the federal government or from other sources. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$100,000 in the first year is for a study of the feasibility and desirability of allowing all vehicles to use lanes on marked interstate highways No. 394 and No. 35W presently restricted to high-occupancy vehicles only. The commissioner shall determine a time during which such use shall be allowed, and take all necessary steps to permit such use for the period of the study. The commissioner shall contract with an independent consultant to study the effects of opening the lanes to all vehicles on traffic flow, traffic congestion, transit and high-occupancy vehicle use, and highway safety on interstate highways No. 394 and No. 35W and other affected highways. The commissioner shall report to the legislature on the results of the study by February 1, 2002. The commissioner shall take no actions with respect to this study that would result in a loss of federal funds to the state or significant delay to a state or local transportation project financed partly with federal funds.

(d) Central Engineering Services

| | |
|------------|------------|
| 65,031,000 | 66,338,000 |
|------------|------------|

(e) Design and Construction Engineering

| | |
|------------|------------|
| 89,335,000 | 91,046,000 |
|------------|------------|

\$500,000 the first year is for planning, environmental studies, and preliminary engineering for major river crossings, other than rail, on the trunk highway system.

(f) State Road Operations

| | |
|-------------|-------------|
| 219,863,000 | 224,602,000 |
|-------------|-------------|

\$2,750,000 the first year and \$2,750,000 the second year are for facilities' maintenance.

\$2,000,000 the first year and \$2,000,000 the second year are for improved highway striping.

\$3,000,000 the first year and \$3,000,000 the second year are for road equipment and fabrication of auxiliary equipment for snowplow trucks.

\$875,000 the first year and \$875,000 the second year are to support highway signal and lighting maintenance activities.

The commissioner shall spend all money available to the department of transportation under Public Law Number 105-206, section 164 (repeat offender transfer program), for hazard elimination activities under United States Code, title 23, section 152, and shall not transfer any part of these funds to any other agency.

(g) Electronic Communications

5,617,000 5,746,000

Summary by Fund

| | | |
|---------------|-----------|-----------|
| General | 9,000 | 9,000 |
| Trunk Highway | 5,608,000 | 5,737,000 |

\$9,000 the first year and \$9,000 the second year are from the general fund for equipment and operation of the Roosevelt signal tower for Lake of the Woods weather broadcasting."

Page 5, after line 2, insert:

"Sec. 11. [ST. CROIX RIVER BRIDGE.]

Until July 1, 2003, the commissioner of transportation may not cancel or remove from the commissioner's statewide transportation improvement program, 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.

Sec. 12. [TRUNK HIGHWAY NO. 169 RECONSTRUCTION; PEDESTRIAN SIGNAL.]

Notwithstanding any other law, the commissioner of transportation shall, as part of the reconstruction of marked trunk highway No. 169 (Ferry Street) in the city of Anoka, eliminate the traffic signal and crosswalk to be installed at the East Frontage Road and shall install a pedestrian crosswalk and signal at the location of the existing pedestrian crosswalk between Benton and Fremont streets."

Page 5, after line 4, insert:

"Sec. 14. [EFFECTIVE DATE.]

Section 12 is effective the day following final enactment."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to transportation; allowing commissioner of transportation to acquire land to preserve transportation corridors; modifying motor carrier provisions to reduce certain regulatory obligations; modifying budget reduction of department of transportation construction district 1; requiring commissioner to retain Stillwater Bridge project in transportation improvement program; requiring commissioner to prepare new signal agreement in city of Anoka; allowing use of trunk highway funds for certain transit operations; making clarifying changes; amending Minnesota Statutes 2000, sections 161.20, subdivision 2; 221.0252, subdivision 3; 221.0314, by adding a subdivision; 221.0355, subdivisions 2, 3; 221.221, subdivision 4; 221.605, subdivision 1; Minnesota Statutes 2001 Supplement, section 221.221, subdivision 2; Laws 2001, First Special Session chapter 8, article 1, section 2, subdivision 7; Laws 2001, First Special Session chapter 8, article 1, section 8; repealing Minnesota Statutes 2000, section 221.0313."

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

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

S.F. No. 2631: A bill for an act relating to game and fish; setting limits for yellow perch; amending Minnesota Statutes 2000, section 97C.401, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 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.

(b) The commissioner will consider the following criteria in determining if waters licensed under a private fish hatchery or aquatic farm should be posted under paragraph (a):

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

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

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

~~(e)~~ (d) 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.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to game and fish; restricting the taking of fish on certain waters; amending Minnesota Statutes 2000, section 97C.025."

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

Senator Murphy from the Committee on Agriculture, General Legislation and Veterans Affairs, 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; providing for enforcement; 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:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2000, section 18C.005, is amended by adding a subdivision to read:

Subd. 18a. [LOCAL UNIT OF GOVERNMENT.] "Local unit of government" has the meaning given in section 18B.01, subdivision 14a.

Sec. 2. [18C.110] [PREEMPTION OF OTHER LAW.]

Except as specifically provided in this chapter for phosphorus used in turf fertilizers, a local unit of government may not adopt any ordinance, regulate, or in any way restrict the distribution, sale, handling, use, or application of fertilizer, fertilizer products, plant amendments, or any other plant food, that is applied or will be applied to land used for growing crops or any other agricultural use. It is not the intent of this section to preempt local responsibilities for zoning, fire codes, or hazardous waste disposal.

Sec. 3. Minnesota Statutes 2000, section 18C.211, subdivision 2, is amended to read:

Subd. 2. [GUARANTEES OF THE NUTRIENTS.] (a) A person may guarantee plant nutrients other than nitrogen, phosphorus, and potassium only if allowed or required by commissioner's rule.

(b) The guarantees for the plant nutrients must be expressed in the elemental form.

(c) The sources of other elements, oxides, salt, and chelates, may be required to be stated on the application for registration and may be included as a parenthetical statement on the label. Other beneficial substances or compounds, determinable by laboratory methods, also may be guaranteed by permission of the commissioner and with the advice of the director of the agricultural experiment station.

(d) If plant nutrients or other substances or compounds are guaranteed, the plant nutrients are subject to inspection and analyses in accord with the methods and rules prescribed by the commissioner.

(e) The commissioner may, by rule, require the potential basicity or acidity expressed in terms of calcium carbonate equivalent in multiples of 100 pounds per ton.

(f) The plant nutrients in a specialty fertilizer must not be below or exceed the guaranteed analysis by more than the investigational allowances established by rule."

Page 1, delete lines 24 to 26

Page 2, line 1, delete "(c)" and insert "(b)"

Page 2, line 4, delete "(d)" and insert "(c)"

Page 2, line 14, delete "paragraphs (d) and (e)" and insert "paragraph (d)"

Page 3, delete lines 4 to 7

Page 3, line 8, delete "(f)" and insert "(e)"

Page 3, delete lines 12 to 17

Page 3, after line 36, insert:

"Sec. 5. [18C.61] [FERTILIZER APPLICATION TO AN IMPERVIOUS SURFACE; PROHIBITION.]

(a) A person may not apply a fertilizer to an impervious surface. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.

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

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

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to agriculture; providing a preemption of local regulation of fertilizers and plant foods used in agricultural production; regulating the use on turf of certain fertilizers containing phosphorus; providing for enforcement; prohibiting fertilizer applications to an impervious surface; amending Minnesota Statutes 2000, sections 18C.005, by adding a subdivision; 18C.211, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 18C."

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

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

S.F. No. 2669: A bill for an act relating to public health; establishing the Minnesota Emergency Health Powers Act; modifying provisions for declaring national security and peacetime emergencies; requiring reporting of certain health conditions; authorizing special powers for the control of property and protection of people; providing criminal penalties; appropriating money; amending Minnesota Statutes 2000, sections 12.03, by adding subdivisions; 12.09, subdivisions 1, 2; 12.21, subdivision 3; 12.31, subdivision 2; 12.32; 12.34, subdivision 1; 12.42; 13.3805, subdivision 1; 13.82, by adding subdivisions; 144.99, subdivision 1; 145A.07, subdivision 1; Minnesota Statutes 2001 Supplement, section 12.31, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 12; 145.

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

Delete everything after the enacting clause and insert:

"Section 1. [TITLE.]

Sections 1 to 10 may be cited as the "Minnesota Emergency Health Powers Act."

Sec. 2. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 4d. [FACILITY.] "Facility" means any real property, building, structure, or other improvement to real property or any motor vehicle, rolling stock, aircraft, watercraft, or other means of transportation.

Sec. 3. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 9a. [PUBLIC HEALTH EMERGENCY.] "Public health emergency" means the occurrence or imminent risk of a qualifying health emergency.

Sec. 4. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 9b. [QUALIFYING HEALTH EMERGENCY.] "Qualifying health emergency" means an occurrence or imminent threat of an illness or health condition in Minnesota that:

(1) is believed to be caused by any of the following:

(i) bioterrorism;

(ii) the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin;

(iii) a natural disaster;

(iv) a chemical attack or accidental release; or

(v) a nuclear attack or accident; and

(2) poses a high probability of any of the following harms:

(i) a large number of deaths in the affected population;

(ii) a large number of serious or long-term disabilities in the affected population; or

(iii) widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population.

Sec. 5. Minnesota Statutes 2000, section 12.21, subdivision 3, is amended to read:

Subd. 3. [SPECIFIC AUTHORITY.] In performing duties under this chapter and to effect its policy and purpose, the governor may:

(1) make, amend, and rescind the necessary orders and rules to carry out the provisions of this chapter and section 216C.15 within the limits of the authority conferred by this section, with due consideration of the plans of the federal government and without complying with sections 14.001 to 14.69, but no order or rule has the effect of law except as provided by section 12.32;

(2) ensure that a comprehensive emergency operations plan and emergency management program for this state are developed and maintained, and are integrated into and coordinated with the emergency plans of the federal government and of other states to the fullest possible extent;

(3) in accordance with the emergency operations plan and the emergency management program of this state, procure supplies and equipment, and facilities, institute training programs and public information programs, and take all other preparatory steps, including the partial or full activation of emergency management organizations in advance of actual disaster to ensure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need;

(4) make studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management and to plan for the most efficient emergency use of those industries, resources, and facilities;

(5) on behalf of this state, enter into mutual aid arrangements or cooperative agreements with other states, tribal authorities, and with Canadian provinces, and coordinate mutual aid plans between political subdivisions of this state;

(6) delegate administrative authority vested in the governor under this chapter, except the power to make rules, and provide for the subdelegation of that authority;

(7) cooperate with the president and the heads of the armed forces, the emergency management agency of the United States and other appropriate federal officers and agencies, and with the officers and agencies of other states in matters pertaining to the emergency management of the state and nation, including the direction or control of:

(i) emergency preparedness drills and exercises;

(ii) warnings and signals for drills or actual emergencies and the mechanical devices to be used in connection with them;

(iii) shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(iv) the conduct of persons in the state and the movement and cessation of movement of pedestrians and, vehicular traffic, and all forms of private and public transportation during, prior, and subsequent to drills or actual emergencies;

(v) public meetings or gatherings; and

(vi) the evacuation, reception, and sheltering of persons;

(8) contribute to a political subdivision, within the limits of the appropriation for that purpose, not more than 25 percent of the cost of acquiring organizational equipment that meets standards established by the governor;

(9) formulate and execute, with the approval of the executive council, plans and rules for the control of traffic in order to provide for the rapid and safe movement over public highways and streets of troops, vehicles of a military nature, and materials for national defense and war or for use in any war industry, for the conservation of critical materials, or for emergency management purposes, and; coordinate the activities of the departments or agencies of the state and its political subdivisions concerned directly or indirectly with public highways and streets, in a manner that will best effectuate those plans; and prescribe routes, modes of transportation, and destinations in connection with the evacuation of people or the provision of emergency services;

(10) alter or adjust by executive order, without complying with sections 14.01 to 14.69, the working hours, work days and work week of, and annual and sick leave provisions and payroll laws regarding all state employees in the executive branch as the governor deems necessary to minimize the impact of the disaster or emergency, conforming the alterations or adjustments to existing state laws, rules, and collective bargaining agreements to the extent practicable;

(11) authorize the commissioner of children, families, and learning to alter school schedules, curtail school activities, or order schools closed without affecting state aid to schools, as defined in section 120A.05, subdivisions 9, 11, 13, and 17, and including charter schools under section 124D.10, and elementary schools enrolling prekindergarten pupils in district programs; and

(12) transfer the direction, personnel, or functions of state agencies to perform or facilitate response and recovery programs.

Sec. 6. Minnesota Statutes 2000, section 12.31, as amended by Laws 2001, chapter 7, is amended to read:

12.31 [NATIONAL SECURITY OR PEACETIME EMERGENCY; DECLARATION.]

Subdivision 1. [DECLARATION OF NATIONAL SECURITY EMERGENCY.] When information from the President of the United States, the Federal Emergency Management Agency, the Department of Defense, or the National Warning System indicates the imminence of a national security emergency within the United States, which means the several states, the District of Columbia, and the Commonwealth of Puerto Rico, or the occurrence within the state of Minnesota of a major disaster or public health emergency from enemy sabotage or other hostile action, the governor may, by proclamation, declare that a national security emergency exists in all or any part of the state. If the legislature is then in regular session or, if it is not, if the governor concurrently with the proclamation declaring the emergency issues a call convening immediately both houses of the legislature, the governor may exercise for a period not to exceed 30 days the powers and duties conferred and imposed by sections 12.31 to 12.37. The lapse of these emergency powers does not, as regards any act occurring or committed within the 30-day period, deprive any person, political subdivision, municipal corporation, or body politic of any right to compensation or reimbursement that it may have under this chapter.

Subd. 2. [DECLARATION OF PEACETIME EMERGENCY.] The governor may declare a peacetime emergency. A peacetime declaration of emergency may be declared only when an act of nature, a technological failure or malfunction, a terrorist incident, a public health emergency, an

industrial accident, a hazardous materials accident, or a civil disturbance endangers life and property and local government resources are inadequate to handle the situation. ~~It~~ A peacetime emergency must not be continued for more than five days unless extended by resolution of the executive council up to 30 days. An order, or proclamation declaring, continuing, or terminating an emergency must be given prompt and general publicity and filed with the secretary of state.

Subd. 2a. [CONSULTATION REQUIRED.] Before declaring a national security or peacetime emergency due to a public health emergency, the governor shall consult with the commissioner of health and may consult with additional public health experts and other experts as needed. If the public health emergency is on Indian lands, the governor shall consult with tribal authorities before making such a declaration. Nothing in this section shall be construed to limit the governor's authority to act without such consultation when the situation calls for prompt and timely action.

Subd. 3. [EFFECT OF DECLARATION OF PEACETIME EMERGENCY.] A declaration of a national security or a peacetime emergency due to a public health emergency invokes the necessary portions of the state emergency operations plan developed pursuant to section 12.21, subdivision 3, relating to response and recovery aspects and may authorize aid and assistance under the plan.

Sec. 7. Minnesota Statutes 2000, section 12.32, is amended to read:

12.32 [GOVERNOR'S ORDERS AND RULES, EFFECT.]

Orders and rules promulgated by the governor under authority of section 12.21, subdivision 3, clause (1), when approved by the executive council and filed in the office of the secretary of state, have, during a national security, peacetime, or energy supply emergency, the full force and effect of law. Rules and ordinances of any agency or political subdivision of the state inconsistent with the provisions of this chapter or with any order or rule having the force and effect of law issued under the authority of this chapter, is suspended during the period of time and to the extent that the emergency exists.

Sec. 8. Minnesota Statutes 2000, section 12.34, subdivision 1, is amended to read:

Subdivision 1. [EMERGENCY POWERS.] When necessary to save life, property, or the environment during a national security emergency or during a peacetime emergency declared due to a public health emergency, the governor, the state director, or a member of a class of members of a state or local emergency management organization designated by the governor, may:

(1) require any person, except members of the federal or state military forces and officers of the state or a political subdivision, to perform services for emergency management purposes as directed by any of the persons described above, and;

(2) commandeer, during a national security emergency, any motor vehicle, tools, appliances, medical supplies, or other personal property and any facilities; and

(3) control entrance to and exit from any stricken or threatened public area, the movement of people in the area, and the occupancy of premises in the area, if such action is reasonable and necessary for emergency response.

Sec. 9. Minnesota Statutes 2000, section 13.381, is amended by adding a subdivision to read:

Subd. 3a. [BIOLOGICAL AGENTS REGISTRY.] Data collected or maintained by the commissioner of health in the biological agents registry are classified under section 144.1208, subdivision 4.

Sec. 10. [144.1208] [BIOLOGICAL AGENTS REGISTRY.]

Subdivision 1. [REGISTRY ESTABLISHED.] The commissioner of health shall establish a registry of all individuals and entities, including state agencies, in this state that possess or maintain a biological agent required to be reported under this section. The biological agents registry must list the biological agents possessed or maintained by individuals and entities in this state and the purposes for which each biological agent is used.

Subd. 2. [DEFINITION.] For purposes of this section, "biological agent" means:

(1) a select agent that is a virus, bacterium, rickettsia, fungus, or toxin listed in Code of Federal Regulations, title 42, part 72, appendix A;

(2) a genetically modified microorganism or genetic element from an organism listed in Code of Federal Regulations, title 42, part 72, appendix A, shown to produce or encode for a factor associated with a disease; or

(3) a genetically modified microorganism or genetic element that contains nucleic acid sequences coding for any of the toxins listed in Code of Federal Regulations, title 42, part 72, appendix A, or their toxic subunits.

Subd. 3. [REGISTRATION REQUIRED; OTHER REPORT.] (a) Any individual or entity that possesses or maintains a biological agent required to be reported under this section must register with the commissioner on a form prepared by the commissioner, within seven days after the individual or entity obtains a biological agent. When an individual or entity registers with the commissioner, the individual or entity must:

(1) list all biological agents possessed or maintained by the individual or entity;

(2) verify that the individual or entity is adequately equipped to safely handle all biological agents possessed or maintained; and

(3) describe the uses for which each biological agent is being possessed or maintained.

(b) An individual or entity registered with the commissioner must report to the commissioner within 24 hours after an unauthorized individual or entity gains access or attempts to gain access to a biological agent possessed or maintained by the registered individual or entity. The initial report may be made orally but must be followed by a written report if requested by the commissioner.

Subd. 4. [DATA PRACTICES.] (a) Data collected or maintained by the commissioner in the biological agents registry are private data on individuals or nonpublic data as defined in section 13.02 but may be released as provided in paragraph (b).

(b) The commissioner may release data collected or maintained by the commissioner in the biological agents registry:

(1) for the purpose of aiding or conducting an epidemiologic investigation of a communicable disease;

(2) to the United States Centers for Disease Control and Prevention in any investigation involving the release, theft, or loss of a biological agent required to be reported under this section; or

(3) to state and federal law enforcement agencies in any investigation involving the release, theft, loss, or suspended or attempted misuse of a biological agent required to be reported under this section.

Subd. 5. [COOPERATION.] The commissioner shall cooperate with the United States Centers for Disease Control and Prevention and state and federal law enforcement agencies in any investigation involving the release, theft, or loss of a biological agent required to be reported under this section.

Subd. 6. [PENALTY.] The commissioner shall impose a fine of up to \$1,000 on any person who willfully or knowingly violates any provision of this section. Each day of a continuing violation constitutes a separate offense.

Sec. 11. [PUBLIC HEALTH EMERGENCY STUDY.]

The commissioner shall consult with representatives of local and tribal government, emergency

managers, health care provider organizations, emergency medical services, and legal advocacy/civil liberties groups. The commissioner shall report to the legislature by January 15, 2003, with recommendations for additional changes to Minnesota Statutes, chapters 12 and 145, or other relevant statutes for the management of emergencies or protection of public health, in order to strengthen the state's capacity to deal with a public health emergency while respecting constitutional rights. The recommendations shall include: provisions for immunity for health care providers and others acting under the direction of the governor or the governor's designee in a declared public health emergency; how the levels of risk can be categorized and how the level of perceived risk relates to emergency response such as measures concerning dangerous facilities and materials, control of health care supplies and facilities; measures to detect and prevent the spread of disease, including testing, treatment, isolation, and quarantine; and due process protections. In formulating recommendations, the commissioner must carefully consider the implications for constitutional and other liberties of all the recommendations. The implications for constitutional and other liberties must be delineated and described for each recommendation.

Sec. 12. [APPROPRIATIONS.]

(a) \$1,000,000 is appropriated in fiscal year 2002 from the general fund to the commissioner of health for terrorism preparedness in fiscal year 2002. \$2,695,000 is appropriated from the general fund to the commissioner of health for terrorism preparedness, including planning, early detection, training, and response.

(b) \$1,695,000 is appropriated in fiscal year 2003 from the general fund to the commissioner of health for terrorism preparedness, including planning, early detection, training, and response. \$1,000,000 is appropriated in fiscal year 2003 from the general fund to the commissioner of health for grants to county boards for use by the local public health department for assessment and planning for terrorism preparedness. Grants must be in a base amount of \$5,000 to each county board and to each city-based community health board, with the remainder of the money distributed to county boards using a per capita served formula.

(c) Base level funding for terrorism preparedness, including planning, early detection, training, and response, for the department of health should be \$2,347,000 beginning in fiscal year 2004."

Delete the title and insert:

"A bill for an act relating to public health; establishing the Minnesota Emergency Health Powers Act; modifying provisions for declaring national security and peacetime emergencies; appropriating money; amending Minnesota Statutes 2000, sections 12.03, by adding subdivisions; 12.21, subdivision 3; 12.31, as amended; 12.32; 12.34, subdivision 1; 13.381, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 144."

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

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

H.F. No. 2642: A bill for an act relating to mines; modifying a reporting requirement for the inspector of mines; amending Minnesota Statutes 2000, section 180.11.

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. 3034: A bill for an act relating to Hennepin county; authorizing certain contracting with a public or private cooperative purchasing organization subject to a condition; amending Minnesota Statutes 2000, section 383B.217, subdivision 7.

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. 2472: A bill for an act relating to towns; providing for temporary officeholders; amending Minnesota Statutes 2000, section 367.03, by adding a subdivision.

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. 3072: A bill for an act relating to state government; reorganizing and restructuring certain departments; creating the department of workforce and economic development; eliminating the department of economic security and the department of trade and economic development; transferring duties; making technical changes; amending Minnesota Statutes 2000, sections 4.045; 14.03, subdivision 2; 14.3691, subdivision 2; 15.057; 16C.05, subdivision 3; 116J.011; 116J.035, subdivision 2; 116J.401; 116M.15, subdivision 1; 216C.10; 256J.08, subdivision 52; 268.001; Minnesota Statutes 2001 Supplement, sections 3C.12, subdivision 2; 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2; 43A.08, subdivision 1a; 116J.01, subdivision 5; 116L.04, subdivision 1a; 125A.023, subdivision 4; 125A.28; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 2000, sections 268.0111, subdivisions 1, 2, 3a; 268.0121, subdivisions 1, 2; 268.0122, subdivisions 5, 6; 268.014; Minnesota Statutes 2001 Supplement, sections 268.0122, subdivisions 2, 3; 268.029.

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

Page 21, after line 1, insert:

"Sec. 23. Minnesota Statutes 2000, section 462A.04, subdivision 1, is amended to read:

Subdivision 1. [CREATION; MEMBERS.] There is created a public body corporate and politic to be known as the "Minnesota housing finance agency," which shall perform the governmental functions and exercise the sovereign powers delegated to it in this chapter in furtherance of the public policies and purposes declared in section 462A.02. The agency shall consist of the ~~commissioner of trade and economic development~~, state auditor, and ~~five~~ six public members appointed by the governor with advice and consent of the senate. No more than ~~two~~ three public members shall reside in the area of jurisdiction of the metropolitan council as provided in section 473.123, subdivision 1, and no more than one public member shall reside in any one of the development regions established under the provisions of sections 462.381 to 462.396. Each member shall hold office until a successor has been appointed and has qualified. At least one member shall have private sector business experience. A certificate of appointment or reappointment of any member shall be conclusive evidence of the due and proper appointment of the member.

Sec. 24. Laws 2001, First Special Session chapter 4, article 3, section 1, is amended to read:

Section 1. [DEPARTMENT OF ECONOMIC SECURITY ABOLISHED.]

The department of economic security is abolished.

[EFFECTIVE DATE.] This section is effective July 1, ~~2002~~ 2003.

Sec. 25. Laws 2001, First Special Session chapter 4, article 3, section 2, subdivision 1, is amended to read:

Subdivision 1. [TO DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT.] The responsibilities of the department of economic security performed by its workforce services unit

for employment transition services, youth services, welfare-to-work services, and workforce exchange services are transferred to the department of trade and economic development.

[EFFECTIVE DATE.] This subdivision is effective July 1, ~~2002~~ 2003.

Sec. 26. Laws 2001, First Special Session chapter 4, article 3, section 3, is amended to read:

Sec. 3. [ORGANIZATION OF DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT.]

The department of trade and economic development shall have a division of economic development consisting of business and community development, the Minnesota trade office, tourism division, information and analysis division, and administrative support. The job skills partnership program shall be housed in the department and shall have a policy, research, and evaluation unit. The job skills partnership board shall provide targeted-worker services to include the dislocated worker program and welfare-to-work services formerly located in the department of economic security. The board shall have a unit providing special programs under a workforce transition services unit.

[EFFECTIVE DATE.] This section is effective July 1, ~~2002~~ 2003.

Sec. 27. [REORGANIZATION POWERS SUSPENDED.]

Notwithstanding Minnesota Statutes, section 16B.37, the commissioner of administration may not issue a reorganization order affecting the department of economic security until July 1, 2003."

Page 21, after line 19, insert:

"Sec. 30. [EXCEPTION TO ENVIRONMENTAL QUALITY BOARD.]

Notwithstanding the prohibition of board members to delegate their powers and responsibilities as board members in Minnesota Statutes 2001 Supplement, section 116C.03, subdivision 2, the commissioner of trade and economic development may appoint a designee to exercise the powers and responsibilities of the commissioner on the board. This section expires one year from the effective date of the merger between the department of trade and economic development and the department of economic security."

Page 23, line 20, delete "26" and insert "23, 28, 29, 31, and 32" and delete "2002" and insert "2003" and after the period, insert "Sections 24 to 27 and 30 are effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after the second semicolon, insert "462A.04, subdivision 1;"

Page 1, line 16, after the third semicolon, insert "Laws 2001, First Special Session chapter 4, article 3, section 1; Laws 2001, First Special Session chapter 4, article 3, section 2, subdivision 1; Laws 2001, First Special Session chapter 4, article 3, section 3;"

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

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

S.F. No. 3238: A bill for an act relating to nonprofit corporations; neighborhood organizations; providing options regarding the election of directors, voting rights, and meeting notice requirements; amending Minnesota Statutes 2000, sections 317A.435, by adding a subdivision; 317A.437, by adding a subdivision; 317A.439, by adding a subdivision; 317A.441.

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

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

S.F. No. 3099: A bill for an act relating to human services; making changes to continuing care programs; amending Minnesota Statutes 2001 Supplement, sections 256B.0627, subdivision 10; 256B.0913, subdivision 5; 256B.0915, subdivision 3; 256B.0951, subdivisions 7, 8; 256B.437, subdivision 6.

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

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2000, section 245.462, subdivision 4, is amended to read:

Subd. 4. [CASE MANAGEMENT SERVICE PROVIDER.] (a) "Case management service provider" means a case manager or case manager associate employed by the county or other entity authorized by the county board to provide case management services specified in section 245.4711.

(b) A case manager must:

- (1) be skilled in the process of identifying and assessing a wide range of client needs;
- (2) be knowledgeable about local community resources and how to use those resources for the benefit of the client;
- (3) have a bachelor's degree in one of the behavioral sciences or related fields including, but not limited to, social work, psychology, or nursing from an accredited college or university or meet the requirements of paragraph (c); and

(4) meet the supervision and continuing education requirements described in paragraphs (d), (e), and (f), as applicable.

(c) Case managers without a bachelor's degree must meet one of the requirements in clauses (1) to (3):

- (1) have three or four years of experience as a case manager associate as defined in this section;
- (2) be a registered nurse without a bachelor's degree and have a combination of specialized training in psychiatry and work experience consisting of community interaction and involvement or community discharge planning in a mental health setting totaling three years; or
- (3) be a person who qualified as a case manager under the 1998 department of human service waiver provision and meet the continuing education and mentoring requirements in this section.

(d) A case manager with at least 2,000 hours of supervised experience in the delivery of services to adults with mental illness must receive regular ongoing supervision and clinical supervision totaling 38 hours per year of which at least one hour per month must be clinical supervision regarding individual service delivery with a case management supervisor. The remaining 26 hours of supervision may be provided by a case manager with two years of experience. Group supervision may not constitute more than one-half of the required supervision hours. Clinical supervision must be documented in the client record.

(e) A case manager without 2,000 hours of supervised experience in the delivery of services to adults with mental illness must:

(1) receive clinical supervision regarding individual service delivery from a mental health professional at least one hour per week until the requirement of 2,000 hours of experience is met; and

(2) complete 40 hours of training approved by the commissioner in case management skills and the characteristics and needs of adults with serious and persistent mental illness.

(f) A case manager who is not licensed, registered, or certified by a health-related licensing board must receive 30 hours of continuing education and training in mental illness and mental health services ~~annually~~ every two years.

(g) A case manager associate (CMA) must:

(1) work under the direction of a case manager or case management supervisor;

(2) be at least 21 years of age;

(3) have at least a high school diploma or its equivalent; and

(4) meet one of the following criteria:

(i) have an associate of arts degree in one of the behavioral sciences or human services;

(ii) be a registered nurse without a bachelor's degree;

(iii) within the previous ten years, have three years of life experience with serious and persistent mental illness as defined in section 245.462, subdivision 20; or as a child had severe emotional disturbance as defined in section 245.4871, subdivision 6; or have three years life experience as a primary caregiver to an adult with serious and persistent mental illness within the previous ten years;

(iv) have 6,000 hours work experience as a nondegreed state hospital technician; or

(v) be a mental health practitioner as defined in section 245.462, subdivision 17, clause (2).

Individuals meeting one of the criteria in items (i) to (iv), may qualify as a case manager after four years of supervised work experience as a case manager associate. Individuals meeting the criteria in item (v), may qualify as a case manager after three years of supervised experience as a case manager associate.

(h) A case management associate must meet the following supervision, mentoring, and continuing education requirements:

(1) have 40 hours of preservice training described under paragraph (e), clause (2);

(2) receive at least 40 hours of continuing education in mental illness and mental health services annually; and

(3) receive at least five hours of mentoring per week from a case management mentor.

A "case management mentor" means a qualified, practicing case manager or case management supervisor who teaches or advises and provides intensive training and clinical supervision to one or more case manager associates. Mentoring may occur while providing direct services to consumers in the office or in the field and may be provided to individuals or groups of case manager associates. At least two mentoring hours per week must be individual and face-to-face.

(i) A case management supervisor must meet the criteria for mental health professionals, as specified in section 245.462, subdivision 18.

(j) An immigrant who does not have the qualifications specified in this subdivision may provide case management services to adult immigrants with serious and persistent mental illness who are members of the same ethnic group as the case manager if the person:

(1) is currently enrolled in and is actively pursuing credits toward the completion of a bachelor's degree in one of the behavioral sciences or a related field including, but not limited to, social work, psychology, or nursing from an accredited college or university;

(2) completes 40 hours of training as specified in this subdivision; and

(3) receives clinical supervision at least once a week until the requirements of this subdivision are met.

Sec. 2. Minnesota Statutes 2000, section 245.4871, subdivision 4, is amended to read:

Subd. 4. [CASE MANAGEMENT SERVICE PROVIDER.] (a) "Case management service provider" means a case manager or case manager associate employed by the county or other entity authorized by the county board to provide case management services specified in subdivision 3 for the child with severe emotional disturbance and the child's family.

(b) A case manager must:

(1) have experience and training in working with children;

(2) have at least a bachelor's degree in one of the behavioral sciences or a related field including, but not limited to, social work, psychology, or nursing from an accredited college or university or meet the requirements of paragraph (d);

(3) have experience and training in identifying and assessing a wide range of children's needs;

(4) be knowledgeable about local community resources and how to use those resources for the benefit of children and their families; and

(5) meet the supervision and continuing education requirements of paragraphs (e), (f), and (g), as applicable.

(c) A case manager may be a member of any professional discipline that is part of the local system of care for children established by the county board.

(d) A case manager without a bachelor's degree must meet one of the requirements in clauses (1) to (3):

(1) have three or four years of experience as a case manager associate;

(2) be a registered nurse without a bachelor's degree who has a combination of specialized training in psychiatry and work experience consisting of community interaction and involvement or community discharge planning in a mental health setting totaling three years; or

(3) be a person who qualified as a case manager under the 1998 department of human services waiver provision and meets the continuing education, supervision, and mentoring requirements in this section.

(e) A case manager with at least 2,000 hours of supervised experience in the delivery of mental health services to children must receive regular ongoing supervision and clinical supervision totaling 38 hours per year, of which at least one hour per month must be clinical supervision regarding individual service delivery with a case management supervisor. The other 26 hours of supervision may be provided by a case manager with two years of experience. Group supervision may not constitute more than one-half of the required supervision hours.

(f) A case manager without 2,000 hours of supervised experience in the delivery of mental health services to children with emotional disturbance must:

(1) begin 40 hours of training approved by the commissioner of human services in case management skills and in the characteristics and needs of children with severe emotional disturbance before beginning to provide case management services; and

(2) receive clinical supervision regarding individual service delivery from a mental health professional at least one hour each week until the requirement of 2,000 hours of experience is met.

(g) A case manager who is not licensed, registered, or certified by a health-related licensing board must receive 30 hours of continuing education and training in severe emotional disturbance and mental health services ~~annually~~ every two years.

(h) Clinical supervision must be documented in the child's record. When the case manager is not a mental health professional, the county board must provide or contract for needed clinical supervision.

(i) The county board must ensure that the case manager has the freedom to access and coordinate the services within the local system of care that are needed by the child.

(j) A case manager associate (CMA) must:

(1) work under the direction of a case manager or case management supervisor;

(2) be at least 21 years of age;

(3) have at least a high school diploma or its equivalent; and

(4) meet one of the following criteria:

(i) have an associate of arts degree in one of the behavioral sciences or human services;

(ii) be a registered nurse without a bachelor's degree;

(iii) have three years of life experience as a primary caregiver to a child with serious emotional disturbance as defined in section 245.4871, subdivision 6, within the previous ten years;

(iv) have 6,000 hours work experience as a nondegreed state hospital technician; or

(v) be a mental health practitioner as defined in subdivision 26, clause (2).

Individuals meeting one of the criteria in items (i) to (iv) may qualify as a case manager after four years of supervised work experience as a case manager associate. Individuals meeting the criteria in item (v) may qualify as a case manager after three years of supervised experience as a case manager associate.

(k) Case manager associates must meet the following supervision, mentoring, and continuing education requirements;

(1) have 40 hours of preservice training described under paragraph (f), clause (1);

(2) receive at least 40 hours of continuing education in severe emotional disturbance and mental health service annually; and

(3) receive at least five hours of mentoring per week from a case management mentor. A "case management mentor" means a qualified, practicing case manager or case management supervisor who teaches or advises and provides intensive training and clinical supervision to one or more case manager associates. Mentoring may occur while providing direct services to consumers in the office or in the field and may be provided to individuals or groups of case manager associates. At least two mentoring hours per week must be individual and face-to-face.

(l) A case management supervisor must meet the criteria for a mental health professional as specified in section 245.4871, subdivision 27.

(m) An immigrant who does not have the qualifications specified in this subdivision may provide case management services to child immigrants with severe emotional disturbance of the same ethnic group as the immigrant if the person:

(1) is currently enrolled in and is actively pursuing credits toward the completion of a bachelor's degree in one of the behavioral sciences or related fields at an accredited college or university;

(2) completes 40 hours of training as specified in this subdivision; and

(3) receives clinical supervision at least once a week until the requirements of obtaining a bachelor's degree and 2,000 hours of supervised experience are met."

Page 4, line 31, after the semicolon, insert "and"

Page 4, line 32, delete "(5)" and strike the old language

Page 4, line 33, strike the old language

Page 4, line 34, reinstate the stricken "(5)" and delete "(6)"

Page 5, after line 13, insert:

"Sec. 4. Minnesota Statutes 2001 Supplement, section 256B.0911, subdivision 4b, is amended to read:

Subd. 4b. [EXEMPTIONS AND EMERGENCY ADMISSIONS.] (a) Exemptions from the federal screening requirements outlined in subdivision 4a, paragraphs (b) and (c), are limited to:

(1) a person who, having entered an acute care facility from a certified nursing facility, is returning to a certified nursing facility; ~~and~~

(2) a person transferring from one certified nursing facility in Minnesota to another certified nursing facility in Minnesota; and

(3) a person, 21 years of age or older, who satisfies the following criteria, as specified in the Code of Federal Regulations, title 42, section 483.106(b)(2):

(i) the person is admitted to a nursing facility directly from a hospital after receiving acute inpatient care at the hospital;

(ii) the person requires nursing facility services for the same condition for which care was provided in the hospital; and

(iii) the attending physician has certified before the nursing facility admission that the person is likely to receive less than 30 days of nursing facility services.

(b) Persons who are exempt from preadmission screening for purposes of level of care determination include:

(1) persons described in paragraph (a);

(2) an individual who has a contractual right to have nursing facility care paid for indefinitely by the veterans' administration;

(3) an individual enrolled in a demonstration project under section 256B.69, subdivision 8, at the time of application to a nursing facility;

(4) an individual currently being served under the alternative care program or under a home and community-based services waiver authorized under section 1915(c) of the federal Social Security Act; and

(5) individuals admitted to a certified nursing facility for a short-term stay, which is expected to be 14 days or less in duration based upon a physician's certification, and who have been assessed and approved for nursing facility admission within the previous six months. This exemption applies only if the consultation team member determines at the time of the initial assessment of the six-month period that it is appropriate to use the nursing facility for short-term stays and that there is an adequate plan of care for return to the home or community-based setting. If a stay exceeds 14 days, the individual must be referred no later than the first county working day following the 14th resident day for a screening, which must be completed within five working days of the referral. The payment limitations in subdivision 7 apply to an individual found at screening to not meet the level of care criteria for admission to a certified nursing facility.

(c) Persons admitted to a Medicaid-certified nursing facility from the community on an emergency basis as described in paragraph (d) or from an acute care facility on a nonworking day must be screened the first working day after admission.

(d) Emergency admission to a nursing facility prior to screening is permitted when all of the following conditions are met:

(1) a person is admitted from the community to a certified nursing or certified boarding care facility during county nonworking hours;

(2) a physician has determined that delaying admission until preadmission screening is completed would adversely affect the person's health and safety;

(3) there is a recent precipitating event that precludes the client from living safely in the community, such as sustaining an injury, sudden onset of acute illness, or a caregiver's inability to continue to provide care;

(4) the attending physician has authorized the emergency placement and has documented the reason that the emergency placement is recommended; and

(5) the county is contacted on the first working day following the emergency admission. Transfer of a patient from an acute care hospital to a nursing facility is not considered an emergency except for a person who has received hospital services in the following situations: hospital admission for observation, care in an emergency room without hospital admission, or following hospital 24-hour bed care.

(e) A nursing facility must provide a written notice to persons who satisfy the criteria in paragraph (a), clause (3), regarding the person's right to request and receive long-term care consultation services as defined in subdivision 1a. The notice must be provided prior to the person's discharge from the facility and in a format specified by the commissioner.

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

Sec. 5. Minnesota Statutes 2001 Supplement, section 256B.0911, subdivision 4d, is amended to read:

Subd. 4d. [PREADMISSION SCREENING OF INDIVIDUALS UNDER 65 YEARS OF AGE.] (a) It is the policy of the state of Minnesota to ensure that individuals with disabilities or chronic illness are served in the most integrated setting appropriate to their needs and have the necessary information to make informed choices about home and community-based service options.

(b) Individuals under 65 years of age who are admitted to a nursing facility from a hospital must be screened prior to admission as outlined in subdivisions 4a through 4c.

(c) Individuals under 65 years of age who are admitted to nursing facilities with only a telephone screening must receive a face-to-face assessment from the long-term care consultation team member of the county in which the facility is located or from the recipient's county case manager within 20 working days of admission.

(d) Individuals under 65 years of age who are admitted to a nursing facility without preadmission screening according to the exemption described in subdivision 4b, paragraph (a), clause (3), and who remain in the facility longer than 30 days must receive a face-to-face assessment within 40 days of admission.

~~(d)~~ (e) At the face-to-face assessment, the long-term care consultation team member or county case manager must perform the activities required under subdivision 3b.

~~(e)~~ (f) For individuals under 21 years of age, a screening interview which recommends nursing facility admission must be face-to-face and approved by the commissioner before the individual is admitted to the nursing facility.

~~(f)~~ (g) In the event that an individual under 65 years of age is admitted to a nursing facility on an emergency basis, the county must be notified of the admission on the next working day, and a face-to-face assessment as described in paragraph (c) must be conducted within 20 working days of admission.

~~(g)~~ (h) At the face-to-face assessment, the long-term care consultation team member or the case

manager must present information about home and community-based options so the individual can make informed choices. If the individual chooses home and community-based services, the long-term care consultation team member or case manager must complete a written relocation plan within 20 working days of the visit. The plan shall describe the services needed to move out of the facility and a time line for the move which is designed to ensure a smooth transition to the individual's home and community.

(h) (i) An individual under 65 years of age residing in a nursing facility shall receive a face-to-face assessment at least every 12 months to review the person's service choices and available alternatives unless the individual indicates, in writing, that annual visits are not desired. In this case, the individual must receive a face-to-face assessment at least once every 36 months for the same purposes.

(i) (j) Notwithstanding the provisions of subdivision 6, the commissioner may pay county agencies directly for face-to-face assessments for individuals under 65 years of age who are being considered for placement or residing in a nursing facility.

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

Page 18, line 6, delete "section 252.292" and insert "sections 252.82, 252.292, and 256B.5011 to 256B.5015"

Page 19, after line 9, insert:

"Sec. 11. [CASE MANAGEMENT STUDY.]

The commissioner of human services, in consultation with consumers, consumer advocates, and local social service agencies, shall study case management services for persons with disabilities. The commissioner must report to the chairs and ranking minority members of the senate and the house of representatives committees having jurisdiction over human services issues by January 15, 2003, on strategies that:

- (1) streamline administration;
- (2) improve case management service availability across the state;
- (3) enhance consumer access to needed services and supports;
- (4) improve accountability and the use of performance measures;
- (5) provide for consumer choice of vendor; and
- (6) improve the financing of case management services.

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

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "modifying case manager continuing education requirements; adding an exemption from preadmission screening requirements; requiring a case management services study;"

Page 1, line 4, before "2001" insert "2000, sections 245.462, subdivision 4; 245.4871, subdivision 4; Minnesota Statutes" and after "10;" insert "256B.0911, subdivisions 4b, 4d;"

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

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

S.F. No. 2803: A bill for an act relating to human services; requiring child care providers to develop policies for reporting suspected child maltreatment; proposing coding for new law in Minnesota Statutes, chapter 245A.

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

Delete everything after the enacting clause and insert:

"Section 1. [245A.145] [CHILD CARE PROGRAM REPORTING NOTIFICATION.]

Subdivision 1. [POLICIES AND PROCEDURES.] (a) All licensed child care providers must develop policies and procedures for reporting suspected child maltreatment that fulfill the requirements in section 626.556, and must develop policies and procedures for reporting complaints about the operation of a child care program. The policies and procedures must include the telephone numbers of the local county child protection agency for reporting suspected maltreatment; the county licensing agency for family and group family child care providers; and the state licensing agency for child care centers for reporting other concerns.

(b) The policies and procedures required in paragraph (a) must:

(1) be provided to the parents of all children at the time of enrollment in the child care program; and

(2) be made available upon request.

Subd. 2. [LICENSING AGENCY PHONE NUMBER DISPLAYED.] By July 1, 2002, a new or renewed child care license must include a statement that informs parents who have concerns about their child's care that they may call the licensing agency. The commissioner shall print the telephone number for the licensing agency in bold and large font on the license issued to child care providers."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring child care licenses to contain certain information;"

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

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

S.F. No. 3155: A bill for an act relating to health occupations; establishing guest licenses for dentists and dental hygienists; establishing guest registration for dental assistants; amending Minnesota Statutes 2000, section 150A.06, by adding a subdivision.

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

Page 1, line 16, before the semicolon, insert ", South Dakota, Iowa, or Wisconsin"

Page 1, line 17, after "dentist" insert ", dental hygienist, or dental assistant"

Page 1, delete line 18 and insert "that person's respective profession in North Dakota, South Dakota, Iowa, or Wisconsin;"

Page 1, line 24, delete ", with a focus on immediate pain relief,"

Page 2, line 6, before the comma, insert ", South Dakota, Iowa, or Wisconsin"

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

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

S.F. No. 2998: A bill for an act relating to occupations and professions; waiving the written case presentation and oral examination component of the licensing requirements for certain alcohol and drug counselors; amending Minnesota Statutes 2001 Supplement, section 148C.11, subdivision 3.

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

Page 2, line 21, after the period, insert "A person who receives a license under this paragraph must complete the written case presentation and satisfactorily pass the oral examination component under section 148C.04, subdivision 3, clause (2), or 4, clause (1), item (ii), at the earliest available opportunity after the commissioner begins administering oral examinations. The commissioner may suspend or restrict a person's license according to section 148C.09 if the person fails to complete the written case presentation and satisfactorily pass the oral examination. This paragraph expires July 1, 2004."

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

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

S.F. No. 2827: A bill for an act relating to higher education; providing for registration of agents of student athletes; defining terms; providing penalties and remedies; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 81A.

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

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

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.

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 referred

S.F. No. 2892: A bill for an act relating to courts; authorizing a combined jurisdiction program in the second judicial district; proposing coding for new law in Minnesota Statutes, chapter 484.

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

Page 1, line 9, after "second" insert "and the fourth" and delete "district" and insert "districts"

Amend the title as follows:

Page 1, line 3, delete "judicial district" and insert "and fourth judicial districts"

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

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

S.F. No. 2770: A bill for an act relating to waste management; modifying certain solid waste practices; amending Minnesota Statutes 2000, sections 115A.02; 115A.03, by adding a subdivision; 297H.13, subdivision 2.

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

Page 1, line 12, after "treating" insert "recoverable"

Page 2, line 26, delete the colon

Page 2, delete lines 27 to 34

Page 2, line 35, delete everything before "optimizes"

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

Page 3, line 3, delete "environmental benefits" and insert "the environment"

Page 3, delete section 3

Page 3, line 32, delete "1" and insert "15"

Page 4, line 1, delete "1" and insert "15"

Page 4, line 7, after "2," insert "3, and" and delete ", and 5"

Page 4, line 8, delete "Section 3 is effective on July 1, 2005."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete the second semicolon and insert a period

Page 1, delete line 5

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

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

S.F. No. 3085: A bill for an act relating to health; providing employer immunity for reference checks for certain health care providers and facilities; proposing coding for new law in Minnesota Statutes, chapter 604A.

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

Page 1, line 22, delete "such a" and insert "the"

Page 2, lines 1 and 2, delete "the plaintiff proves" and insert "is proved"

Page 2, line 10, delete "such a" and insert "the" and after "disclose" insert "in writing"

Page 2, line 18, after "conduct" insert "by the employee"

Page 2, line 23, delete "such a" and insert "the"

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

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

S.F. No. 2697: A bill for an act relating to real property; establishing disclosure requirements for sellers of residential real estate; proposing coding for new law in Minnesota Statutes, chapter 513.

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

Delete everything after the enacting clause and insert:

"Section 1. [513.60] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For purposes of sections 513.60 to 513.68, the terms defined in this section have the meanings given them.

Subd. 2. [PROSPECTIVE BUYER.] "Prospective buyer" means a person negotiating or offering to acquire for value legal or equitable title, or the right to acquire legal or equitable title, to residential real property.

Subd. 3. [REAL ESTATE LICENSEE.] "Real estate licensee" means a person licensed under chapter 82.

Subd. 4. [RESIDENTIAL REAL PROPERTY OR RESIDENTIAL REAL ESTATE.] "Residential real property" or "residential real estate" means property occupied as, or intended to be occupied as, a single-family residence, including a unit in a common interest community as defined in section 515B.1-103, clause (10), regardless of whether the unit is in a common interest community not subject to chapter 515B.

Subd. 5. [SELLER.] "Seller" means a person who owns legal or equitable title to residential real property.

Sec. 2. [513.61] [APPLICABILITY.]

The seller disclosure requirements in sections 513.60 to 513.68 apply to the transfer of any interest in residential real estate, whether by sale, exchange, deed, contract for deed, lease with an option to purchase, or any other option.

Sec. 3. [513.62] [EXCEPTIONS.]

The seller disclosure requirements in sections 513.60 to 513.68 do not apply to any of the following:

- (1) real property that is not residential real property;
- (2) a gratuitous transfer;
- (3) a transfer pursuant to a court order;
- (4) a transfer to a government or governmental agency;
- (5) a transfer by foreclosure or deed in lieu of foreclosure;
- (6) a transfer to heirs or devisees of a decedent;
- (7) a transfer from a cotenant to one or more other cotenants;
- (8) a transfer made to a spouse, parent, grandparent, child, or grandchild of the seller;
- (9) a transfer between spouses resulting from a decree of marriage dissolution or from a property settlement agreement incidental to that decree;
- (10) a transfer of newly constructed residential property that has not been inhabited;
- (11) an option to purchase a unit in a common interest community, until exercised;
- (12) a transfer to a person who controls or is controlled by the grantor as those terms are defined with respect to a declarant under section 515B.1-103, clause (2);
- (13) a transfer to a tenant who is in possession of the residential real property; or
- (14) a transfer of special declarant rights under section 515B.3-104.

Sec. 4. [513.63] [GENERAL DISCLOSURE REQUIREMENTS.]

Subdivision 1. [CONTENTS.] (a) Before signing an agreement to sell or transfer residential real property, the seller shall make a written disclosure to the prospective buyer. The disclosure must include all material facts pertaining to adverse physical conditions in the property of which the seller is aware that could adversely and significantly affect:

- (1) an ordinary buyer's rights and interests in the property; or
- (2) any intended use of the property of which the seller is aware.

(b) The disclosure must be made in good faith and based upon the best of the seller's knowledge at the time of the disclosure.

Subd. 2. [DISCLOSURE TO LICENSEE.] A seller may provide the written disclosure required under sections 513.60 to 513.68 to a real estate licensee representing or assisting the prospective buyer. The written disclosure provided to the real estate licensee representing or assisting the prospective buyer is considered to have been provided to the prospective buyer. If the written disclosure is provided to the real estate licensee representing or assisting the prospective buyer, the real estate licensee shall provide a copy to the prospective buyer.

Sec. 5. [513.64] [DISCLOSURE NOT REQUIRED.]

Subdivision 1. [GENERAL.] Section 513.63 does not create a duty to disclose the fact that residential property:

- (1) is or was occupied by an owner or occupant who is or was suspected to be infected with human immunodeficiency virus or diagnosed with acquired immunodeficiency syndrome;
- (2) was the site of a homicide, suicide, accidental death, natural death, perceived paranormal activity, or felony; or
- (3) is located in a neighborhood containing any adult family home, community-based residential facility, or nursing home.

Subd. 2. [OFFENDERS.] Section 513.63 does not create a duty to disclose information regarding an offender who is required to register under section 243.166, or about whom notification is made under that section, if the seller, in a timely manner, provides a written notice that information about the predatory offender registry and persons registered with the registry may be obtained by contacting the local law enforcement agency where the property is located or the department of corrections.

This section does not create a duty to disclose any facts described in subdivision 1 and this subdivision for property that is not residential real property.

Subd. 3. [INSPECTIONS.] (a) Except as provided in paragraph (b), a seller is not required to disclose information relating to the physical condition of the real property, or any other information relating to the real estate transaction, if a written report that discloses the information has been prepared by a qualified third party and provided to the prospective buyer. For purposes of this paragraph, "qualified third party" means a federal, state, or local governmental agency, or any person whom the seller, or prospective buyer, reasonably believes has the expertise necessary to meet the industry standards of practice for the type of inspection or investigation that has been conducted by the third party in order to prepare the written report.

(b) A seller shall disclose to the prospective buyer material facts known by the seller that contradict any information included in a written report under paragraph (a) if a copy of the report is provided to the seller.

Sec. 6. [513.65] [LIABILITY FOR ERROR, INACCURACY, OR OMISSION.]

Subdivision 1. [NO LIABILITY.] Unless the prospective buyer and seller agree to the contrary in writing, a seller is not liable for any error, inaccuracy, or omission of any information delivered under sections 513.60 to 513.68 if the error, inaccuracy, or omission was not within the personal knowledge of the seller, or was based entirely on information provided by other persons as

specified in section 513.64, subdivision 3, and ordinary care was exercised in transmitting the information. It is not a violation of sections 513.60 to 513.68 if the seller fails to disclose information that could be obtained only through inspection or observation of inaccessible portions of the real estate or could be discovered only by a person with expertise in a science or trade beyond the knowledge of the seller.

Subd. 2. [LIABILITY.] A seller who fails to make a disclosure as required by sections 513.60 to 513.68 and was aware of the condition of the real property is liable to the prospective buyer. A person injured by a violation of this section may bring a civil action and recover damages and receive other equitable relief as determined by the court. An action under this subdivision must be commenced within two years after the date on which the prospective buyer closed the purchase or transfer of the real property.

Subd. 3. [OTHER ACTIONS.] Nothing in sections 513.60 to 513.68 precludes liability for an action based on fraud, negligent misrepresentation, or other actions allowed by law.

Sec. 7. [513.66] [AMENDMENT TO DISCLOSURE.]

Subdivision 1. [NOTICE.] A seller must notify the prospective buyer in writing as soon as reasonably possible, but in any event before closing, if the seller learns that the seller's disclosure required by section 513.63 was inaccurate or if there is any loss or damage to the residential real property between the date of disclosure and the date of closing, for any reason including fire, vandalism, flood, earthquake, or act of God. The risk of that loss or damage is on the seller. If the seller's disclosure is amended under this section or if the residential real property is destroyed or substantially damaged before the closing date, the prospective buyer has the right to cancel the purchase agreement at the option of the buyer and earnest money deposited must be refunded to the buyer.

Subd. 2. [FAILURE TO NOTIFY; LIABILITY.] A seller who fails to notify the prospective buyer of any amendments to the initial disclosure required under subdivision 1 is liable to the prospective buyer as provided in section 513.65.

Sec. 8. [513.67] [TRANSFER NOT INVALIDATED.]

A transfer subject to sections 513.60 to 513.68 is not invalidated solely because of the failure of any person to comply with a provision of those sections. This section does not prevent a court from ordering a rescission of the transfer.

Sec. 9. [513.68] [WAIVER.]

The written disclosure required under sections 513.60 to 513.68 may be waived if the seller and the prospective buyer agree in writing. Waiver of the disclosure required under sections 513.60 to 513.68 does not waive, limit, or abridge any obligation for seller disclosure created by any other law."

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

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

S.F. No. 2707: A bill for an act relating to real estate; filling in an inadvertent omission for a temporary increase in the surcharge for filing and recording certain documents to fund the real estate task force; amending Minnesota Statutes 2001 Supplement, sections 508.82, subdivision 1; 508A.82, subdivision 1.

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

Page 5, after line 12, insert:

"Sec. 3. Laws 2001, First Special Session chapter 10, article 2, section 98, is amended to read:

Sec. 98. [WORK PLAN APPROPRIATIONS.]

(a) \$650,000 is appropriated from the surcharge collected under Minnesota Statutes, section 357.18, subdivision 3, to the legislative coordinating commission, to be made available to the real estate task force established in accordance with Laws 2000, chapter 391, for the expenses of the task force in carrying out the work plan as described in the January 15, 2001, task force report to the legislature. This appropriation is available until June 30, ~~2003~~ 2004, and is to be administered at the direction of the chair of the task force, subject to the prior approval of the task force.

(b) \$500,000 is appropriated from the surcharge collected under Minnesota Statutes, section 357.18, subdivision 3, to the legislative coordinating commission, to be made available to the task force for the development and implementation of pilot electronic real estate projects in diverse counties as described in the January 15, 2001, task force report to the legislature. This appropriation is available until June 30, ~~2003~~ 2004.

Sec. 4. [EXTENSION OF EFFECTIVE DATE.]

The effective date of the amendment to Minnesota Statutes, section 357.18, subdivision 3, contained in Laws 2001, First Special Session chapter 10, article 2, section 77, is extended until June 30, 2004.

Page 5, line 13, delete "3" and insert "5"

Page 5, delete section 4 and insert:

"Sec. 6. [EFFECTIVE DATES AND APPLICATION.]

The amendments made by sections 1 and 2 are effective until June 30, 2004, for documents last acknowledged ten or more days after the date of final enactment of this act; or filed 45 days or more after the date of final enactment. Section 3 is only effective during the period from ten business days after its final enactment through June 30, 2004.

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "extending the effective date for the surcharges;"

Page 1, line 7, before the period, insert "; Laws 2001, First Special Session chapter 10, article 2, section 98"

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

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

S.F. No. 3028: A bill for an act relating to education; authorizing the Minnesota commission on national and community service to create and delegate duties to a private, nonprofit corporation; amending Minnesota Statutes 2000, section 124D.385, subdivision 3, by adding a subdivision.

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

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

S.F. No. 3373: A bill for an act relating to crimes; requiring public employees, officials, and officers to make reports of certain unlawful actions to law enforcement; amending Minnesota Statutes 2000, section 609.456, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 6.715, subdivision 3, is amended to read:

Subd. 3. [LAW ENFORCEMENT.] Notwithstanding any provision to the contrary in subdivision 2, chapter 13, or any other statute related to the classification of government data, the state auditor may share data relating to an audit with appropriate local law enforcement agencies, including data classified as not public.

Sec. 2. Minnesota Statutes 2000, section 6.715, is amended by adding a subdivision to read:

Subd. 4. [ACCESS TO DATA.] It is not a violation of chapter 13 or any other statute related to the classification of government data for a state agency, statewide system, or political subdivision, as defined in section 13.02, to provide data or information to the state auditor, including data classified as not public, for the purpose of an audit or pursuant to section 609.456, subdivision 1.

Sec. 3. Minnesota Statutes 2000, section 13.82, subdivision 17, is amended to read:

Subd. 17. [PROTECTION OF IDENTITIES.] A law enforcement agency or a law enforcement dispatching agency working under direction of a law enforcement agency shall withhold public access to data on individuals to protect the identity of individuals in the following circumstances:

(a) when access to the data would reveal the identity of an undercover law enforcement officer, as provided in section 13.43, subdivision 5;

(b) when access to the data would reveal the identity of a victim or alleged victim of criminal sexual conduct or of a violation of section 617.246, subdivision 2;

(c) when access to the data would reveal the identity of a paid or unpaid informant being used by the agency if the agency reasonably determines that revealing the identity of the informant would threaten the personal safety of the informant;

(d) when access to the data would reveal the identity of a victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, unless the agency reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual;

(e) when access to the data would reveal the identity of a deceased person whose body was unlawfully removed from a cemetery in which it was interred;

(f) when access to the data would reveal the identity of a person who placed a call to a 911 system or the identity or telephone number of a service subscriber whose phone is used to place a call to the 911 system and: (1) the agency determines that revealing the identity may threaten the personal safety or property of any person; or (2) the object of the call is to receive help in a mental health emergency. For the purposes of this paragraph, a voice recording of a call placed to the 911 system is deemed to reveal the identity of the caller;

(g) when access to the data would reveal the identity of a juvenile witness and the agency reasonably determines that the subject matter of the investigation justifies protecting the identity of the witness; or

(h) when access to the data would reveal the identity of a mandated reporter under sections section 626.556 and 626.557, or 609.456.

Data concerning individuals whose identities are protected by this subdivision are private data about those individuals. Law enforcement agencies shall establish procedures to acquire the data and make the decisions necessary to protect the identity of individuals described in clauses (c), (d), (f), and (g).

Sec. 4. Minnesota Statutes 2000, section 609.456, subdivision 1, is amended to read:

Subdivision 1. [STATE AUDITOR.] Whenever a public employee or public officer of a political subdivision discovers evidence of theft, embezzlement, or unlawful use of public funds or property, the employee or elected official officer shall, ~~except when to do so would knowingly~~

~~impede or otherwise interfere with an ongoing criminal investigation, promptly report to law enforcement and shall promptly report in writing to the state auditor a detailed description of the alleged incident or incidents. Notwithstanding chapter 13 or any other statute related to the classification of government data, the public employee or public officer shall provide data or information related to the alleged incident or incidents to the state auditor and law enforcement, including data classified as not public."~~

Delete the title and insert:

"A bill for an act relating to crimes; requiring public employees and officers to make prompt reports of certain unlawful actions; authorizing providing certain data to the state auditor for audit or law enforcement purposes notwithstanding provisions of the data practices act; amending Minnesota Statutes 2000, sections 6.715, subdivision 3, by adding a subdivision; 13.82, subdivision 17; 609.456, subdivision 1."

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

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

S.F. No. 1811: A bill for an act relating to drainage; allowing transfer of a public drainage system to a water management authority; defining water management authority; amending Minnesota Statutes 2000, section 103E.005, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 103E.

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

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 2000, section 103E.005, subdivision 16, is amended to read:

Subd. 16. [MUNICIPALITY.] "Municipality" means a statutory or home rule charter city or a town having urban powers under section 368.01, subdivision 1 or 1a. For purposes of sections 103E.315, 103E.611, and 103E.615, municipality includes a water management authority to which a portion of a drainage system is transferred under section 103E.812."

Page 1, after line 18, insert:

"Sec. 3. Minnesota Statutes 2000, section 103E.011, subdivision 3, is amended to read:

Subd. 3. [PERMISSION OF COMMISSIONER FOR WORK IN PUBLIC WATERS; APPLICATION.] (a) The drainage authority must receive permission from the commissioner for a drainage project to:

- (1) remove, construct, or alter a dam affecting public waters;
- (2) establish, raise, or lower the level of public waters; or
- (3) drain any portion of a public water.

(b) The petitioners for a proposed drainage project or the drainage authority may apply to the commissioner for permission to do work in public waters or for the determination of public waters status of a water body or watercourse."

Page 2, line 3, before "city" insert "statutory or home rule charter"

Page 2, line 12, before the first "city" insert "statutory or home rule charter"

Page 5, line 32, before the period, insert "except that if only a portion of a drainage system is transferred, the water management authority may be assessed for improvements under section 103E.215 or repairs under sections 103E.701 to 103E.711 in the manner provided under sections 103E.315 and 103E.601 to 103E.615"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "modifying the requirement for approval of drainage activities;"

Page 1, line 5, delete "section 103E.005" and insert "sections 103E.005, subdivision 16"

Page 1, line 6, after the semicolon, insert "103E.011, subdivision 3;"

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

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

S.F. No. 1443: A bill for an act relating to human services; establishing requirements for swimming pools at family day care or group family day care homes; making municipalities immune from liability for claims based upon a provider's failure to comply with requirements for swimming pools at family day care or group family day care homes; amending Minnesota Statutes 2000, sections 144.1222, by adding a subdivision; 245A.14, by adding a subdivision; 466.03, subdivision 6d.

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 144.1222, is amended by adding a subdivision to read:

Subd. 2a. [POOLS AT FAMILY DAY CARE OR GROUP FAMILY DAY CARE HOMES.] Notwithstanding Minnesota Rules, part 4717.0250, subpart 8, a swimming pool that is located at a family day care or group family day care home licensed under Minnesota Rules, chapter 9502, shall not be considered a public pool, and is exempt from the requirements for public pools in Minnesota Rules, parts 4717.0150 to 4717.3975. If the provider chooses to allow children cared for at the family day care or group family day care home to use the swimming pool located at the home, the provider must satisfy the requirements in section 245A.14, subdivision 10.

Sec. 2. Minnesota Statutes 2000, section 245A.14, is amended by adding a subdivision to read:

Subd. 10. [SWIMMING POOLS; FAMILY DAY CARE AND GROUP FAMILY DAY CARE PROVIDERS.] (a) This subdivision governs swimming pools located at family day care or group family day care homes licensed under Minnesota Rules, chapter 9502. This subdivision does not apply to portable wading pools or whirlpools located at family day care or group family day care homes licensed under Minnesota Rules, chapter 9502. For a provider to be eligible to allow a child cared for at the family day care or group family day care home to use the swimming pool located at the home, the provider must not have had a licensing sanction under section 245A.07 or a correction order or conditional license under section 245A.06 relating to the supervision or health and safety of children during the prior 24 months, and must satisfy the following requirements:

(1) notify the county agency before initial use of the swimming pool and annually, thereafter;

(2) obtain written consent from a child's parent or legal guardian allowing the child to use the swimming pool, and renew the parent or legal guardian's written consent at least annually. The written consent must include a statement that the parent or legal guardian has received and read materials provided by the department of health to the department of human services for distribution to all family day care or group family day care homes and the general public on the human services Internet web site related to the risk of disease transmission as well as other health risks associated with swimming pools. The written consent must also include a statement that the department of health, department of human services, and county agency will not monitor or inspect the provider's swimming pool to ensure compliance with the requirements in this subdivision;

(3) enter into a written contract with a child's parent or legal guardian, and renew the written contract annually. The terms of the written contract must specify that the provider agrees to perform all of the requirements in this subdivision;

(4) attend and successfully complete a swimming pool operator training course once every five years. Acceptable training courses are:

- (i) the National Swimming Pool Foundation Certified Pool Operator course;
- (ii) the National Spa and Pool Institute Tech I and Tech II courses (both required); or
- (iii) the National Recreation and Park Association Aquatic Facility Operator course;

(5) require a caregiver trained in first aid and adult and child cardiopulmonary resuscitation to supervise and be present at the swimming pool with any children in the pool;

(6) toilet all potty-trained children before they enter the swimming pool;

(7) require all children who are not potty-trained to wear swim diapers while in the swimming pool;

(8) if fecal material enters the swimming pool water, add three times the normal shock treatment to the pool water to raise the chlorine level to at least 20 parts per million, and close the pool to swimming for the 24 hours following the entrance of fecal material into the water or until the water pH and disinfectant concentration levels have returned to the standards specified in clause (10), whichever is later;

(9) prevent any child from entering the swimming pool who has an open wound or any child who has or is suspected of having a communicable disease;

(10) maintain the swimming pool water at a pH of not less than 7.2 and not more than 8.0, maintain the disinfectant concentration between two and five parts per million for chlorine or between 2.3 and 4.5 parts per million for bromine, and maintain a daily record of the swimming pool's operation with pH and disinfectant concentration readings on days when children cared for at the family day care or group family day care home are present;

(11) have a disinfectant feeder or feeders;

(12) have a recirculation system that will clarify and disinfect the swimming pool volume of water in ten hours or less;

(13) maintain the swimming pool's water clarity so that an object on the pool floor at the pool's deepest point is easily visible;

(14) have two or more suction lines in the swimming pool;

(15) have in place and enforce written safety rules and swimming pool policies;

(16) prohibit diving;

(17) prohibit pushing or rough play in the swimming pool area;

(18) have in place at all times a safety rope that divides the shallow and deep portions of the swimming pool;

(19) satisfy any existing local ordinances regarding swimming pool installation, decks, and fencing;

(20) maintain a water temperature of not more than 104 degrees Fahrenheit and not less than 70 degrees Fahrenheit; and

(21) for lifesaving equipment, have a United States Coast Guard-approved life ring attached to a rope, an exit ladder, and a shepherd's hook available at all times to the caregiver supervising the swimming pool.

(b) A violation of paragraph (a), clauses (1) to (3), is grounds for a sanction under section 245A.07, or a correction order or conditional license under section 245A.06.

(c) If a provider under this subdivision receives a licensing sanction under section 245A.07 or a correction order or a conditional license under section 245A.06 relating to the supervision or health and safety of children, the provider is prohibited from allowing a child cared for at the family day care or group family day care home to continue to use the swimming pool located at the home.

Sec. 3. Minnesota Statutes 2000, section 466.03, subdivision 6d, is amended to read:

Subd. 6d. [LICENSING OF PROVIDERS.] A claim against a municipality based on the failure of a provider to meet the standards needed for a license to operate a day care facility under chapter 245A for children, unless the municipality had actual knowledge of a failure to meet licensing standards that resulted in a dangerous condition that foreseeably threatened the plaintiff. A municipality shall be immune from liability for a claim arising out of a provider's use of a swimming pool located at a family day care or group family day care home under section 245A.14, subdivision 10, unless the municipality had actual knowledge of a provider's failure to meet the licensing standards under section 245A.14, subdivision 10, paragraph (a), clauses (1) to (3), that resulted in a dangerous condition that foreseeably threatened the plaintiff."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2855, 2612, 3178, 3082, 2422, 3191, 2715, 2631, 1555, 3034, 2472, 3238, 2803, 2998, 3244, 2892, 2770 and 1811 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 3116 and 2642 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Rest moved that S.F. No. 3343 be withdrawn from the Committee on State and Local Government Operations and re-referred to the Committee on Taxes. The motion prevailed.

Senators Wiener; Solon, Y.P.; Robertson; Metzen and Scheid introduced--

Senate Resolution No. 179: A Senate resolution congratulating the Minnesota Olympians.

WHEREAS, 24 athletes from Minnesota participated in the 2002 Winter Olympic Games in Salt Lake City; and

WHEREAS, their achievements represent Minnesota at its best, not only in its support for athletic competition but in the value it places on sportsmanship and fair play; and

WHEREAS, Minnesotans value the ideals of friendship, solidarity, and cooperation between nations that are at the heart of the true Olympic spirit; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that it congratulates the 24 Minnesotans who represented the United States at the 2002 Winter Olympic Games:

John Bauer
Barb Jones
Lindsey Weier

Cross-Country Skiing
Cross-Country Skiing
Cross-Country Skiing

Duluth
West Lake Township
St. Paul

| | | |
|-------------------|---------------------------|------------------|
| Tony Benshoof | Luge | White Bear Lake |
| Nick Sullivan | Luge | Oakdale |
| Dan Campbell | Biathlon | Hastings |
| Andrea Nahrgang | Biathlon | Wayzata |
| Kara Salmela | Biathlon | Duluth |
| Phil Housley | Hockey | South St. Paul |
| Brett Hull | Hockey | Duluth |
| Natalie Darwitz | Hockey | Eagan |
| Jenny Potter | Hockey | Eagan |
| Krissy Wendell | Hockey | Brooklyn Park |
| John Gordon | Curling | Columbia Heights |
| Mike Schneeberger | Curling | Delano |
| Tim Somerville | Curling | Roseville |
| Kari Erickson | Curling | Bemidji |
| Julie Goscowicz | Short-Track Speed Skating | Maple Grove |
| Amy Peterson | Short-Track Speed Skating | Maplewood |
| Annie Driscoll | Speed Skating | Roseville |
| Amy Sannes | Speed Skating | St. Paul |
| Jason Hedstrand | Speed Skating | Shoreview |
| Kristina Koznick | Alpine Skiing | Burnsville |
| Tasha Nelson | Alpine Skiing | Mound |

It commends them for their hard work and dedication and wishes them continued success in years to come.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare copies of this resolution, to be authenticated by his signature and that of the Chair of the Senate Rules and Administration Committee, and transmit them to the Minnesota members of the United States Olympic Team.

Senator Wiener moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Senator Ourada moved that S.F. No. 1811, on General Orders, be stricken and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Senator Tomassoni moved that the name of Senator Stumpf be added as a co-author to S.F. No. 2210. The motion prevailed.

Senator Solon, Y.P. moved that S.F. No. 3065 be withdrawn from the Committee on Finance and re-referred to the Committee on Education. The motion prevailed.

Senator Johnson, Doug moved that S.F. No. 2462, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Senator Bachmann moved that her name be stricken as a co-author to S.F. No. 2411. The motion prevailed.

Senator Reiter moved that the name of Senator Wiger be added as a co-author to S.F. No. 2411. The motion prevailed.

Senator Moe, R.D. moved that H.F. No. 351 and the veto message thereon be taken from the table. The motion prevailed.

H.F. No. 351: A bill for an act relating to the financing of state government; changing appropriations to reflect forecast changes; reducing appropriations for the fiscal years ending June 30, 2002 and 2003; canceling balances and appropriations and transferring balances to the general fund in order to avert a deficit; eliminating certain adjustments for inflation in future fiscal years; providing for family and early childhood education appropriation adjustments, kindergarten

through grade 12 appropriation adjustments, kindergarten through grade 12 forecast adjustments, higher education, corrections, public safety and transportation and other agency appropriations, environment and natural resources, agricultural and rural development, state government appropriations, courts, economic development, cancellations, transfers, and adjustments, continuing care and long-term care, health care, miscellaneous health, health and human services appropriations; changing certain fees; appropriating money; amending Minnesota Statutes 2000, sections 13.871, subdivision 5; 15.0591, subdivision 2; 16A.103, subdivisions 1a, 1b; 16A.152, subdivision 1; 16A.40; 41A.09, subdivision 3a; 62J.692, subdivision 4; 82.34, subdivision 3; 85A.02, subdivision 17; 115A.554; 120A.34; 120B.13, subdivision 3; 124D.385, subdivision 2; 124D.86, subdivisions 4, 5; 135A.15, subdivision 1; 136F.68; 144.395, subdivision 1; 145.9266, subdivision 3; 168A.40, subdivision 4; 251.013; 252.282, subdivisions 1, 3, 4, 5; 256.9657, subdivision 1; 256.9753, subdivision 3; 256B.059, subdivisions 1, 3, 5; 256B.0595, subdivision 4; 256B.0916, subdivision 5; 256B.19, subdivisions 1, 1d; 256B.32; 256B.431, subdivision 23, by adding a subdivision; 256B.5013, subdivisions 2, 4, 5, 6; 256B.69, subdivision 5a, by adding subdivisions; 256L.07, subdivisions 1, 3; 256L.12, subdivision 9; 256L.15, subdivision 3; 260C.163, subdivision 3; 299F.011, by adding a subdivision; 299L.02, subdivision 7; 299L.07, subdivision 5; 357.021, subdivision 2; 357.022; 490.123, by adding a subdivision; 611.17; 611A.371, subdivision 1; 611A.373; 611A.72; 611A.73, subdivision 2, by adding a subdivision; 611A.74, subdivisions 2, 3, 4, 5, 6; Minnesota Statutes 2001 Supplement, sections 16A.152, subdivisions 1a, 2; 16A.88, subdivision 1; 16B.65, subdivisions 1, 5a; 17.117, subdivision 5a; 62J.692, subdivision 7; 62J.694, subdivision 2a; 93.2235, subdivision 1; 115A.545, subdivisions 1, 2; 123B.54; 126C.05, subdivision 15; 136A.121, subdivision 6; 136A.124, subdivisions 2, 4; 136G.03, subdivision 25; 136G.07, subdivision 1; 136G.09, subdivision 8; 171.29, subdivision 2; 242.192; 244.054, subdivision 2; 256.01, subdivision 2; 256.022, subdivision 1; 256.969, subdivision 3a; 256B.056, subdivision 3; 256B.0595, subdivisions 1, 2; 256B.0625, subdivision 13; 256B.437, subdivision 2; 256B.439, subdivisions 1, 4; 256B.5013, subdivision 1; 256B.69, subdivisions 5b, 5c; 256B.75; 256L.15, subdivision 1; 260B.007, subdivision 16; 260C.141, subdivision 3; 299A.75, subdivision 1; 611A.372; 611A.74, subdivision 1; Laws 1997, First Special Session chapter 4, article 3, section 25, subdivision 7; Laws 1998, chapter 404, section 23, subdivision 6; Laws 2000; chapter 489, article 1, section 36; Laws 2001, First Special Session chapter 3, article 1, section 17, subdivisions 3, 7, 8, 9, 11; Laws 2001, First Special Session chapter 3, article 1, section 18; Laws 2001, First Special Session chapter 3, article 1, section 19, subdivisions 3, 5; Laws 2001, First Special Session chapter 3, article 2, section 15, subdivision 3; Laws 2001, First Special Session chapter 3, article 3, section 9, subdivision 6; Laws 2001, First Special Session chapter 3, article 4, section 5, subdivisions 2, 4; Laws 2001, First Special Session chapter 4, article 1, section 4, subdivision 6; Laws 2001, First Special Session chapter 4, article 3, section 1; Laws 2001, First Special Session chapter 4, article 3, section 2, subdivision 1; Laws 2001, First Special Session chapter 4, article 3, section 3; Laws 2001, First Special Session chapter 5, article 2, section 29, subdivision 2; Laws 2001, First Special Session chapter 6, article 1, section 54, subdivisions 2, 4, 5, 6, 7; Laws 2001, First Special Session chapter 6, article 2, section 77, subdivisions 2, 4, 5, 7, 8, 11, 15, 18, 23, 25, as amended, 29; Laws 2001, First Special Session chapter 6, article 3, section 21, subdivisions 2, 3, 4, 5, 7, 11; Laws 2001, First Special Session chapter 6, article 4, section 27, subdivisions 2, 3, 5, 6; Laws 2001, First Special Session chapter 6, article 5, section 13, subdivisions 2, 5; Laws 2001, First Special Session chapter 6, article 7, section 13, as amended; Laws 2001, First Special Session chapter 6, article 7, section 14; Laws 2001, First Special Session chapter 8, article 4, section 10, subdivisions 1, 7; Laws 2001, First Special Session chapter 8, article 4, section 11; Laws 2001, First Special Session chapter 8, article 11, section 14; Laws 2001, First Special Session chapter 9, article 2, section 7, the effective date; Laws 2001, First Special Session chapter 9, article 5, section 35; proposing coding for new law in Minnesota Statutes, chapter 126C; repealing Minnesota Statutes 2000, sections 13.202, subdivision 8; 41B.047, subdivision 2; 103B.3369, subdivisions 7, 8; 103B.351; 103F.461; 103G.2373; 144.6905; 145.475; 256.9731; 256B.0916, subdivision 1; 256K.01; 256K.015; 256K.02; 256K.03, subdivisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12; 256K.04; 256K.05; 256K.06; 256K.08; 256K.09; 465.795; 465.796; 465.797; 465.7971; 465.798; 465.799; 465.801; 465.802; 465.803; 465.83; 465.87; 465.88; 490.123, subdivision 1d; 611A.37, subdivisions 6, 7; 611A.375; 611A.74, subdivision 1a; Minnesota Statutes 2001 Supplement, sections 4.50; 16A.1523; 256K.03, subdivision 1; 256K.07; 256L.03, subdivision 5a; 469.1799, subdivisions 1, 3; Laws 1997, chapter 183, article 2, section 19; Laws 1999, chapter 152, as amended; Laws 2000, chapter

447, section 25; Laws 2001, First Special Session chapter 3, article 3, section 8; Laws 2001, First Special Session chapter 6, article 1, section 31; Laws 2001, First Special Session chapter 9, article 13, sections 22, 25, 26, 27, 28; Minnesota Rules, parts 8405.0100; 8405.0110; 8405.0120; 8405.0130; 8405.0140; 8405.0150; 8405.0160; 8405.0170; 8405.0180; 8405.0190; 8405.0200; 8405.0210; 8405.0220; 8405.0230.

VETO RECONSIDERATION

Senator Johnson, Doug moved that H.F. No. 351 be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 60 and nays 7, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

| | | | | |
|---------|--------|----------|-------|-----------|
| Kleis | Lourey | Neuville | Ranum | Robertson |
| Lessard | Marty | | | |

The motion prevailed. So the bill was repassed and its title was agreed to, the objections of the Governor notwithstanding.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Robling introduced--

S.F. No. 3409: A bill for an act relating to taxation; exempting certain property of a small biomass electrical generating facility from property taxes; amending Minnesota Statutes 2000, section 272.02, by adding a subdivision.

Referred to the Committee on Taxes.

Senator Terwilliger introduced--

S.F. No. 3410: A bill for an act relating to retirement; Minnesota state retirement system; establishing an accelerated optional retirement annuity form; amending Minnesota Statutes, section 352.116, subdivision 3.

Referred to the Committee on State and Local Government Operations.

Senators Kleis; Samuelson; Fischbach; Johnson, Dave and Schwab introduced--

S.F. No. 3411: A bill for an act relating to taxation; individual income; allowing a subtraction for military pay; amending Minnesota Statutes 2001 Supplement, section 290.01, subdivision 19b.

Referred to the Committee on Taxes.

Senator Tomassoni introduced--

S.F. No. 3412: A bill for an act relating to education; authorizing independent school district No. 696, Ely, to waive the open enrollment deadline date.

Referred to the Committee on Education.

Senator Orfield introduced--

S.F. No. 3413: A bill for an act relating to consumer protection; regulating motor vehicle recall repairs; requiring dealers to notify consumers under certain conditions; proposing coding for new law in Minnesota Statutes, chapter 325F.

Referred to the Committee on Commerce.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 11:30 a.m., Monday, March 4, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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