

EIGHTY-SEVENTH DAY

St. Paul, Minnesota, Monday, April 10, 2006

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rabbi Marcia Zimmerman.

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

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 10: A Senate concurrent resolution relating to adjournment for more than three days.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 6, 2006

Mr. President:

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

S.F. No. 2750: A bill for an act relating to eminent domain; defining public use or purpose; prohibiting the use of eminent domain for economic development; requiring clear and convincing evidence for certain takings; providing for attorney fees and other additional elements of compensation; making other changes in the exercise of eminent domain; amending Minnesota Statutes 2004, sections 117.025; 117.036; 117.055; 117.075, subdivision 1, by adding a subdivision; 117.085; 117.51; 117.52, subdivision 1, by adding a subdivision; 163.12, subdivisions 1a, 1b; proposing coding for new law in Minnesota Statutes, chapter 117.

Senate File No. 2750 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 6, 2006

Senator Bakk moved that the Senate do not concur in the amendments by the House to S.F. No. 2750, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 263, 680, 2876, 3743 and 1838.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 6, 2006

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 263: A bill for an act relating to a University of Minnesota football stadium; providing a process for state support of a football stadium at the University of Minnesota; appropriating money; amending Minnesota Statutes 2004, sections 297A.71, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Finance.

H.F. No. 680: A bill for an act relating to landlord and tenant; providing a clarification relating to certain utility metering and billing; amending Minnesota Statutes 2004, section 504B.215, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1217, now on the Consent Calendar.

H.F. No. 2876: A bill for an act relating to town mutual insurance companies; modifying the exception to the restriction on insuring property in certain cities; amending Minnesota Statutes 2004, section 67A.14, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2527,

now on General Orders.

H.F. No. 3743: A bill for an act relating to state government; establishing an expiration date for the State Designer Selection Board; requiring a report.

Referred to the Committee on State and Local Government Operations.

H.F. No. 1838: A bill for an act relating to traffic regulations; authorizing operation of neighborhood electric vehicles on streets and highways; amending Minnesota Statutes 2004, sections 168.011, by adding a subdivision; 168A.05, by adding a subdivision; 169.01, by adding a subdivision; Minnesota Statutes 2005 Supplement, section 168.011, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 169.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1811, now on General Orders.

REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 2061. The motion prevailed.

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

S.F. No. 3450: A bill for an act relating to metropolitan government; governing special transportation service requirements; amending Minnesota Statutes 2004, section 473.386, subdivision 3.

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

Page 2, line 11, after "defined" insert "as of March 1, 2006,"

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

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 3455: A bill for an act relating to taxation; modifying the amount of gasoline fuel tax attributable to the use of all-terrain vehicles; amending Minnesota Statutes 2004, section 296A.18, subdivision 4.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Taxes without recommendation. Report adopted.

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

S.F. No. 2647: A bill for an act relating to health; prohibiting a pharmacist from refusing to dispense a prescription drug or device except under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 151.

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

Delete everything after the enacting clause and insert:

"Section 1. [151.415] PROHIBITION AGAINST REFUSING TO DISPENSE A LEGEND DRUG OR DEVICE.

Subdivision 1. Prohibition. (a) No pharmacist shall refuse to dispense or obstruct a patient in obtaining a legend drug or device that has been legally prescribed or ordered for that patient. A

violation of this section constitutes unprofessional conduct by the pharmacist and shall subject the pharmacist to disciplinary action by the Board of Pharmacy.

(b) Notwithstanding any other provision of law, a pharmacist shall dispense drugs and devices pursuant to a lawful order or prescription unless one of the following circumstances exists:

(1) based solely on the pharmacist's professional training and judgment, dispensing the drug or device pursuant to the prescription or order would adversely affect the known medical condition of the patient for whom the prescription or order was prescribed due to therapeutic duplications, drug-disease contraindications, drug interactions, including serious interactions with other prescription and over-the-counter medications, incorrect dosage or duration of drug treatment, drug allergy interactions, or drug abuse or misuse;

(2) the legend drug or device is not in stock. If an order or prescription cannot be dispensed because the drug or device is not in stock, the pharmacist shall take one of the following actions:

(i) immediately notify the patient and arrange for the drug or device to be delivered to the site or directly to the patient in a timely manner;

(ii) promptly transfer the prescription to another pharmacy known to stock the drug or device that is near enough to the site from which the prescription or order is transferred to ensure the patient has timely access to the drug or device; or

(iii) return the prescription to the patient and refer the patient to a pharmacy that stocks the prescribed drug or device to ensure that the patient has timely access to the drug or device; or

(3) the pharmacist refuses on sincerely held religious beliefs as defined in United States Code, title 42, section 2000e(j), to dispense a drug or device pursuant to an order or prescription. A pharmacist may object to dispensing a drug or device on this basis only if the pharmacist's objection can be reasonably accommodated by the same pharmacy without imposing an undue hardship on the patient or the employer and the pharmacy has established protocols that ensure that the patient has timely access to the prescribed drug or device by the same pharmacy despite the pharmacist's refusal to dispense the order or prescription. A pharmacy may require employees and prospective employees to notify the pharmacy in writing of the categories or types of prescriptions that the pharmacist refuses to dispense due to one of the above-stated grounds. In determining whether reasonable accommodation can be made without imposing an undue hardship on the patient or the employer, the following factors may be considered:

(i) whether the proposed accommodation ensures that the patient has timely access to the drug or device as dictated by the patient's needs or known medical condition;

(ii) the employer's financial costs in implementing the accommodation; and

(iii) the potential impact on the pharmacy's reputation or good will in the community due to failure to provide timely prescription services.

Subd. 2. **Payment limitation.** This section imposes no duty on a pharmacist to dispense a drug or device pursuant to a prescription or order without payment for the drug or device, including payment directly by the patient or through a third-party payer accepted by the pharmacist or payment of any required co-payment by the patient."

Amend the title accordingly

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

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

S.F. No. 2827: A bill for an act relating to human services; clarifying certain rate adjustments; amending Minnesota Statutes 2005 Supplement, section 256B.5012, subdivision 6; Laws 2005, First

Special Session chapter 4, article 7, section 55.

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

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

S.F. No. 3078: A bill for an act relating to public safety; creating a committee to study and recommend adjusting collateral consequences of adult criminal convictions and juvenile adjudications.

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

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

S.F. No. 3400: A bill for an act relating to veterans; authorizing the placement of a plaque in the Court of Honor on the Capitol grounds honoring Minnesota's recipients of the Congressional Medal of Honor.

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

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

S.F. No. 2826: A bill for an act relating to education; providing for character development education revenue; appropriating money.

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

Delete everything after the enacting clause and insert:

"Section 1. **CHARACTER DEVELOPMENT EDUCATION; PILOT PROGRAM.**

Subdivision 1. **Pilot program created.** School districts may develop a pilot program to implement comprehensive character development education under Minnesota Statutes, section 120B.232, subdivision 1.

Subd. 2. **Approved provider list.** (a) Based upon available resources, the commissioner of education shall maintain a character development education curriculum approved provider list. The character development education curriculum of approved providers shall be research based and evaluated by an independent party. Approved comprehensive character development education curriculum must include:

- (1) age appropriate character development for the classroom in elementary or secondary grades;
- (2) teacher training workshops and in-service training;
- (3) midyear consulting between the school district and the provider; and
- (4) an assessment program.

(b) Funding for the approved provider list shall be from existing department resources under Minnesota Statutes, section 120B.232, subdivision 2.

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

Amend the title accordingly

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

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

S.F. No. 2894: A bill for an act relating to education; authorizing an election to form two separate school districts from the area currently within Independent School District No. 728, Elk River.

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

Delete everything after the enacting clause and insert:

"Section 1. VOLUNTARY LOCAL TASK FORCE TO EXAMINE THE GOVERNANCE, FACILITIES, AND PROGRAMMING OF THE ELK RIVER SCHOOL DISTRICT.

Notwithstanding other law to the contrary, the superintendent of Independent School District No. 128, Elk River, must convene a voluntary local task force composed of the district superintendent, district and school administrators, licensed and nonlicensed district and school staff, parents of students enrolled in district schools and interested district residents and representatives of community-based entities appointed by the superintendent to examine and make recommendations regarding the governance, facilities, and programming of the Elk River school district. Task force members may elect to create subcommittees to accomplish this task. Task force members may not be reimbursed or receive compensation for their participation. The task force must submit a written report to the Elk River school board by September 1, 2006, containing its findings and recommendations. The Elk River school board must submit the task force report and any school board recommendations to the education policy and finance committees of the legislature by January 15, 2007.

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

Amend the title accordingly

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

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

S.F. No. 3645: A bill for an act relating to education; establishing an advisory task force to recommend options for accelerated K-12 science and mathematics programs throughout Minnesota.

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

Delete everything after the enacting clause and insert:

"Section 1. [120B.236] ACCELERATED K-12 SCIENCE AND MATHEMATICS.

Subdivision 1. Accelerated K-12 science and mathematics education. The legislature encourages districts to integrate or offer instruction in accelerated K-12 science and mathematics programs throughout Minnesota including, but not limited to, alternative programs that provide online learning, satellite science and mathematics centers, summer programming, and a consortium of available accelerated science and mathematics or accelerated education programs. Instruction should be integrated into a district's existing programs, curriculum, or the general school environment.

Subd. 2. Report. Districts that have experimented with accelerated K-12 science and mathematics programming are encouraged to report findings to the house of representatives and senate committees having jurisdiction over education."

Amend the title accordingly

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

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

was referred

H.F. No. 2998: A bill for an act relating to labor; providing that a certain provision on arbitrations for firefighters does not expire; amending Minnesota Statutes 2004, section 179A.16, subdivision 7a.

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

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

S.F. No. 1459: A bill for an act relating to insurance; creating a statewide health insurance pool for school district employees; appropriating money; amending Minnesota Statutes 2004, sections 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 5; 297I.05, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

Delete everything after the enacting clause and insert:

"Section 1. **[62A.662] SCHOOL EMPLOYEE INSURANCE PLAN.**

Subdivision 1. **Definitions.** For purposes of this section:

(1) "eligible employee" means a person who is insurance eligible under a collective bargaining agreement or under the personnel policy of an eligible employer; and

(2) "eligible employer" means a school district as defined in section 120A.05; a service cooperative as defined in section 123A.21; an intermediate district as defined in section 136D.01; a cooperative center for vocational education as defined in section 123A.22; a regional management information center as defined in section 123A.23; an education unit organized under section 471.59; or a charter school organized under section 124D.10.

Subd. 2. Creation of board. (a) The Minnesota School Employee Insurance Board is created as a public corporation subject to the provisions of chapter 317A, except as otherwise provided in this section. As provided in section 15.082, the state is not liable for obligations of this public corporation.

(b) The board shall create and administer the Minnesota School Employee Insurance Pool as described in this section.

(c) Insurance plans and offerings must be effective July 1, 2009.

(d) If the board does not offer coverage by December 15, 2010, the board expires and this section expires on that date.

Subd. 3. Board of directors. (a) The School Employee Insurance Board consists of:

(1) seven members representing exclusive representatives of eligible employees, appointed by exclusive representatives, as provided in paragraph (b); and

(2) seven members representing eligible employers, appointed by the Minnesota School Boards Association.

(b) The seven members of the board who represent statewide affiliates of exclusive representatives of eligible employees are appointed as follows: four members appointed by Education Minnesota and one member each appointed by the Service Employees International Union, the Minnesota School Employees Association, and American Federation of State, County, and Municipal Employees.

(c) Appointing authorities must make their initial appointments no later than August 1, 2006,

by filing a notice of the appointment with the commissioner of commerce. Notices of subsequent appointments must be filed with the board. An entity entitled to appoint a board member may replace the board member at any time.

(d) Board members are eligible for compensation and expense reimbursement under section 15.0575, subdivision 3.

(e) The board must arrange for one or more methods of dispute resolution so as to minimize the possibility of deadlocks.

(f) The board shall establish governance requirements, including staggered terms, term limits, quorum, a plan of operation, and audit provisions.

Subd. 4. **Design and nature of plan.** (a) Health coverage offered through the Minnesota School Employee Insurance Pool shall be made available by the board to all eligible employees of eligible employers, as defined in subdivision 1.

(b) If an eligible employer provides health coverage or money to purchase health coverage to eligible employees, the coverage must be provided or purchased only through the health plans offered by the board.

(c) Nothing in this section affects the right of each eligible employer to determine, through collective bargaining under the public employer labor relations act:

(1) the employer's eligibility requirements regarding the terms and conditions under which employees, dependents, retirees, and other persons are eligible for health coverage from the employer;

(2) how much of the premium charged for the insurance will be paid by the employer and how much will be paid by the eligible person; and

(3) which health plan or plans offered by the board will be made available by the eligible employer.

(d) The board must initially offer at least six health plans. One plan must provide coverage without a deductible and without other enrollee cost-sharing other than reasonable co-payments for nonpreventive care. One plan must be a high deductible health plan that qualifies under federal law for use with a health savings account. The other four plans must have levels of enrollee cost-sharing that are between the two plans just described. The board may establish more than one tier of premium rates for any specific plan. Plans and premium rates may vary across geographic regions established by the board. The health plans must comply with chapters 62A, 62J, 62M, and 62Q, and must provide the optimal combination of coverage, cost, choice, and stability in the judgment of the board. All health plans offered must be approved by the commissioner of commerce. The board shall investigate the feasibility of offering coverage through more than one health plan company or other network of health care providers.

(e) The board must include claims reserves, stabilization reserves, reinsurance, and other features that, in the judgment of the board, will result in long-term stability and solvency of the health plans offered.

(f) The board may determine whether the health plans should be fully insured through a health carrier licensed in this state, self-insured, or a combination of those two alternatives.

(g) The health plans must include disease management and consumer education, including wellness programs and measures encouraging the wise use of health coverage, to the extent determined to be appropriate by the board.

(h) Upon request of the board, health plans that are providing or have provided coverage to employees of eligible employers within two years before the effective date of this section, shall

provide to the board at no charge nonidentifiable aggregate claims data for that coverage. The information must include data relating to employee group benefit sets, demographics, and claims experience. Notwithstanding section 13.203, Minnesota service cooperatives must also comply with this paragraph.

(i) Effective July 1, 2009, a contract entered into between an eligible employer and an eligible employee or the exclusive representative of an eligible employee may not contain provisions that establish cash payment in lieu of health insurance to an eligible employee if the employee is not receiving the payment on or before June 30, 2009. Nothing in this section prevents an eligible employee who otherwise qualifies for payment of cash in lieu of insurance on June 30, 2009, from continuing to receive this payment.

(j) All premiums paid for health coverage provided by the board must be used by the board solely for the cost of the operation of the board and the benefit of eligible employees and eligible employers in connection with the health coverage offered by the board.

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

Subd. 6. **Report.** The board shall report to the legislature by January 15, 2009, on a final design for the pool that complies with subdivision 4 and on governance requirements for the board, including staggered terms, term limits, quorum, and a plan of operation and audit provisions. The report must include any legislative changes necessary to ensure conformance with chapters 62A, 62J, 62M, and 62Q.

Subd. 7. **Progress dependent upon funding.** The board shall carry out its obligations to the extent permitted by financial and other resources available to the board for that purpose. The board may seek and accept gifts and grants.

Subd. 8. **Periodic evaluation.** (a) Beginning January 15, 2011, and for the next two years, the board must submit an annual report to the commissioner of commerce and the legislature, in compliance with sections 3.195 and 3.197, summarizing and evaluating the performance of the pool during the previous year of operation.

(b) Beginning in 2013 and in each odd-numbered year thereafter, the board must submit to the legislature a biennial report summarizing and evaluating the performance of the pool during the preceding two fiscal years.

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

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

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

Subdivision 1. **Creation; tax exemption.** There is established a Comprehensive Health Association to promote the public health and welfare of the state of Minnesota with membership consisting of all insurers; self-insurers; fraternal; joint self-insurance plans regulated under chapter

62H; the Minnesota employees insurance program established in section 43A.317, effective July 1, 1993; the Minnesota School Employee Insurance Board created under section 62A.662; health maintenance organizations; and community integrated service networks licensed or authorized to do business in this state. The Comprehensive Health Association is exempt from the taxes imposed under chapter 297I and any other laws of this state and all property owned by the association is exempt from taxation.

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

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

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

Sec. 5. Minnesota Statutes 2005 Supplement, section 297I.05, subdivision 5, is amended to read:

Subd. 5. **Health maintenance organizations, nonprofit health service plan corporations, and community integrated service networks, and the Minnesota School Employee Insurance Board.** (a) A tax is imposed on health maintenance organizations, community integrated service networks, and nonprofit health care service plan corporations. The rate of tax is equal to one percent of gross premiums less return premiums on all direct business received by the organization, network, or corporation or its agents in Minnesota, in cash or otherwise, in the calendar year.

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

(c) The commissioner shall deposit all revenues, including penalties and interest, collected under this chapter from health maintenance organizations, community integrated service networks, and nonprofit health service plan corporations, and the Minnesota School Employee Insurance Board in the health care access fund. Refunds of overpayments of tax imposed by this subdivision must be paid from the health care access fund. There is annually appropriated from the health care access fund to the commissioner the amount necessary to make any refunds of the tax imposed under this subdivision.

Sec. 6. **APPROPRIATION; LOAN.**

The base appropriation for this program in fiscal year 2008 is \$3,000,000 as a onetime appropriation to the commissioner of commerce as a loan for start-up costs to the Minnesota School Employee Insurance Board. The Minnesota School Employee Insurance Board must repay the loan to the general fund in ten equal installments paid at the end of each fiscal year, beginning

with the 2010 fiscal year.

Sec. 7. EFFECTIVE DATE.

This act is effective July 1, 2006, except that sections 4 and 5 are effective July 1, 2009."

Amend the title accordingly

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

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

S.F. No. 3087: A bill for an act relating to child care; changing the requirement for use of child passenger restraint systems; amending Minnesota Statutes 2005 Supplement, section 245A.18, subdivision 2.

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

Page 2, delete lines 5 to 6 and insert:

"(e) Child care providers that only transport school age children as defined in section 245A.02, subdivision 16, in school buses as defined in section 169.01, subdivision 6, clauses (1) to (4), are exempt from this subdivision."

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

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 3169 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3169	3254				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3169 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3169 and insert the language after the enacting clause of S.F. No. 3254, the first engrossment; further, delete the title of H.F. No. 3169 and insert the title of S.F. No. 3254, the first engrossment.

And when so amended H.F. No. 3169 will be identical to S.F. No. 3254, and further recommends that H.F. No. 3169 be given its second reading and substituted for S.F. No. 3254, and that the Senate File be indefinitely postponed.

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

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

S.F. No. 637: A bill for an act relating to health occupations; eliminating the prohibition against providing physical therapy after 30 days without a physician's order or without practicing for one year; amending Minnesota Statutes 2004, sections 148.75; 148.76, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 148.65, is amended by adding a subdivision to read:

Subd. 8. Licensed health care professional. "Licensed health care professional" means a person licensed in good standing in Minnesota to practice medicine, osteopathy, chiropractic, podiatry, dentistry, or advanced practice nursing.

Sec. 2. Minnesota Statutes 2005 Supplement, section 148.75, is amended to read:

148.75 LICENSES; DENIAL, SUSPENSION, REVOCATION.

(a) The state Board of Physical Therapy may refuse to grant a license to any physical therapist, or may suspend or revoke the license of any physical therapist for any of the following grounds:

- (1) using drugs or intoxicating liquors to an extent which affects professional competence;
- (2) conviction of a felony;
- (3) conviction for violating any state or federal narcotic law;
- (4) obtaining a license or attempting to obtain a license by fraud or deception;
- (5) conduct unbecoming a person licensed as a physical therapist or conduct detrimental to the best interests of the public;
- (6) gross negligence in the practice of physical therapy as a physical therapist;
- (7) ~~treating human ailments by physical therapy after an initial 30-day period of patient admittance to treatment has lapsed, except by the order or referral of a person licensed in this state in the practice of medicine as defined in section 147.081, the practice of chiropractic as defined in section 148.01, the practice of podiatry as defined in section 153.01, or the practice of dentistry as defined in section 150A.05 and whose license is in good standing; or when a previous diagnosis exists indicating an ongoing condition warranting physical therapy treatment, subject to periodic review defined by board of physical therapy rule;~~
- (8) ~~treating human ailments, without referral, by physical therapy treatment without first having practiced one year under a physician's orders as verified by the board's records;~~
- (9) failing to consult with the patient's health care provider who prescribed the physical therapy treatment if the treatment is altered by the physical therapist from the original written order. The provision does not include written orders to "evaluate and treat";
- (10) ~~(8) treating human ailments other than by physical therapy unless duly licensed or registered to do so under the laws of this state;~~
- (11) ~~(9) inappropriate delegation to a physical therapist assistant or inappropriate task assignment to an aide or inadequate supervision of a student physical therapist, physical therapist assistant, student physical therapist assistant, or a physical therapy aide;~~
- (12) ~~(10) practicing as a physical therapist performing medical diagnosis, the practice of medicine as defined in section 147.081, or the practice of chiropractic as defined in section 148.01;~~
- (13) ~~(11) failing to comply with a reasonable request to obtain appropriate clearance for mental or physical conditions that would interfere with the ability to practice physical therapy, and that may be potentially harmful to patients;~~
- (14) ~~(12) dividing fees with, or paying or promising to pay a commission or part of the fee to,~~

any person who contacts the physical therapist for consultation or sends patients to the physical therapist for treatment;

~~(15)~~ (13) engaging in an incentive payment arrangement, other than that prohibited by clause ~~(14)~~ (12), that tends to promote physical therapy overuse, that allows the referring person or person who controls the availability of physical therapy services to a client to profit unreasonably as a result of patient treatment;

~~(16)~~ (14) practicing physical therapy and failing to refer to a licensed health care professional a patient whose medical condition ~~at the time of evaluation~~ has been determined by the physical therapist to be beyond the scope of practice of a physical therapist;

(15) failing to communicate, coordinate, and document care appropriately to assure quality patient care;

~~(17)~~ (16) failing to report to the board other licensed physical therapists who violate this section; and

~~(18)~~ (17) practice of physical therapy under lapsed or nonrenewed credentials.

(b) A license to practice as a physical therapist is suspended if (1) a guardian of the physical therapist is appointed by order of a court pursuant to sections 524.5-101 to 524.5-502, for reasons other than the minority of the physical therapist; or (2) the physical therapist is committed by order of a court pursuant to chapter 253B. The license remains suspended until the physical therapist is restored to capacity by a court and, upon petition by the physical therapist, the suspension is terminated by the Board of Physical Therapy after a hearing.

(c) No physical therapist shall be subject to disciplinary action by the state Board of Physical Therapy for a patient's refusal to comply with a referral, as required under paragraph (a), clause (14), when the referral is documented in the physical therapy record.

Sec. 3. Minnesota Statutes 2004, section 148.76, subdivision 2, is amended to read:

Subd. 2. **Prohibitions.** No physical therapist may:

~~(1) treat human ailments by physical therapy after an initial 30-day period of patient admittance to treatment has lapsed, except by the order or referral of a person licensed in this state to practice medicine as defined in section 147.081, the practice of chiropractic as defined in section 148.01, the practice of podiatry as defined in section 153.01, the practice of dentistry as defined in section 150A.05, or the practice of advanced practice nursing as defined in section 62A.15, subdivision 3a, when orders or referrals are made in collaboration with a physician, chiropractor, podiatrist, or dentist, and whose license is in good standing; or when a previous diagnosis exists indicating an ongoing condition warranting physical therapy treatment, subject to periodic review defined by Board of Physical Therapy rule;~~

~~(2) treat human ailments by physical therapy treatment without first having practiced one year under a physician's orders as verified by the board's records;~~

~~(3) use any chiropractic manipulative technique whose end is the chiropractic adjustment of an abnormal articulation of the body; and~~

~~(4)~~ (2) treat human ailments other than by physical therapy unless duly licensed or registered to do so under the laws of this state.

Sec. 4. **REPEALER.**

Minnesota Rules , parts 5601.0100, subparts 5, 6, 7, and 8; 5601.1200; 5601.1800; 5601.1900; and 5601.2000, are repealed."

Amend the title accordingly

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

Senator Pogemiller from the Committee on Taxes, to which was re-referred

S.F. No. 2851: A bill for an act relating to state lands; adding to and deleting from state parks, state forests, and recreation areas; providing for public and private sales and exchanges of certain state lands; authorizing removal of certain land from the sustainable forest incentive program; providing for disposition of certain proceeds from tax-forfeited land sales in Itasca County; modifying prior sale provisions; amending Laws 1999, chapter 161, section 31, subdivision 5, as amended; Laws 2005, chapter 161, section 19.

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

Page 5, after line 26, insert:

"Sec. 5. Minnesota Statutes 2004, section 290C.02, subdivision 3, is amended to read:

Subd. 3. **Claimant.** (a) "Claimant" means a person, as that term is defined in section 290.01, subdivision 2, who owns forest land in Minnesota and files an application authorized by the Sustainable Forest Incentive Act. Claimant includes a purchaser or grantee if property enrolled in the program was sold or transferred after the original application was filed and prior to the annual incentive payment being made. The purchaser or grantee must notify the commissioner and the commissioner of natural resources in writing of the sale or transfer of the property. For purposes of section 290C.11, claimant also includes any person bound by the covenant required in section 290C.04.

(b) No more than one claimant is entitled to a payment under this chapter with respect to any tract, parcel, or piece of land enrolled under this chapter that has been assigned the same parcel identification number. When enrolled forest land is owned by two or more persons, the owners, or in the case of property sold or transferred, the former owner and the purchaser or grantee, must determine between them which person may claim is eligible to claim the payments provided under sections 290C.01 to 290C.11. The owners, transferees, or grantees must notify the commissioner in writing which person is eligible to claim the payments.

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

Sec. 6. Minnesota Statutes 2004, section 290C.02, subdivision 7, is amended to read:

Subd. 7. **Forest management plan.** "Forest management plan" means a written document providing a framework for site-specific healthy, productive, and sustainable forest resources. A forest management plan must include at least the following: (i) ~~owner-specific~~ forest management goals for the land; (ii) a reliable field inventory of the individual forest cover types, their age, and density; (iii) a description of the soil type and quality; (iv) an aerial photo and/or map of the vegetation and other natural features of the land clearly indicating the boundaries of the land and of the forest land; (v) the proposed future conditions of the land; (vi) prescriptions to meet proposed future conditions of the land; (vii) a recommended timetable for implementing the prescribed activities; and (viii) a legal description of the land encompassing the parcels included in the plan. All management activities prescribed in a plan must be in accordance with the recommended timber harvesting and forest management guidelines. The commissioner of natural resources shall provide a framework for plan content and updating and revising plans.

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

Sec. 7. Minnesota Statutes 2004, section 290C.02, subdivision 8, is amended to read:

Subd. 8. **Timber harvesting and forest management guidelines.** "Timber harvesting and forest management guidelines" means guidelines developed under section 89A.05 and adopted by the Minnesota Forest Resources Council in ~~1998~~ effect at the time the tract, parcel, or piece of land is

enrolled in the sustainable forest incentive program.

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

Sec. 8. Minnesota Statutes 2004, section 290C.04, is amended to read:

290C.04 APPLICATIONS.

(a) A landowner may apply to enroll forest land for the sustainable forest incentive program under this chapter. The claimant must complete, sign, and submit an application to the commissioner by September 30 in order for the land to become eligible beginning in the next year. The application shall be on a form prescribed by the commissioner and must include the information the commissioner deems necessary. At a minimum, the application must show the following information for the land and the claimant: (i) the claimant's Social Security number or state or federal business tax registration number and date of birth, (ii) the claimant's address, (iii) the claimant's signature, (iv) the county's parcel identification numbers for the tax parcels that completely contain the claimant's forest land that is sought to be enrolled, (v) the number of acres eligible for enrollment in the program, (vi) the approved plan writer's signature and identification number, and (vii) proof, in a form specified by the commissioner, that the claimant has executed and acknowledged in the manner required by law for a deed, and recorded, a covenant that the land is not and shall not be developed in a manner inconsistent with the requirements and conditions of this chapter. The covenant shall state in writing that the covenant is binding on the claimant and the claimant's successor or assignee, and that it runs with the land for a period of not less than eight years. The commissioner shall specify the form of the covenant and provide copies upon request. The covenant must include a legal description that encompasses all the forest land that the claimant wishes to enroll under this section or the certificate of title number for that land if it is registered land.

(b) In all cases, the commissioner shall notify the claimant within 90 days after receipt of a completed application that either the land has or has not been approved for enrollment. A claimant whose application is denied may appeal the denial as provided in section 290C.11, paragraph (a).

(c) Within 90 days after the denial of an application, or within 90 days after the final resolution of any appeal related to the denial, the commissioner shall execute and acknowledge a document releasing the land from the covenant required under this chapter. The document must be mailed to the claimant and is entitled to be recorded.

(d) The Social Security numbers collected from individuals under this section are private data as provided in section 13.355. The ~~state~~ or federal business tax registration number and date of birth data collected under this section are also private data on individuals or nonpublic data, as defined in section 13.02, subdivisions 9 and 12, but may be shared with county assessors for purposes of tax administration and with county treasurers for purposes of the revenue recapture under chapter 270A.

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

Page 6, after line 25, insert:

"Sec. 11. PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; CHISAGO COUNTY.

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

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

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

(1) Lot 18 of Mauritz Shores, parcel number 2-1522; and

(2) Lot 19 of Mauritz Shores, parcel number 2-1523.

(d) The parcels shall be subject to a "no impact zone" in which all vegetation is to be left in an unaltered state, and in which no docks or permanent structures of any kind shall be placed. The "no impact zone" shall extend from the Ordinary High Water Level of Green Lake to the Bluff Impact Zone as defined in the local shoreland ordinance.

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

Page 9, after line 7, insert:

"Sec. 15. CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER OR WETLANDS; HENNEPIN COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Hennepin County may sell or convey for no consideration to the city of Brooklyn Park the tax-forfeited land bordering public water or wetlands that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the city of Brooklyn Park stops using the land for the public purposes described in paragraph (d). The conveyance is subject to restrictions imposed by the commissioner of natural resources.

(c) The land to be conveyed is located in Hennepin County and is described as: Unplatted, Section 30, Township 119, Range 21, the East 187.1 feet of the West 1,182.6 feet of the South 597 feet of the Southwest 1/4 of the Northeast 1/4. Also that part of the Southwest 1/4 of the Northeast 1/4 lying East of the West 1,182.6 feet thereof and lying southwesterly of Registered Land Survey No. 304 (Hennepin County tax identification no. 30-119-21 13 0006).

(d) The county has determined that the land is needed by the city of Brooklyn Park for storm water retention and drainage, street and roadway, and bridge and utility improvement purposes.

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

Sec. 16. CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER OR WETLANDS; HENNEPIN COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Hennepin County may sell or convey for no consideration to the city of St. Bonifacius the tax-forfeited land bordering public water or wetlands that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the city of St. Bonifacius stops using the land for the public purpose described in paragraph (d). The conveyance is subject to restrictions imposed by the commissioner of natural resources.

(c) The land to be conveyed is located in Hennepin County and is described as: Outlot A, West Minnetonka Commercial and Industrial Park (Hennepin County tax identification no. 32-117-24 24 0011).

(d) The county has determined that the land is needed by the city of St. Bonifacius for a natural water drainage area.

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

Sec. 17. CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER OR WETLANDS; HENNEPIN COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Hennepin County may sell or convey to the city of Minnetrista the tax-forfeited land bordering public water or wetlands that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the city of Minnetrista stops using the land for the public purpose described in paragraph (d). The conveyance is subject to restrictions imposed by the commissioner of natural resources.

(c) The land to be conveyed is located in Hennepin County and is described as:

(1) Block 10, "Minnetonka Centre" (Hennepin County tax identification no. 27-117-24 32 0032);

(2) Block 11, "Minnetonka Centre" (Hennepin County tax identification no. 27-117-24 32 0033);

(3) Block 12, "Minnetonka Centre" (Hennepin County tax identification no. 27-117-24 32 0034);

(4) Block 13, "Minnetrista Centre" (Hennepin County tax identification no. 27-117-24 32 0035);

(5) Block 14, "Minnetonka Centre" (Hennepin County tax identification no. 27-117-24 32 0036);
and

(6) Block 15, "Minnetonka Centre" (Hennepin County tax identification no. 27-117-24 32 0037).

(d) The county has determined that the land is needed by the city of Minnetrista for wetland purposes.

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

Sec. 18. CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER OR WETLANDS; HENNEPIN COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Hennepin County may sell or convey to the city of Shorewood the tax-forfeited land bordering public water or wetlands that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the city of Shorewood stops using the land for the public purpose described in paragraph (d). The conveyance is subject to restrictions imposed by the commissioner of natural resources.

(c) The land to be conveyed is located in Hennepin County and is described as:

(1) that part of the Southwest Quarter of the Southeast Quarter of Section 31, Township 117, Range 23, described as follows: beginning at the intersection of the east line of said Southwest Quarter of the Southeast Quarter and the north line of the South 789.36 feet of said Southwest Quarter of the Southeast Quarter; thence West along said north line to the center line of Smithtown Road; thence northerly and northeasterly along said center line to its intersection with the westerly extension of the south line of Lot 5, Auditors Subdivision No 247, Hennepin County, Minnesota; thence easterly along said extension and along the south line of said Lot 5 to the southeast corner of said Lot 5; thence South along the east line of said Southwest Quarter of the Southeast Quarter to the point of beginning, subject to road (Hennepin County tax identification no. 31-117-23-43 0001);
and

(2) Lot 5, Auditor's Subdivision No. 247, Hennepin County, Minnesota (Hennepin County tax

identification no. 31-117-23 43 0004).

(d) The county has determined that the land is needed by the city of Shorewood for drainage and wetland conservation purposes.

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

Page 11, delete section 14 and insert:

"Sec. 23. **LAND REPLACEMENT TRUST FUND; ITASCA COUNTY.**

Notwithstanding the provisions of Minnesota Statutes, chapter 282, and any other law relating to the apportionment of proceeds from the sale of tax-forfeited land, Itasca County must apportion the first \$1,000,000 received from the sale of tax-forfeited lands within Minnesota Steel Industries permit to mine area near Nashwauk, Minnesota, as provided in Laws 1965, chapter 326, section 1, as amended. Any remaining proceeds received from the sale must be deposited into a tax-forfeited land replacement trust fund established by Itasca County under this section. The principal and interest from this fund may be spent only on the purchase of lands to replace the tax-forfeited lands sold to Minnesota Steel Industries. Lands purchased with the land replacement fund must:

(1) become subject to trust in favor of the governmental subdivision wherein they lie and all laws related to tax-forfeited lands; and

(2) be for forest management purposes and dedicated as memorial forest under Minnesota Statutes, section 459.06, subdivision 2.

EFFECTIVE DATE. This section is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of Itasca County."

Page 12, after line 22, insert:

"Sec. 25. **CONVEYANCE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; MARSHALL COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale requirements of Minnesota Statutes, chapter 282, Marshall County may convey to the city of Warren for no consideration the tax-forfeited lands bordering public water that are described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general and provide that the land reverts to the state if the city of Warren stops using the land for a public purpose.

(c) The lands to be conveyed are located in Marshall County and are described as:

(1) Parcel 59.0259.001;

(2) Parcel 59.0292.000;

(3) Parcel 59.0363.000;

(4) Parcel 59.0393.000; and

(5) Parcel 59.8400.007.

(d) The county has determined that the county's land management interests would best be served if the lands were conveyed to the city of Warren for a public purpose.

Sec. 26. **PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; MARSHALL COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the

public sale provisions of Minnesota Statutes, chapter 282, Marshall County may sell by private sale the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

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

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

Parcel 11.0019.001.

(d) The county has determined that the county's land management interests would best be served if the land was sold to the Department of Natural Resources."

Page 14, after line 22, insert:

"Sec. 30. **CONVEYANCE OF SURPLUS STATE LAND; OTTER TAIL COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, the commissioner of natural resources may convey to Independent School District No. 544, Fergus Falls, the surplus land that is described in paragraph (c).

(b) The conveyance must be at market value and in a form approved by the attorney general. The conveyance must provide that the land reverts to the state if the school district does not use the land for a school facility.

(c) The land to be conveyed is located in Otter Tail County and is described as:

(1) the West Half of the Northeast Quarter of Section 27, Township 133 North, Range 43 West, excepting the area designated for the State Hospital Cemetery located in the Northeast Quarter of the Northwest Quarter of the Northeast Quarter of said section and that part of the Southwest Quarter of the Northeast Quarter previously conveyed to Donald Stevens pursuant to Minnesota Laws 1973, chapter 80, and described as follows:

That part of the SW1/4 of the NE1/4 of Section 27 described as follows: Beginning at the SE corner of said SW1/4 of the NE1/4; thence on an assumed bearing of North 00 degrees 00 minutes 36 seconds West on the easterly line thereof for a distance of 660.00 feet; thence North 89 degrees 40 minutes 12 seconds West parallel to the southerly line thereof for a distance of 7.90 feet; thence South 00 degrees 19 minutes 48 seconds West 660.00 feet to the southerly line of said SW1/4 of the NE1/4; thence South 89 degrees 40 minutes 12 seconds East on last said southerly line for a distance of 11.91 feet to point of beginning; also that part of the SW1/4 of the NE1/4 of Section 27 described as follows: Commencing at the SE corner of said SW1/4 of the NE1/4; thence on an assumed bearing of North 89 degrees 40 minutes 12 seconds West on the southerly line of the SW1/4 of the NE1/4 for a distance of 11.91 feet to point of beginning of tract to be described; thence North 00 degrees 19 minutes 48 seconds East 660.00 feet; thence North 89 degrees 40 minutes 12 seconds West parallel to the southerly line of the SW1/4 of the NE1/4 for a distance of 25.00 feet; thence South 00 degrees 21 minutes 50 seconds East 660.05 feet to the southerly line of the SW1/4 of said NE1/4 ; thence South 89 degrees 40 minutes 12 seconds East on said southerly line for a distance of 17.00 feet to point of beginning. Containing 73.5 acres, more or less; and

(2) the Southeast Quarter of the Northwest Quarter of Section 27, Township 133 North, Range 43 West. Containing 40 acres.

(d) The land is no longer needed for any natural resource purpose and the state's land management interests would best be served if the land was conveyed to Independent School District No. 544, Fergus Falls, for a new school facility."

Page 15, line 27, delete "28.1134.001" and insert "28.1133.000"

Page 16, line 20, delete "Number 17.0225.000" and insert "Numbers 17.0225.000 and 17.0226.000 all"

Page 19, line 18, delete "and" and insert "of"

Page 21, after line 2, insert:

"Sec. 40. **PRIVATE SALE OF TAX-FORFEITED LAND; STEVENS COUNTY.**

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

(b) The conveyance must be in a form approved by the attorney general for the fair market value of the land. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Stevens County and is described as: a strip of land 66 feet wide, the center line of which follows the following measurements and directions: the point of beginning being a point which is on the east right-of-way line of T.H. 59 and 626 feet South of said north line of the Southwest Quarter of Section 18, Township 125 North, Range 41 West; thence due East and parallel with the north line of said Southwest Quarter of Section 18, Township 125 North, Range 41 West, a distance of 1,310 feet, subject to easements.

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

Renumber the sections in sequence

Amend the title accordingly

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

Senator Pogemiller from the Committee on Taxes, to which was referred

S.F. No. 3633: A bill for an act relating to public finance; providing terms and conditions related to the issuance of obligations; defining terms; providing for authorization of interfund loans; amending Minnesota Statutes 2004, sections 103E.635, subdivision 7; 162.18, subdivision 1; 162.181, subdivision 1; 273.032; 365A.08; 365A.095; 373.45, subdivision 1; 469.035; 469.103, subdivision 2; Minnesota Statutes 2005 Supplement, sections 469.178, subdivision 7; 475.521, subdivision 4.

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

Page 1, after line 13, insert:

"Sec. 2. Minnesota Statutes 2004, section 116A.20, subdivision 3, is amended to read:

Subd. 3. **How payable.** The bonds shall be payable at such time or times, not to exceed (1) 30 years from their date or (2) 40 years or the useful life of the asset, whichever is less, if financed or guaranteed by the United States Department of Agriculture, and bear such rate or rates of interest not exceeding eight percent per annum, payable annually or semiannually as the county board shall by resolution determine. The years and amounts of principal maturities shall be such as in the opinion of the county board are warranted by the anticipated collections of the water and sewer improvement assessments without regard to any limitations on such maturities imposed by section 475.54."

Page 3, line 10, strike everything after the first comma

Page 3, line 11, strike everything before "any"

Page 3, delete line 19 and insert ""market value," "taxable market value," and "market valuation" for purposes of this paragraph, refer to the taxable"

Page 3, line 20, reinstate the stricken language and delete the new language

Page 3, after line 20, insert:

"For the purpose of determining any net debt limit based on market value, or any limit on the issuance of bonds, certificates of indebtedness, or capital notes based on market value, the terms "market value," "taxable market value," and "market valuation," whether equalized or unequalized, mean the total taxable market value of property within the local unit of government before any adjustments for tax increment, fiscal disparity, powerline credit, or wind energy values, but after the limited market adjustments under section 273.11, subdivision 1a, and after the market value exclusions of certain improvements to homestead property under section 273.11, subdivision 16. Unless otherwise provided, "market value," "taxable market value," and "market valuation" for purposes of this paragraph, mean the taxable market value as last finally equalized."

Page 3, delete lines 23 to 26

Page 3, line 27, delete the new language

Page 4, after line 4, insert:

"In the proceedings for establishment of a subordinate service district, the town may prepare a street reconstruction plan that describes the streets within the district to be reconstructed, the estimated costs, and any planned reconstruction of streets within the district over the next five years and may include the approval of the street reconstruction plan and the issuance of obligations for street reconstruction in the notice of public hearing for the public hearing required by section 365A.04, subdivision 2. The town board shall approve or disapprove the plan and the issuance of obligations in the resolution adopted pursuant to section 365A.04, subdivision 3, and the issuance of street reconstruction obligations shall be subject to the provisions for reverse referendum contained in section 365A.06. Following the creation of the subordinate service district and approval of the plan and the street reconstruction obligations and compliance with section 365A.06, the town may, without regard to the election requirement under section 475.58, subdivision 1, issue and sell general obligations for street reconstruction as defined in section 475.58, subdivision 3b. Obligations issued under this section are subject to the debt limit of the town and are not excluded from net debt under section 475.51, subdivision 4."

Page 6, after line 7, insert:

"Sec. 12. Minnesota Statutes 2004, section 473.39, is amended by adding a subdivision to read:

Subd. 11. **Obligations.** After July 1, 2006, in addition to the authority in subdivisions 1a, 1b, 1c, 1d, 1e, 1g, 1h, 1i, 1j, and 1k, the council may issue certificates of indebtedness, bonds, or other obligations under this section in an amount not exceeding \$32,800,000 for capital expenditures as prescribed in the council's regional transit master plan and transit capital improvement program and for related costs, including the costs of issuance and sale of the obligations.

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

Sec. 13. Minnesota Statutes 2004, section 474A.062, is amended to read:

474A.062 HESO 120-DAY ISSUANCE EXEMPTION.

The Minnesota Higher Education Services Office is exempt from the 120-day issuance requirements in this chapter and may carry forward allocations for student loan bonds into ~~three~~ one successive calendar years year, subject to carryforward notice requirements of section 474A.131, subdivision 2. ~~The maximum cumulative carryforward is limited to \$25,000,000.~~

EFFECTIVE DATE. This section is effective for bond allocations made in 2006 and thereafter."

Page 6, after line 23, insert:

"Sec. 15. Laws 2005, chapter 152, article 1, section 39, subdivision 1, is amended to read:

Subdivision 1. [ISSUANCE; PURPOSE.] Notwithstanding any provision of Minnesota Statutes, chapter 298, to the contrary, the commissioner of Iron Range resources and rehabilitation ~~may shall,~~ by June 1, 2006, issue revenue bonds in a principal amount of \$15,000,000 in one or more series, and bonds to refund those bonds. The proceeds of the bonds must be used to make grants to school districts located in the taconite tax relief area defined in Minnesota Statutes, section 273.134, or the taconite assistance area defined in Minnesota Statutes, section 273.1341, to be used by the school districts to pay for health, safety, and maintenance improvements but only if the school district has levied the maximum amount allowable under law for those purposes. The amounts of proceeds to be distributed to each district are as follows:

- (1) Independent School District No. 511, Aitkin, \$600,000;
- (2) Independent School District No. 695, Chisholm, \$700,000;
- (3) Independent School District No. 166, Cook County, \$600,000;
- (4) Independent School District No. 182, Crosby-Ironton, \$600,000;
- (5) Independent School District No. 696, Ely, \$600,000;
- (6) Independent School District No. 2154, Eveleth-Gilbert, \$1,000,000;
- (7) Independent School District No. 318, Grand Rapids, \$600,000;
- (8) Independent School District No. 316, Greenway, \$1,100,000;
- (9) Independent School District No. 701, Hibbing, \$2,100,000;
- (10) Independent School District No. 381, Lake Superior, \$600,000;
- (11) Independent School District No. 2711, Mesabi East, \$3,600,000;
- (12) Independent School District No. 712, Mt. Iron-Buhl, \$700,000;
- (13) Independent School District No. 319, Nashwauk/Keewatin, \$700,000;
- (14) Independent School District No. 2142, St. Louis County, \$600,000; and
- (15) Independent School District No. 706, Virginia, \$900,000.

Sec. 16. **CARVER COUNTY AUTHORITY NAME CHANGE.**

The Carver County Housing and Redevelopment Authority created under Laws 1980, chapter 482, is renamed the Carver County Community Development Agency.

Sec. 17. **UNIFIED POOL; OFFICE OF HIGHER EDUCATION; TEMPORARY PRIORITY.**

Notwithstanding Minnesota Statutes, section 474A.091, subdivision 3, paragraph (b), prior to October 1, 2006, only the following applications shall be awarded allocations from the unified pool. Allocations shall be awarded in the following order of priority:

- (1) applications for student loan bonds issued by or on behalf of the Office of Higher Education;
- (2) applications for residential rental project bonds;

(3) applications for small issue bonds for manufacturing projects; and

(4) applications for small issue bonds for agricultural development bond loan projects.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 18. UNIFIED POOL; TEMPORARY PRIORITY CHANGE.

Notwithstanding Minnesota Statutes, section 474A.091, subdivision 3, paragraph (c), on the first Monday in October 2006, through the last Monday in November 2006, allocations shall be awarded from the unified pool in the following order of priority:

(1) applications for mortgage bonds;

(2) applications for public facility projects funded by public facility bonds;

(3) applications for small issue bonds for manufacturing projects;

(4) applications for small issue bonds for agricultural development bond loan projects;

(5) applications for residential rental project bonds;

(6) applications for enterprise zone facility bonds;

(7) applications for governmental bonds; and

(8) applications for redevelopment bonds.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 19. UNIFIED POOL; OFFICE OF HIGHER EDUCATION TOTAL ALLOCATION.

Notwithstanding Minnesota Statutes, section 474A.091, subdivision 3, paragraph (i), the total amount of allocations for student loan bonds from the unified pool in calendar year 2006 may not exceed 50 percent of the total in the unified pool on the day after the last Monday in July, 2006.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 20. APPLICATION.

Section 12 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Renumber the sections in sequence

Amend the title accordingly

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

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

S.F. No. 1287: A bill for an act relating to real property; regulating causes of action arising out of construction defects in residential housing; providing for notice and opportunity to repair; proposing coding for new law as Minnesota Statutes, chapter 337A.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 60A.08, subdivision 6, is amended to read:

Subd. 6. **Bankruptcy or, insolvency, or dissolution clause.** Every bond or policy of insurance

issued in this state insuring against either actual loss suffered by the insured, and imposed by law for damages on account of personal injury, death, or injury to property caused by accident, or legal liability imposed upon the insured by reason of such injuries or death, shall, notwithstanding anything in the policy to the contrary, be deemed to contain the following condition:

The bankruptcy ~~or~~, insolvency, or dissolution of the insured shall not relieve the insurer of any of its obligations under this policy, and in case an execution against the insured on a final judgment is returned unsatisfied, then such judgment creditor shall have a right of action on this policy against the company to the same extent that the insured would have, had the insured paid the final judgment.

Sec. 2. Minnesota Statutes 2004, section 302A.781, is amended by adding a subdivision to read:

Subd. 4. Statutory homeowner warranty claims preserved. The statutory warranties provided under section 327A.02 are not affected by a dissolution under this chapter.

Sec. 3. Minnesota Statutes 2004, section 322B.863, is amended by adding a subdivision to read:

Subd. 4. Statutory homeowner warranty claims preserved. The statutory warranties provided under section 327A.02 are not affected by a dissolution under this chapter.

Sec. 4. Minnesota Statutes 2004, section 327A.02, is amended by adding a subdivision to read:

Subd. 2a. Remedies unaffected by corporate dissolution. The statutory warranties provided in this section are not affected by the dissolution of a vendor or home improvement contractor that is a corporation or limited liability company.

Sec. 5. Minnesota Statutes 2004, section 327A.02, is amended by adding a subdivision to read:

Subd. 4. Response from vendor to notice of claim. (a) Following notice under section 327A.03, the vendee must allow an inspection and opportunity to offer to repair the known loss or damage. Upon request of the vendee, a court may order the vendor to conduct the inspection. The inspection must be performed and any offer to repair must be made in writing to the vendee within 30 days of the vendor's receipt of the written notice required under section 327A.03, clause (a), alleging loss or damage. The applicable statute of limitations is tolled from the date the written notice provided by the vendee is postmarked, or if not sent through the mail, received by the vendor until the earliest of the following:

- (1) the date the vendee rejects the vendor's offer to repair;
- (2) the date the vendor rejects the vendee's claim in writing;
- (3) failure by the vendor to make an offer to repair within the 30-day period described in this subdivision; or
- (4) 180 days.

For purposes of this subdivision, "vendor" includes a home improvement contractor.

(b) Upon completion of repairs as described in an offer to repair, the vendor must provide the vendee with a list of the repairs made and a notice that the vendee may have a right to pursue a warranty claim under this chapter. Provision of this statement is not an admission of liability. Compliance with this subdivision does not affect any rights of the vendee under this chapter.

Sec. 6. **EFFECTIVE DATE.**

Sections 1 to 4 are effective the day following final enactment and apply to actions pending on or commenced on or after that date, provided that the action is brought within the time limitation in Minnesota Statutes, section 541.051, subdivision 4."

Amend the title accordingly

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

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

S.F. No. 2648: A bill for an act relating to local government; limiting liability on claims brought against a municipality participating in a joint venture or enterprise; amending Minnesota Statutes 2004, section 471.59, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 471.59, is amended by adding a subdivision to read:

Subd. 1a. **Single entity for liability purposes.** (a) Except as provided in paragraph (b), governmental units participating in a joint venture or joint enterprise, including participation in a cooperative activity undertaken pursuant to this section or other law, are not liable for the acts or omissions of another governmental unit participating in the joint venture or joint enterprise. For purposes of determining total liability for damages, the participating governmental units and the joint board, if one is established, are considered a single governmental unit and the total liability for the participating governmental units and the joint board, if established, may not exceed the liability limits for a single governmental unit in section 3.736 or 466.04, subdivision 1.

(b) Paragraph (a) does not protect a governmental unit from liability:

(1) for its own independent acts or omissions not directly related to the joint activity;

(2) to the extent the participating governmental unit has agreed in writing to be responsible for the acts or omissions of another governmental unit; or

(3) to the extent the liability limits are waived pursuant to section 466.06 or 471.981."

Amend the title accordingly

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

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

S.F. No. 2919: A bill for an act relating to public safety; adding a member to the Criminal and Justice Information Policy Group; amending Minnesota Statutes 2005 Supplement, section 299C.65, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. **[4.055] GOVERNOR'S RESIDENCE EMPLOYEES AND GOVERNOR APPOINTEE BACKGROUND CHECKS.**

The governor's office may request a check of:

(1) systems accessible through the criminal justice data communications network, including, but not limited to, criminal history, predatory offender registration, warrants, and driver license record information from the Department of Public Safety;

(2) the statewide supervision system maintained by the Department of Corrections; and

(3) national criminal history information maintained by the Federal Bureau of Investigation;

on candidates for positions within the governor's residence or appointment by the governor. The candidate shall provide the governor's office with a written authorization to conduct the check of these systems. For a check of the national criminal history information, the request must also include a set of fingerprints which shall be sent to the Bureau of Criminal Apprehension. The bureau has the authority to exchange the fingerprints with the FBI to facilitate the national background check. The superintendent may recover fees associated with the background checks from the governor's office.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 2. Minnesota Statutes 2004, section 144.445, subdivision 1, is amended to read:

Subdivision 1. **Screening of inmates.** (a) All persons detained or confined for 14 consecutive days or more in facilities operated, licensed, or inspected by the Department of Corrections shall be screened for tuberculosis with either a Mantoux test or a chest roentgenogram (x-ray) as consistent with screening and follow-up practices recommended by the United States Public Health Service or the Department of Health, as determined by the commissioner of health. Administration of the Mantoux test or chest roentgenogram (x-ray) must take place on or before the 14th day of detention or confinement.

(b) If an inmate refuses to submit to an annual test as specified in paragraph (a), the commissioner of corrections may order the inmate to be tested.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 3. Minnesota Statutes 2004, section 144.7401, is amended by adding a subdivision to read:

Subd. 8. **Peace officer; applicability.** An individual licensed as a peace officer under section 626.84, subdivision 1, is considered an emergency medical services person for purposes of sections 144.7401 to 144.7415 regardless of whether the officer is engaged in performing emergency services.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 4. Minnesota Statutes 2004, section 152.01, subdivision 18, is amended to read:

Subd. 18. **Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b), "drug paraphernalia" means all equipment, products, and materials of any kind, except those items used in conjunction with permitted uses of controlled substances under this chapter or the Uniform Controlled Substances Act, which are ~~knowingly or intentionally~~ used primarily in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, (3) testing the strength, effectiveness, or purity of a controlled substance, or (4) enhancing the effect of a controlled substance.

(b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale of hypodermic needles or syringes in accordance with section 151.40, subdivision 2.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2004, section 152.093, is amended to read:

152.093 MANUFACTURE OR DELIVERY SALE OF DRUG PARAPHERNALIA PROHIBITED.

Subdivision 1. **Sales generally.** (a) It is unlawful for any person knowingly or intentionally to deliver sell drug paraphernalia or knowingly or intentionally to possess or manufacture drug paraphernalia for delivery, knowing or having reason to know, that the item will be used primarily to:

(1) manufacture a controlled substance;

(2) inject, ingest, inhale, or otherwise introduce into the human body a controlled substance;

(3) test the strength, effectiveness, or purity of a controlled substance; or

(4) enhance the effect of a controlled substance.

(b) Any violation of this section subdivision is a misdemeanor.

Subd. 2. **Sales to minor.** Any person 18 years of age or older who violates subdivision 1 by selling drug paraphernalia to a person under 18 years of age who is at least three years younger is guilty of a gross misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 6. **[152.0955] PROHIBITION ON POSSESSION OF CERTAIN ITEMS ASSOCIATED WITH CONTROLLED SUBSTANCE USE.**

Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings given:

(1) "bong" means any pipe or smoking device, commonly referred to as a bong or water bong, having one tube that attaches to or is part of the pipe or device, that allows for a smoked product to be drawn from a reservoir or bowl, through a quantity of water or other liquid substance, or through another tube or opening on the pipe or device;

(2) "dugout" means a storage device, commonly referred to as a dugout, designed with separate reservoirs for marijuana and a one-hit pipe;

(3) "glass pipe" means any pipe or smoking device that is made of glass and that has a reservoir capable of holding controlled substances for ingestion;

(4) "marijuana pipe" means any pipe or smoking device, except for a traditional pipe, that is made of solid material, including ivory, onyx, glass, metal, stone, or any other material, having a reservoir and a direct channel or a channel filtered by a screen, leading to an open end, commonly known as a bowl;

(5) "one-hit pipe" means any pipe or smoking device that consists of a reservoir on one end, with a direct channel or a channel filtered by a screen that leads to the opposite end, designed as a linear device, and without a separately attached bowl or reservoir; and

(6) "traditional pipe" means a smoking device that has a sole use for consumption of tobacco, not containing a screen in the bowl section, such as a corncob pipe.

Subd. 2. **Possession prohibited.** A person who knowingly possesses a bong, dugout, glass pipe, marijuana pipe, or one-hit pipe is guilty of a petty misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to acts committed on or after that date.

Sec. 7. Minnesota Statutes 2004, section 152.18, subdivision 1, is amended to read:

Subdivision 1. **Deferring prosecution for certain first time drug offenders.** If any person who has not previously participated in or completed a diversion program authorized under section 401.065 or who has not previously been placed on probation without a judgment of guilty and thereafter been discharged from probation under this section is found guilty of a violation of section 152.024, subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, or 4, for possession of a controlled substance, after trial or upon a plea of guilty, and the court determines that the violation does not qualify as a subsequent controlled substance conviction under section 152.01, subdivision 16a, the court may shall, without entering a judgment of guilty and with the consent of the person, either (1) defer further proceedings and place the person on probation upon such

reasonable conditions as it may require and for a period, not to exceed the maximum sentence provided for the violation. ~~The court or (2) state in writing the reason why a deferral is inappropriate.~~ If the court grants a deferral, it may give the person the opportunity to attend and participate in an appropriate program of education regarding the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against the person and discharge the person from probation before the expiration of the maximum period prescribed for the person's probation. If during the period of probation the person does not violate any of the conditions of the probation, then upon expiration of the period the court shall discharge the person and dismiss the proceedings against that person. Discharge and dismissal under this subdivision shall be without court adjudication of guilt, but a not public record of it shall be retained by the Bureau of Criminal Apprehension for the purpose of use by the courts in determining the merits of subsequent proceedings against the person. The not public record may also be opened only upon court order for purposes of a criminal investigation, prosecution, or sentencing. Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall notify the requesting party of the existence of the not public record and the right to seek a court order to open it pursuant to this section. The court shall forward a record of any discharge and dismissal under this subdivision to the bureau which shall make and maintain the not public record of it as provided under this subdivision. The discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime or for any other purpose.

For purposes of this subdivision, "not public" has the meaning given in section 13.02, subdivision 8a.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 8. Minnesota Statutes 2004, section 169A.24, subdivision 1, is amended to read:

Subdivision 1. **Degree described.** A person who violates section 169A.20 (driving while impaired) is guilty of first-degree driving while impaired if the person:

(1) commits the violation within ten years of the first of three or more qualified prior impaired driving incidents; ~~or~~

(2) has previously been convicted of a felony under this section; or

(3) has previously been convicted of a felony under section 609.21, subdivision 1, clause (2), (3), (4), (5), or (6); subdivision 2, clause (2), (3), (4), (5), or (6); subdivision 2a, clause (2), (3), (4), (5), or (6); subdivision 3, clause (2), (3), (4), (5), or (6); or subdivision 4, clause (2), (3), (4), (5), or (6).

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 9. Minnesota Statutes 2005 Supplement, section 171.18, subdivision 1, is amended to read:

Subdivision 1. **Offenses.** (a) The commissioner may suspend the license of a driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

(1) has committed an offense for which mandatory revocation of license is required upon conviction;

(2) has been convicted by a court for violating a provision of chapter 169 or an ordinance regulating traffic, other than a conviction for a petty misdemeanor, and department records show that the violation contributed in causing an accident resulting in the death or personal injury of another, or serious property damage;

(3) is an habitually reckless or negligent driver of a motor vehicle;

- (4) is an habitual violator of the traffic laws;
- (5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;
- (6) has permitted an unlawful or fraudulent use of the license;
- (7) has committed an offense in another state that, if committed in this state, would be grounds for suspension;
- (8) has committed a violation of section 169.444, subdivision 2, paragraph (a), within five years of a prior conviction under that section;
- (9) has committed a violation of section 171.22, except that the commissioner may not suspend a person's driver's license based solely on the fact that the person possessed a fictitious or fraudulently altered Minnesota identification card;
- (10) has failed to appear in court as provided in section 169.92, subdivision 4;
- (11) has failed to report a medical condition that, if reported, would have resulted in cancellation of driving privileges;
- (12) has been found to have committed an offense under section 169A.33; or
- (13) has paid or attempted to pay a fee required under this chapter for a license or permit by means of a dishonored check issued to the state or a driver's license agent, which must be continued until the registrar determines or is informed by the agent that the dishonored check has been paid in full.

However, an action taken by the commissioner under clause (2) or (5) must conform to the recommendation of the court when made in connection with the prosecution of the licensee.

(b) The commissioner may not suspend the driver's license of an individual under paragraph (a) who was convicted of a violation of section 171.24, subdivision 1, whose license was under suspension at the time solely because of the individual's failure to appear in court or failure to pay a fine.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 10. Minnesota Statutes 2004, section 181.973, is amended to read:

181.973 EMPLOYEE PUBLIC SAFETY PEER COUNSELING AND DEBRIEFING.

A person engaged in a public safety peer counseling or a public safety peer debriefing shall not, without the permission of the person being debriefed or counseled, be allowed to disclose any information or opinion which the peer group member or peer counselor has acquired during the debriefing process. However, this does not prohibit a peer counselor from disclosing information the peer counselor reasonably believes indicates that the person may be a danger to self or others, if the information is used only for the purpose of eliminating the danger to the person or others. Any information or opinion disclosed in violation of this paragraph is not admissible as evidence in any personnel or occupational licensing matter involving the person being debriefed or counseled.

For purposes of this ~~paragraph~~ section, "public safety peer counseling or debriefing" means a group process oriented debriefing session, or one-to-one contact with a peer counselor, held for peace officers, firefighters, medical emergency persons, dispatchers, or other persons involved with public safety emergency services, that is established by any agency providing public safety emergency services and is designed to help a person who has suffered an occupation-related ~~traumatic event~~ trauma, illness, or stress begin the process of healing and effectively dealing with ~~posttraumatic stress~~ the person's problems or the use of the peer counselor for direction with referrals to better service these occupation-related issues. A "peer counselor" means someone so designated by that

agency.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 11. Minnesota Statutes 2004, section 241.016, subdivision 1, is amended to read:

Subdivision 1. **Biennial report.** (a) The Department of Corrections shall submit a performance report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice funding by January 15, 2005, and every other year thereafter. The issuance and content of the report must include the following:

- (1) department strategic mission, goals, and objectives;
- (2) the department-wide per diem, adult facility-specific per diems, and an average per diem, reported in a standard calculated method as outlined in the departmental policies and procedures; and
- (3) department annual statistics as outlined in the departmental policies and procedures; and
- (4) information about prison-based mental health programs, including, but not limited to, the availability of these programs, participation rates, and completion rates.

(b) The department shall maintain recidivism rates for adult facilities on an annual basis. In addition, each year the department shall, on an alternating basis, complete a recidivism analysis of adult facilities, juvenile services, and the community services divisions and include a three-year recidivism analysis in the report described in paragraph (a). When appropriate, the recidivism analysis must include education programs, vocational programs, treatment programs, including mental health programs, industry, and employment. In addition, when reporting recidivism for the department's adult and juvenile facilities, the department shall report on the extent to which offenders it has assessed as chemically dependent commit new offenses, with separate recidivism rates reported for persons completing and not completing the department's treatment programs.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 12. [241.0222] CONTRACTS WITH NEWLY CONSTRUCTED JAIL FACILITIES THAT PROVIDE ACCESS TO CHEMICAL DEPENDENCY TREATMENT PROGRAMS.

Notwithstanding section 16C.05, subdivision 2, the commissioner may enter into contracts, up to five years in duration, with a county or group of counties to house inmates committed to the custody of the commissioner in newly constructed county or regional jail facilities that provide inmates access to chemical dependency treatment programs licensed by the Department of Human Services. A contract entered into under this section may contain an option to renew the contract for a term of up to five years.

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

Sec. 13. Minnesota Statutes 2005 Supplement, section 241.06, is amended by adding a subdivision to read:

Subd. 3. **Substance abuse information provided to supervising corrections agency.** When an offender is being released from prison, the commissioner shall provide to the corrections agency that will supervise the offender prison records relating to that offender's prison-based substance abuse assessments, treatment, and any other substance abuse-related services provided to the offender. If the offender did not participate in the prison-based substance abuse program to which the offender was directed, the commissioner shall provide the supervising agency with an explanation of the reasons.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 14. [241.40] PERIODIC REVIEWS OF SUBSTANCE ABUSE ASSESSMENT

PROCESS.

By January 15, 2007, and at least once every three years thereafter, the commissioner shall ensure that an outside entity conducts an independent review of the department's prison-based substance abuse assessment activities.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 15. [241.415] RELEASE PLANS; SUBSTANCE ABUSE.

The commissioner shall cooperate with community-based corrections agencies to determine how best to address the substance abuse treatment needs of offenders who are being released from prison. The commissioner shall ensure that an offender's prison release plan adequately addresses the offender's needs for substance abuse assessment, treatment, or other services following release, within the limits of available resources.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 16. [241.416] SUBSTANCE ABUSE PROGRAMS; RECORD KEEPING.

The commissioner shall keep adequate records regarding inmate participation in substance abuse treatment programs. For inmates who did not comply with directives to participate in substance abuse treatment programs, these records must include the reasons why the inmate did not do so.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 17. [241.75] INMATE HEALTH CARE DECISIONS.

Subdivision 1. Definitions. (a) Except as provided in paragraph (b), the definitions in chapter 145C apply to this section.

(b) "Health care" means any care, treatment, service, or procedure to maintain, diagnose, or otherwise affect a person's physical or mental condition.

Subd. 2. Health care decisions. The medical director of the Department of Corrections may make a health care decision for an inmate incarcerated in a state correctional facility if the inmate's attending physician determines that the inmate lacks decision-making capacity and:

(1) there is not a documented health care agent designated by the inmate or the health care agent is not reasonably available to make the health care decision;

(2) if there is a documented health care directive, the decision is consistent with that directive;

(3) the decision is consistent with reasonable medical practice and other applicable law; and

(4) the medical director has made a good-faith attempt to consult with the inmate's next of kin or emergency contact person in making the decision, to the extent those persons are reasonably available.

Subd. 3. Disagreement regarding health care; guardianship petition. If the medical director consults with an inmate's next of kin under subdivision 2, clause (4), and the inmate's next of kin and the medical director are not in agreement with respect to a health care decision, the commissioner may bring a petition under section 524.5-303 for appointment of a guardian with authority to make health care decisions for the inmate.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 18. Minnesota Statutes 2005 Supplement, section 243.166, subdivision 1b, is amended to read:

Subd. 1b. **Registration required.** (a) A person shall register under this section if:

(1) the person was charged with or petitioned for a felony violation of or attempt to violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

(i) murder under section 609.185, clause (2);

(ii) kidnapping under section 609.25;

(iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451, subdivision 3; or 609.3453; or

(iv) indecent exposure under section 617.23, subdivision 3;

(2) the person was charged with or petitioned for a violation of, or attempt to violate, or aiding, abetting, or conspiracy to commit false imprisonment in violation of section 609.255, subdivision 2; soliciting a minor to engage in prostitution in violation of section 609.322 or 609.324; soliciting a minor to engage in sexual conduct in violation of section 609.352; using a minor in a sexual performance in violation of section 617.246; or possessing pornographic work involving a minor in violation of section 617.247, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances;

(3) the person was sentenced as a patterned sex offender under section 609.108; or

(4) the person was convicted of or adjudicated delinquent for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to the offenses described in clause (1), (2), or (3).

(b) A person also shall register under this section if:

(1) the person was convicted of or adjudicated delinquent in another state for an offense that would be a violation of a law described in paragraph (a) if committed in this state;

(2) the person enters this state to reside, work, or attend school, or enters this state and remains for 14 days or longer; and

(3) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of or adjudicated delinquent for the offense that triggers registration, unless the person is subject to lifetime registration, ~~in which case. If the person is required to register for life under Minnesota law or the law of any other state in which the person has been convicted, adjudicated, or required to register,~~ the person shall register for life regardless of when the person was released from confinement, convicted, or adjudicated delinquent.

(c) A person also shall register under this section if the person was committed pursuant to a court commitment order under section 253B.185 or Minnesota Statutes 1992, section 526.10, or a similar law of another state or the United States, regardless of whether the person was convicted of any offense.

(d) A person also shall register under this section if:

(1) the person was charged with or petitioned for a felony violation or attempt to violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or the United States, or the person was charged with or petitioned for a violation of any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or the United States;

(2) the person was found not guilty by reason of mental illness or mental deficiency after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in states with a guilty but mentally ill verdict; and

(3) the person was committed pursuant to a court commitment order under section 253B.18 or

a similar law of another state or the United States.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to offenders residing in Minnesota on or after that date.

Sec. 19. Minnesota Statutes 2005 Supplement, section 243.166, subdivision 6, is amended to read:

Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section 609.165, subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to register under this section shall continue to comply with this section until ten years have elapsed since the person initially registered in connection with the offense, or until the probation, supervised release, or conditional release period expires, whichever occurs later. For a person required to register under this section who is committed under section 253B.18 or 253B.185, the ten-year registration period does not include the period of commitment.

(b) If a person required to register under this section fails to provide the person's primary address as required by subdivision 3, paragraph (b), fails to comply with the requirements of subdivision 3a, fails to provide information as required by subdivision 4a, or fails to return the verification form referenced in subdivision 4 within ten days, the commissioner of public safety may require the person to continue to register for an additional period of five years. This five-year period is added to the end of the offender's registration period.

(c) If a person required to register under this section is subsequently incarcerated following a conviction for a new offense or following a revocation of probation, supervised release, or conditional release for any offense, the person shall continue to register until ten years have elapsed since the person was last released from incarceration or until the person's probation, supervised release, or conditional release period expires, whichever occurs later.

(d) A person shall continue to comply with this section for the life of that person:

(1) if the person is convicted of or adjudicated delinquent for any offense for which registration is required under subdivision 1b, or any offense from another state or any federal offense similar to the offenses described in subdivision 1b, and the person has a prior conviction or adjudication for an offense for which registration was or would have been required under subdivision 1b, or an offense from another state or a federal offense similar to an offense described in subdivision 1b;

(2) if the person is required to register based upon a conviction or delinquency adjudication for an offense under section 609.185, clause (2), or a similar statute from another state or the United States;

(3) if the person is required to register based upon a conviction for an offense under section 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or (g); or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state or the United States similar to the offenses described in this clause; or

(4) if the person is required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under section 253B.185 or a similar law of another state or the United States; or

(5) if the person is required to register for life under the law of any other state in which the person has been previously convicted, adjudicated, or required to register.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to offenders residing in Minnesota on or after that date.

Sec. 20. Minnesota Statutes 2005 Supplement, section 244.055, subdivision 10, is amended to read:

Subd. 10. **Notice.** Upon receiving an offender's petition for release under subdivision 2, the commissioner shall notify the prosecuting authority responsible for the offender's conviction and the sentencing court. The commissioner shall give the authority and court a reasonable opportunity to comment on the offender's potential release. If the authority or court elects to comment, the comments must specify the reasons for the authority or court's position. This subdivision applies only to offenders sentenced before July 1, 2005.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 21. Minnesota Statutes 2005 Supplement, section 244.055, subdivision 11, is amended to read:

Subd. 11. **Sunset.** This section expires July 1, ~~2007~~ 2009.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 22. Minnesota Statutes 2005 Supplement, section 244.10, subdivision 5, is amended to read:

Subd. 5. **Procedures in cases where state intends to seek an aggravated departure.** (a) When the prosecutor provides reasonable notice under subdivision 4, the district court shall allow the state to prove beyond a reasonable doubt to a jury of 12 members the factors in support of the state's request for an aggravated departure from the Sentencing Guidelines or the state's request for an aggravated sentence under any sentencing enhancement statute or the state's request for a mandatory minimum under section 609.11 as provided in paragraph (b) or (c).

(b) The district court shall allow a unitary trial and final argument to a jury regarding both evidence in support of the elements of the offense and evidence in support of aggravating factors when the evidence in support of the aggravating factors:

- (1) would be admissible as part of the trial on the elements of the offense; or
- (2) would not result in unfair prejudice to the defendant.

The existence of each aggravating factor shall be determined by use of a special verdict form.

Upon the request of the prosecutor, the court shall allow bifurcated argument and jury deliberations.

(c) The district court shall bifurcate the proceedings, or impanel a resentencing jury, to allow for the production of evidence, argument, and deliberations on the existence of factors in support of an aggravated departure after the return of a guilty verdict when the evidence in support of an aggravated departure:

- (1) includes evidence that is otherwise inadmissible at a trial on the elements of the offense; and
- (2) would result in unfair prejudice to the defendant.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to sentencing hearings, resentencing hearings, and sentencing departures sought on or after that date.

Sec. 23. Minnesota Statutes 2005 Supplement, section 244.10, subdivision 6, is amended to read:

Subd. 6. **Defendants to present evidence and argument.** In either a unitary or bifurcated trial under subdivision 5, a defendant shall be allowed to present evidence and argument to the jury or factfinder regarding whether facts exist that would justify an aggravated ~~durational~~ departure or an aggravated sentence under any sentencing enhancement statute or a mandatory minimum sentence under section 609.11. A defendant is not allowed to present evidence or argument to the jury or factfinder regarding facts in support of a mitigated departure during the trial, but may present evidence and argument in support of a mitigated departure to the judge as factfinder during a sentencing hearing.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to sentencing hearings, resentencing hearings, and sentencing departures sought on or after that date.

Sec. 24. Minnesota Statutes 2005 Supplement, section 244.10, subdivision 7, is amended to read:

Subd. 7. **Waiver of jury determination.** The defendant may waive the right to a jury determination of whether facts exist that would justify an aggravated sentence. Upon receipt of a waiver of a jury trial on this issue, the district court shall determine beyond a reasonable doubt whether the factors in support of the state's motion for aggravated departure or an aggravated sentence under any sentencing enhancement statute or a mandatory minimum sentence under section 609.11 exist.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to sentencing hearings, resentencing hearings, and sentencing departures sought on or after that date.

Sec. 25. **[299A.79] TOLL-FREE HOTLINE FOR TRAFFICKING VICTIMS.**

(a) As used in this section, "trafficking victim" has the meaning given in section 299A.78, subdivision 1.

(b) The commissioner of public safety shall contract with a nonprofit organization that provides legal services to domestic and international trafficking victims to maintain a toll-free telephone hotline for trafficking victims.

The hotline must be in place by January 1, 2007, and must be operated 24 hours a day, 365 days a year. The hotline must offer language interpreters for languages commonly spoken in Minnesota, including, but not limited to, Spanish, Vietnamese, Hmong, and Somali. At a minimum, the hotline must screen trafficking victims, both domestic and international, and provide appropriate referrals to attorneys and victims' services organizations.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 26. **[299A.81] MENTORING PROGRAMS; CRIMINAL BACKGROUND CHECKS.**

Subdivision 1. **Definition.** For purposes of this section, "mentoring" means a commitment between an adult and youth focused on developing the character and capabilities of the young person and involving regular, personal, and/or face-to-face meetings.

Subd. 2. **Background check requests.** To screen for safety risks, an organization providing mentor services may request the Bureau of Criminal Apprehension to perform a criminal background check on persons volunteering to become a mentor under the organization's supervision.

Subd. 3. **Background checks.** The superintendent of the Bureau of Criminal Apprehension shall provide up to 15,000 background checks upon request for background checks by organizations specified in subdivision 2.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 27. **[299A.85] REPORTING OF UNIDENTIFIED PERSONS/HUMAN REMAINS.**

Subdivision 1. **Handling of death scene investigations.** (a) The Department of Public Safety shall provide information to local law enforcement agencies about best practices for handling death scene investigations.

(b) The Department of Public Safety shall identify any publications or training opportunities that may be available to local law enforcement agencies or law enforcement officers concerning the handling of death scene investigations.

Subd. 2. **Law enforcement reports.** (a) After performing any death scene investigation considered appropriate under the circumstances, the official with custody of the human remains

shall ensure that the human remains are delivered to the appropriate medical examiner.

(b) A person with custody of human remains that are not identified within 24 hours of discovery shall promptly notify the Department of Public Safety of the location of those remains.

(c) A person with custody of remains who cannot determine whether or not the remains found are human shall notify the Department of Public Safety of the existence of possible human remains.

EFFECTIVE DATE. This section is effective August 1, 2006.

Sec. 28. Minnesota Statutes 2005 Supplement, section 299C.105, subdivision 3, is amended to read:

Subd. 3. **Bureau duty.** ~~(a) The bureau shall destroy the biological specimen and return all records to a person who submitted a biological specimen under subdivision 1 but who was found not guilty of a felony.~~ Upon the request of a person who submitted a biological specimen under subdivision 1 but ~~where~~ was either found not guilty of a felony or the charge against the person was later dismissed, the bureau shall destroy the person's biological specimen and return all records to the individual.

(b) If the bureau destroys a biological specimen under paragraph (a), the bureau shall also remove the person's information from the bureau's combined DNA index system and return all related records and all copies or duplicates of them.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 29. **[299C.156] FORENSIC LABORATORY ADVISORY BOARD.**

Subdivision 1. **Membership.** (a) The Forensic Laboratory Advisory Board consists of the following:

- (1) the superintendent of the Bureau of Criminal Apprehension or the superintendent's designee;
- (2) the commissioner of public safety or the commissioner's designee;
- (3) the commissioner of corrections or the commissioner's designee;
- (4) an individual with expertise in the field of forensic science, selected by the governor;
- (5) an individual with expertise in the field of forensic science, selected by the attorney general;
- (6) a faculty member of the University of Minnesota, selected by the president of the university;
- (7) the state public defender or a designee;
- (8) a prosecutor, selected by the Minnesota County Attorneys Association;
- (9) a sheriff, selected by the Minnesota Sheriffs Association;
- (10) a police chief, selected by the Minnesota Chiefs of Police Association;
- (11) a judge or court administrator, selected by the chief justice of the Supreme Court; and
- (12) a criminal defense attorney, selected by the Minnesota State Bar Association.

(b) The board shall select a chair from among its members.

(c) Board members serve four-year terms and may be reappointed.

(d) The board may employ staff necessary to carry out its duties.

Subd. 2. **Duties.** The board may:

- (1) develop and implement a reporting system through which laboratories, facilities, or entities

that conduct forensic analyses report professional negligence or misconduct that substantially affects the integrity of the forensic results committed by employees or contractors:

(2) encourage all laboratories, facilities, or entities that conduct forensic analyses to report professional negligence or misconduct that substantially affects the integrity of the forensic results committed by employees or contractors to the board;

(3) investigate, in a timely manner, any allegation of professional negligence or misconduct that would substantially affect the integrity of the results of a forensic analysis conducted by a laboratory, facility, or entity; and

(4) encourage laboratories, facilities, and entities that conduct forensic analyses to become accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ALCLD/LAB) or other appropriate accrediting body and develop and implement a process for those entities to report their accreditation status to the board.

Subd. 3. **Investigations.** An investigation under subdivision 2, clause (3):

(1) may include the preparation of a written report that identifies and describes the methods and procedures used to identify:

(i) the alleged negligence or misconduct;

(ii) whether negligence or misconduct occurred; and

(iii) any corrective action required of the laboratory, facility, or entity; and

(2) may include one or more:

(i) retrospective reexaminations of other forensic analyses conducted by the laboratory, facility, or entity that may involve the same kind of negligence or misconduct; and

(ii) follow-up evaluations of the laboratory, facility, or entity to review:

(A) the implementation of any corrective action required under clause (1), item (iii); or

(B) the conclusion of any retrospective reexamination under this clause, item (i).

Subd. 4. **Delegation of duties.** The board by contract may delegate the duties described in subdivision 2, clauses (1) and (3), to any person or entity that the board determines to be qualified to assume those duties.

Subd. 5. **Reviews and reports are public.** The board shall make all investigation reports completed under subdivision 3, clause (1), available to the public. A report completed under subdivision 3, clause (1), in a subsequent civil or criminal proceeding is not prima facie evidence of the information or findings contained in the report.

Subd. 6. **Reports to legislature.** By January 15 of each year, the board shall submit any report prepared under subdivision 3, clause (1), during the preceding calendar year to the governor and the legislature.

Subd. 7. **Forensic analysis processing time period guidelines.** (a) By July 1, 2007, the board shall recommend forensic analysis processing time period guidelines applicable to the Bureau of Criminal Apprehension and other laboratories, facilities, and entities that conduct forensic analyses. When adopting and recommending these guidelines and when making other related decisions, the board shall consider the goals and priorities identified by the presidential DNA initiative. The board shall consider the feasibility of the Bureau of Criminal Apprehension completing the processing of forensic evidence submitted to it by sheriffs, chiefs of police, or state or local corrections authorities.

Subd. 8. **Forensic evidence processing deadline.** The board may recommend reasonable standards and deadlines for the Bureau of Criminal Apprehension to test and catalog forensic

evidence samples relating to alleged crimes committed, including DNA analysis, in their control and possession.

Subd. 9. **Office space.** The commissioner of public safety may provide adequate office space and administrative services to the board.

Subd. 10. **Expenses.** Section 15.059 applies to the board.

Subd. 11. **Definition.** As used in this section, "forensic analysis" means a medical, chemical, toxicologic, ballistic, or other expert examination or test performed on physical evidence, including DNA evidence, for the purpose of determining the connection of the evidence to a criminal action.

Sec. 30. Minnesota Statutes 2005 Supplement, section 299C.40, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "CIBRS" means the Comprehensive Incident-Based Reporting System, located in the Department of Public Safety and managed by the Bureau of Criminal Apprehension, Criminal Justice Information Systems Section. A reference in this section to "CIBRS" includes the Bureau of Criminal Apprehension.

(c) "Law enforcement agency" means a Minnesota municipal police department, the Metropolitan Transit Police, the Metropolitan Airports Police, the University of Minnesota Police Department, the Department of Corrections' Fugitive Apprehension Unit, a Minnesota county sheriff's department, the Bureau of Criminal Apprehension, or the Minnesota State Patrol.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 31. Minnesota Statutes 2005 Supplement, section 299C.405, is amended to read:

299C.405 SUBSCRIPTION SERVICE.

(a) For the purposes of this section "subscription service" means a process by which law enforcement agency personnel may obtain ongoing, automatic electronic notice of any contacts an individual has with any criminal justice agency.

(b) The Department of Public Safety must not establish a subscription service without prior legislative authorization; except that, the Bureau of Criminal Apprehension may employ under section 299C.40 a secure subscription service designed to promote and enhance officer safety during tactical operations by and between federal, state, and local law enforcement agencies by notifying law enforcement agencies of conflicts where multiple law enforcement operations may be occurring on the same subject or vehicle or on or near the same location. The notification may include warrant executions, surveillance activities, SWAT activities, undercover operations, and other investigative operations.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 32. **[299C.565] MISSING PERSON REPORT.**

The local law enforcement agency having jurisdiction over the location where a person has been missing or was last seen has the responsibility to take a missing person report from an interested party. If this location cannot be clearly and easily established, the local law enforcement agency having jurisdiction over the last verified location where the missing person last resided has the responsibility to take the report.

EFFECTIVE DATE. This section is effective August 1, 2006.

Sec. 33. Minnesota Statutes 2005 Supplement, section 299C.65, subdivision 2, is amended to read:

Subd. 2. **Task force.** The policy group shall appoint a task force to assist them in their duties. The task force shall monitor, review, and report to the policy group on CrimNet-related projects and provide oversight to ongoing operations as directed by the policy group. The task force shall consist of the following members:

- (1) two sheriffs recommended by the Minnesota Sheriffs Association;
- (2) two police chiefs recommended by the Minnesota Chiefs of Police Association;
- (3) two county attorneys recommended by the Minnesota County Attorneys Association;
- (4) two city attorneys recommended by the Minnesota League of Cities;
- (5) two public defenders appointed by the Board of Public Defense;
- (6) two district judges appointed by the Conference of Chief Judges, one of whom is currently assigned to the juvenile court;
- (7) two community corrections administrators recommended by the Minnesota Association of Counties, one of whom represents a community corrections act county;
- (8) two probation officers;
- (9) four public members, one of whom has been a victim of crime, and two who are representatives of the private business community who have expertise in integrated information systems and who for the purpose of meetings of the full task force may be compensated pursuant to section 15.059;
- (10) two court administrators;
- (11) one member of the house of representatives appointed by the speaker of the house;
- (12) one member of the senate appointed by the majority leader;
- (13) the attorney general or a designee;
- (14) two individuals recommended by the Minnesota League of Cities, one of whom works or resides in greater Minnesota and one of whom works or resides in the seven-county metropolitan area;
- (15) two individuals recommended by the Minnesota Association of Counties, one of whom works or resides in greater Minnesota and one of whom works or resides in the seven-county metropolitan area;
- (16) the director of the Sentencing Guidelines Commission;
- (17) one member appointed by the state chief information officer;
- ~~(17)~~(18) one member appointed by the commissioner of public safety;
- ~~(18)~~(19) one member appointed by the commissioner of corrections;
- ~~(19)~~(20) one member appointed by the commissioner of administration; and
- ~~(20)~~(21) one member appointed by the chief justice of the Supreme Court.

In making these appointments, the appointing authority shall select members with expertise in integrated data systems or best practices.

The commissioner of public safety may appoint additional, nonvoting members to the task force as necessary from time to time.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 34. Minnesota Statutes 2004, section 299F.011, subdivision 5, is amended to read:

Subd. 5. **Appeal policy; variance.** Upon application, the state fire marshal may grant variances from the minimum requirements specified in the code if there is substantial compliance with the provisions of the code, the safety of the public and occupants of such building will not be jeopardized, and undue hardship will result to the applicant unless such variance is granted. No appeal to the state fire marshal for a variance from orders issued by a local fire official from the Uniform Fire Code shall be accepted until the applicant has first made application to the local governing body and the local unit has acted on the application. The state fire marshal shall consider ~~the decision~~ any decisions or recommendations of the local governing body. Any person aggrieved by a decision made by the fire marshal under this subdivision may proceed before the fire marshal as with a contested case in accordance with the Administrative Procedure Act.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 35. Minnesota Statutes 2004, section 346.155, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Person" means any natural person, firm, partnership, corporation, or association, however organized.

(c) "Wildlife sanctuary" means a 501(c)(3) nonprofit organization that:

(1) operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced wildlife are provided care for their lifetime;

(2) does not conduct any commercial activity with respect to any animal of which the organization is an owner; and

(3) does not buy, sell, trade, auction, lease, loan, or breed any animal of which the organization is an owner, except as an integral part of the species survival plan of the American Zoo and Aquarium Association.

(d) "Possess" means to own, care for, have custody of, or control.

(e) "Regulated animal" means:

(1) all members of the Felidae family including, but not limited to, lions, tigers, cougars, leopards, cheetahs, ocelots, and servals, but not including domestic cats or cats recognized as a domestic breed, registered as a domestic breed, and shown as a domestic breed by a national or international multibreed cat registry association;

(2) bears; and

(3) all nonhuman primates, including, but not limited to, lemurs, monkeys, chimpanzees, gorillas, orangutans, marmosets, lorises, and tamarins.

Regulated animal includes any hybrid or cross between an animal listed in clause (1), (2), or (3) and a domestic animal and offspring from all subsequent generations of those crosses or hybrids.

(f) "Local animal control authority" means an agency of the state, county, municipality, or other governmental subdivision of the state that is responsible for animal control operations in its jurisdiction.

(g) "Bodily harm," "substantial bodily harm," and "great bodily harm" have the meanings given them in section 609.02.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed

on or after that date.

Sec. 36. Minnesota Statutes 2004, section 346.155, subdivision 4, is amended to read:

Subd. 4. **Requirements.** (a) A person who possesses a regulated animal must maintain health and ownership records on each animal and must maintain the records for the life of the animal. If possession of the regulated animal is transferred to another person, a copy of the health and ownership records must accompany the animal.

(b) A person who possesses a regulated animal must maintain an ongoing program of veterinary care which includes a veterinary visit to the premises at least annually.

(c) A person who possesses a regulated animal must notify the local animal control authority in writing within ten days of a change in address or location where the regulated animal is kept. The notification of change in address or location form must be prepared by the Minnesota Animal Control Association and approved by the Board of Animal Health.

(d) A person with a United States Department of Agriculture license for regulated animals shall forward a copy of the United States Department of Agriculture inspection report to the local animal control authority within 30 days of receipt of the inspection report.

(e) A person who possesses a regulated animal shall prominently display a sign on the structure where the animal is housed indicating that a dangerous regulated animal is on the premises.

(f) A person who possesses a regulated animal must notify, as soon as practicable, local law enforcement officials of any escape of a regulated animal. The person who possesses the regulated animal is liable for any costs incurred by any person, city, county, or state agency resulting from the escape of a regulated animal unless the escape is due to a criminal act by another person or a natural event.

(g) A person who possesses a regulated animal must maintain a written recovery plan in the event of the escape of a regulated animal. The person must maintain live traps, or other equipment necessary to assist in the recovery of the regulated animal.

(h) ~~If requested by the local animal control authority,~~ A person may not move a regulated animal from its location unless the person notifies the local animal control authority prior to moving the animal. The notification must include the date and the location where the animal is to be moved. This paragraph does not apply to a regulated animal transported to a licensed veterinarian.

(i) If a person who possesses a regulated animal can no longer care for the animal, the person shall take steps to find long-term placement for the regulated animal.

EFFECTIVE DATE. This section is effective August 1, 2006.

Sec. 37. Minnesota Statutes 2004, section 346.155, subdivision 5, is amended to read:

Subd. 5. **Seizure.** (a) The local animal control authority, upon issuance of a notice of inspection, must be granted access at reasonable times to sites where the local animal control authority has reason to believe a violation of this chapter is occurring or has occurred.

(b) If a person who possesses a regulated animal is not in compliance with the requirements of this section, the local animal control authority shall take possession of the animal for custody and care, provided that the procedures in this subdivision are followed.

(c) Upon request of a person possessing a regulated animal, the local animal control authority may allow the animal to remain in the physical custody of the owner for 30 days, during which time the owner shall take all necessary actions to come in compliance with this section. During the 30-day period, the local animal control authority may inspect, at any reasonable time, the premises where the animal is kept.

(d) If a person who possesses a regulated animal is not in compliance with this section following the 30-day period described in paragraph (c), the local animal control authority shall seize the animal and place it in a holding facility that is appropriate for the species for up to ten days.

(e) The authority taking custody of an animal under this section shall provide a notice of the seizure by delivering or mailing it to the owner, by posting a copy of it at the place where the animal is taken into custody, or by delivering it to a person residing on the property. The notice must include:

(1) a description of the animal seized; the authority for and purpose of the seizure; the time, place, and circumstances under which the animal was seized; and a contact person and telephone number;

(2) a statement that a person from whom a regulated animal was seized may post security to prevent disposition of the animal and may request a hearing concerning the seizure and that failure to do so within five business days of the date of the notice will result in disposition of the animal;

(3) a statement that actual costs of the care, keeping, and disposal of the regulated animal are the responsibility of the person from whom the animal was seized, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law; and

(4) a form that can be used by a person from whom a regulated animal was seized for requesting a hearing under this subdivision.

~~(e)~~ (f) If a person from whom the regulated animal was seized makes a request within five business days of the seizure, a hearing must be held within five business days of the request to determine the validity of the seizure and disposition of the animal. The judge or hearing officer may authorize the return of the animal to the person from whom the animal was seized if the judge or hearing officer finds:

(1) that the person can and will provide the care required by law for the regulated animal; and

(2) the regulated animal is physically fit.

~~(f)~~ (g) If a judge or hearing officer orders a permanent disposition of the regulated animal, the local animal control authority may take steps to find long-term placement for the animal with a wildlife sanctuary, persons authorized by the Department of Natural Resources, or an appropriate United States Department of Agriculture licensed facility.

~~(g)~~ (h) A person from whom a regulated animal is seized is liable for all actual costs of care, keeping, and disposal of the animal, except to the extent that a court or hearing officer finds that the seizure was not substantially justified by law. The costs must be paid in full or a mutually satisfactory arrangement for payment must be made between the local animal control authority and the person claiming an interest in the animal before return of the animal to the person.

~~(h)~~ (i) A person from whom a regulated animal has been seized under this subdivision may prevent disposition of the animal by posting security in the amount sufficient to provide for the actual costs of care and keeping of the animal. The security must be posted within five business days of the seizure, inclusive of the day of the seizure.

~~(i)~~ (j) If circumstances exist threatening the life of a person or the life of any animal, local law enforcement or the local animal control authority ~~shall~~ may seize a regulated animal without an opportunity for hearing or court order, or destroy the animal.

EFFECTIVE DATE. This section is effective August 1, 2006.

Sec. 38. Minnesota Statutes 2004, section 346.155, is amended by adding a subdivision to read:

Subd. 9a. **Confinement and control.** A person violates this subdivision who possesses a regulated animal and negligently fails to control the animal or keep it properly confined and as

a result the animal causes bodily harm, substantial bodily harm, or great bodily harm to another person.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 39. Minnesota Statutes 2004, section 346.155, subdivision 10, is amended to read:

Subd. 10. **Penalty.** (a) A person who knowingly violates subdivision 2, 3, paragraph (b) or (c), or 4 is guilty of a misdemeanor.

(b) A person who knowingly violates subdivision 3, paragraph (a), is guilty of a gross misdemeanor.

(c) A person who violates subdivision 9a, resulting in bodily harm is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both.

(d) A person who violates subdivision 9a, resulting in substantial bodily harm is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(e) A person who violates subdivision 9a, resulting in great bodily harm or death is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both, unless a greater penalty is provided elsewhere.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 40. Minnesota Statutes 2004, section 390.005, is amended to read:

390.005 ELECTION OR APPOINTMENT, ELIGIBILITY; VACANCIES; REMOVAL.

Subdivision 1. ~~County election~~ **Selection of coroner or medical examiner.** Each county must have a coroner or medical examiner. A coroner shall may be elected in each county, as prescribed by section 382.01, except as provided in this section or appointed in each county. A medical examiner must be appointed by the county board. The term of an appointed coroner or medical examiner must not be longer than four years.

Subd. 2. **Appointment by resolution.** ~~In a county where the office of coroner has not been abolished,~~ The board of county commissioners may, by resolution, state its intention to fill the office of coroner by appointment. The resolution must be adopted at least six months before the end of the term of the incumbent coroner, if elected. After the resolution is adopted, the board shall fill the office by appointing a person not less than 30 days before the end of the incumbent's term. The appointed coroner shall serve for a term of office determined by the board beginning upon the expiration of the term of the incumbent. The term must not be longer than four years.

If there is a vacancy in the elected office in the county, the board may by resolution, state its intention to fill the office by appointment. When the resolution is adopted, the board shall fill the office by appointment immediately. The coroner shall serve for a term determined by the board. The term must not be longer than four years.

Subd. 3. ~~Educational requirements~~ **Qualifications.** ~~A coroner must have successfully completed academic courses in pharmacology, surgery, pathology, toxicology, and physiology. However, if a board of county commissioners determines that the office of coroner shall not be elective and it cannot appoint any person meeting the educational qualifications as coroner, the board may:~~

~~(1) appoint any qualified person, whether or not a resident of the county; or~~

~~(2) if no qualified person can be found, appoint a person who is serving or has served as deputy coroner, whether or not a resident of the county.~~ (a) The medical examiner must be a forensic pathologist who is certified or eligible for certification by the American Board of Pathology. The medical examiner is an appointed public official in a system of death investigation in which the administrative control, the determination of the extent of the examination, need for autopsy, and the filing of the cause and manner of death information with the state registrar pursuant to section 144.221 are all under the control of the medical examiner.

(b) The coroner must be a physician with a valid license in good standing under chapter 147, to practice medicine as defined under section 147.081, subdivision 3. The coroner is a public official, elected or appointed, whose duty is to make inquiry into deaths in certain categories, determine the cause and manner of death, and file the information with the state registrar pursuant to section 144.221. The coroner must obtain additional training in medicolegal death investigation, such as training by the American Board of Medicolegal Death Investigators, within four years of taking office, unless the coroner has already obtained this training.

(c) The coroner or medical examiner need not be a resident of the county.

Subd. 4. **Certain incumbents.** An incumbent coroner or medical examiner in office on July 1, 1965 meets the effective date of this section is hereby deemed to meet the qualifications prescribed by this section for the purpose of continuance in, reelection to, or appointment to the office of coroner until the end of the current term of office, after which this statute will apply.

Subd. 5. **Vacancies, removal.** Vacancies in the office of coroner or medical examiner shall be filled according to sections 375.08 and 382.02, or under subdivision 1. A The medical examiner or appointed coroner may be removed from office as provided by law, by the county board during a term of office for cause shown after a hearing upon due notice of written charges. The hearing shall be conducted in accordance with that county's human resources policy.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 41. [390.0065] HENNEPIN COUNTY MEDICAL EXAMINER; SELECTION AND TERM.

Hennepin County shall use the following procedure to select the Hennepin County medical examiner: the Hennepin County Board shall designate three licensed physicians who shall constitute a Medical Examiner Board. One member shall be a dean or professor of the Department of Pathology of a Class A medical school as designated by the American Medical Association. Another member of the board shall be a member of the Minnesota Society of Pathologists. The third member shall be designated by the Hennepin County Medical Association from its membership. The Medical Examiner Board shall accept applications for the position of Hennepin County medical examiner when a vacancy exists in the office. Applications therefore shall be considered from doctors of medicine who are: (1) graduates of a medical school recognized by the American Medical Association or American Osteopathic Association, (2) members in good standing in the medical profession, (3) eligible for appointment to the staff of the Hennepin County Medical Center, and (4) certified or eligible for certification in forensic pathology by the American Board of Pathology. The Medical Examiner Board shall review the qualifications of the applicants and shall rank the applicants deemed qualified for the position and provide to the county board a report of the seven highest ranked applicants together with their qualifications. The county board shall appoint a county medical examiner from those listed in the report. The term of the examiner shall continue for four years from the date of appointment. Reappointment shall be made at least 90 days prior to the expiration of the term. If a vacancy requires a temporary appointment, the board of commissioners shall appoint a medical doctor on the staff of the county medical examiner's office to assume the duties of the medical examiner until an appointment can be made in compliance with the specified selection procedure. Actual and necessary expenses of the Medical Examiner Board shall be paid in accordance with sections 471.38 to 471.415.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 42. Minnesota Statutes 2004, section 390.01, is amended to read:

390.01 BOND AND INDEMNIFICATION .

Before taking office, the coroner shall post bond to the state in a penal sum set by the county board, not less than \$500 nor more than \$10,000. The coroner's bond is subject to the same conditions in substance as in the bond required by law to be given by the sheriff, except as to the description of the office. The coroner or medical examiner shall be included in the bond held by the county for all appointed and elected county officials and shall be defended and indemnified, pursuant to section 466.07. The bond and oath of office shall be recorded and filed with the county recorder.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 43. **[390.011] AUTONOMY.**

The coroner or medical examiner is an independent official of the county, subject only to appointment, removal, and budgeting by the county board.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 44. **[390.012] JURISDICTION.**

The coroner or medical examiner of the county in which a person dies or is pronounced dead shall have jurisdiction over the death, regardless of where any injury that resulted in the death occurred. The place where death is pronounced is deemed to be the place where death occurred. If the place of death is unknown but the dead body is found in Minnesota, the place where the body is found is considered the place of death. If the date of death is unknown, the date the body is found is considered the date of death, but only for purposes of this chapter. When a death occurs in a moving conveyance and the body is first removed in Minnesota, documentation of death must be filed in Minnesota and the place of death is considered the place where the body is first removed from the conveyance.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 45. Minnesota Statutes 2004, section 390.04, is amended to read:

390.04 TO ACT WHEN SHERIFF A PARTY TO AN ACTION PROVISION FOR TRANSFER OF JURISDICTION.

When the sheriff is a party to an action or when a party, or a party's agent or attorney, files with the court administrator of the district court an affidavit stating that the party believes the sheriff, coroner or medical examiner, because of partiality, prejudice, consanguinity, or interest, will is not faithfully able to perform the sheriff's coroner's or medical examiner's duties in an action commenced, or about to be commenced, the clerk shall direct process in the action to the coroner. The coroner shall perform the duties of the sheriff relative to the action in the same manner required for a sheriff., the coroner or medical examiner shall have the authority to transfer jurisdiction to another coroner or medical examiner, as arranged by the county board.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 46. Minnesota Statutes 2005 Supplement, section 390.05, is amended to read:

390.05 DEPUTIES MEDICAL EXAMINER OR CORONER STAFF.

A The coroner shall or medical examiner may appoint one or more deputies, assistant coroners or assistant medical examiners, as necessary to fulfill the duties of the office, subject to authorization by the county board. Such assistants shall have the same qualifications as a coroner or medical examiner. When the coroner or medical examiner is absent or unable to act, deputies assistants

shall have the same powers and duties and are subject to the same liabilities as coroners. A deputy shall be appointed in writing. The oath and appointment shall be recorded with the county recorder. The deputy shall act by name as deputy coroner and hold office at the same time as the coroner. limitations as the coroner or medical examiner. The assistants shall be appointed in writing, shall take an oath that shall be recorded and filed with the county recorder, and shall be included in the county bond. The assistant shall act by name as assistant coroner or medical examiner and hold office at the pleasure of the coroner or medical examiner.

A coroner or medical examiner may appoint one or more investigators, with such qualifications as the coroner or medical examiner deems appropriate. Such investigators shall have the powers and duties that are delegated to them by the coroner or medical examiner. Unless they are public employees of that county, investigators shall be appointed in writing and take an oath, shall be included in the county bond, and the oath and appointment shall be recorded and filed with the county recorder. Subject to authorization of the county board, assistants may be appointed to the unclassified service and investigators to the classified service of the county.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 47. [390.061] MORGUE.

Every county need not have a morgue, but there must be a system or process for receiving, storing, and releasing all dead bodies subject to this statute.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 48. Minnesota Statutes 2004, section 390.11, is amended to read:

390.11 INVESTIGATIONS AND INQUESTS.

Subdivision 1. ~~Deaths requiring inquests and investigations~~ **Reports of death.** ~~Except as provided in subdivision 1a, the coroner shall investigate and may conduct inquests in all human deaths of the following types: All sudden or unexpected deaths and all deaths that may be due entirely or in part to any factor other than natural disease processes must be promptly reported to the coroner or medical examiner for evaluation. Sufficient information must be provided to the coroner or medical examiner. Reportable deaths include, but are not limited to:~~

~~(1) unnatural deaths, including violent deaths, whether apparently homicidal, suicidal, or accidental, including but not limited to deaths due to thermal, chemical, electrical, or radiational injury, and deaths due to criminal abortion, whether apparently self induced or not; arising from homicide, suicide, or accident;~~

~~(2) deaths due to a fire or associated with burns or chemical, electrical, or radiation injury;~~

~~(3) unexplained or unexpected perinatal and postpartum maternal deaths;~~

~~(2) (4) deaths under suspicious, unusual, or mysterious unexpected circumstances;~~

~~(3) (5) deaths of persons whose bodies are to be cremated, dissected, buried at sea, or otherwise disposed of so that the bodies will later be unavailable for examination; and~~

~~(4) (6) deaths of inmates of public institutions and persons in custody of law enforcement officers who are have not been hospitalized primarily for organic disease and whose deaths are not of any type referred to in clause (1) or (2);~~

~~(7) deaths that occur during, in association with, or as the result of diagnostic, therapeutic, or anesthetic procedures;~~

~~(8) deaths due to culpable neglect;~~

~~(9) stillbirths of 20 weeks or longer gestation unattended by a physician;~~

- (10) sudden deaths of persons not affected by recognizable disease;
- (11) unexpected deaths of persons notwithstanding a history of underlying disease;
- (12) deaths in which a fracture of a major bone such as a femur, humerus, or tibia has occurred within the past six months;
- (13) deaths unattended by a physician occurring outside of a licensed health care facility or licensed residential hospice program;
- (14) deaths of persons not seen by their physician within 120 days of demise;
- (15) deaths of persons occurring in an emergency department;
- (16) stillbirths or deaths of newborn infants in which there has been maternal use of or exposure to unprescribed controlled substances including street drugs or in which there is history or evidence of maternal trauma;
- (17) unexpected deaths of children;
- (18) solid organ donors;
- (19) unidentified bodies;
- (20) skeletonized remains;
- (21) deaths occurring within 24 hours of arrival at a health care facility if death is unexpected;
- (22) deaths associated with the decedent's employment;
- (23) deaths of nonregistered hospice patients or patients in nonlicensed hospice programs; and
- (24) deaths attributable to acts of terrorism.

The coroner or medical examiner shall determine the extent of the coroner's or medical examiner's investigation, including whether additional investigation is needed by the coroner or medical examiner, jurisdiction is assumed, or an autopsy will be performed, notwithstanding any other statute.

Subd. 1a. **Commissioner of corrections; investigation of deaths.** ~~The commissioner of corrections may require that all Department of Corrections incarcerated deaths be reviewed by an independent, contracted, board-certified forensic pathologist.~~ For deaths occurring within a facility licensed by the Department of Corrections, the coroner or medical examiner shall ensure that a forensic pathologist who is certified by the American Board of Pathology reviews each death and performs an autopsy on all unnatural, unattended, or unexpected deaths and others as necessary.

Subd. 1b. **Hospice registration.** Each coroner and medical examiner shall establish a registration policy regarding hospice patients. If a hospice patient is determined to be properly preregistered, the coroner or medical examiner may treat the death as attended by a physician.

Subd. 2. ~~Violent or mysterious deaths; Autopsies.~~ The coroner or medical examiner may ~~conduct~~ order an autopsy, at the coroner's or medical examiner's sole discretion, in the case of any human death referred to in subdivision 1, ~~clause (1) or (2), when, in the judgment of the coroner judges that or medical examiner the public interest requires would be served by an autopsy, except that an autopsy must be conducted in all unattended inmate deaths that occur in a state correctional facility.~~ The autopsy shall be performed without unnecessary delay. A report of the facts developed by the autopsy and findings of the person performing the autopsy shall be made promptly and filed in the office of the coroner or medical examiner. When further investigation is deemed advisable, a copy of the report shall be delivered to the county attorney. Every autopsy performed pursuant to this subdivision shall, whenever practical, be performed in the county morgue. Nothing herein shall require the coroner or medical examiner to order an autopsy upon the body of a deceased

person if the person died of known or ascertainable causes or had been under the care of a licensed physician immediately prior to death or if the coroner or medical examiner determines the autopsy to be unnecessary.

Autopsies performed pursuant to this subdivision may include the removal, retention, testing, or use of organs, parts of organs, fluids or tissues, at the discretion of the coroner or medical examiner, when removal, retention, testing, or use may be useful in determining or confirming the cause of death, mechanism of death, manner of death, identification of the deceased, presence of disease or injury, or preservation of evidence. Such tissue retained by the coroner or medical examiner pursuant to this subdivision shall be disposed of in accordance with standard biohazardous hospital and/or surgical material and does not require specific consent or notification of the legal next of kin. When removal, retention, testing, and use of organs, parts of organs, fluids, or tissues is deemed beneficial, and is done only for research or the advancement of medical knowledge and progress, written consent or documented oral consent shall be obtained from the legal next of kin, if any, of the deceased person prior to the removal, retention, testing, or use.

Subd. 2a. **Deaths caused by fire; autopsies.** ~~The coroner shall conduct an autopsy in the case of any human death reported to the coroner by the state fire marshal or a chief officer under section 299F.04, subdivision 5, and apparently caused by fire. The coroner or medical examiner shall conduct an autopsy or require that one be performed in the case of a death reported to the coroner or medical examiner by the state fire marshal or a chief officer under section 299F.04, subdivision 5, and apparently caused by fire, and in which the decedent is pronounced dead outside of a hospital or in which identification of the decedent has not been confirmed. If the decedent has died in a hospital and identification is not in question, an autopsy may be performed or ordered by the coroner or medical examiner.~~

Subd. 3. ~~Other deaths; autopsies; Exhumation; consent disinterment.~~ The coroner may conduct an autopsy in the case of any human death referred to in subdivision 1, clause (3) or (4), or medical examiner may exhume any human body and perform an autopsy on it in the case of any human death referred to in subdivision 1 when the coroner or medical examiner judges that the public interest requires an autopsy. No autopsy exhumation shall be conducted unless the surviving spouse, or legal next of kin if there is no surviving spouse, consents to it, or the district court of the county where the body is located or buried, upon notice as the court directs, enters an order authorizing an autopsy or an exhumation and autopsy orders it. Notice of such exhumation shall be given as directed by the district court. Application for an order may be made by the coroner, medical examiner, or by the county attorney of the county where the body is located or buried, and shall be granted upon a showing that the court deems appropriate.

Subd. 4. **Assistance of medical specialists.** If during an investigation the coroner or medical examiner believes the assistance of pathologists, toxicologists, ~~deputy coroners,~~ laboratory technicians, or other medical, scientific, or forensic experts is necessary to determine or confirm the cause or manner of death, identification, time of death, or to address other issues requiring expert opinion, the coroner ~~shall~~ or medical examiner may obtain their assistance.

Subd. 5. **Inquest.** An inquest into a death may be held at the request of the medical examiner and the county attorney or the coroner and the county attorney. An inquest is optional and the coroner or medical examiner may investigate and certify a death without one. The coroner or medical examiner and county attorney may decide how to empanel the inquest. Inquest records will be made public, but the record and report of the inquest proceedings may not be used in evidence in any civil action arising out of the death for which an inquest was ordered. ~~Before an inquest is held, the coroner shall notify the county attorney to appear and examine witnesses at the inquest.~~

Whenever the decision is made to hold an inquest, the county attorney may issue subpoenas for witnesses and enforce their attendance. The persons served with subpoenas shall be allowed the same compensation and be subject to the same enforcement and penalties as provided by Rule 22 of the Minnesota Rules of Criminal Procedure.

Subd. 6. **Records kept by coroner or medical examiner.** The coroner or medical examiner

shall keep full and complete records, properly indexed records, giving the name, if known, of every person whose death is investigated, the place where the body was found, the date, cause, and manner of death, and all other relevant available information concerning the death, that the coroner or medical examiner considers pertinent. These records of the coroner or medical examiner are the property of the county and subject to chapter 13. These records shall be kept at the coroner's or medical examiner's office, unless no storage space is available. They shall then be kept with official county records and only released in accordance with the Data Practices Act. Records shall be kept in accordance with section 15.17.

Subd. 7. **Reports Duty to report.** (a) Deaths of the types described in this section must be promptly reported for investigation to the coroner or medical examiner and, when appropriate, to the law enforcement agency with jurisdiction, by the law enforcement officer, attending physician, health care professional, mortician or funeral director, person in charge of the public institutions referred to in subdivision 1, or other person with knowledge of the death, anyone who discovers a deceased person. In a case in which a crime may be involved, the coroner or medical examiner shall promptly notify the law enforcement agency with jurisdiction over a criminal investigation of the death.

Subd. 7a. **Records and other material available to coroner or medical examiner.** (b) ~~For the purposes of this section, health-related records or data on a decedent,~~ Except for health data defined in section 13.3805, subdivision 1, paragraph (a), clause (2), health-related records or data on a decedent whose death is being investigated under this section, whether the records or data are recorded or unrecorded, including but not limited to those concerning medical, surgical, psychiatric, psychological, or any other consultation, diagnosis, or treatment, including medical imaging, shall be made promptly available to the coroner or medical examiner, upon the coroner's or medical examiner's written request, by a any person, agency, entity, or organization having custody of, possession of, access to, or knowledge of the records or data. This provision includes records and data, whether recorded or unrecorded, including but not limited to, records and data, including medical imaging, concerning medical, surgical, psychiatric, psychological, chemical dependency, or any other consultation, diagnosis, or treatment. In cases involving a stillborn infant or the death of a fetus or infant less than one year of age, the prenatal records on the decedent's mother may be subpoenaed by the coroner or medical examiner. The coroner or medical examiner shall pay the reasonable costs of copies of records or data so provided to the coroner under this section. Data collected or created pursuant to this subdivision relating to any psychiatric, psychological, or mental health consultation with, diagnosis of, or treatment of the decedent whose death is being investigated shall remain confidential or protected nonpublic data, except that the coroner's or medical examiner's final summary report may contain a summary of, or references to, such data. Where records of a decedent become part of the medical examiner's or coroner's file, they are not subject to subpoena or a request for production directed to the medical examiner or coroner. Body fluids, slides, tissue, organ specimens, radiographs, monitor records, video or other recordings, and any other material or article of diagnostic value obtained from the decedent prior to death, shall be made available to the coroner or medical examiner upon request. Notwithstanding the provisions of sections 13.384 and 595.02, the coroner or medical examiner shall have the power to subpoena any and all documents, records, including medical records, and papers deemed useful in the investigation of a death.

Subd. 7b. **Records released by coroner or medical examiner.** Records and reports, including those of autopsies performed, generated, and certified by the coroner or medical examiner shall be admissible as evidence in any court or grand jury proceeding. The admissibility of such evidence under this subdivision shall not include statements made by witnesses or other persons unless otherwise admissible.

Subd. 8. **Investigation procedure; coroner or medical examiner in charge of body.** Upon notification of a the death subject to of any person as defined in this section, the coroner or deputy shall medical examiner staff or their designee may proceed to the body, take charge of it, and, arrange for transfer of it, when appropriate. This provision also applies to bones, body parts, and specimens that may be human remains. Discovery of such bones, body parts, and specimens must be promptly

reported to the coroner or medical examiner. When necessary, the coroner or medical examiner staff, in coordination with the applicable law enforcement agency, may order that there be no interference with or compromise of the body or the scene of death. In the event a person is transported to an emergency vehicle or facility and pronounced dead, the scene of death shall include the original location of the decedent when first discovered to be ill, unresponsive, or stricken prior to removal by emergency medical personnel. Any person violating such an order is guilty of a gross misdemeanor. The coroner or medical examiner staff shall make inquiry regarding the cause and manner of death and, in cases that fall under the medical examiner's or coroner's jurisdiction, prepare written findings together with the report of death and its circumstances, which shall be filed in the office of the coroner or medical examiner.

~~Subd. 9. **Criminal act report.** On coming to believe that the death may have resulted from a criminal act, The coroner or deputy medical examiner shall deliver a signed copy of the report of investigation or inquest to the county attorney. to the county attorney copies of reports or other information created by the coroner's or medical examiner's office in any cases of a potential criminal nature.~~

~~Subd. 10. **Sudden Infant death.** If a child under the age of two years dies suddenly and unexpectedly under circumstances indicating that the death may have been caused by sudden infant death syndrome, the coroner, medical examiner, or personal physician shall notify the child's parents or guardian that an autopsy is essential to establish the cause of death as sudden infant death syndrome. If an autopsy reveals that sudden infant death syndrome is the cause of death, that fact must be stated in the autopsy report., the parents or guardian of the child shall be promptly notified of the cause of death and of the availability of counseling services.~~

~~Subd. 11. **Autopsy fees.** The coroner may charge a reasonable fee to a person requesting an autopsy if the autopsy would not otherwise be conducted under subdivision 1, 2, or 3.~~

~~Subd. 12. **Authorized removal of the brain.** If the coroner or medical examiner is informed by a physician or pathologist that a dead person decedent is suspected of having had Alzheimer's disease, the coroner shall or medical examiner may authorize the removal of the brain of the dead person for the purposes of sections 145.131 and 145.132.~~

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 49. Minnesota Statutes 2004, section 390.111, is amended to read:

390.111 EXPENSES AND COMPENSATION.

~~The county board may allow is responsible for the reasonable and necessary compensation and expenses of the coroner or deputies incurred for telephone tolls, telegrams, postage, the cost of transcribing the testimony taken at an inquest, and other expenses incurred solely for the officers' official business under this chapter. medical examiner, assistants, investigators, and other medical specialists.~~

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 50. Minnesota Statutes 2004, section 390.15, is amended to read:

390.15 WITNESSES; FEES.

~~The coroner or medical examiner may issue subpoenas for witnesses, returnable immediately or at a specified time and place. The persons served with the subpoenas shall be allowed the fees, the coroner shall enforce their attendance, and they shall be subject to the penalties provided by statute or the Rules of Criminal Procedure. charge a fee for cremation approval, duplication of reports, and other administrative functions to recover reasonable expenses, subject to county board approval.~~

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 51. **[390.151] ORGAN AND TISSUE DONATION.**

The coroner or medical examiner may facilitate donation of organs and tissues in compliance with the Uniform Anatomical Gift Act, sections 525.921 to 525.9224.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 52. **[390.152] CREMATION APPROVAL.**

After investigating deaths of persons who are to be cremated, the coroner or medical examiner may give approval for cremation and shall record such approval by either signing a cremation authorization form, or electronically through the centralized electronic system for the processing of death records established by the state registrar. It shall be a misdemeanor to perform a cremation without such approval.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 53. Minnesota Statutes 2004, section 390.21, is amended to read:

390.21 DISPOSITION; BURIAL.

When a coroner holds an inquest upon view of the dead body of any person unknown, or, being called for that purpose, does not think it necessary, on view of the body, that an inquest be held, the coroner shall have the body decently buried. All expenses of the inquisition and burial shall be paid by the county where the dead body is found. After an investigation has been completed, including an autopsy if one is done, the body shall be released promptly to the person or persons who have the right to control the disposition of the body. Section 149A.80, subdivision 2, shall control. If the identity of the deceased person is unknown, or if the body is unclaimed, the medical examiner or coroner shall provide for dignified burial or storage of the remains. Dignified burial shall not include cremation, donation for anatomic dissection, burial at sea, or other disposition that will make the body later unavailable. The county where the dead body is found shall pay reasonable expenses of the burial. If an estate is opened within six years and claim made for the property or proceeds of the sale of the property of the decedent, the county shall be reimbursed the amount spent on burial, with interest at the statutory rate.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 54. Minnesota Statutes 2004, section 390.221, is amended to read:

390.221 BODIES; EFFECTS; CUSTODY.

A person may not ~~remove~~ move, interfere with, or handle the body or the effects of any person a decedent subject to an investigation by the ~~county~~ coroner or medical examiner except upon order of the coroner or, medical examiner, assistant, or ~~deputy~~ authorized investigator. The coroner or medical examiner shall take charge of the effects found on or near the body of a deceased person and dispose of them as ~~the district court directs by written order directed under section 390.225.~~ If a crime is suspected in connection with the death of a deceased person ~~is suspected,~~ the coroner or medical examiner may prevent any person, ~~except law enforcement personnel,~~ from entering the premises, rooms, or buildings, and shall have the custody of objects that the coroner or examiner deems material evidence in the case. The coroner or medical examiner shall release any property or articles needed for any criminal investigation to law enforcement officers conducting the investigation, except as noted in section 390.225, subdivision 2. A willful knowing violation of this section is a gross misdemeanor.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 55. **[390.225] PROPERTY.**

Subdivision 1. **Procedure.** The coroner or medical examiner may take possession of all articles that may be useful in establishing the cause or manner of death, identification, or next of kin of the deceased, and, if taken, mark them for identification, make an inventory, and retain them securely

until they are no longer needed for evidence or investigation. Except as noted in subdivision 2, the coroner or medical examiner shall release any property or articles needed for any criminal investigation to law enforcement officers conducting the investigation.

Subd. 2. Retention of property. When a reasonable basis exists for not releasing property or articles to law enforcement officers, the coroner or medical examiner shall consult with the county attorney. If the county attorney determines that a reasonable basis exists for not releasing the property or articles, the coroner or medical examiner may retain them. The coroner or medical examiner shall obtain written confirmation of this opinion and keep a copy in the decedent's file.

Subd. 3. Release of property. With the exception of firearms, when property or articles are no longer needed for the investigation or as evidence, the coroner or medical examiner shall release such property or articles to the person or persons entitled to them. Personal property, including wearing apparel, may be released to the person entitled to control the disposition of the body of the decedent or to the personal representative of the decedent. Personal property not otherwise released pursuant to this subdivision must be disposed of pursuant to section 525.393.

Subd. 4. Firearms. The coroner or medical examiner shall release all firearms, when no longer needed, to the law enforcement agency handling the investigation.

Subd. 5. Property of unknown decedents. If the name of the decedent is not known, the coroner or medical examiner shall release such property to the county for disposal or sale. If the unknown decedent's identity is established and if a representative shall qualify within six years from the time of such sale, the county administrator, or a designee, shall pay the amount of the proceeds of the sale to the representative on behalf of the estate upon order of the court. If no order is made within six years, the proceeds of the sale shall become a part of the general revenue of the county.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 56. Minnesota Statutes 2004, section 390.23, is amended to read:

390.23 DEATH RECORDS OF VIOLENT OR MYSTERIOUS DEATH.

No person, other than the county coroner, or medical examiner, judge exercising probate jurisdiction, or Department of Corrections' independent, contracted, board-certified forensic pathologist, or, for deaths occurring within a facility licensed by the Department of Corrections, the forensic pathologist who reviewed the death, shall issue a record file or amend the cause or manner of death information with the state registrar in cases of likely or suspected accidental, suicidal, homicidal, violent, or mysterious deaths, including suspected homicides, occurring in the county. The Department of Corrections' independent, contracted, board-certified forensic pathologist must issue the certificate of death in all Department of Corrections incarcerated deaths. The forensic pathologist who reviewed the death of an incarcerated person within a facility licensed by the Department of Corrections may file or amend the cause or manner of death information with the state registrar. If there is reasonable proof that a death has occurred, but no body has been found, a judge may direct the state registrar to register the death with the fact of death information provided by the court order according to section 144.221, subdivision 3.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 57. Minnesota Statutes 2004, section 390.25, is amended to read:

390.25 FINGERPRINTING OF UNIDENTIFIED DECEASED PERSON PERSONS.

Subdivision 1. Attempts to identify. Each coroner shall have fingerprinted all deceased persons in the county whose identity is not immediately established. Within 24 hours after the body is found, the coroner shall forward to the Bureau of Criminal Apprehension the fingerprints, fingerprint records, and other identification data. The superintendent of the bureau shall prescribe the form of these reports. The duties are in addition to those imposed on the coroner by section 525.393. The coroner or medical examiner shall make reasonable attempts to identify the deceased

person promptly. These actions may include obtaining: photographs of the body; fingerprints from the body, if possible; formal dental examination by a dentist with forensic training, with charting and radiographs; full body radiographs; specimens such as tissue, blood, bone, teeth, and/or hair, suitable for DNA analysis or other identification techniques; blood type; photographs of items such as clothing and property found on and with the body; and anthropological determination of age, race, sex, and stature, if appropriate. All of these actions shall be taken prior to the disposition of any unidentified deceased person.

Subd. 2. **Report to BCA.** After 60 days, the coroner or medical examiner shall provide to the Bureau of Criminal Apprehension missing persons clearinghouse information to be entered into federal and state databases that can aid in the identification, including the National Crime Information Center database. The coroner or medical examiner shall provide to the Bureau of Criminal Apprehension specimens suitable for DNA analysis. DNA profiles and information shall be entered by the Bureau of Criminal Apprehension into federal and state DNA databases within five business days after the completion of the DNA analysis and procedures necessary for the entry of the DNA profile.

Subd. 3. **Other efforts to identify.** Nothing in this section shall be interpreted to preclude any medical examiner or coroner from pursuing other efforts to identify unidentified deceased persons, including publicizing information, descriptions, or photographs that may aid in the identification, allowing family members to identify missing persons, and seeking to protect the dignity of the missing persons.

Subd. 4. **Preservation of data.** The coroner or medical examiner may preserve and retain photographs, specimens, documents, and other data such as dental records, radiographs, fingerprints, or DNA, for establishing or confirming the identification of bodies or for other forensic purposes deemed appropriate under the jurisdiction of the office. Upon request by an appropriate agency, or upon the coroner's or medical examiner's own initiative, the coroner or medical examiner may make the information available to aid in the establishment of the identity of a deceased person.

Subd. 5. **Notice to state archaeologist.** After the coroner or medical examiner has completed the investigation, the coroner or medical examiner shall notify the state archaeologist, according to section 307.08, of all unidentified human remains found outside of platted, recorded, or identified cemeteries and in contexts which indicate antiquity of greater than 50 years.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 58. [390.251] REQUEST FOR EXAMINATIONS.

The coroner or medical examiner may, when requested, make physical examinations and tests incident to any matter of a criminal nature under consideration by the district court or county attorney, law enforcement agency, or publicly appointed criminal defense counsel, and shall deliver a copy of a report of such tests and examinations to the person making the request. Such an examination does not establish a doctor-patient relationship. The person making the request shall pay the cost of such examinations and tests.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 59. [390.252] CONTRACTS FOR SERVICES.

A county board may contract to perform coroner or medical examiner services with other units of government or their agencies under a schedule of fees approved by that board.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 60. Minnesota Statutes 2005 Supplement, section 609.1095, subdivision 4, is amended to read:

Subd. 4. **Increased sentence for offender who commits a sixth felony.** Whenever a person

is convicted of a felony, and the judge is imposing an executed sentence based on a Sentencing Guidelines presumptive imprisonment sentence, the judge may impose an aggravated durational departure from the presumptive sentence up to the statutory maximum sentence if the factfinder determines that the offender has five or more prior felony convictions ~~and that the present offense is a felony that was committed as part of a pattern of criminal conduct.~~

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 61. Minnesota Statutes 2004, section 609.11, subdivision 7, is amended to read:

~~Subd. 7. **Prosecutor shall establish.** Whenever reasonable grounds exist to believe that the defendant or an accomplice used a firearm or other dangerous weapon or had in possession a firearm, at the time of commission of an offense listed in subdivision 9, the prosecutor shall, at the time of trial or at the plea of guilty, present on the record all evidence tending to establish that fact unless it is otherwise admitted on the record. The question of whether the defendant or an accomplice, at the time of commission of an offense listed in subdivision 9, used a firearm or other dangerous weapon or had in possession a firearm shall be determined by the court on the record~~ factfinder at the time of a verdict or finding of guilt at trial or the entry of a plea of guilty based upon the record of the trial or the plea of guilty. ~~The court~~ factfinder shall also determine ~~on the record at the time of sentencing~~ whether the defendant has ~~been convicted of a second or subsequent~~ a prior conviction for an offense in which the defendant or an accomplice, at the time of commission of an offense listed in subdivision 9, used a firearm or other dangerous weapon or had in possession a firearm.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 62. Minnesota Statutes 2004, section 609.2231, subdivision 6, is amended to read:

Subd. 6. **Public employees with mandated duties.** A person is guilty of a gross misdemeanor who:

(1) assaults an agricultural inspector, occupational safety and health investigator, child protection worker, public health nurse, animal control officer, or probation or parole officer while the employee is engaged in the performance of a duty mandated by law, court order, or ordinance;

(2) knows that the victim is a public employee engaged in the performance of the official public duties of the office; and

(3) inflicts demonstrable bodily harm.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 63. Minnesota Statutes 2005 Supplement, section 609.3455, is amended by adding a subdivision to read:

Subd. 3a. **Mandatory sentence for certain engrained offenders.** (a) A court shall commit a person to the commissioner of corrections for a period of time that is not less than double the presumptive sentence under the sentencing guidelines and not more than the statutory maximum, or if the statutory maximum is less than double the presumptive sentence, for a period of time that is equal to the statutory maximum, if:

(1) the court is imposing an executed sentence on a person convicted of committing or attempting to commit a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3453;

(2) the factfinder determines that the offender is a danger to public safety; and

(3) the factfinder determines that the offender's criminal sexual behavior is so engrained that the risk of reoffending is great without intensive psychotherapeutic intervention or other long-term

treatment or supervision extending beyond the presumptive term of imprisonment and supervised release.

(b) The factfinder shall base its determination that the offender is a danger to public safety on any of the following factors:

(1) the crime involved an aggravating factor that would justify a durational departure from the presumptive sentence under the sentencing guidelines;

(2) the offender previously committed or attempted to commit a predatory crime or a violation of section 609.224 or 609.2242, including:

(i) an offense committed as a juvenile that would have been a predatory crime or a violation of section 609.224 or 609.2242 if committed by an adult; or

(ii) a violation or attempted violation of a similar law of any other state or the United States; or

(3) the offender planned or prepared for the crime prior to its commission.

(c) As used in this section, "predatory crime" has the meaning given in section 609.341, subdivision 22.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 64. Minnesota Statutes 2005 Supplement, section 609.3455, subdivision 4, is amended to read:

Subd. 4. **Mandatory life sentence; repeat offenders.** (a) Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the court shall sentence a person to imprisonment for life if the person is convicted of violating section 609.342, 609.343, 609.344, 609.345, or 609.3453 and:

(1) the person has two previous sex offense convictions;

(2) the person has a previous sex offense conviction and:

(i) the factfinder determines that the present offense involved an aggravating factor that would provide grounds for an upward durational departure under the sentencing guidelines other than the aggravating factor applicable to repeat criminal sexual conduct convictions;

(ii) the person received an upward durational departure from the sentencing guidelines for the previous sex offense conviction; or

(iii) the person was sentenced under this section or section 609.108 for the previous sex offense conviction; or

(3) the person has two prior sex offense convictions, and the factfinder determines that the prior convictions and present offense involved at least three separate victims, and:

(i) the factfinder determines that the present offense involved an aggravating factor that would provide grounds for an upward durational departure under the sentencing guidelines other than the aggravating factor applicable to repeat criminal sexual conduct convictions;

(ii) the person received an upward durational departure from the sentencing guidelines for one of the prior sex offense convictions; or

(iii) the person was sentenced under this section or section 609.108 for one of the prior sex offense convictions.

(b) Notwithstanding paragraph (a), a court may not sentence a person to imprisonment for life

for a violation of section 609.345, unless the person's previous or prior sex offense convictions that are being used as the basis for the sentence are for violations of section 609.342, 609.343, 609.344, or 609.3453, or any similar statute of the United States, this state, or any other state.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 65. Minnesota Statutes 2005 Supplement, section 609.3455, subdivision 8, is amended to read:

Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The provisions of this subdivision relating to conditional release apply to all sex offenders sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3453. Except as provided in this subdivision, conditional release of sex offenders is governed by provisions relating to supervised release. The commissioner of corrections may not dismiss an offender on conditional release from supervision until the offender's conditional release term expires.

(b) The conditions of release may include successful completion of treatment and aftercare in a program approved by the commissioner, satisfaction of the release conditions specified in section 244.05, subdivision 6, and any other conditions the commissioner considers appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person released under this subdivision. The plan may include co-payments from offenders, third-party payers, local agencies, or other funding sources as they are identified. This section does not require the commissioner to accept or retain an offender in a treatment program. Before the offender is placed on conditional release, the commissioner shall notify the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced of the terms of the offender's conditional release. The commissioner also shall make reasonable efforts to notify the victim of the offender's crime of the terms of the offender's conditional release. If the offender fails to meet any condition of release, the commissioner may revoke the offender's conditional release and order that the offender serve all or a part of the remaining portion of the conditional release term in prison.

EFFECTIVE DATE. This section is effective August 1, 2006.

Sec. 66. Minnesota Statutes 2004, section 609.495, is amended by adding a subdivision to read:

Subd. 5. Venue. Notwithstanding anything to the contrary in section 627.01, an offense committed under subdivision 1 or 3 may be prosecuted in:

(1) the county where the aiding or obstructing behavior occurred; or

(2) the county where the underlying criminal act occurred.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 67. Minnesota Statutes 2004, section 609.52, subdivision 3, is amended to read:

Subd. 3. **Sentence.** Whoever commits theft may be sentenced as follows:

(1) to imprisonment for not more than 20 years or to payment of a fine of not more than \$100,000, or both, if the property is a firearm, or the value of the property or services stolen is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4), (15), or (16); or

(2) to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the value of the property or services stolen exceeds ~~\$2,500~~ \$5,000, or if the property stolen was an article representing a trade secret, an explosive or incendiary device, or a controlled substance listed in schedule I or II pursuant to section 152.02 with the exception of marijuana; or

(3) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if:

(a) the value of the property or services stolen is more than ~~\$500~~ \$1,000 but not more than ~~\$2,500~~ \$5,000; or

(b) the property stolen was a controlled substance listed in schedule III, IV, or V pursuant to section 152.02; or

(c) the value of the property or services stolen is more than ~~\$250~~ \$500 but not more than ~~\$500~~ \$1,000 and the person has been convicted within the preceding five years for an offense under this section, section 256.98; 268.182; 609.24; 609.245; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state, the United States, or a foreign jurisdiction, in conformity with any of those sections, and the person received a felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony or gross misdemeanor sentence; or

(d) the value of the property or services stolen is not more than ~~\$500~~ \$1,000, and any of the following circumstances exist:

(i) the property is taken from the person of another or from a corpse, or grave or coffin containing a corpse; or

(ii) the property is a record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or office; or

(iii) the property is taken from a burning, abandoned, or vacant building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle; or

(iv) the property consists of public funds belonging to the state or to any political subdivision or agency thereof; or

(v) the property stolen is a motor vehicle; or

(4) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the value of the property or services stolen is more than ~~\$250~~ \$500 but not more than ~~\$500~~ \$1,000; or

(5) in all other cases where the value of the property or services stolen is ~~\$250~~ \$500 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3), (4), and (13), the value of the money or property or services received by the defendant in violation of any one or more of the above provisions within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 68. Minnesota Statutes 2004, section 609.535, subdivision 2a, is amended to read:

Subd. 2a. **Penalties.** (a) A person who is convicted of issuing a dishonored check under subdivision 2 may be sentenced as follows:

(1) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is more than ~~\$500~~ \$1,000;

(2) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is more than ~~\$250~~ \$500 but not more than ~~\$500~~ \$1,000; or

(3) to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is not more than ~~\$250~~ \$500.

(b) In a prosecution under this subdivision, the value of dishonored checks issued by the defendant in violation of this subdivision within any six-month period may be aggregated and the defendant charged accordingly in applying this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the dishonored checks was issued for all of the offenses aggregated under this paragraph.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 69. Minnesota Statutes 2004, section 609.595, subdivision 1, is amended to read:

Subdivision 1. **Criminal damage to property in the first degree.** Whoever intentionally causes damage to physical property of another without the latter's consent may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if:

(1) the damage to the property caused a reasonably foreseeable risk of bodily harm; or

(2) the property damaged belongs to a common carrier and the damage impairs the service to the public rendered by the carrier; or

(3) the damage reduces the value of the property by more than ~~\$500~~ \$1,000 measured by the cost of repair and replacement; or

(4) the damage reduces the value of the property by more than ~~\$250~~ \$500 measured by the cost of repair and replacement and the defendant has been convicted within the preceding three years of an offense under this subdivision or subdivision 2.

In any prosecution under clause (3), the value of any property damaged by the defendant in violation of that clause within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 70. Minnesota Statutes 2004, section 609.595, subdivision 2, is amended to read:

Subd. 2. **Criminal damage to property in the third degree.** (a) Except as otherwise provided in subdivision 1a, whoever intentionally causes damage to another person's physical property without the other person's consent may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the damage reduces the value of the property by more than ~~\$250~~ \$500 but not more than ~~\$500~~ \$1,000 as measured by the cost of repair and replacement.

(b) Whoever intentionally causes damage to another person's physical property without the other person's consent because of the property owner's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than

\$3,000, or both, if the damage reduces the value of the property by not more than ~~\$250~~ \$500.

(c) In any prosecution under paragraph (a), the value of property damaged by the defendant in violation of that paragraph within any six-month period may be aggregated and the defendant charged accordingly in applying this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 71. **[609.8935] UNLAWFUL CONDUCT RELATING TO TELEPHONE RECORDS.**

Subdivision 1. Definitions. (a) As used in this section, the following terms have the meanings given.

(b) "Customer" means a person or other entity that subscribes to telephone service from a telephone company.

(c) "Procure" means to obtain by any means, whether electronically, in writing, or in oral form, with or without consideration.

(d) "Telephone company" means any person or other entity that provides commercial telephone service to a customer, irrespective of the communications technology used to provide the service, including, but not limited to, traditional wireline or cable telephone service; cellular, broadband PCS, or other wireless telephone service; microwave, satellite, or other terrestrial telephone service; and voice over Internet telephone service.

(e) "Telephone records" include information retained by a telephone company that relates to the telephone number dialed from a customer's telephone, or the incoming call directed to a customer's telephone, or other data related to calls typically contained on a customer's telephone bill, including, but not limited to, the time the call started and ended, the duration of the call, the time of day the call was made, and any charges applied. However, for the purposes of this section, any information collected and retained by customers utilizing caller ID, or other similar technology, does not constitute a telephone record.

Subd. 2. Crime defined; penalty. (a) A person commits the crime of unlawful conduct relating to telephone records if the person:

(1) knowingly procures a telephone record of another without that person's authorization or by fraudulent, deceptive, or false means;

(2) knowingly sells a telephone record of another without that person's authorization; or

(3) receives a telephone record of another knowing that the record has been obtained without that person's authorization or by fraudulent, deceptive, or false means.

(b) A person who violates this subdivision may be sentenced to:

(1) imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the violation involves a single telephone record;

(2) imprisonment for not more than two years or to payment of a fine of not more than \$20,000, or both, if the violation involves at least two and no more than ten telephone records; or

(3) imprisonment for not more than five years or to payment of a fine of not more than \$50,000, or both, if the violation involves more than ten telephone records.

Subd. 3. Exceptions. The penalties in this section do not apply to:

(1) peace officers or employees or agents of law enforcement agencies acting in the official

course of their duties;

(2) individuals acting pursuant to a valid court order, warrant, or subpoena;

(3) employees or agents of telephone companies acting:

(i) as otherwise authorized by law;

(ii) with the lawful consent of the customer;

(iii) as may be necessarily incident to the rendition of the service to initiate, render, bill, and collect customer charges, or to the protection of the rights or property of the provider of that service, or to protect users of those services and other companies from fraudulent, abusive, or unlawful use of, or subscription to, these services;

(iv) in cooperation with a governmental entity, if the telephone company reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information;

(v) in cooperation with the National Center for Missing and Exploited Children, in connection with a report submitted to it under United States Code, title 42, section 13032; or

(vi) in connection with the sale or transfer of all or part of the company's business, or the purchase or acquisition of a portion or all of a business, or the migration of a customer from one company to another.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 72. Minnesota Statutes 2004, section 611A.0315, is amended to read:

611A.0315 VICTIM NOTIFICATION; DOMESTIC ASSAULT; HARASSMENT.

Subdivision 1. **Notice of decision not to prosecute.** (a) A prosecutor shall make every reasonable effort to notify a victim of domestic assault, a criminal sexual conduct offense, or harassment that the prosecutor has decided to decline prosecution of the case or to dismiss the criminal charges filed against the defendant. Efforts to notify the victim should include, in order of priority: (1) contacting the victim or a person designated by the victim by telephone; and (2) contacting the victim by mail. If a suspect is still in custody, the notification attempt shall be made before the suspect is released from custody.

(b) Whenever a prosecutor dismisses criminal charges against a person accused of domestic assault, a criminal sexual conduct offense, or harassment, a record shall be made of the specific reasons for the dismissal. If the dismissal is due to the unavailability of the witness, the prosecutor shall indicate the specific reason that the witness is unavailable.

(c) Whenever a prosecutor notifies a victim of domestic assault or harassment under this section, the prosecutor shall also inform the victim of the method and benefits of seeking an order for protection under section 518B.01 or a restraining order under section 609.748 and that the victim may seek an order without paying a fee.

Subd. 2. **Definitions.** For the purposes of this section, the following terms have the meanings given them.

(a) "Assault" has the meaning given it in section 609.02, subdivision 10.

(b) "Domestic assault" means an assault committed by the actor against a family or household member.

(c) "Family or household member" has the meaning given it in section 518B.01, subdivision 2.

(d) "Harassment" means a violation of section 609.749.

(e) "Criminal sexual conduct" means a violation of sections 609.342 to 609.3453.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 73. Minnesota Statutes 2004, section 617.246, is amended by adding a subdivision to read:

Subd. 7. Conditional release term. Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any provision of the sentencing guidelines, when a court commits a person to the custody of the commissioner of corrections for violating this section, the court shall provide that after the person has completed the sentence imposed, the commissioner shall place the person on conditional release for five years, minus the time the offender served on supervised release. If the person has previously been convicted of a violation of this section, section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United States, this state, or any state, the commissioner shall place the person on conditional release for ten years, minus the time the offender served on supervised release. The terms of conditional release are governed by section 609.3455, subdivision 8.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 74. Minnesota Statutes 2004, section 617.247, is amended by adding a subdivision to read:

Subd. 9. Conditional release term. Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any provision of the sentencing guidelines, when a court commits a person to the custody of the commissioner of corrections for violating this section, the court shall provide that after the person has completed the sentence imposed, the commissioner shall place the person on conditional release for five years, minus the time the offender served on supervised release. If the person has previously been convicted of a violation of this section, section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United States, this state, or any state, the commissioner shall place the person on conditional release for ten years, minus the time the offender served on supervised release. The terms of conditional release are governed by section 609.3455, subdivision 8.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 75. Minnesota Statutes 2004, section 624.22, subdivision 8, is amended to read:

Subd. 8. Suspension, revocation, or refusal to renew certification. (a) The state fire marshal may suspend, revoke, or refuse to renew certification of an operator if the operator has:

- (1) submitted a fraudulent application;
- (2) caused or permitted a fire or safety hazard to exist or occur during the storage, transportation, handling, preparation, or use of fireworks;
- (3) conducted a display of fireworks without receipt of a permit required by the state or a political subdivision;
- (4) conducted a display of fireworks with assistants who were not at least 18 years of age, properly instructed, and continually supervised; or
- (5) otherwise failed to comply with any federal or state law or regulation, or the guidelines, relating to fireworks.

(b) Any person aggrieved by a decision made by the state fire marshal under this subdivision may petition the state fire marshal in writing to reconsider the decision. The state fire marshal shall render a decision in writing within 30 days of receipt of the written request for reconsideration.

Following reconsideration, the person may appeal the decision to the district court.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 76. Minnesota Statutes 2004, section 631.425, subdivision 3, is amended to read:

Subd. 3. **Continuation of employment.** If the person committed under this section has been regularly employed, the sheriff shall arrange for a continuation of the employment insofar as possible without interruption. If the person is not employed, the court may designate a suitable person or agency to make reasonable efforts to secure some suitable employment for that person. An inmate employed under this section must be paid a fair and reasonable wage for work performed and must work at fair and reasonable hours per day and per week. There must not be a fee or charge for the inmate to participate in any employment under this section if the inmate is paying for the cost of the inmate's maintenance under subdivision 5.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 77. Minnesota Statutes 2004, section 641.265, subdivision 2, is amended to read:

Subd. 2. **Withdrawal.** A county board may withdraw from cooperation in a regional jail system ~~if the county boards of all of the other cooperating counties decide, by majority vote, to allow the withdrawal in accordance with the terms of a joint powers agreement.~~ With the approval of the county board of each cooperating county, the regional jail board shall fix the sum, if any, to be paid to the county withdrawing, to reimburse it for capital cost, debt service, or lease rental payments made by the county prior to withdrawal, in excess of its proportionate share of benefits from the regional jail prior to withdrawal, and the time and manner of making the payments. The payments shall be deemed additional payments of capital cost, debt service, or lease rentals to be made proportionately by the remaining counties and, when received, shall be deposited in and paid from the regional jail fund; provided that:

~~(a)(1)~~ payments shall not be made from any amounts in the regional jail fund which are needed for maintenance and operation expenses or lease rentals currently due and payable; and

~~(b)(2)~~ the withdrawing county shall remain obligated for the payment of its proportionate share of any lease rentals due and payable after its withdrawal, in the event and up to the amount of any lease payment not made when due by one or more of the other cooperating counties.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 78. Laws 2005, chapter 136, article 16, section 3, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective the day following final enactment and applies to sentencing hearings, resentencing hearings, and sentencing departures sought on or after that date. ~~This section expires February 1, 2007.~~

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 79. Laws 2005, chapter 136, article 16, section 4, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective the day following final enactment and applies to sentencing hearings, resentencing hearings, and sentencing departures sought on or after that date. ~~This section expires February 1, 2007.~~

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 80. Laws 2005, chapter 136, article 16, section 5, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective the day following final enactment and applies to sentencing hearings, resentencing hearings, and sentencing departures sought on or after that date. ~~This section expires February 1, 2007.~~

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 81. Laws 2005, chapter 136, article 16, section 6, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective the day following final enactment and applies to sentencing hearings, resentencing hearings, and sentencing departures sought on or after that date. ~~This section expires February 1, 2007.~~

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 82. **COLLATERAL CONSEQUENCES COMMITTEE.**

Subdivision 1. **Establishment; duties.** A collateral consequences committee is established to study collateral consequences of adult convictions and juvenile adjudications. The committee shall identify the uses of collateral consequences of convictions and adjudications and recommend any proposed changes to the legislature on collateral consequences.

Subd. 2. **Resources.** The Department of Corrections shall provide technical assistance to the committee on request, with the assistance of the commissioner of public safety and the Sentencing Guidelines Commission.

Subd. 3. **Membership.** The committee consists of:

(1) one representative from each of the following groups:

(i) crime victim advocates, appointed by the commissioner of public safety;

(ii) county attorneys, appointed by the Minnesota County Attorneys Association;

(iii) city attorneys, appointed by the League of Minnesota Cities;

(iv) district court judges, appointed by the Judicial Council;

(v) private criminal defense attorneys, appointed by the Minnesota Association of Criminal Defense Lawyers;

(vi) probation officers, appointed by the Minnesota Association of County Probation Officers;
and

(vii) the state public defender or a designee; and

(2) the commissioner of public safety, or a designee, who shall chair the group.

Subd. 4. **Report and recommendations.** The committee shall present the legislature with its report and recommendations no later than January 15, 2007. The report must be presented to the chairs of the senate Crime Prevention and Public Safety Committee and the house Public Safety and Finance Committee.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 83. **MISSING PERSONS, UNIDENTIFIED BODIES; RECORDS AND DATA ENTERING BACKLOG.**

Subdivision 1. **Bureau of Criminal Apprehension to address backlog.** The superintendent of the Bureau of Criminal Apprehension shall coordinate with federal and local units of government; federal, state, and local law enforcement agencies; medical examiners; coroners; odontologists; and other entities to reduce the state's reporting, data entry, and record keeping backlog relating to missing persons and unidentified bodies. To the degree feasible, the superintendent shall ensure that all necessary data and samples, including, but not limited to, DNA samples and dental records get entered into all relevant federal and state databases.

Subd. 2. **Report to legislature.** By February 1, 2007, the superintendent shall report to the

chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice policy and funding on the efforts under subdivision 1 to reduce the state's backlog. The report must give detailed information on how the appropriation in section 87, subdivision 2, was spent and how this affected the backlog. In addition, the report must make recommendations for changes to state law, including suggested legislative language, to improve reporting, data entry, and record keeping relating to future cases involving missing persons and unidentified bodies.

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

Sec. 84. MODEL POLICY; REPORT.

Subdivision 1. **Model policy.** The superintendent of the Bureau of Criminal Apprehension, in consultation with the Minnesota Sheriffs Association and the Minnesota Chiefs of Police Association, shall develop a model policy to address law enforcement efforts and duties regarding missing adults and provide training to local law enforcement agencies on this model policy.

Subd. 2. **Report.** By February 1, 2007, the superintendent shall report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice policy and funding on the model policy and training described in subdivision 1.

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

Sec. 85. SENTENCING GUIDELINES MODIFICATIONS.

(a) Except as provided in paragraph (b), the modifications related to sex offenses proposed by the Minnesota Sentencing Guidelines Commission and described in the January 2006 Report to the Legislature, pages 31 to 45, are adopted and take effect on August 1, 2006.

(b) The proposed rankings of Minnesota Statutes, sections 609.344, subdivision 1, clauses (h), (i), and (l); and 609.345, subdivision 1, clauses (h), (i), and (l), are rejected and do not take effect.

(c) The commission is requested to rank violations of:

(1) Minnesota Statutes, section 609.344, subdivision 1, clauses (h), (i), and (l), at severity level C;

(2) Minnesota Statutes, section 609.344, subdivision 1, clause (a), at severity level D;

(3) Minnesota Statutes, section 609.345, subdivision 1, clauses (h), (i), and (l), at severity level E; and

(4) Minnesota Statutes, section 609.345, subdivision 1, clause (a), at severity level F.

(d) If the commission decides to make the changes requested in paragraph (c), it shall ensure that the changes are effective on August 1, 2006, and publish an updated version of the sentencing guidelines that include the changes by that date.

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

Sec. 86. SUBSTANCE ABUSE TREATMENT; RECOMMENDATIONS, REPORT.

(a) The commissioner of corrections shall make recommendations to:

(1) improve the availability of prison-based substance abuse treatment programming and related services; and

(2) better ensure that offenders released from prison receive appropriate community-based substance abuse treatment and services.

These recommendations must include an estimate of the financial costs associated with

implementing them.

(b) The commissioner shall recommend changes in prison-based programs or release plans to improve the postprison release outcomes of:

(1) inmates who are directed to complete prison-based short-term substance abuse programs; and

(2) inmates who fail the prison-based substance abuse programs they start.

(c) By January 15, 2007, the commissioner shall report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice policy and funding on the commissioner's recommendations under paragraphs (a) and (b).

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

Sec. 87. APPROPRIATIONS.

Subdivision 1. Public safety. (a) \$..... is appropriated to the commissioner of public safety from the general fund for the fiscal year ending June 30, 2007, to implement the toll-free hotline for trafficking victims described in section 25.

(b) \$623,000 is appropriated to the commissioner of public safety from the general fund for the fiscal year ending June 30, 2007, to provide the mentor criminal background checks as provided in section 26.

Subd. 2. Bureau of Criminal Apprehension. (a) \$..... is appropriated to the superintendent of the Bureau of Criminal Apprehension from the general fund for the fiscal year ending June 30, 2007, to implement section 83 relating to the missing persons and unidentified bodies backlog. This is a onetime appropriation.

(b) \$..... is appropriated to the superintendent of the Bureau of Criminal Apprehension from the general fund for the fiscal year ending June 30, 2007, to implement the Forensic Laboratory Advisory Board in Minnesota Statutes, section 299C.156.

Sec. 88. REVISOR'S INSTRUCTION.

When appropriate, the revisor of statutes shall replace statutory references to Minnesota Statutes, section 609.108, with references to section 609.3455, subdivision 3a.

EFFECTIVE DATE. This section is effective August 1, 2006.

Sec. 89. REPEALER.

Minnesota Statutes 2004, sections 152.094; 383A.36; 383B.225; 390.006; 390.06; 390.07; 390.16; 390.17; 390.19; 390.20; 390.24; 390.36; 609.108, subdivision 5; and 609.109, subdivisions 1 and 3, and Minnesota Statutes 2005 Supplement, sections 609.108, subdivisions 1, 3, 4, 6, and 7; and 609.109, subdivisions 2, 4, 5, and 6, are repealed.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date."

Amend the title accordingly

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

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

S.F. No. 2061: A bill for an act relating to stadiums; providing for the financing of a football stadium in Anoka County; creating a stadium authority; authorizing the county to levy and collect certain taxes; amending Minnesota Statutes 2004, sections 297A.68, by adding a subdivision; 297A.71, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 473J.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 297A.71, is amended by adding a subdivision to read:

Subd. 37. **Stadium construction materials and equipment exempt.** Materials and supplies used or consumed in, and equipment incorporated into the construction of a National Football League stadium constructed under chapter 473J are exempt. The exemption under this subdivision terminates one year after the first National Football League game is played in the stadium.

Sec. 2. [473J.01] PURPOSE.

The legislature finds that construction of a new stadium that meets National Football League programmatic requirements, with a retractable or fixed roof, in the city of Blaine, county of Anoka, serves a public purpose. The legislature finds that the public purpose served includes retaining the Minnesota Vikings as a part of Minnesota's public amenities for its citizens and as a major attraction to visitors to the state, adding to the economic development of the state, Anoka County, and surrounding communities, attracting revenue from out of the state, and preserving the contributions of football to the culture of Minnesota and to the enjoyment of its citizens. Further, the legislature finds that a National Football League stadium may be financed as a public-private partnership between the state, Anoka County, the Minnesota Vikings, and other supporting interests that may contribute to the construction of a football stadium and related facilities. The legislature further finds that a new stadium should be coordinated with transportation and transit plans and activities.

Sec. 3. [473J.02] DEFINITIONS.

Subdivision 1. **Terms.** For the purposes of this chapter, the terms defined in this section have the meanings given them in this section, except as otherwise expressly provided or indicated by the context.

Subd. 2. **Authority.** "Authority" means the Anoka County-Blaine Stadium Authority.

Subd. 3. **Sports facilities.** "Sports facilities" means the stadium, with a retractable or fixed roof, adjoining structures related to the operation of the stadium, practice facilities, including preseason training camp facilities, and other supporting infrastructure, including parking.

Subd. 4. **Stadium district.** "Stadium district" means a district, containing the National Football League stadium and consisting of no more than 740 contiguous acres surrounding the sports facilities that is jointly designated by the authority, Anoka County, and the city of Blaine.

Sec. 4. [473J.03] LOCATION.

The new National Football League stadium shall be located in the city of Blaine, Anoka County, Minnesota.

Sec. 5. [473J.04] ANOKA COUNTY-BLAINE STADIUM AUTHORITY; MEMBERSHIP; ADMINISTRATION.

Subdivision 1. **General.** The Anoka County-Blaine Stadium Authority is established and shall be organized and administered as provided in this section. The authority shall have those powers authorized by section 473J.05.

Subd. 2. **Membership.** The authority shall have seven members, three of whom shall be

appointed by the Anoka County Board of Commissioners and three of whom shall be appointed by the Blaine City Council. The seventh member shall be a chair appointed as provided in subdivision 3.

Subd. 3. **Chair.** The chair shall be appointed by the governor as the seventh voting member and shall meet all the qualifications of a member. The chair shall preside at all meetings of the authority, if present, and shall perform all other duties and functions assigned by the authority or by law. The authority may appoint from among its members a vice-chair to act for the chair during temporary absence or disability.

Subd. 4. **Qualifications.** A member shall not, during a term of office, hold any judicial office or office of state or local government. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, article V, section 6.

Subd. 5. **Terms.** The initial terms of three members shall end the first Monday of January 2010. Two of these members must be appointed by the Anoka County Board, and one by the Blaine City Council. The terms of the other members and the chair shall end the first Monday in January 2012. Subsequent terms of each member and chair shall be four years. The term shall continue until a successor is appointed and qualified. Members may be removed only for cause.

Subd. 6. **Vacancies.** Vacancies shall be filled by the appropriate appointing authority in the same manner in which the original appointment was made.

Subd. 7. **Compensation.** Each authority member shall be paid \$50 for each day when the member attends one or more meetings or provides other services, as authorized by the authority, and shall be reimbursed for all actual and necessary expenses incurred in the performance of duties. The chair of the authority shall receive, unless otherwise provided by other law, a salary in an amount fixed by the members of the authority and shall be reimbursed for reasonable expenses to the same extent as a member. The annual budget shall provide as a separate account anticipated expenditures for per diem, travel, and associated expenses for the chair and members, and compensation or reimbursement shall be made to the chair and members only when budgeted.

Subd. 8. **Regular and special meetings.** The authority shall meet regularly at least once each month, at a time and place as the authority shall by resolution designate. Special meetings may be held at any time upon the call of the chair or a majority of the members, upon written notice to each member at least three days prior to the meeting, or upon other notice that the authority provides by resolution. Unless otherwise provided, any action of the authority may be taken by affirmative vote of a majority of the members. A majority of all the members of the authority constitutes a quorum, but a lesser number may meet and adjourn from time to time and compel the attendance of absent members.

Subd. 9. **Executive director.** The authority shall appoint an executive director who shall be chosen on the basis of training, experience, and other related qualifications. The executive director shall serve at the pleasure of the authority, but shall not vote, and shall have the following powers and duties:

(1) see that all resolutions, rules, or orders of the authority are enforced;

(2) appoint and remove all subordinate officers and regular employees of the authority;

(3) present to the authority plans, studies, or reports prepared for authority purposes and recommend to the authority for adoption the measures the executive director deems necessary to enforce or carry out the powers and duties of the authority, or to the efficient administration of the affairs of the authority;

(4) keep the authority fully advised as to its financial condition, prepare and submit to the authority its annual budget, and other financial information it requests;

(5) recommend to the authority for adoption the rules the executive director deems necessary for the efficient operation of the authority's functions; and

(6) perform other duties prescribed by the authority.

Sec. 6. [473J.05] POWERS OF AUTHORITY.

Subdivision 1. **General.** The authority has all powers necessary or convenient to accomplish the purposes of this chapter, including, but not limited to, those specified in this section.

Subd. 2. **Actions.** The authority may sue and be sued and is a public body within the meaning of chapter 562.

Subd. 3. **Acquisition of property.** The authority may acquire by lease, purchase, monetary or land contribution, or devise all necessary right, title, and interest in and to real or personal property deemed necessary to the purposes contemplated by this chapter.

Subd. 4. **Tax exemption.** Any real or personal property acquired, owned, leased, controlled, used, or occupied by the authority for any of the purposes of this chapter is declared to be acquired, owned, leased, controlled, used, and occupied for public, governmental, and municipal purposes, and is exempt from ad valorem taxation by the state or any political subdivision of the state. The properties are subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement. No possible use of any of the properties in any manner different from their use under this chapter at the time shall be considered in determining the special benefit received by the properties. All assessments are subject to final confirmation by the authority, whose determination of the benefits is conclusive upon the political subdivision levying the assessment. Notwithstanding section 272.01, subdivision 2, or 273.19, property leased by the authority to another person for uses related to the purposes of this chapter is exempt from taxation regardless of the length of the lease. This exemption includes concessions, suites, locker rooms, and clubhouse facilities in the stadium and parking facilities on the stadium site, as well as space occupied by the authority. It does not include team offices, residential, business, or commercial development, or parking facilities primarily for these uses, or other property not directly related to the operation of a stadium facility.

Subd. 5. **Liquor licenses.** The city of Blaine may issue one or more intoxicating liquor licenses for the stadium. These licenses are in addition to the number authorized by law. All provisions of chapter 340A not inconsistent with this subdivision apply to the licenses authorized under this subdivision.

Subd. 6. **Facility operation.** The authority may equip, improve, operate, manage, maintain, and control the sports facilities constructed, remodeled, or acquired under the provisions of this chapter. The authority may delegate any of these duties to a qualified third party. The authority must seek to promote and maximize the use of the sports facilities for nonfootball events.

Subd. 7. **Disposition of property.** The authority may sell, lease, or otherwise dispose of any real or personal property acquired by it, which is no longer required for accomplishment of its purposes. The property must be sold in accordance with the procedures provided by section 469.065, except subdivisions 6 and 7.

Subd. 8. **Gifts and grants.** The authority may accept donations of money, property, or services; may apply for and accept grants or loans of money or other property from the United States, the state, any subdivision of the state, or any person for any of its purposes; may enter into any agreement required in connection therewith; and may hold, use, and dispose of the donations according to the terms of the gifts, grant, loan, or agreement. In evaluating proposed monetary contributions, grants, loans, and agreements required in connection therewith, the authority shall examine the possible short-range and long-range impact on authority revenues and authority operating expenditures. The authority must notify potential contributors that contributions qualify for the charitable contribution deductions under section 170 of the Internal Revenue Code, provided that the contributor does not receive substantial direct benefit from the contribution.

Subd. 9. **Issuance of bonds.** The authority may authorize the sale and issuance of bonds in the

manner and for the purposes set out in section 473J.06.

Subd. 10. Research. The authority may conduct research studies and programs; collect and analyze data; prepare reports, maps, charts, and tables; and conduct all necessary hearings and investigations in connection with its functions.

Subd. 11. Use agreements. The authority may lease, license, or enter into agreements and may fix, alter, charge, and collect rentals, fees, and charges to all persons for the use, occupation, and availability of part or all of any premises, property, or facilities under its ownership, operation, or control for purposes that will provide athletic, educational, cultural, commercial, or other entertainment, instruction, or activity for citizens of the state of Minnesota and visitors. Any use agreement may provide that the other contracting party has exclusive use of the premises at the times agreed upon, including exclusive use and control for the term of its agreement by the Minnesota Vikings.

Subd. 12. Insurance. The authority may require any employee to obtain and file with it an individual bond or fidelity insurance policy. It may procure insurance in the amounts it considers necessary against liability of the authority or its officers and employees for personal injury or death and property damage or destruction, with the force and effect stated in chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property.

Subd. 13. Creating a condominium. The authority may, by itself or together with any other entity, as to real or personal property comprising or appurtenant or ancillary to the stadium constructed and operated under this chapter or other law, act as a declarant and establish a condominium or leasehold condominium under chapter 515A, or a common interest community or leasehold common interest community under chapter 515B, and may grant, establish, create, or join in other or related easements, agreements, and similar benefits and burdens that the authority may consider necessary or appropriate, and exercise any and all rights and privileges and assume obligations under them as a declarant, unit owner, or otherwise, insofar as practical and consistent with applicable law. The authority may be a member of an association and the chair, any commissioners, and any officers and employees of the authority may serve on the board of an association under chapter 515A or 515B or other law.

Subd. 14. Procurement. (a) The authority and the Minnesota Vikings shall jointly select a construction manager. With respect to the construction of the stadium, the construction manager must:

(1) guarantee a maximum cost of construction;

(2) provide payment and performance bonds or other security reasonably acceptable to the authority in an amount equal to the guaranteed maximum cost of construction, and shall comply with all employment requirements applicable to city and state contracts for construction, including prevailing wages as defined in section 177.42, affirmative action, and outreach; and

(3) ensure that, to the greatest extent practicable, the stadium is constructed of American-made steel.

(b) The lessee under the stadium lease described in paragraph (c) or the construction manager may enter into contracts with contractors for labor, materials, supplies, and equipment to equip and construct the new stadium through the process of public bidding.

(c) The lessee or the construction manager may:

(1) limit the list of eligible bidders to those that the construction manager determines possess sufficient expertise to perform the intended functions;

(2) award contracts to the contractors that the construction manager determines provide the best value, which need not be the lowest responsible bidder; and

(3) for work the construction manager determines to be critical to the completion schedule,

the construction manager may award contracts on the basis of competitive proposals or perform work with its own forces without soliciting competitive bids if the construction manager provides evidence of competitive pricing.

Sec. 7. **[473J.06] ISSUANCE OF BONDS.**

Subdivision 1. **Bonds.** (a) The authority may by resolution, by a vote of a majority of its members, authorize the sale and issuance of its bonds for any or all of the following purposes:

(1) to provide funds and pay costs to predesign, design, construct, furnish, equip, and otherwise improve or better the sports facilities owned or to be owned by the authority pursuant to this act, including construction of a retractable or fixed roof, and to finance acquisition of right-of-way and construction and reconstruction of Interstate Highway 35W and other trunk highways in Anoka County to improve access to the stadium;

(2) to establish a reserve fund or funds for the bonds and to pay costs of issuance of the bonds;

(3) to refund bonds issued under this section; and

(4) to fund judgments entered by any court against the authority in matters relating to the authority's functions related to the sports facilities.

(b) The county may by resolution by a vote of a majority of its members, authorize the sale and issuance of its bonds for the costs of constructing and equipping the stadium.

Subd. 2. **Procedure.** The bonds shall be sold, issued, and secured on the terms and conditions the authority or the county, as applicable, determines to be in the best interests of the authority or county and residents therein, except as otherwise provided in this chapter. The bonds may be sold at any price and at public or private sale as determined by the authority or county. They shall be payable solely from tax and other revenues referred to in this chapter. The bonds shall not be a general obligation or debt of the authority or any city, county, or the state, and shall not be included in the net debt of any city, county, or other subdivision of the state for the purpose of any net debt limitation. No election shall be required.

Subd. 3. **Limitations.** (a) The principal amount of the bonds issued under subdivision 1 shall not exceed the amounts authorized in this subdivision. The principal amount of bonds issued by the authority under subdivision 1, paragraph (a), clauses (1) and (2), shall be limited to \$230,000,000 plus the amounts necessary to fund appropriate reserves and pay issuance costs.

(b) The principal amount of the bonds issued by the county under subdivision 1, paragraph (b), shall be limited to \$280,000,000, plus the amounts necessary to fund appropriate reserves and pay issuance costs.

(c) The authority and the county shall issue their bonds and construction of the stadium may commence when the authority has made the following determinations:

(1) the authority has executed a long-term use agreement with the Minnesota Vikings, meeting the requirements of section 473J.07;

(2) the authority has executed a development and financing agreement with Anoka County, the city of Blaine, and the Minnesota Vikings meeting the requirements of section 473J.08;

(3) the proceeds of bonds authorized and provided for in this subdivision will be sufficient, together with other capital funds that may be available to the authority for expenditure on the sports facilities, including, except as otherwise provided in this subdivision, the acquisition, clearance, relocation, and legal costs referred to in clauses (4) and (5);

(4) the authority has acquired title to or an interest in all real property, including all easements, air rights, and other appurtenances needed for the construction and operation of the sports facility or has received a grant of funds or has entered into agreements sufficient in the judgment of the authority to

assure the receipt of funds, at the time and in the amount required, to make any payment upon which the authority's acquisition of title or interest in and possession of the real property is conditioned;

(5) the authority has received a grant of funds or entered into agreements sufficient in the judgment of the authority to assure the receipt of funds, at the time and in the amount required, to pay all costs, except as provided in this subdivision, of clearing the real property needed for the construction and operation of the sports facilities, railroad tracks, and other structures, including, without limitation, all relocation costs, all utility relocation costs, and all legal costs;

(6) the authority has executed agreements to prevent strikes that would halt, delay, or impede construction of the sports facilities;

(7) the authority has executed agreements that will provide for the construction of the sports facilities for a certified or guaranteed construction price and completion date and which include performance bonds in an amount at least equal to 100 percent of the certified or guaranteed price to cover any costs that may be incurred over and above the certified price, including, but not limited to, costs incurred by the authority or loss of revenues resulting from incomplete construction on the completion date;

(8) the anticipated revenue from the operation of the sports facilities plus any additional available revenue of the authority will be an amount sufficient to pay when due all debt service on the bonds issued under section 473J.06, subdivision 1, paragraph (a), plus all administration, operating, and maintenance expense of the sports facilities;

(9) the authority has determined that all public and private funding sources for construction and operation of the sports facilities are officially committed in writing and enforceable. The committed funds must be adequate to site, design, construct, furnish, equip, and service the sports facilities debt, as well as to pay for the ongoing operation and maintenance of the stadium;

(10) the authority shall ensure that a guaranty is in place in a form satisfactory to the authority. The guaranty may be in the form of a letter of credit, minimum net worth requirements, personal guaranties or other surety covering the payments on terms determined by the authority's negotiations with the Minnesota Vikings; and

(11) the validity of any bonds issued under subdivision 1, paragraph (a), clauses (1) and (2), or paragraph (b), and the obligation of the authority or the county related to them, shall not be conditioned upon or impaired by the authority's determinations made under this subdivision. For purposes of using the bonds, the determinations made by the authority shall be deemed conclusive and the authority shall be and remain obligated for the security and payment of the bonds issued under subdivision 1, paragraph (a), irrespective of determinations that may be erroneous, inaccurate, or otherwise mistaken.

Subd. 4. **Security.** To the extent and in the manner provided in this chapter, the taxes described in this chapter, the tax and other revenues of the authority described in this act, and any other revenues of the authority attributable to the sports facilities, including teams' and Anoka County contributions, shall be and remain pledged and appropriated to the authority as appropriate for the payment of all necessary and reasonable expenses of the operation, administration, maintenance of the sports facilities, and debt service of the bonds until all bonds or certificates of indebtedness issued pursuant to this chapter are fully paid or discharged in accordance with law. Bonds issued pursuant to this chapter may be secured by a bond resolution, or by a trust indenture entered into by the authority or county, as applicable, with a corporate trustee within or outside the state, which shall define the tax and team contributions, and other sports facilities revenues pledged for the payment and security of the bonds. The pledge shall be a valid charge on the tax and all other revenues referred to in this chapter from the date when bonds are first issued or secured under the resolution or indenture and shall secure the payment of principal and interest and redemption premiums when due and the maintenance at all times of a reserve or reserves securing payments. No mortgage of or security interest in any tangible real or personal property shall be granted to the bondholders or

the trustee, but they shall have a valid security interest in all tax and other revenues received and accounts receivable by the authority or county shall be hereunder, as against the claims of all other persons in tort, contract, or otherwise, irrespective of whether the parties have notice of the claims, and without possession or filing as provided in the Uniform Commercial Code or any other law. In the bond resolution or trust indenture, the authority or county may make covenants, which shall be binding upon the authority or county, that are determined to be usual and reasonably necessary for the protection of the bondholders. No pledge shall be revoked or amended by law or by action of the authority or county except in accordance with the terms of the bond resolution or indenture under which the bonds are issued, until the obligations of the authority are fully discharged.

Subd. 5. **No full faith and credit.** Any bonds or other obligations issued by the authority or county under this act are not public debt of the state, and the full faith and credit and taxing powers of the state are not pledged for their payment or of any payments that the state agrees to make under this act.

Subd. 6. **Taxability of interest on bonds.** The bonds authorized by this act may be issued whether or not the interest to be paid on them is gross income for federal tax purposes, provided that the authority and the county must make an effort to arrange the financing for the project in a manner that would allow the interest to be tax-exempt to the greatest extent possible.

Sec. 8. [473J.07] DEVELOPMENT AND FINANCING AGREEMENT.

Subdivision 1. **Agreement required.** Prior to the issuance of bonds under section 473J.06, the authority shall negotiate and enter into an agreement with Anoka County, the city of Blaine, and the Minnesota Vikings concerning the terms and conditions under which the parties will make contributions of funds, future revenues, interests in property for the site and public infrastructure, the method of completing design and construction, which may include the design build process, the integration of the stadium and related infrastructure with surrounding development, and other matters relating to the stadium, its operation, maintenance, and financing. This agreement shall, at a minimum, meet the requirements of this section.

Subd. 2. **Total public investment towards stadium project costs.** The total public investment, including Anoka County's revenue contributions and revenues collected by the authority in the stadium district defined in section 473J.02, subdivision 2, shall not exceed 59 percent of the stadium project costs. As used in this section, "stadium project costs" includes the costs of the following:

- (1) acquisition of land needed for the stadium structure and related parking and infrastructure;
- (2) design and construction of the stadium and related infrastructure;
- (3) finished space and fixtures, furniture, and equipment within the stadium project for the Minnesota Vikings, concessions, suites, and the administrative offices of the authority;
- (4) land, design, construction, fixtures, furniture, and equipment for the Minnesota Vikings indoor practice facility and exhibition hall; and
- (5) professional and administrative services necessary for issuance of bonds and related costs and for creating the authority.

The extent of the expenditures under this section is subject to the agreement of Anoka County and the Minnesota Vikings. Expenditures for finishing and equipping the space within the stadium for the Minnesota Vikings is subject to a per square foot maximum agreed to by the county and the team.

Subd. 3. **Team contribution.** The team must contribute no less than \$280,000,000 to the sports facility costs. Team contributions may include, but are not limited to, contribution of land, initial cash contributions, guaranteed annual payments, and assignments of naming rights and permanent seat licenses, but does not include payments of operating and maintenance expenses for the stadium, which must be made by the team. In addition to any other team contribution, the team must assume

and pay when due all cost overruns for the stadium.

Sec. 9. [473J.08] USE AGREEMENT.

Subdivision 1. **Requirement.** Prior to the issuance of bonds under section 473J.06, the authority must have entered into an agreement with the Minnesota Vikings and the National Football League meeting the requirements of this section.

Subd. 2. **Agreement with Minnesota Vikings.** The authority shall enter into a use agreement with the Minnesota Vikings that, at a minimum, provides for the following:

(1) the Minnesota Vikings will use the stadium for all scheduled home preseason, regular season, and postseason games that the team is entitled to play at home for a term of not less than 30 years;

(2) the agreement must include terms for default, termination, and breach of agreement; and

(3) the agreement must require specific performance and must not include escape clauses or buyout provisions.

Subd. 3. **Agreement with national football league.** The authority shall enter into an agreement with the National Football League guaranteeing the continuance of the Minnesota Vikings in the metropolitan area for the period of the agreements referred to in subdivision 2, clause (1).

Sec. 10. [473J.09] ANOKA COUNTY REVENUE SOURCES; ADDITIONAL SPENDING AUTHORITY.

Subdivision 1. **General.** Anoka County may utilize the following revenue sources to make contributions to its share of the total stadium project costs.

Subd. 2. **Taxing authority.** To provide local government revenues to finance the stadium under this act, including payment of debt service on obligations issued under section 473J.06, subdivision 1, paragraph (b), Anoka County may:

(1) impose a tax on restaurants, places of amusement, alcoholic beverages or prepared food, or a tax on lodging, or any of them; or

(2) impose a general sales and use tax on sales subject to taxation under chapter 297A, within its jurisdiction of not more than 0.75 percent; the tax imposed under this clause must terminate 30 days after the stadium authority determines that sufficient revenues have been received from this tax and other sources to retire or redeem the bonds issued under section 473J.06, subdivision 1, paragraph (b).

These taxes may be imposed notwithstanding the provisions of section 477A.016. The requirements of section 297A.99, subdivisions 2 and 3, do not apply to any tax imposed under this subdivision.

Subd. 3. **Excess revenues.** In any year in which the revenues raised by the taxes imposed under this section exceed the amount necessary for payment of debt service on obligations issued under section 473J.06, subdivision 1, paragraph (b), the Anoka County Board may spend the excess for transportation and public safety projects in the county.

Sec. 11. [473J.10] STADIUM TAX INCREMENT COMPUTATION.

(a) The authority may negotiate with the teams for the capture of stadium tax increments as provided in this section.

(b) For any year during which National Football League games are played in the stadium constructed under this act, the commissioner of revenue shall, by March 1 of the following year, certify the amount of stadium taxes collected in the previous calendar year and the amount by which those taxes are in excess of a baseline tax amount. The amount of stadium taxes that are certified by the commissioner as being in excess of the baseline tax amount must be deposited in a debt service account in the state treasury and is appropriated each year to the authority to pay

the principal and interest on revenue bonds issued under section 473J.06, subdivision 1, paragraph (a), for the stadium.

(c) The stadium taxes are the taxes collected at the stadium district as described in this paragraph. Each year, stadium taxes equal the sum of (1) the withholding taxes due in a calendar year pursuant to section 290.92 by the Minnesota Vikings, (2) the sales tax on ticket sales for admission to professional football-related events at the stadium and sales tax remitted by vendors and concessionaires for sales at professional football-related events occurring at the stadium in a calendar year, and (3) the state general tax imposed under section 275.025, within the stadium district. The baseline tax amount is the amount of stadium taxes as determined in this paragraph for professional football games or related events held in the Metrodome in 2004. The sales tax for football-related events occurring at the stadium must be reported in the manner prescribed by the commissioner of revenue.

(d) The capture of tax increments under this section terminates upon a determination by the authority that sufficient revenues have been raised from all sources authorized under this act to retire or redeem the bonds issued under section 473J.06, subdivision 1, paragraph (a).

Sec. 12. **[473J.11] ENVIRONMENTAL REQUIREMENTS.**

The authority must ensure that environmental requirements imposed by appropriate regulatory agencies for the sports facilities are complied with. The authority must ensure that the stadium receives Leadership in Energy and Environmental Design (LEED) certification for environmental design, and to the extent practicable, that the stadium design is architecturally significant."

Amend the title accordingly

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

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

SECOND READING OF SENATE BILLS

S.F. Nos. 3450, 2647, 2827, 3078, 3400, 2826, 2894, 3645, 1459, 3087, 637, 2851, 3633, 1287 and 2648 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2998 and 3169 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Higgins moved that her name be stricken as chief author, shown as a co-author, and the name of Senator Hottinger be shown as chief author to S.F. No. 3212. The motion prevailed.

Senator Hottinger moved that the name of Senator Day be added as a co-author to S.F. No. 3342. The motion prevailed.

Senator Wiger moved that the name of Senator Bonoff be added as a co-author to S.F. No. 3698. The motion prevailed.

Senator Larson introduced –

Senate Resolution No. 179: A Senate resolution congratulating Charlie Fleck on receiving the

Leadership award from the Perham Hall of Fame.

Referred to the Committee on Rules and Administration.

Senator Larson introduced –

Senate Resolution No. 180: A Senate resolution congratulating Mary Thomas on being inducted into the Perham Hall of Fame.

Referred to the Committee on Rules and Administration.

Senator Larson introduced –

Senate Resolution No. 181: A Senate resolution congratulating Bob Perry on being inducted into the Perham Hall of Fame.

Referred to the Committee on Rules and Administration.

Senators Marty, Sams, Bonoff and Higgins introduced –

Senate Resolution No. 182: A Senate resolution recognizing April 11, 2006, as World Parkinson's Disease Day.

Referred to the Committee on Rules and Administration.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Kubly introduced–

S.F. No. 3746: A bill for an act relating to highways; allowing certain national guard-related signs to be placed on highways; amending Minnesota Statutes 2004, section 169.06, subdivision 2.

Referred to the Committee on Transportation.

Senators Neuville, Limmer and Betzold introduced–

S.F. No. 3747: A bill for an act relating to taxation; property; providing for payment of taxes by lienholders and other persons with an interest in the property; amending Minnesota Statutes 2004, sections 272.44; 272.45.

Referred to the Committee on Taxes.

Senator Rest introduced–

S.F. No. 3748: A bill for an act relating to public safety; requiring parental notice when predatory offenders are working or volunteering in schools; amending Minnesota Statutes 2005 Supplement, section 244.052, subdivision 4.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Kiscaden, Marty and Scheid introduced—

S.F. No. 3749: A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 3; by adding an article; providing for a bipartisan legislative redistricting commission.

Referred to the Committee on Rules and Administration.

Senators Dibble, Langseth, Marko and Rest introduced—

S.F. No. 3750: A bill for an act relating to transportation; imposing a sales tax within the metropolitan area with the proceeds dedicated to metropolitan transportation and transit improvements and services; proposing coding for new law as Minnesota Statutes, chapter 473J.

Referred to the Committee on Transportation.

Senator Koch introduced—

S.F. No. 3751: A bill for an act relating to transportation; appropriating money for transit service in marked Trunk Highway 55 corridor.

Referred to the Committee on Finance.

Senators Bakk and Lourey introduced—

S.F. No. 3752: A bill for an act relating to the city of Hermantown; modifying the use of its local sales tax revenues; amending Laws 1996, chapter 471, article 2, section 29, subdivisions 1, 4.

Referred to the Committee on Taxes.

Senator Scheid introduced—

S.F. No. 3753: A bill for an act relating to airports; directing the Metropolitan Council to submit a report to the legislature on the Crystal Airport and potential alternative land uses for the Crystal Airport property.

Referred to the Committee on Transportation.

Senator Saxhaug introduced—

S.F. No. 3754: A bill for an act relating to taxation; exempting public safety radio communication products and services from sales tax; amending Minnesota Statutes 2005 Supplement, section 297A.70, subdivision 8.

Referred to the Committee on Taxes.

Senators Dibble, Rest, Murphy, Langseth and Marko introduced—

S.F. No. 3755: A bill for an act relating to transportation; establishing a limit on appropriations for trunk highway bond debt service; amending Minnesota Statutes 2004, section 167.50, by adding a subdivision.

Referred to the Committee on Finance.

Senator Rest introduced—

S.F. No. 3756: A bill for an act relating to local government aid; adjusting the need measure and

increasing the appropriation; amending Minnesota Statutes 2004, section 477A.013, subdivision 9; Minnesota Statutes 2005 Supplement, sections 477A.011, subdivision 34; 477A.03, subdivision 2a.

Referred to the Committee on Taxes.

Senator Saxhaug introduced—

S.F. No. 3757: A bill for an act relating to tax increment financing; allowing a tax increment financing district in the city of Aitkin to capture the state general tax for certain parcels and expanding the qualifying uses of increment for the district.

Referred to the Committee on Taxes.

Senator Belanger introduced—

S.F. No. 3758: A bill for an act relating to tax increment financing; authorizing the city of Bloomington to extend the duration of two districts.

Referred to the Committee on Taxes.

Senator Murphy introduced—

S.F. No. 3759: A bill for an act relating to transportation; authorizing the sale of trunk highway bonds for marked Trunk Highways 61/50 corridor study; appropriating money.

Referred to the Committee on Finance.

Senator Hottinger introduced—

S.F. No. 3760: A bill for an act relating to poverty; creating a legislative commission to end poverty by 2020; appropriating money.

Referred to the Committee on Rules and Administration.

RECESS

Senator Johnson, D.E. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

CALL OF THE SENATE

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

MOTIONS AND RESOLUTIONS - CONTINUED

SPECIAL ORDERS

Pursuant to Rule 26, Senator Johnson, D.E., Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. Nos. 2702 and 2002.

SPECIAL ORDER

S.F. No. 2702: A bill for an act relating to employment; regulating eligibility for unemployment and dislocated worker benefits.

Senator Gerlach moved that S.F. No. 2702 be laid on the table.

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on S.F. No. 2702. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Gerlach motion.

The roll was called, and there were yeas 28 and nays 36, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Larson	Nienow	Rosen
Belanger	Johnson, D.J.	LeClair	Olson	Ruud
Day	Jungbauer	Limmer	Ortman	Senjem
Fischbach	Kierlin	McGinn	Pariseau	Wergin
Frederickson	Koch	Michel	Reiter	
Gerlach	Koering	Neuville	Robling	

Those who voted in the negative were:

Anderson	Dibble	Langseth	Ranum	Stumpf
Bakk	Foley	Lourey	Rest	Tomassoni
Berglin	Higgins	Marko	Sams	Vickerman
Betzold	Hottinger	Marty	Saxhaug	Wiger
Bonoff	Johnson, D.E.	Metzen	Scheid	
Chaudhary	Kelley	Murphy	Skoglund	
Clark	Kiscaden	Pappas	Solon	
Cohen	Kubly	Pogemiller	Sparks	

The motion did not prevail.

S.F. No. 2702 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 37 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Langseth	Ranum	Sparks
Bakk	Foley	Lourey	Rest	Stumpf
Berglin	Higgins	Marko	Sams	Tomassoni
Betzold	Hottinger	Marty	Saxhaug	Vickerman
Bonoff	Johnson, D.E.	Metzen	Scheid	Wiger
Chaudhary	Kelley	Murphy	Skoe	
Clark	Kiscaden	Pappas	Skoglund	
Cohen	Kubly	Pogemiller	Solon	

Those who voted in the negative were:

Bachmann	Gerlach	Koch	McGinn	Ortman
Belanger	Hann	Koering	Michel	Pariseau
Day	Johnson, D.J.	Larson	Neuville	Reiter
Fischbach	Jungbauer	LeClair	Nienow	Robling
Frederickson	Kierlin	Limmer	Olson	Rosen

Ruud

Senjem

Wergin

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2002: A bill for an act relating to consumer protection; regulating identity theft; authorizing credit blocks in cases of identity theft; authorizing a consumer to place a security freeze on the consumer's credit report; providing notice of this right; providing protections against identity theft; providing Social Security number protections; providing credit monitoring; providing for the adequate destruction of personal records; providing civil and criminal penalties; regulating data warehouses; modifying notice requirements; amending Minnesota Statutes 2004, section 13.6905, by adding a subdivision; Minnesota Statutes 2005 Supplement, section 325E.61, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 13C; 325E; 325G.

Senator Sparks moved to amend S.F. No. 2002 as follows:

Page 15, after line 15, insert:

"Sec. 3. Minnesota Statutes 2005 Supplement, section 325E.61, subdivision 4, is amended to read:

Subd. 4. **Exemption.** This section does not apply to any "financial institution" as defined by United States Code, title 15, section 6809(3), ~~and to entities subject to the federal privacy and security regulations adopted under the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.~~"

The motion prevailed. So the amendment was adopted.

Senator Frederickson moved to amend S.F. No. 2002 as follows:

Page 2, line 28, delete "such a" and insert "the"

The motion prevailed. So the amendment was adopted.

S.F. No. 2002 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Foley introduced—

S.F. No. 3761: A bill for an act relating to capital improvements; authorizing sale of trunk highway bonds; appropriating money for plans and specifications to expand marked Trunk Highway 252 between marked Trunk Highway 610 and I-94 in Hennepin County.

Referred to the Committee on Finance.

Senator Neuville introduced—

S.F. No. 3762: A bill for an act relating to agriculture; creating a task force to study University of Minnesota licensing; reducing appropriations.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senator Skoe introduced—

S.F. No. 3763: A bill for an act relating to state contracting; providing that for the purposes of contracting with state agencies, Indian tribes or bands are deemed to be local government units and political subdivisions of the state; amending Minnesota Statutes 2004, section 16C.05, subdivision 7.

Referred to the Committee on State and Local Government Operations.

Senator Murphy introduced—

S.F. No. 3764: A bill for an act relating to transportation; amending the allocation of revenue from a tax on sale of motor vehicles; amending Minnesota Statutes 2004, section 297B.09, subdivision 1.

Referred to the Committee on Transportation.

MEMBERS EXCUSED

Senators Dille and Moua were excused from the Session of today. Senator Skoe was excused from the Session of today from 11:00 a.m. to 1:00 p.m.

87TH DAY]

MONDAY, APRIL 10, 2006

4757

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 2:30 p.m., Tuesday, April 11, 2006. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

