

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-FIRST LEGISLATURE

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THIRTY-FIRST DAY

St. Paul, Minnesota, Monday, March 22, 1999

The Senate met at 10:00 a.m. and was called to order by the President.

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Paul O. Monson.

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	Higgins	Laidig	Oliver	Samuelson
Belanger	Hottinger	Langseth	Olson	Scheevel
Berg	Janezich	Larson	Ourada	Scheid
Berglin	Johnson, D.E.	Lesewski	Pappas	Solon
Betzold	Johnson, D.J.	Lessard	Pariseau	Spear
Cohen	Johnson, J.B.	Limmer	Piper	Stevens
Day	Junge	Lourey	Pogemiller	Stumpf
Dille	Kelley, S.P.	Marty	Price	Ten Eyck
Fischbach	Kelly, R.C.	Metzen	Ranum	Terwilliger
Flynn	Kiscaden	Moe, R.D.	Robertson	Vickerman
Foley	Kleis	Murphy	Robling	Wiener
Frederickson	Knutson	Neuville	Runbeck	Wiger
Hanson	Krentz	Novak	Sams	

The President declared a quorum present.

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

## REPORTS FILED WITH THE SECRETARY OF THE SENATE

The following reports were received and filed with the Secretary of the Senate: Board of Investment, External Money Manager Report, 1999; Department of Human Services, Dental Services Reimbursement Study, 1999; Department of Public Safety, Division of Emergency Management, Readiness of State Government to Respond to Discharges of Oil or Hazardous Substances, 1999; Department of Public Safety, Rental Motor Vehicle Refund Law, 1999; Department of Health, Health Provider Cooperatives: Status of Direct Contracting, 1999; Departments of Health and Commerce, Ad Hoc Advisory Panel on Provider Access to Health Plan Networks, 1999; Minnesota Office of Technology, Information Resource Funding Recommendations, 1999; Public Utilities Commission, Performance-based Gas Purchasing Plans, 1999; Department of Human Services, Availability of Affordable Housing for Low Income Minnesotans; Department of Human Services, MFIP Participants Exempt from Work; Department

of Human Services, Mental Health Revenue Maximization, 1999; Department of Human Services, Cost of Increasing the Income Standard and Provider Rates, 1999; Department of Employee Relations, Minnesota Local Government Pay Equity Compliance Report, 1999; Department of Revenue, Natural Disaster Special Levies for the Taxes Payable Year 1999 for Counties and for Cities Subject to the Overall Levy Limitation; Pollution Control Agency, Solid Waste Management Economic Status and Outlook, 1999; Pollution Control Agency, Feedlot Issues: Financial Assurance for Closure, Incident Reporting and Contingency Action Plan, 1999; University of Minnesota, Applied Doctoral Education in Minnesota, 1999; Department of Public Safety, Automated External Defibrillator Program, 1999; Department of Finance, Actions Taken by the Legislative Advisory Commission, January 1, 1997 to January 1, 1999; Minnesota Center for Crime Victim Services, Annual Report, 1998; Department of Health, Information Policy Task Force, 1999; City of Minneapolis; Fourth Judicial District and Hennepin County, Community Right to Know, 1999; Pollution Control Agency, Lead in the Environment, 1999; Department of Administration, Risk Management, Annual Report, 1998; Department of Public Safety, Statewide Master Plan for Fire and Law Enforcement Training Facilities in Minnesota, 1999; Department of Human Services, Telephone Assistance Plan Program, 1999; Department of Human Services, Home and Community-Based Services for Persons with Mental Retardation or Related Conditions, 1999; Department of Human Services, Limited English Language Proficiency Plan, 1999; Department of Human Services, Enhanced Matching Funds for Children's Health Care Initiatives and Employer-Subsidized Health Coverage, 1999; Department of Human Services, Day Training and Habilitation, Rate Variance Mechanism, 1999; Department of Human Services, Payment System for Intermediate Care Facilities for Persons with Mental Retardation, 1999; Department of Human Services, Child Support Enforcement, 1999; Department of Human Services, Information Technology, 1998; Departments of Human Services and Children, Families and Learning, Autism Task Force Report, 1999; Office of Technology, Eliminating Redundant Storage of Data, 1999; Office of Technology, Charting the Course to Minnesota's Digital Future: Master Plan for Information and Communications Technology in Minnesota; Department of Administration, Pretrial, Presentence, and Conditional Release of Criminal Defendants and Convicted Offenders; Department of Administration, Interstate Compact Status Report, 1999; Pollution Control Agency, Toxic Air Pollutant Update, 1999; Department of Health, Building a Solid Foundation for Health: Report on Public Health System Development, 1999; Department of Transportation, Biennial Report, 1997-98; Department of Corrections, Interstate Compact for the Supervision of Parolees and Probationers, 1999; Department of Public Safety, State Fire Marshal Division, Minnesota Arson Juvenile Firesetter Legislation Account, 1999; Board of Aging, Resident and Family Advisory Council Education Program, 1999; Pollution Control Agency, Feedlot Issues: Animal Waste Liability Account, Incident Reporting and Contingency Action Plan, 1999; Office of Legislative Auditor, Annual Report, 1998; University of Minnesota, Efforts to Improve Opportunities for Women Athletes Consistent with Title IX, 1999; Department of Health, Minnesota's Blood Lead Programs, 1999; Department of Human Services, Child Support Delivery Study, 1999.

### EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

March 19, 1999

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1999 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1999	Date Filed 1999
	453	15	1:40 p.m. March 18	March 18
	157	16	1:45 p.m. March 18	March 18
	454	17	1:48 p.m. March 18	March 18

Sincerely,  
Mary Kiffmeyer  
Secretary of State

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 407 and 460.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 18, 1999

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 50, 174, 583, 585, 1066, 640 and 670.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 18, 1999

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 50:** A bill for an act relating to the county of Goodhue; allowing a 1998 levy limit adjustment for certain payments in lieu of tax.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 77, now on the Calendar.

**H.F. No. 174:** A bill for an act relating to the Paynesville area hospital district; authorizing the district to annex the city of Richmond to the district.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 156, now on General Orders.

**H.F. No. 583:** A bill for an act relating to insurance; regulating investments by township mutual insurance companies; amending Minnesota Statutes 1998, section 67A.231.

Referred to the Committee on Commerce.

**H.F. No. 585:** A bill for an act relating to capital investment; reducing an appropriation; making a conforming change; excluding an authorization for certain kitchen facilities; amending a match requirement for the Isle Community Center grant; amending Laws 1998, chapter 404, section 5, subdivision 4.

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

**H.F. No. 1066:** A bill for an act relating to insurance; township mutual insurance companies; regulating the territories of operation; amending Minnesota Statutes 1998, section 67A.01.

Referred to the Committee on Commerce.

**H.F. No. 640:** A bill for an act relating to mental health; modifying membership, duties, and reporting requirements for the state advisory council on mental health; amending Minnesota Statutes 1998, section 245.697.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 488, now on the Calendar.

**H.F. No. 670:** A bill for an act relating to health care; expanding medical assistance eligibility for employed persons with disabilities; appropriating money; amending Minnesota Statutes 1998, section 265B.057, by adding a subdivision.

Referred to the Committee on Health and Family Security.

### REPORTS OF COMMITTEES

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

#### **Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 810:** A bill for an act relating to legislature; prescribing the powers and duties of the legislative audit commission and the legislative auditor; making various technical changes; amending Minnesota Statutes 1998, sections 3.97; 3.971; 3.974; 3.975; 6.74; 10.48; 16A.27, subdivision 2; 37.06; 37.07; 85A.02, subdivision 5c; 192.551; 352.03, subdivision 6; 353.03, subdivision 3a; 353A.05, subdivision 1; 354.06, subdivision 2a; 360.015, subdivision 19; and 609.456; repealing Minnesota Statutes 1998, sections 3.973; 469.207; and 574.02.

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

Page 10, after line 4, insert:

"Sec. 7. Minnesota Statutes 1998, section 13.46, subdivision 8, is amended to read:

Subd. 8. [ACCESS FOR AUDITING.] To the extent required by state or federal law, representatives of federal, state, or local agencies shall have access to data maintained by public or private community mental health centers, mental health divisions of counties, and other providers under contract to deliver mental health services which is necessary to achieve the purpose of auditing. Public or private community mental health centers, mental health divisions of counties, and other providers under contract to deliver mental health services shall not permit this data to identify any particular patient or client by name or contain any other unique personal identifier, except data provided to the legislative auditor. Notwithstanding any statute or rule to the contrary, and solely for the purposes of conducting an audit approved by the legislative audit commission in 1988, the legislative auditor shall be given access to all data, records, and files classified as not public. The legislative auditor shall maintain all data collected under this subdivision in accordance with chapter 13 and may not disclose data that identify a patient or client by name or that contain any other personal identifier."

Page 12, after line 31, insert:

"Sec. 12. Minnesota Statutes 1998, section 89.05, is amended to read:

89.05 [ACCOUNTING SYSTEM.]

The department of natural resources shall consolidate and simplify the accounting system within the department for receipts from department managed lands, disbursements made on a regular basis, and the program for federal aids and grant reimbursements. The new accounting system shall be implemented with the cooperation and under the supervision of the department of finance, ~~utilizing the assistance and recommendations of the office of the legislative auditor.~~

Sec. 13. Minnesota Statutes 1998, section 161.08, is amended to read:

161.08 [BOOKS OF ACCOUNT.]

The commissioner shall keep accurate and complete books of account ~~of such character~~ as may be prescribed by the ~~legislative auditor~~ commissioner of finance, the same to show in detail itemized receipts and disbursements of the trunk highway fund. The books of account shall show the following facts, among others:

(1) The expenses of maintaining the transportation department, including the salaries and expenses of the individual members thereof;

(2) The amounts of money expended in each county of the state for the construction of trunk highways, and when, where, and upon what job or portion of road expended so that the cost per mile of such construction can be easily ascertained;

(3) Any other money expended by the state in connection with any roads other than trunk highways and when, where, and upon what portion of road so expended; and

(4) The amount of road equipment and materials purchased, and when, where, and from whom purchased, and the price paid for each item. The original invoices shall form a part of the permanent files and records in the department of transportation and be open to public inspection."

Page 22, after line 13, insert:

"Sec. 20. Minnesota Statutes 1998, section 574.20, is amended to read:

574.20 [BONDS, BY WHOM APPROVED.]

Except as otherwise provided by law in particular cases, bonds shall be approved as follows:

(1) The official bonds of all state officers, including those of the treasurers, superintendents, and other officials, and employees of the several public educational, charitable, penal, and reformatory institutions belonging to the state, shall be approved, as to form, by the attorney general, and in all other respects by the governor ~~and the legislative auditor, or one of them;~~

(2) The official bonds of county, town, city, and school district officers and employees by the governing body of the political subdivision for whose security they are, respectively, given; and

(3) Those required or permitted by law to be given in any court, by the judge or justice of the court in which the proceeding is begun or pending.

No officer, official, or employee required to give bond shall enter upon duties until the bond is duly approved and filed."

Page 22, after line 34, insert:

"Sec. 22. Laws 1990, chapter 535, section 5, is amended to read:

Sec. 5. [ACCOUNTS; AUDITS.]

The corporation may establish funds and accounts that it finds convenient. The board shall provide for and pay the cost of an independent annual audit of its official books and records by the legislative state auditor ~~subject to Minnesota Statutes, sections 3.971 and 3.972.~~ A copy of this audit shall be filed with the secretary of state."

Page 23, line 21, after "3.973;" insert "116.072, subdivision 12;" and after "469.207" insert "subdivision 1"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after "10.48;" insert "13.46, subdivision 8;"

Page 1, line 7, after "5c;" insert "89.05; 161.08;"

Page 1, line 10, after "19;" insert "574.20;" and after "609.456;" insert "amending Laws 1990, chapter 535, section 5;"

Page 1, line 11, after "3.973;" insert "116.072, subdivision 12;" and after "469.207" insert ", subdivision 1"

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

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

**S.F. No. 1485:** A bill for an act relating to professions; modifying provisions of the board of architecture, engineering, land surveying, landscape architecture, geoscience, and interior design relating to fees and continuing education; increasing penalties; amending Minnesota Statutes 1998, section 326.111, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Rules, part 1800.0500, subpart 3.

Reports the same back with the recommendation that the bill be reported to the Senate without recommendation. Report adopted.

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

**S.F. No. 1202:** A bill for an act relating to health; establishing protocol for occupational exposure to bloodborne pathogens in certain settings; providing criminal penalties; amending Minnesota Statutes 1998, sections 13.99, subdivision 38, and by adding a subdivision; 72A.20, subdivision 29; 144.4804, by adding a subdivision; 214.18, subdivision 5, and by adding a subdivision; 214.19; 214.20; 214.22; 214.23, subdivisions 1 and 2; 214.25, subdivision 2; and 611A.19, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 144; and 241; repealing Minnesota Statutes 1998, sections 144.761; 144.762; 144.763; 144.764; 144.765; 144.766; 144.767; 144.768; 144.769; and 144.7691.

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

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

**S.F. No. 913:** A bill for an act relating to game and fish; prohibiting the use of underwater video equipment to take fish; amending Minnesota Statutes 1998, section 97C.325.

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

**Senator Vickerman from the Committee on Local and Metropolitan Government, to which was referred**

**S.F. No. 1246:** A bill for an act relating to Washington county; delaying an expiration date on certain "droplist" legislation; amending Laws 1997, First Special Session chapter 3, section 27.

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

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 1464:** A bill for an act relating to public administration; making deficiency appropriations for state government operations; appropriating money.

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

Page 2, after line 55, insert:

"Sec. 8. [TRANSFER.]

The year 2000 project office in the department of administration shall transfer \$975,000 to the secretary of state.

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "transferring money;"

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

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 1649:** A bill for an act relating to veterans; establishing free or reduced-cost health care to veterans at medical facilities and pharmacies throughout the state; proposing coding for new law in Minnesota Statutes, chapter 197.

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

Delete everything after the enacting clause and insert:

"Section 1. [HEALTH CARE STUDY.]

The commissioner of veterans affairs, in cooperation with the board of directors of the Minnesota veterans homes and the United States Veterans Administration, shall study the feasibility and desirability of supplementing the missions of the veterans homes and the Veterans Administration hospitals in Minnesota by entering into agreements with health care providers throughout the state to provide free or reduced-cost comprehensive health care to veterans close to their places of residence as a supplement to private health insurance. The commissioner shall report the results of the study and any recommendations to the legislature by January 15, 2000."

Delete the title and insert:

"A bill for an act relating to veterans; directing the commissioner of veterans affairs to study the feasibility and desirability of providing free or reduced-cost health care to veterans throughout the state; requiring a report to the legislature."

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

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 1677:** A bill for an act relating to the military; expanding eligibility for certain state service; amending Minnesota Statutes 1998, sections 190.08, subdivision 3; 192.19; and 193.29, subdivisions 1, 2, and 3.

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

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was re-referred**

**S.F. No. 1539:** A bill for an act relating to the environment; providing a new license category under the well code for a vertical heat exchanger contractor; establishing training requirements for well contractors installing vertical heat exchangers; amending Minnesota Statutes 1998, sections 103I.005, subdivision 20; 103I.101, subdivisions 2 and 5; 103I.105; 103I.501; 103I.525, by adding a subdivision; and 103I.641, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 103I.

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

Page 3, lines 32 and 33, delete "19" and insert "18"

Page 5, delete section 6

Page 8, line 10, delete "8 and 9" and insert "7 and 8"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "103I.525, by"

Page 1, line 9, delete "adding a subdivision;"

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

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 263:** A bill for an act relating to retirement; public employees retirement association; creating a local government correctional service retirement plan; modifying actuarial cost provision; amending Minnesota Statutes 1998, sections 3.85, subdivisions 11 and 12; 356.19, by adding a subdivision; 356.20, subdivision 2; 356.30, subdivision 3; 356.302, subdivision 7; and 356.303, subdivision 4; proposing coding for new law as Minnesota Statutes, chapter 353E.

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

Page 5, after line 10, insert:

"Sec. 3. Minnesota Statutes 1998, section 275.70, subdivision 5, is amended to read:

Subd. 5. [SPECIAL LEVIES.] "Special levies" means those portions of ad valorem taxes levied by a local governmental unit for the following purposes or in the following manner:

(1) to pay the costs of the principal and interest on bonded indebtedness or to reimburse for the amount of liquor store revenues used to pay the principal and interest due on municipal liquor store bonds in the year preceding the year for which the levy limit is calculated;

(2) to pay the costs of principal and interest on certificates of indebtedness issued for any corporate purpose except for the following:

(i) tax anticipation or aid anticipation certificates of indebtedness;

(ii) certificates of indebtedness issued under sections 298.28 and 298.282;

(iii) certificates of indebtedness used to fund current expenses or to pay the costs of extraordinary expenditures that result from a public emergency; or

(iv) certificates of indebtedness used to fund an insufficiency in tax receipts or an insufficiency in other revenue sources;

(3) to provide for the bonded indebtedness portion of payments made to another political subdivision of the state of Minnesota;



(4) to fund payments made to the Minnesota state armory building commission under section 193.145, subdivision 2, to retire the principal and interest on armory construction bonds;

(5) for unreimbursed expenses related to flooding that occurred during the first half of calendar year 1997, as allowed by the commissioner of revenue under section 275.74, paragraph (b);

(6) for local units of government located in an area designated by the Federal Emergency Management Agency pursuant to a major disaster declaration issued for Minnesota by President Clinton after April 1, 1997, and before June 11, 1997, for the amount of tax dollars lost due to abatements authorized under section 273.123, subdivision 7, and Laws 1997, chapter 231, article 2, section 64, to the extent that they are related to the major disaster and to the extent that neither the state or federal government reimburses the local government for the amount lost;

(7) property taxes approved by voters which are levied against the referendum market value as provided under section 275.61;

(8) to fund matching requirements needed to qualify for federal or state grants or programs to the extent that either (i) the matching requirement exceeds the matching requirement in calendar year 1997, or (ii) it is a new matching requirement that didn't exist prior to 1998;

(9) to pay the expenses reasonably and necessarily incurred in preparing for or repairing the effects of natural disaster including the occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from natural causes, in accordance with standards formulated by the emergency services division of the state department of public safety, as allowed by the commissioner of revenue under section 275.74, paragraph (b);

(10) for the amount of tax revenue lost due to abatements authorized under section 273.123, subdivision 7, for damage related to the tornadoes of March 29, 1998, to the extent that neither the state or federal government provides reimbursement for the amount lost;

(11) pay amounts required to correct an error in the levy certified to the county auditor by a city or county in a levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.70 to 275.74 in the preceding levy year; and

(12) to pay an abatement under section 469.1815; and

(13) to pay the employer contribution to the local government correctional service retirement plan under section 353E.03, subdivision 2.

Sec. 4. Minnesota Statutes 1998, section 353.27, subdivision 2, is amended to read:

Subd. 2. [EMPLOYEE CONTRIBUTION.] (a) ~~Except as provided in paragraph (b),~~ The employee contribution ~~shall be~~ is an amount (1) for a "basic member" equal to 8.75 percent of total salary; and (2) for a "coordinated member" equal to 4.75 percent of total salary.

(b) ~~For local government correctional service employees, as defined in section 353.33, subdivision 3a, the employee contribution is an amount equal to 4.96 percent of total salary.~~

(e) These contributions must be made by deduction from salary in the manner provided in subdivision 4. Where any portion of a member's salary is paid from other than public funds, such member's employee contribution must be based on the total salary received from all sources.

Sec. 5. Minnesota Statutes 1998, section 353.27, subdivision 3, is amended to read:

Subd. 3. [EMPLOYER CONTRIBUTION.] (a) ~~Except as provided in paragraph (b),~~ The employer contribution ~~shall be~~ is an amount equal to the employee contribution under subdivision 2.

(b) ~~On behalf of local government correctional service employees, as defined in section 353.33, subdivision 3a, the employer contribution is an amount equal to 5.06 percent of total salary.~~

(e) This contribution shall must be made from funds available to the employing subdivision by the means and in the manner provided in section 353.28."

Page 6, line 4, delete "7a," and after "11," insert "and" and delete ", and 13"

Page 6, delete lines 30 and 31

Page 6, line 32, delete "(2)" and insert "(1)"

Page 6, line 35, delete "(3)" and insert "(2)" and delete "75" and insert "95"

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

Page 7, line 9, delete "..." and insert "5.83"

Page 7, line 12, delete "..." and insert "8.75"

Page 7, line 16, delete "separation from" and insert "termination of"

Page 9, line 8, delete "and" and insert a comma

Page 9, line 9, after "duty" insert ", and"

Page 9, line 16, delete "5" and insert "5a"

Page 17, after line 24, insert:

"Sec. 19. [REPEALER.]

Minnesota Statutes 1998, section 353.33, subdivision 3a, is repealed."

Page 17, line 26, delete "4 and 6 to 15" and insert "7 and 9 to 19"

Page 17, line 27, delete "5" and insert "8"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "provision;" insert "providing a special property tax levy for certain county retirement contributions;"

Page 1, line 6, after "12;" insert "275.70, subdivision 5; 353.27, subdivisions 2 and 3;"

Page 1, line 10, after "353E" insert "; repealing Minnesota Statutes 1998, section 353.33, subdivision 3a"

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

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

**S.F. No. 1288:** A bill for an act relating to natural resources; exempting trappers from blaze orange requirements; amending Minnesota Statutes 1998, section 97B.071.

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

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1998, section 97A.435, subdivision 4, is amended to read:

Subd. 4. [SEPARATE SELECTION OF ELIGIBLE LICENSEES.] (a) The commissioner may conduct a separate selection for up to 20 percent of the turkey licenses to be issued for any area.

Only persons that are owners or tenants of and that live on at least 40 acres of agricultural or grazing land in the area, and their family members, are eligible applicants for turkey licenses for the separate selection. Persons that are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons that obtain a license in a separate selection must allow public turkey hunting on their land during that turkey season. The qualifying agricultural or grazing land may be noncontiguous.

(b) The commissioner may by rule establish criteria for determining eligible family members under this subdivision."

Page 1, line 10, reinstate the stricken language

Page 1, line 18, before the period, insert "on waters of this state"

Page 1, line 23, after "shot" insert "or while trapping"

Page 1, line 24, after the period, insert "This paragraph does not apply to a person hunting by falconry."

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "providing that for certain turkey license applicants qualifying land may be noncontiguous;"

Page 1, line 4, delete "section" and insert "sections 97A.435, subdivision 4; and"

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

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

**S.F. No. 1528:** A bill for an act relating to natural resources; modifying harmful exotic species provisions; amending Minnesota Statutes 1998, sections 84.027, subdivision 13; 84D.01, subdivision 2; 84D.02, subdivision 4; 84D.03, subdivision 1, and by adding a subdivision; 84D.09, subdivision 2; 84D.10; 84D.11, by adding a subdivision; and 84D.12, subdivisions 1 and 3; repealing Minnesota Statutes 1998, sections 84D.01, subdivision 10; and 84D.03, subdivision 2.

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

Page 4, line 1, delete "solely" and insert "except those designated"

Page 4, line 2, delete "Eurasian water milfoil" and insert "prohibited exotic species of fish"

Page 4, line 3, delete "is" and insert "may be"

Page 4, line 4, after "taking" insert "of wild animals for bait and aquatic farm purposes"

Page 4, line 5, before the semicolon, insert ", subject to rules adopted by the commissioner"

Page 4, line 6, before the period, insert "in waters that contain Eurasian water milfoil"

Page 5, line 33, delete "solely" and insert a comma

Page 5, line 34, delete everything before the period and insert "except those designated because they contain prohibited exotic species of fish"

Page 5, line 35, delete "Eurasian water" and insert "harmful exotic species"

Page 5, line 36, delete "milfoil" and after "person" insert "annually"

Page 6, after line 25, insert:

"Sec. 12. [EFFECTIVE DATE; APPLICATION.]

This act is effective two days after final enactment and applies to any cause of action arising on or after that date."

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

**Senator Vickerman from the Committee on Local and Metropolitan Government, to which was referred**

**S.F. No. 1463:** A bill for an act relating to townships; authorizing creation of a capital reserve fund; amending Minnesota Statutes 1998, section 365.10, by adding a subdivision.

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

**Senator Vickerman from the Committee on Local and Metropolitan Government, to which was referred**

**S.F. No. 1660:** A bill for an act relating to the board of government innovation and cooperation; extending an exemption from enforcement of law granted by the board during calendar year 1998; amending Minnesota Statutes 1998, section 465.797, subdivision 5a.

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

Amend the title as follows:

Page 1, line 3, delete "an exemption" and insert "exemptions"

Page 1, line 4, delete "year" and insert "years 1996 and"

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

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

**S.F. No. 1017:** A bill for an act relating to civil actions; requiring the summons to include notice of the alternative dispute resolution process; amending Minnesota Statutes 1998, section 518.091; proposing coding for new law in Minnesota Statutes, chapter 543.

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

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

Page 2, line 7, delete "RULE 114.02" and insert "RULES"

Page 2, line 12, after "ABUSE" insert "OR THREATS OF ABUSE"

Page 2, line 25, delete "rule 114 of"

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

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

**S.F. No. 487:** A bill for an act relating to family law; reviving the summary dissolution process; repealing Laws 1991, chapter 271, section 9, as amended.

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

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

**S.F. No. 443:** A bill for an act relating to crime prevention; expanding reporting requirements for health professionals concerning injuries resulting from alcohol- or controlled substance-related accidents; expanding civil and criminal immunity for reports by health professionals; amending Minnesota Statutes 1998, sections 626.52; and 626.55, subdivision 1; repealing Minnesota Statutes 1998, section 626.55, subdivision 2.

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

Page 1, line 21, delete the comma and insert a period

Page 1, delete lines 22 and 23

Page 2, line 14, delete everything after "where"

Page 2, line 15, delete everything before "vehicle" and insert "the professional has reason to believe that the person was driving the"

Page 2, line 17, delete everything before "a"

Page 2, line 18, delete "not"

Page 2, line 19, delete "government"

Page 3, delete section 4

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

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

**S.F. No. 451:** A bill for an act relating to agriculture; regulating security interests in agricultural crops; modifying the treatment of certain collateral; amending Minnesota Statutes 1998, sections 336.9-203; 336.9-401; and 336.9-402.

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

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

**S.F. No. 973:** A bill for an act relating to courts; requesting the supreme court to study and make recommendations regarding juror compensation.

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

**Senator Marty from the Committee on Election Laws, to which was referred**

**S.F. No. 1144:** A bill for an act relating to elections; simplifying language on certificates of election; clarifying and simplifying the Minnesota Election Law; making technical and procedural changes; changing certain duties of election officials; listing additional violations; changing certain deadlines; providing for advisory opinions by the secretary of state; providing for submission of proposed chapter amendments; requiring adoption of certain rules; imposing criminal penalties; amending Minnesota Statutes 1998, sections 3.02; 200.031; 201.016, subdivision 1, and by adding a subdivision; 201.054, subdivision 2; 201.12, subdivision 2; 201.13, by adding a subdivision; 203B.03, subdivision 1; 203B.04, subdivision 1; 203B.07, subdivision 2; 203B.08, subdivision 1; 203B.081; 203B.085; 203B.11, subdivisions 1, 2, and 4; 204B.08, subdivision 3; 204B.146, subdivision 2; 204B.21, subdivision 2; 204B.27, subdivision 8; 204C.10; 204C.24, subdivision 1; 204C.26, subdivision 1; 204C.40, subdivision 1; 204D.08, subdivisions 3 and 5; 204D.11, subdivision 4; 204D.13, subdivisions 2 and 3; 205.10, subdivisions 3 and 4; 205.16, subdivision 4; 205.185, subdivision 3; 205A.05, subdivision 1; 205A.07, subdivision 3;

205A.13; 206.86, subdivision 1; 208.04, subdivision 1; 351.055; 410.12, subdivision 1; 412.02, subdivision 2; and 447.32, subdivision 4; Laws 1997, chapter 173, section 6; proposing coding for new law in Minnesota Statutes, chapter 204B; repealing Minnesota Statutes 1998, sections 203B.08, subdivisions 1a and 3a; 203B.12, subdivision 5; 204D.14, subdivision 2; 204D.19, subdivision 5; and 365.10, subdivision 2.

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

Page 9, line 5, delete "p.m." and insert "noon"

Page 9, delete section 14

Page 13, delete section 22

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 7 and 8, delete "providing for advisory opinions by the secretary of state;"

Page 1, line 17, delete "1, 2," and insert "2"

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

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

**S.F. No. 225:** A bill for an act relating to professions; regulating advanced practice registered nursing; amending Minnesota Statutes 1998, sections 62A.15, subdivision 3a; 148.171; 148.191, subdivision 2; 148.235, subdivision 3, and by adding subdivisions; 148.261, subdivisions 1 and 5; 148.262, subdivision 1; 148.263, subdivisions 3 and 4; 148.271; 148.281, subdivision 1; 148.283; 245.462, subdivision 18; 245.4871, subdivision 27; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1998, section 148.235, subdivisions 1, 2, 4, 5, and 6.

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 1998, section 62A.15, subdivision 3a, is amended to read:

Subd. 3a. [NURSING SERVICES.] All benefits provided by a policy or contract referred to in subdivision 1, relating to expenses incurred for medical treatment or services of a duly licensed physician must include services provided by a registered nurse who is licensed pursuant to section 148.171 and who is certified by the profession to engage in as an advanced nursing practice practice registered nurse. "Advanced nursing practice practice registered nurse" means the performance of health services by professional nurses who have gained additional knowledge and skills through an organized program of study and clinical experience preparing nurses for advanced practice roles as nurse anesthetists, nurse midwives, nurse practitioners, or clinical specialists in psychiatric or mental health nursing. The program of study must be beyond the education required for registered nurse licensure and must meet criteria established by the professional nursing organization having authority to certify the registered nurse in advanced nursing practice. For the purposes of this subdivision, the board of nursing shall, by rule, adopt a list of professional nursing organizations which have the authority to certify nurses in advanced nursing practice has the meaning given in section 148.171, subdivision 2, paragraph (4). The advanced practice registered nurse must meet the requirements of sections 148.171 to 148.285.

This subdivision is intended to provide payment of benefits for treatment and services by a licensed registered nurse certified in advanced nursing practice an advanced practice registered nurse as defined in this subdivision and is not intended to add to the benefits provided for in these policies or contracts.

Sec. 2. Minnesota Statutes 1998, section 148.171, is amended to read:

148.171 [DEFINITIONS; TITLE.]

Subdivision 1. [TITLE.] Sections 148.171 to 148.285 shall be referred to as the Minnesota Nurse Practice Act.

Subd. 2. [SCOPE.] As used in sections 148.171 to 148.285, the definitions in this section have the meanings given.

(1) "Board" means the Minnesota board of nursing.

(2) "Registered nurse," abbreviated R.N., means an individual licensed by the board to practice professional nursing.

(3) The "practice of professional nursing" means the performance for compensation or personal profit of the professional interpersonal service of: (a) providing a nursing assessment of the actual or potential health needs of individuals, families, or communities; (b) providing nursing care supportive to or restorative of life by functions such as skilled ministrations of nursing care, supervising and teaching nursing personnel, health teaching and counseling, case finding, and referral to other health resources; and (c) evaluating these actions. The practice of professional nursing includes both independent nursing functions and delegated medical functions which may be performed in collaboration with other health team members, or may be delegated by the professional nurse to other nursing personnel. Independent nursing function may also be performed autonomously. The practice of professional nursing requires that level of special education, knowledge, and skill ordinarily expected of an individual who has completed an approved professional nursing education program as described in section 148.211, subdivision 1.

(4) "Advanced practice registered nurse," abbreviated APRN, means an individual licensed as a registered nurse by the board and certified by a national nurse certification organization acceptable to the board to practice as a clinical nurse specialist, nurse anesthetist, nurse midwife, or nurse practitioner.

(5) The "practice of advanced practice registered nursing" means the performance of clinical nurse specialist practice, nurse midwife practice, nurse practitioner practice, or registered nurse anesthetist practice as defined in paragraphs (6), (9), (10), and (12). The practice includes functioning as a direct care provider, case manager, consultant, educator, and researcher. The advanced practice registered nurse must practice within a health care system that provides for consultation, collaborative management, and referral as indicated by the health status of the patient.

(6) "Clinical nurse specialist practice" means the provision of patient care in a particular specialty or subspecialty of advanced practice registered nursing within the context of collaborative management, and includes: (i) diagnosing illness and disease; (ii) providing nonpharmacologic treatment, including psychotherapy; (iii) promoting wellness; and (iv) preventing illness and disease. The certified clinical nurse specialist is certified for advanced practice registered nursing in a specific field of clinical nurse specialist practice.

(7) "Collaborative management" is a mutually agreed upon plan between an advanced practice registered nurse and one or more physicians or surgeons licensed under chapter 147, dentists licensed under chapter 150A, podiatrists licensed under chapter 153, or chiropractors licensed under sections 148.01 to 148.10 that designates the scope of collaboration necessary to jointly manage the care of patients. The advanced practice registered nurse and the one or more physicians, surgeons, podiatrists, dentists, or chiropractors must have experience in providing care to patients with the same or similar medical problems. Certified registered nurse anesthetists must provide their clinical services at the same hospital or clinic as the physician or surgeon.

(8) "Consultation" means the process in which an advanced practice registered nurse who maintains primary management responsibility for a patient's care seeks advice or opinion of a physician or another member of the health care team.

(9) "Nurse midwife practice" means the management of women's primary health care, focusing on pregnancy, childbirth, the postpartum period, care of the newborn, and the family planning and gynecological needs of women and includes diagnosing and providing nonpharmacologic treatment within the context of collaborative management.

(10) "Nurse practitioner practice" means: (i) diagnosing, directly managing, and preventing acute and chronic illness and disease; and (ii) promoting wellness, including providing nonpharmacologic treatment. The certified nurse practitioner is certified for advanced registered nurse practice in a specific field of nurse practitioner practice.

(11) "Referral" means the process in which an advanced practice registered nurse directs a patient to a physician or another health care professional for management of a particular problem or aspect of the patient's care.

(12) "Registered nurse anesthetist practice" means the provision of anesthesia care and related services within the context of collaborative management, including selecting, obtaining, and administering drugs and therapeutic devices to facilitate diagnostic, therapeutic, and surgical procedures upon request, assignment, or referral by a patient's physician, dentist, chiropractor, podiatrist, or veterinarian.

(13) "Registered nurse, certified," abbreviated RN,C, means a registered nurse who has received certification from a national nursing organization or national nurse certification organization for practice according to paragraph (3) in a specialized field of professional nursing. A registered nurse, certified, shall not practice advanced practice registered nursing as described in paragraph (5), (6), (9), (10), or (12).

(4) (14) "Licensed practical nurse," abbreviated L.P.N., means an individual licensed by the board to practice practical nursing.

(5) (15) The "practice of practical nursing" means the performance for compensation or personal profit of any of those services in observing and caring for the ill, injured, or infirm, in applying counsel and procedure to safeguard life and health, in administering medication and treatment prescribed by a licensed health professional, which are commonly performed by licensed practical nurses and which require specialized knowledge and skill such as are taught or acquired in an approved school of practical nursing, but which do not require the specialized education, knowledge, and skill of a registered nurse.

(6) (16) "Nurse" means registered nurse, advanced practice registered nurse, and licensed practical nurse unless the context clearly refers to only one category.

(7) (17) "Nursing assistant" means an individual providing nursing or nursing-related services that do not require the specialized knowledge and skill of a nurse, at the direction of a nurse, but does not include a licensed health professional or an individual who volunteers to provide such services without monetary compensation.

(8) (18) "Public health nurse" means a registered nurse who meets the voluntary registration requirements established by the board by rule.

(19) "Prescribing" means the act of generating a prescription for the preparation, use of, or manner of using a drug or therapeutic device in accordance with the provisions of section 148.235. Prescribing does not include recommending the use of a drug or therapeutic device which is not required by the federal Food and Drug Administration to meet the labeling requirements for prescription drugs and devices or certified registered nurse anesthetist practice preoperatively, intraoperatively, or postoperatively.

(20) "Prescription" means a written direction or an oral direction reduced to writing provided to or for an individual patient for the preparation or use of a drug or therapeutic device.

Sec. 3. Minnesota Statutes 1998, section 148.191, subdivision 2, is amended to read:

Subd. 2. [POWERS.] (a) The board is authorized to adopt and, from time to time, revise rules



not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of sections 148.171 to 148.285. The board shall prescribe by rule curricula and standards for schools and courses preparing persons for licensure under sections 148.171 to 148.285. It shall conduct or provide for surveys of such schools and courses at such times as it may deem necessary. It shall approve such schools and courses as meet the requirements of sections 148.171 to 148.285 and board rules. It shall examine, license, and renew the license of duly qualified applicants. It shall hold examinations at least once in each year at such time and place as it may determine. It shall by rule adopt, evaluate, and periodically revise, as necessary, requirements for licensure and for registration and renewal of registration as defined in section 148.231. It shall maintain a record of all persons licensed by the board to practice professional or practical nursing and all registered nurses who hold Minnesota licensure and registration and are certified as advanced practice registered nurses. It shall cause the prosecution of all persons violating sections 148.171 to 148.285 and have power to incur such necessary expense therefor. It shall register public health nurses who meet educational and other requirements established by the board by rule, including payment of a fee. Prior to the adoption of rules, the board shall use the same procedures used by the department of health to certify public health nurses. It shall have power to issue subpoenas, and to compel the attendance of witnesses and the production of all necessary documents and other evidentiary material. Any board member may administer oaths to witnesses, or take their affirmation. It shall keep a record of all its proceedings.

(b) The board shall have access to hospital, nursing home, and other medical records of a patient cared for by a nurse under review. If the board does not have a written consent from a patient permitting access to the patient's records, the nurse or facility shall delete any data in the record that identifies the patient before providing it to the board. The board shall have access to such other records as reasonably requested by the board to assist the board in its investigation. Nothing herein may be construed to allow access to any records protected by section 145.64. The board shall maintain any records obtained pursuant to this paragraph as investigative data under chapter 13.

Sec. 4. [148.233] [IDENTIFICATION OF CERTIFIED REGISTERED NURSES.]

Subdivision 1. [REGISTERED NURSE.] A registered nurse certified in a specialized field of professional nursing as described in section 148.171, subdivision 2, paragraph (13), shall use the designation RN,C for personal identification and in documentation of services provided. Identification of educational degrees and specialty fields may be added.

Subd. 2. [ADVANCED PRACTICE REGISTERED NURSE.] An advanced practice registered nurse certified as a certified clinical nurse specialist, certified nurse midwife, certified nurse practitioner, or certified registered nurse anesthetist shall use the appropriate designation: RN,CNS; RN,CNM; RN,CNP; or RN,CRNA for personal identification and in documentation of services provided. Identification of educational degrees and specialty fields may be added.

Sec. 5. Minnesota Statutes 1998, section 148.235, is amended to read:

148.235 [PRESCRIBING DRUGS AND THERAPEUTIC DEVICES.]

~~Subdivision 1. [CERTIFIED NURSE-MIDWIVES.] A registered nurse who has graduated from a program of study designed to prepare registered nurses for advanced practice as nurse-midwives and who is certified through the national professional nursing organization for nurse-midwives certified nurse-midwife may prescribe and administer drugs and therapeutic devices within practice as a certified nurse-midwife.~~

~~Subd. 2. [CERTIFIED NURSE PRACTITIONERS.] A registered certified nurse practitioner who (1) has graduated from a program of study designed to prepare registered nurses for advanced practice as nurse practitioners, (2) is certified through a national professional nursing organization which certifies nurse practitioners and is included in the list of professional nursing organizations adopted by the board under section 62A.15, subdivision 3a, and (3) has a written agreement with a physician based on standards established by the Minnesota nurses association and the Minnesota medical association that defines the delegated responsibilities related to the prescription of drugs and therapeutic devices, may prescribe and administer drugs and therapeutic devices within the~~

scope of the written agreement and within practice as a certified nurse practitioner. The written agreement required under this subdivision shall be based on standards established by the Minnesota nurses association and the Minnesota medical association as of January 1, 1996, unless both associations agree to revisions. ~~The written agreement shall be maintained at the certified nurse practitioner's place of employment and does not need to be filed with the board of nursing.~~

Subd. 2a. [CERTIFIED REGISTERED NURSE ANESTHETISTS.] A certified registered nurse anesthetist who has a written agreement with a physician based on standards established by the Minnesota Nurses Association and the Minnesota Medical Association that defines the delegated responsibilities related to the prescription of drugs and therapeutic devices, may prescribe and administer drugs and therapeutic devices within the scope of the written agreement and within practice as a certified registered nurse anesthetist.

~~Subd. 3. [DISPENSING AUTHORITY.] An advanced practice nurse who is authorized under this section to prescribe drugs is authorized to dispense drugs subject to the same requirements established for the prescribing of drugs. This authority to dispense extends only to those drugs described in the written agreement entered into under this section. The authority to dispense includes, but is not limited to, the authority to receive and dispense sample drugs.~~

Subd. 4. [CERTIFIED CLINICAL NURSE SPECIALISTS IN PSYCHIATRIC AND MENTAL HEALTH NURSING.] A registered nurse who (1) has a masters degree, (2) is certified through a national professional nursing organization which certifies clinical specialists in psychiatric and mental health nursing and is included in the list of professional nursing organizations adopted by the board under section 62A.15, subdivision 3a, (3) has successfully completed no less than 30 hours of formal study in the prescribing of psychotropic medications and medications to treat their side effects which included instruction in health assessment, psychotropic classifications, psychopharmacology, indications, dosages, contraindications, side effects, and evidence of application; and (4) (2) has a written agreement with a psychiatrist or other physician based on standards established by the Minnesota Nurses Association and the Minnesota Psychiatric Association that specifies and defines the delegated responsibilities related to the prescription of drugs in relationship to the diagnosis, may prescribe and administer drugs used to treat psychiatric and behavioral disorders and the side effects of those drugs within the scope of the written agreement and within practice as a certified clinical nurse specialist in psychiatric and mental health nursing. The written agreement required under this subdivision shall be based on standards established by the Minnesota Nurses Association and the Minnesota Psychiatric Association as of January 1, 1996, unless both associations agree to revisions. ~~The written agreement shall be maintained at the certified clinical nurse specialist's place of employment and does not need to be filed with the board of nursing.~~

Nothing in this subdivision removes or limits the legal professional liability of the treating psychiatrist, certified clinical nurse specialist, mental health clinic or hospital for the prescription and administration of drugs by a certified clinical nurse specialist in accordance with this subdivision.

Subd. 4a. [OTHER CERTIFIED CLINICAL NURSE SPECIALISTS.] A certified clinical nurse specialist who: (1) has successfully completed no less than 30 hours of a formal course of study from a college, university, or university health care institution, which included the following: instruction in health assessment, medication classifications, indications, dosages, contraindications, and side effects; supervised practice; and competence evaluation, including evidence of the application of knowledge pertaining to prescribing and therapeutic management of the clinical type of patients in the certified clinical nurse specialist's practice; and (2) has a written agreement with a physician based on standards established by the Minnesota Nurses Association and the Minnesota Medical Association that defines the delegated responsibilities related to the prescription of drugs and therapeutic devices, may prescribe and administer drugs and therapeutic devices within the scope of the written agreement and within practice as a certified clinical nurse specialist.

Subd. 4b. [DISPENSING AUTHORITY.] An advanced practice registered nurse who is authorized under this section to prescribe drugs is authorized to dispense drugs subject to the same

requirements established for the prescribing of drugs. This authority to dispense extends only to those drugs described in the written agreement entered into under this section. The authority to dispense includes, but is not limited to, the authority to receive and dispense sample drugs.

~~Subd. 5. [RULES.] (a) The board shall promulgate rules to provide for the following:~~

~~(1) a system of identifying advanced practice nurses eligible to prescribe drugs as authorized under this section;~~

~~(2) a system of transmitting to pharmacists the identity of advanced practice nurses eligible to prescribe drugs; and~~

~~(3) a fee to nurse practitioners and certified clinical specialists in psychiatric and mental health nursing who seek prescribing authority.~~

~~(b) The repeal of subdivision 2, paragraph (b), does not automatically repeal rules adopted under that paragraph.~~

~~Subd. 6. [STANDARDS FOR WRITTEN AGREEMENTS; REVIEW AND FILING.] Written agreements required by subdivisions 2 and 4 under this section shall be maintained at the primary practice site of the nurse practitioner, clinical specialist in psychiatric and mental health nursing, advanced practice registered nurse and of the collaborating physician. The written agreement does not need to be filed with the board of nursing, provided that the information required to be filed with the board, either on initial application for prescribing privileges or on renewal of privileges, has been submitted or the board of medical practice.~~

~~Subd. 7. [FEDERAL REGISTRATION.] Any advanced practice registered nurse who applies to the federal Drug Enforcement Administration for a registration number shall submit to the board:~~

~~(1) proof that requirements of this section are met; and~~

~~(2) a processing fee of \$50.~~

~~Sec. 6. Minnesota Statutes 1998, section 148.261, subdivision 1, is amended to read:~~

~~Subdivision 1. [GROUNDS LISTED.] The board may deny, revoke, suspend, limit, or condition the license and registration of any person to practice professional, advanced practice registered, or practical nursing under sections 148.171 to 148.285, or to otherwise discipline a licensee or applicant as described in section 148.262. The following are grounds for disciplinary action:~~

~~(1) Failure to demonstrate the qualifications or satisfy the requirements for a license contained in sections 148.171 to 148.285 or rules of the board. In the case of a person applying for a license, the burden of proof is upon the applicant to demonstrate the qualifications or satisfaction of the requirements.~~

~~(2) Employing fraud or deceit in procuring or attempting to procure a permit, license, or registration certificate to practice professional or practical nursing or attempting to subvert the licensing examination process. Conduct that subverts or attempts to subvert the licensing examination process includes, but is not limited to:~~

~~(i) conduct that violates the security of the examination materials, such as removing examination materials from the examination room or having unauthorized possession of any portion of a future, current, or previously administered licensing examination;~~

~~(ii) conduct that violates the standard of test administration, such as communicating with another examinee during administration of the examination, copying another examinee's answers, permitting another examinee to copy one's answers, or possessing unauthorized materials; or~~

~~(iii) impersonating an examinee or permitting an impersonator to take the examination on one's own behalf.~~

(3) Conviction during the previous five years of a felony or gross misdemeanor reasonably related to the practice of professional, advanced practice registered, or practical nursing. Conviction as used in this subdivision includes a conviction of an offense that if committed in this state would be considered a felony or gross misdemeanor without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered.

(4) Revocation, suspension, limitation, conditioning, or other disciplinary action against the person's professional or practical nursing license or advanced practice registered nursing credential, in another state, territory, or country; failure to report to the board that charges regarding the person's nursing license or other credential are pending in another state, territory, or country; or having been refused a license or other credential by another state, territory, or country.

(5) Failure to or inability to perform professional or practical nursing as defined in section 148.171, subdivision 2, paragraph (3) or (5) (15), with reasonable skill and safety, including failure of a registered nurse to supervise or a licensed practical nurse to monitor adequately the performance of acts by any person working at the nurse's direction.

(6) Engaging in unprofessional conduct, including, but not limited to, a departure from or failure to conform to board rules of professional or practical nursing practice that interpret the statutory definition of professional or practical nursing as well as provide criteria for violations of the statutes, or, if no rule exists, to the minimal standards of acceptable and prevailing professional or practical nursing practice, or any nursing practice that may create unnecessary danger to a patient's life, health, or safety. Actual injury to a patient need not be established under this clause.

(7) Failure of an advanced practice registered nurse to practice with reasonable skill and safety or departure from or failure to conform to standards of acceptable and prevailing advanced practice registered nursing.

~~(7)~~ (8) Delegating or accepting the delegation of a nursing function or a prescribed health care function when the delegation or acceptance could reasonably be expected to result in unsafe or ineffective patient care.

~~(8)~~ (9) Actual or potential inability to practice nursing with reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, chemicals, or any other material, or as a result of any mental or physical condition.

~~(9)~~ (10) Adjudication as mentally incompetent, mentally ill, a chemically dependent person, or a person dangerous to the public by a court of competent jurisdiction, within or without this state.

~~(10)~~ (11) Engaging in any unethical conduct, including, but not limited to, conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient. Actual injury need not be established under this clause.

~~(11)~~ (12) Engaging in conduct with a patient that is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior that is seductive or sexually demeaning to a patient, or engaging in sexual exploitation of a patient or former patient.

~~(12)~~ (13) Obtaining money, property, or services from a patient, other than reasonable fees for services provided to the patient, through the use of undue influence, harassment, duress, deception, or fraud.

~~(13)~~ (14) Revealing a privileged communication from or relating to a patient except when otherwise required or permitted by law.

~~(14)~~ (15) Engaging in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws or state medical assistance laws.

~~(15)~~ (16) Improper management of patient records, including failure to maintain adequate patient records, to comply with a patient's request made pursuant to section 144.335, or to furnish a patient record or report required by law.

~~(16)~~ (17) Knowingly aiding, assisting, advising, or allowing an unlicensed person to engage in the unlawful practice of professional, advanced practice registered, or practical nursing.

~~(17)~~ (18) Violating a rule adopted by the board, an order of the board, or a state or federal law relating to the practice of professional, advanced practice registered, or practical nursing, or a state or federal narcotics or controlled substance law.

~~(18)~~ (19) Knowingly providing false or misleading information that is directly related to the care of that patient unless done for an accepted therapeutic purpose such as the administration of a placebo.

~~(19)~~ (20) Aiding suicide or aiding attempted suicide in violation of section 609.215 as established by any of the following:

(i) a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2;

(ii) a copy of the record of a judgment of contempt of court for violating an injunction issued under section 609.215, subdivision 4;

(iii) a copy of the record of a judgment assessing damages under section 609.215, subdivision 5; or

(iv) a finding by the board that the person violated section 609.215, subdivision 1 or 2. The board shall investigate any complaint of a violation of section 609.215, subdivision 1 or 2.

~~(20)~~ (21) Practicing outside the scope of practice authorized by section 148.171, subdivision 2, paragraph (3) or, (5), (6), (9), (10), (12), or (15).

(22) Practicing outside the specific field of nursing practice for which an advanced practice registered nurse is certified unless the practice is authorized under section 148.284.

~~(21)~~ (23) Making a false statement or knowingly providing false information to the board, failing to make reports as required by section 148.263, or failing to cooperate with an investigation of the board as required by section 148.265.

~~(22)~~ (24) Engaging in false, fraudulent, deceptive, or misleading advertising.

(25) Failure to inform the board of the person's certification status as a nurse anesthetist, nurse midwife, nurse practitioner, or clinical nurse specialist.

(26) Engaging in clinical nurse specialist practice, nurse midwife practice, nurse practitioner practice, or registered nurse anesthetist practice without current certification by a national nurse certification organization acceptable to the board, except during the period between completion of an advanced practice registered nurse course of study and certification, not to exceed six months or as authorized by the board.

Sec. 7. Minnesota Statutes 1998, section 148.261, subdivision 5, is amended to read:

Subd. 5. [EXAMINATION; ACCESS TO MEDICAL DATA.] The board may take the following actions if it has probable cause to believe that grounds for disciplinary action exist under subdivision 1, clause ~~(8)~~ (9) or ~~(9)~~ (10):

(a) It may direct the applicant or nurse to submit to a mental or physical examination or chemical dependency evaluation. For the purpose of this subdivision, when a nurse licensed under sections 148.171 to 148.285 is directed in writing by the board to submit to a mental or physical examination or chemical dependency evaluation, that person is considered to have consented and to have waived all objections to admissibility on the grounds of privilege. Failure of the applicant or nurse to submit to an examination when directed constitutes an admission of the allegations against the applicant or nurse, unless the failure was due to circumstances beyond the person's control, and the board may enter a default and final order without taking testimony or allowing evidence to be presented. A nurse affected under this paragraph shall, at reasonable intervals, be

given an opportunity to demonstrate that the competent practice of professional, advanced practice registered, or practical nursing can be resumed with reasonable skill and safety to patients. Neither the record of proceedings nor the orders entered by the board in a proceeding under this paragraph, may be used against a nurse in any other proceeding.

(b) It may, notwithstanding sections 13.42, 144.651, 595.02, or any other law limiting access to medical or other health data, obtain medical data and health records relating to a registered nurse, advanced practice registered nurse, licensed practical nurse, or applicant for a license without that person's consent. The medical data may be requested from a provider, as defined in section 144.335, subdivision 1, paragraph (b), an insurance company, or a government agency, including the department of human services. A provider, insurance company, or government agency shall comply with any written request of the board under this subdivision and is not liable in any action for damages for releasing the data requested by the board if the data are released pursuant to a written request under this subdivision unless the information is false and the provider giving the information knew, or had reason to believe, the information was false. Information obtained under this subdivision is classified as private data on individuals as defined in section 13.02.

Sec. 8. Minnesota Statutes 1998, section 148.262, subdivision 1, is amended to read:

Subdivision 1. [FORMS OF DISCIPLINARY ACTION.] When the board finds that grounds for disciplinary action exist under section 148.261, subdivision 1, it may take one or more of the following actions:

- (1) deny the license, registration, or registration renewal;
- (2) revoke the license;
- (3) suspend the license;
- (4) impose limitations on the nurse's practice of professional, advanced practice registered, or practical nursing including, but not limited to, limitation of scope of practice or the requirement of practice under supervision;
- (5) impose conditions on the retention of the license including, but not limited to, the imposition of retraining or rehabilitation requirements or the conditioning of continued practice on demonstration of knowledge or skills by appropriate examination, monitoring, or other review;
- (6) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed as to deprive the nurse of any economic advantage gained by reason of the violation charged, to reimburse the board for the cost of counsel, investigation, and proceeding, and to discourage repeated violations;
- (7) order the nurse to provide unremunerated service;
- (8) censure or reprimand the nurse; or
- (9) any other action justified by the facts in the case.

Sec. 9. Minnesota Statutes 1998, section 148.263, subdivision 3, is amended to read:

Subd. 3. [LICENSED PROFESSIONALS.] A person licensed by a health-related licensing board as defined in section 214.01, subdivision 2, shall report to the board personal knowledge of any conduct the person reasonably believes constitutes grounds for disciplinary action under sections 148.171 to 148.285 by any nurse including conduct indicating that the nurse may be incompetent, may have engaged in unprofessional or unethical conduct, or may be mentally or physically unable to engage safely in the practice of professional, advanced practice registered, or practical nursing.

Sec. 10. Minnesota Statutes 1998, section 148.263, subdivision 4, is amended to read:

Subd. 4. [INSURERS.] Four times each year, by the first day of February, May, August, and November, each insurer authorized to sell insurance described in section 60A.06, subdivision 1,

clause (13), and providing professional liability insurance to registered nurses, advanced practice registered nurses, or licensed practical nurses shall submit to the board a report concerning any nurse against whom a malpractice award has been made or who has been a party to a settlement. The report must contain at least the following information:

- (1) the total number of settlements or awards;
- (2) the date settlement or award was made;
- (3) the allegations contained in the claim or complaint leading to the settlement or award;
- (4) the dollar amount of each malpractice settlement or award and whether that amount was paid as a result of a settlement or of an award; and
- (5) the name and address of the practice of the nurse against whom an award was made or with whom a settlement was made.

An insurer shall also report to the board any information it possesses that tends to substantiate a charge that a nurse may have engaged in conduct violating sections 148.171 to 148.285.

Sec. 11. Minnesota Statutes 1998, section 148.271, is amended to read:

148.271 [EXEMPTIONS.]

The provisions of sections 148.171 to 148.285 shall not prohibit:

- (1) The furnishing of nursing assistance in an emergency.
- (2) The practice of professional or practical nursing by any legally qualified registered or licensed practical nurse of another state who is employed by the United States government or any bureau, division, or agency thereof while in the discharge of official duties.
- (3) The practice of any profession or occupation licensed by the state, other than professional or practical nursing, by any person duly licensed to practice the profession or occupation, or the performance by a person of any acts properly coming within the scope of the profession, occupation, or license.
- (4) The provision of a nursing or nursing-related service by a nursing assistant who has been delegated the specific function and is supervised by a registered nurse or monitored by a licensed practical nurse.
- (5) The care of the sick with or without compensation when done in a nursing home covered by the provisions of section 144A.09, subdivision 1.
- (6) Professional nursing practice or advanced practice registered nursing practice by a registered nurse or practical nursing practice by a licensed practical nurse licensed in another state or territory who is in Minnesota as a student enrolled in a formal, structured course of study, such as a course leading to a higher degree, certification in a nursing specialty, or to enhance skills in a clinical field, while the student is practicing in the course.
- (7) Professional or practical nursing practice by a student practicing under the supervision of an instructor while the student is enrolled in a nursing program approved by the board under section 148.251.
- (8) Advanced practice registered nursing as defined in section 148.171, subdivision 2, paragraphs (5), (6), (9), (10), and (12), by a registered nurse who is licensed and currently registered in Minnesota or another United States jurisdiction and who is enrolled as a student in a formal education program leading to eligibility for certification as an advanced practice registered nurse; or by a registered nurse licensed and currently registered in Minnesota who has completed an advanced practice registered nurse course of study and is awaiting certification, the period not to exceed six months.

Sec. 12. Minnesota Statutes 1998, section 148.281, subdivision 1, is amended to read:

Subdivision 1. [VIOLATIONS DESCRIBED.] It shall be unlawful for any person, corporation, firm, or association, to:

(1) sell or fraudulently obtain or furnish any nursing diploma, license or record, or aid or abet therein;

(2) practice professional or practical nursing ~~or~~, practice as a public health nurse, or practice as a certified clinical nurse specialist, certified nurse midwife, certified nurse practitioner, or certified registered nurse anesthetist under cover of any diploma, permit, license, registration certificate, advanced practice credential, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(3) practice professional or practical nursing unless the person has been issued a temporary permit under the provisions of section 148.212 or is duly licensed and currently registered to do so under the provisions of sections 148.171 to 148.285;

(4) use any abbreviation or other designation tending to imply licensure as a registered nurse or licensed practical nurse unless duly licensed and currently registered so to practice professional or practical nursing under the provisions of sections 148.171 to 148.285 except as authorized by the board by rule;

(5) use any title, abbreviation, or other designation tending to imply certification as a certified registered nurse as defined in section 148.171, subdivision 2, paragraph (13), unless duly certified by a national nurse certification organization;

~~(5)~~ (6) use any abbreviation or other designation tending to imply registration as a public health nurse unless duly registered by the board;

~~(6)~~ (7) practice professional, advanced practice registered, or practical nursing in a manner prohibited by the board in any limitation of a license or registration issued under the provisions of sections 148.171 to 148.285;

(7) (8) practice professional, advanced practice registered, or practical nursing during the time a license or current registration issued under the provisions of sections 148.171 to 148.285 shall be suspended or revoked;

(8) (9) conduct a nursing program for the education of persons to become registered nurses or licensed practical nurses unless the program has been approved by the board; ~~and~~

(9) (10) knowingly employ persons in the practice of professional or practical nursing who have not been issued a current permit, license, or registration certificate to practice as a nurse in this state; and

(11) knowingly employ a person in advanced practice registered nursing unless the person meets the standards and practices of sections 148.171 to 148.285.

Sec. 13. Minnesota Statutes 1998, section 148.283, is amended to read:

148.283 [UNAUTHORIZED PRACTICE OF PROFESSIONAL, ADVANCED PRACTICE REGISTERED, AND PRACTICAL NURSING.]

The practice of professional, advanced practice registered, or practical nursing by any person who has not been licensed to practice professional or practical nursing under the provisions of sections 148.171 to 148.285, or whose license has been suspended or revoked, or whose registration or national credential has expired, is hereby declared to be inimical to the public health and welfare and to constitute a public nuisance. Upon complaint being made thereof by the board, or any prosecuting officer, and upon a proper showing of the facts, the district court of the county where such practice occurred may enjoin such acts and practice. Such injunction proceeding shall be in addition to, and not in lieu of, all other penalties and remedies provided by law.



Sec. 14. [148.284] [CERTIFICATION OF ADVANCED PRACTICE REGISTERED NURSES.]

(a) No person shall practice advanced practice registered nursing or use any title, abbreviation, or other designation tending to imply that the person is an advanced practice registered nurse, clinical nurse specialist, nurse anesthetist, nurse midwife, or nurse practitioner unless the person is certified for such advanced practice registered nursing by a national nurse certification organization.

(b) Paragraph (a) does not apply to an advanced practice registered nurse who is within six months after completion of an advanced practice registered nurse course of study and is awaiting certification.

(c) An advanced practice registered nurse who has completed a formal course of study as an advanced practice registered nurse and has been certified by a national nurse certification organization prior to January 1, 1999, may continue to practice in the field of nursing in which the advanced practice registered nurse is practicing as of July 1, 1999, regardless of the type of certification held if the advanced practice registered nurse is not eligible for the proper certification.

Sec. 15. Minnesota Statutes 1998, section 245.462, subdivision 18, is amended to read:

Subd. 18. [MENTAL HEALTH PROFESSIONAL.] "Mental health professional" means a person providing clinical services in the treatment of mental illness who is qualified in at least one of the following ways:

(1) in psychiatric nursing: a registered nurse who is licensed under sections 148.171 to 148.285, and who is certified as a clinical specialist in adult psychiatric and mental health nursing by the ~~American nurses association~~ a national nurse certification organization or who has a master's degree in nursing or one of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(2) in clinical social work: a person licensed as an independent clinical social worker under section 148B.21, subdivision 6, or a person with a master's degree in social work from an accredited college or university, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(3) in psychology: a psychologist licensed under sections 148.88 to 148.98 who has stated to the board of psychology competencies in the diagnosis and treatment of mental illness;

(4) in psychiatry: a physician licensed under chapter 147 and certified by the American board of psychiatry and neurology or eligible for board certification in psychiatry;

(5) in marriage and family therapy: the mental health professional must be a marriage and family therapist licensed under sections 148B.29 to 148B.39 with at least two years of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness; or

(6) in allied fields: a person with a master's degree from an accredited college or university in one of the behavioral sciences or related fields, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness.

Sec. 16. Minnesota Statutes 1998, section 245.4871, subdivision 27, is amended to read:

Subd. 27. [MENTAL HEALTH PROFESSIONAL.] "Mental health professional" means a person providing clinical services in the diagnosis and treatment of children's emotional disorders. A mental health professional must have training and experience in working with children consistent with the age group to which the mental health professional is assigned. A mental health professional must be qualified in at least one of the following ways:

(1) in psychiatric nursing, the mental health professional must be a registered nurse who is licensed under sections 148.171 to 148.285 and who is certified as a clinical specialist in child and adolescent psychiatric or mental health nursing by ~~the American nurses association~~ a national nurse certification organization or who has a master's degree in nursing or one of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(2) in clinical social work, the mental health professional must be a person licensed as an independent clinical social worker under section 148B.21, subdivision 6, or a person with a master's degree in social work from an accredited college or university, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental disorders;

(3) in psychology, the mental health professional must be a psychologist licensed under sections 148.88 to 148.98 who has stated to the board of psychology competencies in the diagnosis and treatment of mental disorders;

(4) in psychiatry, the mental health professional must be a physician licensed under chapter 147 and certified by the American board of psychiatry and neurology or eligible for board certification in psychiatry;

(5) in marriage and family therapy, the mental health professional must be a marriage and family therapist licensed under sections 148B.29 to 148B.39 with at least two years of post-master's supervised experience in the delivery of clinical services in the treatment of mental disorders or emotional disturbances; or

(6) in allied fields, the mental health professional must be a person with a master's degree from an accredited college or university in one of the behavioral sciences or related fields, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of emotional disturbances.

Sec. 17. [TRANSITION.]

The board of nursing may, for the purpose of obtaining the proper certification, grant an extension of not more than three years to a registered nurse who on July 1, 1999, has completed a formal course of study as an advanced practice registered nurse and is practicing as an advanced practice registered nurse, but who is either practicing in a field of nursing in which a national nurse certification does not yet exist or is qualified for the proper certification but has not yet sought it.

Sec. 18. [REVISOR INSTRUCTION.]

The revisor shall alphabetize and place into subdivisions the definitions in Minnesota Statutes, section 148.171, subdivision 2.

Sec. 19. [REPEALER.]

Minnesota Rules, chapter 6340, is repealed.

Sec. 20. [EFFECTIVE DATE.]

Sections 1 to 17 are effective July 1, 1999."

Delete the title and insert:

"A bill for an act relating to professions; regulating advanced practice registered nursing; amending Minnesota Statutes 1998, sections 62A.15, subdivision 3a; 148.171; 148.191, subdivision 2; 148.235; 148.261, subdivisions 1 and 5; 148.262, subdivision 1; 148.263, subdivisions 3 and 4; 148.271; 148.281, subdivision 1; 148.283; 245.462, subdivision 18; and 245.4871, subdivision 27; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Rules, chapter 6340."

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

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

**S.F. No. 243:** A bill for an act relating to insurance; health; requiring coverage for eyeglasses and hearing aids; amending Minnesota Statutes 1998, sections 62E.06, subdivision 1; and 62L.05, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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

Page 6, line 7, after "provider" insert "within the enrollees network"

Page 6, line 10, after "specialist" insert "within the enrollees network"

Page 6, line 12, delete "55" and insert "25"

Page 6, line 14, after "anyone" insert "within the enrollees network"

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

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

**S.F. No. 208:** A bill for an act relating to insurance; mandating coverage for cochlear implants; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

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

**S.F. No. 775:** A bill for an act relating to health; changing the required travel distance or time to the nearest mental health provider for health maintenance organizations; proposing coding for new law in Minnesota Statutes, chapter 62D; repealing Minnesota Rules, part 4685.1010, subpart 3.

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

**Senator Vickerman from the Committee on Local and Metropolitan Government, to which was re-referred**

**S.F. No. 376:** A bill for an act relating to the Western Lake Superior sanitary district; modifying board members' compensation; amending Minnesota Statutes 1998, section 458D.03, subdivision 9.

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

Page 1, after line 14, insert:

"Sec. 2. Laws 1974, chapter 400, section 4, subdivision 9, as amended by Laws 1980, chapter 507, section 7, is amended to read:

Subd. 9. [BOARD MEMBERS' COMPENSATION.] Each board member, except the chairman, shall be paid a per diem compensation of ~~\$35~~ \$50 for meetings, not to exceed \$1,000 in any one year. The chairman shall be paid a per diem compensation of ~~\$45~~ \$50 for meetings, not to exceed \$1,500 in any one year. In addition, the chairman and other board members shall be compensated at the rate of ~~\$35~~ \$50 per day for other services as are specifically authorized by the board, without regard to the above annual limitations. All members of the board shall be reimbursed for all reasonable expenses incurred in the performance of their duties as determined by the board."

Amend the title as follows:

Page 1, line 3, after "district" insert "and the Moose Lake- Windemere sanitary sewer district"

Page 1, line 5, before the period, insert "; Laws 1974, chapter 400, section 4, subdivision 9, as amended"

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

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was re-referred**

**S.F. No. 2:** A bill for an act relating to the year 2000 problem; providing immunity for certain activities; clarifying the mutual aid authority of local government units; providing authority to local government units to address the year 2000 problem; requiring reports by certain utilities and health care and nursing home providers; requiring the department of health to collect and disseminate certain information; appropriating money; amending Minnesota Statutes 1998, sections 12.31, subdivision 2; and 12.37; proposing coding for new law as Minnesota Statutes, chapter 604B.

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

Page 1, line 19, delete "hazard" and insert "failure or malfunction"

Page 5, line 1, after the period, insert "This section expires December 31, 2000."

Page 5, line 31, after "may" insert ", with approval of the appropriate governmental subdivision with taxing authority,"

Page 7, delete section 11

Page 7, line 12, delete "\$....." and insert "\$20,000,000" and after the first "the" insert "budget reserve account in the"

Page 7, line 24, delete "No"

Page 7, line 25, before the period, insert "at the rate earned by the state on invested treasurer's cash, as determined monthly by the commissioner of finance"

Page 7, line 26, before "general" insert "budget reserve account in the"

Pages 7 and 8, delete sections 13 and 14

Page 8, line 12, before "9" insert "and" and delete ", and 11"

Renumber the sections in sequence

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

**Senator Flynn from the Committee on Transportation, to which was referred**

**S.F. No. 1888:** A bill for an act relating to highways; designating Otter Tail Veterans Memorial Drive; amending Minnesota Statutes 1998, section 161.14, by adding a subdivision.

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

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

**S.F. No. 1831:** A bill for an act relating to crime prevention; making miscellaneous changes to certain forfeiture provisions; amending Minnesota Statutes 1998, sections 169.1217, subdivisions 7 and 7a; and 609.5314, subdivisions 2 and 3.

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

Page 6, line 10, after the period, insert "The limitations and defenses set forth in section 609.5311, subdivision 3, apply to the judicial determination."

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

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

**S.F. No. 903:** A bill for an act relating to crime prevention; requiring the commissioner of corrections to notify additional county attorneys when offenders who have been determined to be appropriate subjects of civil commitment petitions are nearing their release date; amending Minnesota Statutes 1998, section 244.05, subdivision 7.

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

Page 2, line 9, after "shall" insert "confer to determine whether to proceed, and if so, which county shall"

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

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

**S.F. No. 32:** A bill for an act relating to crime; imposing penalties for killing or injuring a search and rescue dog; amending Minnesota Statutes 1998, section 609.596.

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

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

**S.F. No. 1562:** A bill for an act relating to planning; repealing a firearm report requirement; repealing Minnesota Statutes 1998, section 4A.06.

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

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

**S.F. No. 1604:** A bill for an act relating to crime; creating a sanctions conference procedure to allow probation officers to impose, with district court confirmation, probation sanctions for technical violations of probation; requesting the chief judge of each judicial district to develop procedures for sanctions conferences and a sanctions conference form; amending Minnesota Statutes 1998, sections 243.05, subdivision 1; and 609.135, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 243; 244; and 401; repealing Minnesota Statutes 1998, sections 244.19, subdivision 3a; and 401.02, subdivision 5.

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

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

**S.F. No. 1722:** A bill for an act relating to crimes; permitting the results of a preliminary breath test to be admissible in a criminal prosecution for the crime of implied consent test refusal; amending Minnesota Statutes 1998, section 169.121, subdivision 6.

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

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

**S.F. No. 1725:** A bill for an act relating to crimes; creating a gross misdemeanor penalty for violation of alcohol-related restriction on driver's license if violation occurs while driving a motor vehicle; providing penalties; amending Minnesota Statutes 1998, sections 171.09; and 609.035, subdivision 2.

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

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

**S.F. No. 1724:** A bill for an act relating to crimes; prohibiting first-time DWI offender with at least 0.20 alcohol concentration from receiving shortened license revocation period; amending Minnesota Statutes 1998, section 169.121, subdivision 4.

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

Page 3, line 15, delete "but was convicted" and insert "and convicted of that offense or"

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

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

**S.F. No. 484:** A bill for an act relating to traffic regulations; imposing criminal penalties on a motor vehicle owner who knowingly permits a person to operate the vehicle while under driver's license revocation; authorizing forfeiture of vehicles used to commit this crime; amending Minnesota Statutes 1998, sections 609.531, subdivision 1; and 609.5312, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 171.

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

Page 1, line 16, after "171.04," insert "subdivision 1, clause (9),"

Page 1, line 22, delete "or"

Page 1, line 23, delete "having reason to know"

Page 3, line 15, after "171.235" insert ", subdivision 3"

Page 3, line 29, after "171.235" insert ", subdivision 3,"

Page 4, line 12, delete "August" and insert "September"

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

**Senator Novak from the Committee on Jobs, Energy and Community Development, to which was referred**

**S.F. No. 1355:** A bill for an act relating to Dakota county; changing the name of the Dakota county housing and redevelopment authority; providing for the powers of the Dakota county community development agency; amending Minnesota Statutes 1998, section 383D.41, subdivisions 1, 2, 3, and by adding subdivisions.

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

Page 2, line 19, after "project," insert "development district"

Page 2, line 24, after "and" insert ":

(1) in the case of any housing project or housing development project,"

Page 2, line 28, before the period, insert "; or

(2) in the case of any redevelopment project by the municipal housing and redevelopment authority established for the city"

Page 3, line 10, after "may" insert "increase its" and after "levy" insert "of"

Page 3, line 11, delete "in" and insert "to"

Page 3, line 32, delete "shall" and insert "may"

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

**Senator Solon from the Committee on Commerce, to which was referred**

**S.F. No. 1618:** A bill for an act relating to liquor; modifying judicial remedies pertaining to brewers and wholesalers; providing for a right to jury trials; amending Minnesota Statutes 1998, section 325B.08.

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

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

**S.F. No. 338:** A bill for an act relating to local government; authorizing private sales of certain county land in Goodhue county.

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

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

**S.F. No. 1439:** A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Kandiyohi county.

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

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

**S.F. No. 1402:** A bill for an act relating to state lands; authorizing the commissioner of natural resources to enter into a lease of land at Fort Snelling.

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

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

**S.F. No. 1541:** A bill for an act relating to the environment; modifying and making permanent the environmental improvement pilot program; amending Minnesota Statutes 1998, sections 114C.20; 114C.21, subdivisions 1, 4, and by adding subdivisions; 114C.22; 114C.24, subdivisions 2, 3, 4, and 5; 114C.25; 114C.26; 114C.27; and 114C.28; repealing Minnesota Statutes 1998, sections 114C.21, subdivisions 9 and 11; 114C.29; 114C.30; and 114C.31.

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

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

**S.F. No. 1264:** A bill for an act relating to state lands; authorizing private sale of certain surplus state land in Anoka County.

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

Page 1, line 19, delete "will" and insert "shall"

Page 1, line 21, delete everything after "requirements"

Page 1, line 22, delete everything before "and"

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

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

**S.F. No. 1743:** A bill for an act relating to state lands; authorizing conveyance of certain tax-forfeited land that borders public water and wetland in Hennepin county.

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

Page 1, line 10, delete "shall" and insert "may"

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

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

**S.F. No. 1340:** A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land that borders wetland in Washington county.

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

Page 1, line 11, delete "shall" and insert "may"

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

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

**S.F. No. 1470:** A bill for an act relating to natural resources; modifying the route of Paul Bunyan state trail; amending Minnesota Statutes 1998, section 85.015, subdivision 15.

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

Page 1, line 13, strike "southeast" and insert "southwest"

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

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

**S.F. No. 1449:** A bill for an act relating to natural resources; renaming a state park; adding to and deleting from state parks; authorizing a land exchange in a state park; transferring land from a state wayside to a state park and abolishing a state wayside; authorizing a private sale of surplus land in Rock county; amending Minnesota Statutes 1998, section 85.012, subdivision 19; proposing coding for new law in Minnesota Statutes, chapter 85; repealing Minnesota Statutes 1998, section 85.013, subdivision 8.

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



Page 4, line 29, after "FORESTVILLE" insert "MYSTERY CAVE"

Page 4, line 30, after "Forestville" insert "Mystery Cave"

Page 11, after line 33, insert:

"Sec. 7. [JOE ALEXANDER VISITORS' CENTER AT GOOSEBERRY FALLS STATE PARK.]

The visitors' center at Gooseberry Falls state park is renamed the Joe Alexander Visitors' Center."

Page 11, line 34, delete "7" and insert "8"

Amend the title as follows:

Page 1, line 7, after "county" insert "; renaming the visitors' center at Gooseberry Falls state park"

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

#### **Senator Ranum from the Committee on Judiciary, to which was re-referred**

**S.F. No. 556:** A bill for an act relating to municipalities; making certain changes to municipal liability; amending Minnesota Statutes 1998, sections 466.01, subdivision 1; 466.03, subdivision 6e, and by adding a subdivision; 604A.20; 604A.21, subdivisions 2, 3, 4, 5, 6, and by adding a subdivision; 604A.22; and 604A.25.

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 1998, section 604A.24, is amended to read:

604A.24 [LIABILITY; LEASED LAND, WATER FILLED MINE PITS.]

Unless otherwise agreed in writing, sections 604A.22 and 604A.23 also apply to the duties and liability of an owner of the following land:

- (1) land leased to the state or any political subdivision for recreational purpose; ~~or~~
- (2) idled or abandoned, water-filled mine pits whose pit walls may slump or cave, and to which water the public has access from a water access site operated by a public entity; or
- (3) land owned by a municipal power agency that is used for recreational purposes."

Delete the title and insert:

"A bill for an act relating to municipal power agencies; limiting liability for recreational purposes; amending Minnesota Statutes 1998, section 604A.24."

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

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

**H.F. No. 1305** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

**GENERAL ORDERS**

H.F. No.            S.F. No.

**CONSENT CALENDAR**H.F. No.            S.F. No.  
1305                    1280**CALENDAR**

H.F. No.            S.F. No.

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

**SECOND READING OF SENATE BILLS**

S.F. Nos. 810, 1485, 1202, 913, 1649, 1677, 1539, 1288, 1528, 1463, 1660, 1017, 487, 443, 451, 973, 1144, 225, 243, 208, 775, 376, 1888, 1831, 903, 32, 1562, 1604, 1722, 1725, 1724, 484, 1618, 338, 1439, 1402, 1541, 1264, 1743, 1340, 1470, 1449 and 556 were read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. No. 1305 was read the second time.

**MOTIONS AND RESOLUTIONS**

Senator Murphy moved that the names of Senators Hanson and Samuelson be added as co-authors to S.F. No. 228. The motion prevailed.

Senator Pogemiller moved that the name of Senator Terwilliger be added as a co-author to S.F. No. 430. The motion prevailed.

Senator Wiener moved that the name of Senator Fischbach be added as a co-author to S.F. No. 926. The motion prevailed.

Senator Marty moved that the name of Senator Ranum be added as a co-author to S.F. No. 1842. The motion prevailed.

Senator Laidig moved that his name be stricken as a co-author to S.F. No. 1849. The motion prevailed.

Senator Neuville moved that the name of Senator Kleis be added as a co-author to S.F. No. 1983. The motion prevailed.

Senator Neuville moved that the name of Senator Day be added as a co-author to S.F. No. 1985. The motion prevailed.

Senator Stumpf moved that S.F. No. 1511 be withdrawn from the Committee on Taxes and re-referred to the Committee on Transportation. The motion prevailed.

Senator Hanson moved that S.F. No. 1972 be withdrawn from the Committee on Crime Prevention and re-referred to the Committee on Governmental Operations and Veterans. The motion prevailed.

**Senator Larson introduced--**

**Senate Resolution No. 53:** A Senate resolution congratulating the Minnewaska Area High School Girls basketball team as 1999 State High School Class 2A Girls Basketball Runnerups.

Referred to the Committee on Rules and Administration.

Senator Lessard moved that his name be stricken as chief author, shown as a co-author and the name of Senator Stumpf be shown as chief author to S.F. No. 1823. The motion prevailed.

### CALENDAR

**S.F. No. 567:** A bill for an act relating to community development; clarifying and restating the powers of the rural policy and development center; amending Minnesota Statutes 1998, section 116J.421, subdivision 3, and by adding subdivisions.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Larson	Oliver	Sams
Berg	Janezich	Lesewski	Olson	Scheevel
Berglin	Johnson, D.E.	Lessard	Ourada	Scheid
Betzold	Johnson, D.J.	Limmer	Pappas	Solon
Cohen	Johnson, J.B.	Lourey	Pariseau	Spear
Day	Junge	Marty	Piper	Stevens
Dille	Kelley, S.P.	Metzen	Pogemiller	Stumpf
Fischbach	Kelly, R.C.	Moe, R.D.	Price	Ten Eyck
Flynn	Kiscaden	Morse	Ranum	Terwilliger
Foley	Kleis	Murphy	Robertson	Vickerman
Frederickson	Krentz	Neuville	Robling	Wiener
Higgins	Laidig	Novak	Runbeck	Wiger

So the bill passed and its title was agreed to.

**S.F. No. 480:** A bill for an act relating to transportation; allowing port authorities to retain lease or management contract revenues from commercial navigation projects financed by the state; amending Minnesota Statutes 1998, section 457A.04, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Laidig	Olson	Scheevel
Belanger	Hottinger	Larson	Ourada	Scheid
Berg	Janezich	Lesewski	Pappas	Solon
Berglin	Johnson, D.E.	Lessard	Pariseau	Stevens
Betzold	Johnson, D.J.	Limmer	Piper	Stumpf
Cohen	Johnson, J.B.	Lourey	Pogemiller	Ten Eyck
Day	Junge	Marty	Price	Terwilliger
Dille	Kelley, S.P.	Metzen	Ranum	Vickerman
Fischbach	Kelly, R.C.	Moe, R.D.	Robertson	Wiener
Flynn	Kiscaden	Murphy	Robling	Wiger
Foley	Kleis	Neuville	Runbeck	
Frederickson	Knutson	Novak	Sams	
Hanson	Krentz	Oliver	Samuelson	

So the bill passed and its title was agreed to.

**S.F. No. 626:** A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land that borders public water in Wabasha county.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Laidig	Olson	Scheevel
Belanger	Hottinger	Larson	Ourada	Scheid
Berg	Janezich	Lesewski	Pappas	Solon
Berglin	Johnson, D.E.	Lessard	Pariseau	Spear
Betzold	Johnson, D.J.	Limmer	Piper	Stevens
Cohen	Johnson, J.B.	Lourey	Pogemiller	Stumpf
Day	Junge	Marty	Price	Ten Eyck
Dille	Kelley, S.P.	Metzen	Ranum	Terwilliger
Fischbach	Kelly, R.C.	Moe, R.D.	Robertson	Vickerman
Flynn	Kiscaden	Murphy	Robling	Wiener
Foley	Kleis	Neuville	Runbeck	Wiger
Frederickson	Knutson	Novak	Sams	
Hanson	Krentz	Oliver	Samuelson	

So the bill passed and its title was agreed to.

**H.F. No. 379:** A bill for an act relating to mortgage registry and deed taxes; making technical and clarifying changes; defining terms; amending Minnesota Statutes 1998, sections 287.01; 287.03; 287.04; 287.05; 287.08; 287.10; 287.11; 287.12; 287.13, subdivision 1; 287.21, subdivision 1; 287.22; 287.23; 287.24; 287.241; 287.29, subdivision 1; 287.30; 287.31; and 287.33; proposing coding for new law in Minnesota Statutes, chapter 287; repealing Minnesota Statutes 1998, sections 287.06; 287.07; 287.09; 287.21, subdivisions 2 and 4; 287.34; 287.35; and 287.36.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Laidig	Olson	Scheevel
Belanger	Hottinger	Langseth	Ourada	Scheid
Berg	Janezich	Lesewski	Pappas	Solon
Berglin	Johnson, D.E.	Lessard	Pariseau	Spear
Betzold	Johnson, D.J.	Limmer	Piper	Stevens
Cohen	Johnson, J.B.	Lourey	Pogemiller	Stumpf
Day	Junge	Marty	Price	Ten Eyck
Dille	Kelley, S.P.	Metzen	Ranum	Terwilliger
Fischbach	Kelly, R.C.	Moe, R.D.	Robertson	Vickerman
Flynn	Kiscaden	Murphy	Robling	Wiener
Foley	Kleis	Neuville	Runbeck	Wiger
Frederickson	Knutson	Novak	Sams	
Hanson	Krentz	Oliver	Samuelson	

So the bill passed and its title was agreed to.

**S.F. No. 346:** A bill for an act relating to child custody; expanding provisions for relative ex parte temporary custody; amending Minnesota Statutes 1998, section 518.158, subdivisions 1 and 2.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Flynn	Higgins	Johnson, D.J.
Belanger	Day	Foley	Hottinger	Johnson, J.B.
Berglin	Dille	Frederickson	Janezich	Junge
Betzold	Fischbach	Hanson	Johnson, D.E.	Kelley, S.P.

Kelly, R.C.	Lessard	Oliver	Robertson	Stevens
Kiscaden	Limmer	Olson	Robling	Stumpf
Kleis	Lourey	Ourada	Runbeck	Ten Eyck
Knutson	Marty	Pappas	Sams	Terwilliger
Krentz	Metzen	Pariseau	Samuelson	Vickerman
Laidig	Moe, R.D.	Piper	Scheevel	Wiener
Langseth	Murphy	Pogemiller	Scheid	Wiger
Larson	Neuville	Price	Solon	
Lesewski	Novak	Ranum	Spear	

So the bill passed and its title was agreed to.

**S.F. No. 836:** A bill for an act relating to agriculture; changing food handlers license provisions for food processors or manufacturers operating only at the state fair; amending Minnesota Statutes 1998, sections 28A.04, subdivision 1; and 28A.08, subdivision 3.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Laidig	Oliver	Samuelson
Belanger	Hottinger	Langseth	Olson	Scheevel
Berg	Janezich	Larson	Ourada	Scheid
Berglin	Johnson, D.E.	Lesewski	Pappas	Solon
Betzold	Johnson, D.J.	Lessard	Pariseau	Spear
Cohen	Johnson, J.B.	Limmer	Piper	Stevens
Day	Junge	Lourey	Pogemiller	Stumpf
Dille	Kelley, S.P.	Marty	Price	Ten Eyck
Fischbach	Kelly, R.C.	Metzen	Ranum	Terwilliger
Flynn	Kiscaden	Moe, R.D.	Robertson	Vickerman
Foley	Kleis	Murphy	Robling	Wiener
Frederickson	Knutson	Neuville	Runbeck	Wiger
Hanson	Krentz	Novak	Sams	

So the bill passed and its title was agreed to.

**S.F. No. 552:** A bill for an act relating to government data practices; requiring the revisor of statutes to reorganize and recodify the data practices law; requiring responsible authorities of state agencies to provide the revisor of statutes with lists of statutes pertaining to data practices codified outside chapter 13.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Laidig	Oliver	Samuelson
Belanger	Hottinger	Langseth	Olson	Scheevel
Berg	Janezich	Larson	Ourada	Scheid
Berglin	Johnson, D.E.	Lesewski	Pappas	Solon
Betzold	Johnson, D.J.	Lessard	Pariseau	Spear
Cohen	Johnson, J.B.	Limmer	Piper	Stevens
Day	Junge	Lourey	Pogemiller	Stumpf
Dille	Kelley, S.P.	Marty	Price	Ten Eyck
Fischbach	Kelly, R.C.	Metzen	Ranum	Terwilliger
Flynn	Kiscaden	Moe, R.D.	Robertson	Vickerman
Foley	Kleis	Murphy	Robling	Wiener
Frederickson	Knutson	Neuville	Runbeck	Wiger
Hanson	Krentz	Novak	Sams	

So the bill passed and its title was agreed to.

**S.F. No. 1094:** A bill for an act relating to probate; changing provisions of the Uniform Probate Code; changing nomination provisions for conservators and guardians; amending Minnesota Statutes 1998, sections 524.2-101; 524.2-702; 524.3-916; and 525.544, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Langseth	Olson	Scheevel
Belanger	Hottinger	Larson	Ourada	Scheid
Berg	Janezich	Lesewski	Pappas	Solon
Berglin	Johnson, D.E.	Lessard	Pariseau	Spear
Betzold	Johnson, D.J.	Limmer	Piper	Stevens
Cohen	Johnson, J.B.	Lourey	Pogemiller	Stumpf
Day	Junge	Marty	Price	Ten Eyck
Dille	Kelley, S.P.	Metzen	Ranum	Vickerman
Fischbach	Kelly, R.C.	Moe, R.D.	Robertson	Wiener
Flynn	Kleis	Murphy	Robling	Wiger
Foley	Knutson	Neuville	Runbeck	
Frederickson	Krentz	Novak	Sams	
Hanson	Laidig	Oliver	Samuelson	

So the bill passed and its title was agreed to.

**S.F. No. 881:** A bill for an act relating to recreation; creating a parks and trails plan of regional significance in certain counties in central Minnesota.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Laidig	Oliver	Samuelson
Belanger	Hottinger	Langseth	Olson	Scheevel
Berg	Janezich	Larson	Ourada	Scheid
Berglin	Johnson, D.E.	Lesewski	Pappas	Solon
Betzold	Johnson, D.J.	Lessard	Pariseau	Spear
Cohen	Johnson, J.B.	Limmer	Piper	Stevens
Day	Junge	Lourey	Pogemiller	Stumpf
Dille	Kelley, S.P.	Marty	Price	Ten Eyck
Fischbach	Kelly, R.C.	Metzen	Ranum	Terwilliger
Flynn	Kiscaden	Moe, R.D.	Robertson	Vickerman
Foley	Kleis	Murphy	Robling	Wiener
Frederickson	Knutson	Neuville	Runbeck	Wiger
Hanson	Krentz	Novak	Sams	

So the bill passed and its title was agreed to.

**S.F. No. 829:** A bill for an act relating to state lands; authorizing commissioner of human services to sell certain surplus state land to the Bloomington housing and redevelopment authority.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Berg	Betzold	Day	Fischbach
Belanger	Berglin	Cohen	Dille	Flynn

Foley	Kelly, R.C.	Lourey	Pariseau	Scheid
Frederickson	Kiscaden	Marty	Piper	Solon
Hanson	Kleis	Metzen	Pogemiller	Spear
Higgins	Knutson	Moe, R.D.	Price	Stevens
Hottinger	Krentz	Murphy	Ranum	Stumpf
Janezich	Laidig	Neuville	Robertson	Ten Eyck
Johnson, D.E.	Langseth	Novak	Robling	Terwilliger
Johnson, D.J.	Larson	Oliver	Runbeck	Vickerman
Johnson, J.B.	Lesewski	Olson	Sams	Wiener
Junge	Lessard	Ourada	Samuelson	Wiger
Kelley, S.P.	Limmer	Pappas	Scheevel	

So the bill passed and its title was agreed to.

**S.F. No. 727:** A bill for an act relating to commerce; providing for continuity of contracts affected by the European currency; proposing coding for new law in Minnesota Statutes, chapter 334.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Larson	Ourada	Scheid
Belanger	Janezich	Lesewski	Pappas	Solon
Berg	Johnson, D.E.	Lessard	Pariseau	Spear
Berglin	Johnson, D.J.	Limmer	Piper	Stevens
Betzold	Johnson, J.B.	Lourey	Pogemiller	Stumpf
Cohen	Junge	Marty	Price	Ten Eyck
Day	Kelley, S.P.	Metzen	Ranum	Terwilliger
Dille	Kiscaden	Moe, R.D.	Robertson	Vickerman
Fischbach	Kleis	Murphy	Robling	Wiener
Foley	Knutson	Neuville	Runbeck	Wiger
Frederickson	Krentz	Novak	Sams	
Hanson	Laidig	Oliver	Samuelson	
Higgins	Langseth	Olson	Scheevel	

So the bill passed and its title was agreed to.

**S.F. No. 303:** A bill for an act relating to civil actions; clarifying admissibility of evidence regarding seat belts and child passenger restraint systems in certain actions; amending Minnesota Statutes 1998, section 169.685, subdivision 4.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Laidig	Oliver	Samuelson
Belanger	Hottinger	Langseth	Olson	Scheevel
Berg	Janezich	Larson	Ourada	Scheid
Berglin	Johnson, D.E.	Lesewski	Pappas	Solon
Betzold	Johnson, D.J.	Lessard	Pariseau	Spear
Cohen	Johnson, J.B.	Limmer	Piper	Stevens
Day	Junge	Lourey	Pogemiller	Stumpf
Dille	Kelley, S.P.	Marty	Price	Ten Eyck
Fischbach	Kelly, R.C.	Metzen	Ranum	Terwilliger
Flynn	Kiscaden	Moe, R.D.	Robertson	Vickerman
Foley	Kleis	Murphy	Robling	Wiener
Frederickson	Knutson	Neuville	Runbeck	Wiger
Hanson	Krentz	Novak	Sams	

So the bill passed and its title was agreed to.

**CONSENT CALENDAR**

**S.F. No. 1225:** A bill for an act relating to the metropolitan council; eliminating an unnecessary report; making conforming changes; amending Minnesota Statutes 1998, sections 473.13, subdivision 1; and 473.704, subdivision 19; repealing Minnesota Statutes 1998, section 473.1623, subdivision 3.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Laidig	Oliver	Scheevel
Belanger	Hottinger	Langseth	Olson	Scheid
Berg	Janezich	Larson	Ourada	Solon
Berglin	Johnson, D.E.	Lesewski	Pappas	Spear
Betzold	Johnson, D.J.	Lessard	Pariseau	Stevens
Cohen	Johnson, J.B.	Limmer	Piper	Stumpf
Day	Junge	Lourey	Pogemiller	Ten Eyck
Dille	Kelley, S.P.	Marty	Price	Terwilliger
Fischbach	Kelly, R.C.	Metzen	Robertson	Vickerman
Flynn	Kiscaden	Moe, R.D.	Robling	Wiener
Foley	Kleis	Murphy	Runbeck	Wiger
Frederickson	Knutson	Neuville	Sams	
Hanson	Krentz	Novak	Samuelson	

So the bill passed and its title was agreed to.

**S.F. No. 1712:** A bill for an act relating to the metropolitan council; changing the schedule for the metropolitan transit system's operation performance audit; amending Minnesota Statutes 1998, section 473.1466.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Laidig	Oliver	Scheid
Belanger	Hottinger	Langseth	Olson	Solon
Berg	Janezich	Larson	Ourada	Spear
Berglin	Johnson, D.E.	Lesewski	Pariseau	Stevens
Betzold	Johnson, D.J.	Lessard	Piper	Stumpf
Cohen	Johnson, J.B.	Limmer	Pogemiller	Ten Eyck
Day	Junge	Lourey	Price	Terwilliger
Dille	Kelley, S.P.	Marty	Robertson	Vickerman
Fischbach	Kelly, R.C.	Metzen	Robling	Wiener
Flynn	Kiscaden	Moe, R.D.	Runbeck	Wiger
Foley	Kleis	Murphy	Sams	
Frederickson	Knutson	Neuville	Samuelson	
Hanson	Krentz	Novak	Scheevel	

Those who voted in the negative were:

Pappas

So the bill passed and its title was agreed to.

**S.F. No. 1099:** A bill for an act relating to health; modifying training requirements for nursing assistants; amending Minnesota Statutes 1998, section 144A.61, subdivisions 2 and 3a.

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



The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Langseth	Olson	Scheid
Belanger	Hottinger	Larson	Ourada	Solon
Berg	Johnson, D.E.	Lesewski	Pappas	Spear
Berglin	Johnson, D.J.	Lessard	Pariseau	Stevens
Betzold	Johnson, J.B.	Limmer	Piper	Stumpf
Cohen	Junge	Lourey	Pogemiller	Ten Eyck
Day	Kelley, S.P.	Marty	Price	Terwilliger
Dille	Kelly, R.C.	Metzen	Robertson	Vickerman
Fischbach	Kiscaden	Moe, R.D.	Robling	Wiener
Flynn	Kleis	Murphy	Runbeck	Wiger
Foley	Knutson	Neuville	Sams	
Frederickson	Krentz	Novak	Samuelson	
Hanson	Laidig	Oliver	Scheevel	

So the bill passed and its title was agreed to.

**S.F. No. 1554:** A bill for an act relating to port authorities; allowing an alternative name for the seaway port authority of Duluth; amending Minnesota Statutes 1998, section 469.049, subdivision 1.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Laidig	Oliver	Scheevel
Belanger	Hottinger	Langseth	Olson	Scheid
Berg	Janezich	Larson	Ourada	Solon
Berglin	Johnson, D.E.	Lesewski	Pappas	Spear
Betzold	Johnson, D.J.	Lessard	Pariseau	Stevens
Cohen	Johnson, J.B.	Limmer	Piper	Stumpf
Day	Junge	Lourey	Pogemiller	Ten Eyck
Dille	Kelley, S.P.	Marty	Price	Terwilliger
Fischbach	Kelly, R.C.	Metzen	Robertson	Vickerman
Flynn	Kiscaden	Moe, R.D.	Robling	Wiener
Foley	Kleis	Murphy	Runbeck	Wiger
Frederickson	Knutson	Neuville	Sams	
Hanson	Krentz	Novak	Samuelson	

So the bill passed and its title was agreed to.

**S.F. No. 1600:** A bill for an act relating to motor vehicles; eliminating requirement that certain applications submitted to department of public safety be in writing; amending Minnesota Statutes 1998, sections 168.013, subdivision 3; and 168.82, subdivision 1.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Hottinger	Kelly, R.C.	Larson
Belanger	Fischbach	Janezich	Kiscaden	Lesewski
Berg	Flynn	Johnson, D.E.	Kleis	Lessard
Berglin	Foley	Johnson, D.J.	Knutson	Limmer
Betzold	Frederickson	Johnson, J.B.	Krentz	Lourey
Cohen	Hanson	Junge	Laidig	Marty
Day	Higgins	Kelley, S.P.	Langseth	Metzen

Moe, R.D.  
Murphy  
Neuville  
Novak  
Oliver  
Olson

Ourada  
Pappas  
Pariseau  
Piper  
Pogemiller  
Price

Robertson  
Robling  
Runbeck  
Sams  
Samuelson  
Scheevel

Scheid  
Solon  
Spear  
Stevens  
Stumpf  
Ten Eyck

Terwilliger  
Vickerman  
Wiener  
Wiger

So the bill passed and its title was agreed to.

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

### REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 1762. The motion prevailed.

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

**S.F. No. 148:** A bill for an act relating to commerce; providing for the protection of structured settlements; proposing coding for new law in Minnesota Statutes, chapter 549.

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

Page 2, delete lines 8 to 22

Page 2, line 23, delete "7" and insert "6"

Page 2, line 32, delete "8" and insert "7"

Page 3, line 3, delete "9" and insert "8"

Page 3, line 7, delete "10" and insert "9"

Page 3, line 12, delete "11" and insert "10"

Page 3, line 16, delete "12" and insert "11"

Page 3, line 19, delete "13" and insert "12"

Page 3, line 24, delete "14" and insert "13"

Page 3, line 29, delete "15" and insert "14"

Page 3, line 33, delete "16" and insert "15"

Page 4, line 7, delete "17" and insert "16"

Page 4, line 13, delete "18" and insert "17"

Page 4, line 16, delete "19" and insert "18"

Page 4, line 19, delete "20" and insert "19"

Page 4, line 25, delete "CONDITIONS TO TRANSFER" and insert "COURT APPROVAL OF CERTAIN TRANSFERS"

Page 4, line 26, before "No" insert "If the discounted present value of the aggregate payments that are transferred under one of more transfers with respect to a structured settlement agreement exceed \$5,000 or if the original structured settlement required court approval because the payee was a minor or incapacitated person,"

Page 5, line 33, after the semicolon, insert "and"

Page 5, delete lines 34 to 36

Page 6, delete lines 1 to 11

Page 6, line 12, delete "(f)" and insert "(e)"

Page 6, line 15, delete "or responsible"

Page 6, line 16, delete "administrative authority" and before the period, insert "; and

(f) that the transfer agreement provides that any disputes between the parties will be governed, interpreted, construed, and enforced in accordance with the laws of this state and that the domicile state of the payee is the proper place of venue to bring any cause of action arising out of a breach of the agreement. The transfer agreement must also provide that the parties agree to the jurisdiction of any court of competent jurisdiction located in this state"

Page 6, after line 16, insert:

"If the transfer would contravene the terms of the structured settlement, upon the filing of a written objection by any interested party and after considering the objection and any response to it, the court may grant, deny, or impose conditions upon the proposed transfer as the court deems just and proper under the facts and circumstances in accordance with established principles of law. Any order approving a transfer must require that the transferee indemnify the annuity issuer and the structured settlement obligor for any liability including reasonable costs and attorney's fees arising from compliance with the court order by the issuer or obligor.

Subd. 2. [PROFESSIONAL ADVICE AND DISCLOSURE AS CONDITIONS TO TRANSFER.] With respect to the transfer of structured settlement payment rights, where the aggregate payments that are transferred under one or more transfers with respect to a structured settlement agreement have a discounted present value less than or equal to \$5,000 and the transfer does not require court approval under subdivision 1, no direct or indirect transfer of structured settlement payment rights is effective and no structured settlement obligor or annuity issuer is required to make a payment directly or indirectly to a transferee of structured settlement payment rights, unless:

(1) the disclosures required by subdivision 1, paragraph (b), clauses (1) to (8), have been provided to the payee;

(2) the notice required by subdivision 1, paragraph (f), has been provided to the annuity issuer and the structured settlement obligor, and includes the discounted present value of the payments being transferred; and

(3) the payee has received independent professional advice regarding the legal, tax, and financial implications of the transfer."

Page 6, line 17, delete "2" and insert "3"

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

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

**S.F. No. 1830:** A bill for an act relating to state lands; authorizing private and public sales of certain tax-forfeited land that borders public water in Cook county.

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

Delete everything after the enacting clause and insert:

"Section 1. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING ON PUBLIC WATERS; COOK COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Cook county may sell the tax-forfeited lands bordering public waters that are described in paragraph (c).

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

(c) The parcels of land that may be conveyed are located in Cook county and are described as:

(1) an undivided 1/3 interest in Government Lot 5, Section 28, Township 63 North, Range 1 East, containing approximately 14.08 acres; and

(2) an undivided 1/4 interest in the South one-half of the SW 1/4, the NW 1/4 of the SW 1/4, and Government Lot 4, Section 23, Township 63 North, Range 4 East.

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

Sec. 2. [PRIVATE SALE ALTERNATIVE.]

Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, and the public sale provisions of Minnesota Statutes, chapter 282, Cook county may sell by private sale the land described in section 1, paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to state lands; authorizing the sale of undivided partial interests in certain parcels of tax-forfeited land that border public waters in Cook county."

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

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

**H.F. No. 40:** A bill for an act relating to health; allowing a nursing facility resident to request and consent to the use of a physical restraint; amending Minnesota Statutes 1998, section 144.651, by adding subdivisions.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 144.651, is amended by adding a subdivision to read:

Subd. 33. [RESTRAINTS.] (a) Competent nursing home residents, family members of residents who are not competent, and legally appointed conservators, guardians, and health care agents as defined under section 145C.01, have the right to request and consent to the use of a physical restraint in order to treat the medical symptoms of the resident.

(b) Upon receiving a request for a physical restraint, a nursing home shall inform the resident, family member, or legal representative of alternatives to and the risks involved with physical restraint use. The nursing home shall provide a physical restraint to a resident only upon receipt of a signed consent form authorizing restraint use and a written order from the attending physician that contains statements and determinations regarding medical symptoms and specifies the circumstances under which restraints are to be used.

(c) A nursing home providing a restraint under paragraph (b) must:

(1) document that the procedures outlined in that paragraph have been followed;

(2) monitor the use of the restraint by the resident; and

(3) periodically, in consultation with the resident, the family, and the attending physician, reevaluate the resident's need for the restraint.

(d) A nursing home shall not be subject to fines, civil money penalties, or other state or federal survey enforcement remedies solely as the result of allowing the use of a physical restraint as authorized in this subdivision. Nothing in this subdivision shall preclude the commissioner from taking action to protect the health and safety of a resident if:

(1) the use of the restraint has jeopardized the health and safety of the resident; and

(2) the nursing home failed to take reasonable measures to protect the health and safety of the resident.

(e) For purposes of this subdivision, "medical symptoms" include:

(1) a concern for the physical safety of the resident; and

(2) physical or psychological needs expressed by a resident. A resident's fear of falling may be the basis of a medical symptom.

A written order from the attending physician that contains statements and determinations regarding medical symptoms is sufficient evidence of the medical necessity of the physical restraint.

(f) When determining nursing facility compliance with state and federal standards for the use of physical restraints, the commissioner of health is bound by the statements and determinations contained in the attending physician's order regarding medical symptoms. For purposes of this order, "medical symptoms" include the request by a competent resident, family member of a resident who is not competent, or legally appointed conservator, guardian, or health care agent as defined under section 145C.01, that the facility provide a physical restraint in order to enhance the physical safety of the resident.

Sec. 2. Minnesota Statutes 1998, section 144A.10, is amended by adding a subdivision to read:

Subd. 11. [FACILITIES CITED FOR IMMEDIATE JEOPARDY.] The provisions of this subdivision apply to Minnesota nursing facilities:

(1) that received immediate jeopardy citations between April 1, 1998, and January 13, 1999, for violations of regulations governing the use of physical restraints; and

(2) on whose behalf the commissioner recommended to the federal government that fines for these citations not be imposed or be rescinded.

The commissioner:

(1) shall grant all possible waivers for the continuation of an approved nurse aide training program, an approved competency evaluation program, or an approved nurse aide training and competency evaluation program conducted by or on the site of a facility referred to in this subdivision; and

(2) shall notify the board of nursing home administrators by June 1, 1999, that the commissioner has recommended to the federal government that fines not be imposed on the facilities referred to in this subdivision or that any fines imposed on these facilities for violations of regulations governing use of physical restraints be rescinded.

Sec. 3. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to health; allowing a nursing home resident to request and consent to the use of a physical restraint; requiring certain actions by the commissioner of health with respect to immediate jeopardy citations; amending Minnesota Statutes 1998, sections 144.651, by adding a subdivision; and 144A.10, by adding a subdivision."

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

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was re-referred**

**S.F. No. 1746:** A bill for an act relating to occupational regulation; requiring proponents of new or expanded regulation to provide certain information in writing to the chairs of the standing committees; proposing coding for new law in Minnesota Statutes, chapter 214.

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

Page 1, line 10, delete "significantly"

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

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was re-referred**

**S.F. No. 527:** A bill for an act relating to health; establishing a state board of physical therapy; requiring rulemaking; providing licensing requirements for physical therapists; amending Minnesota Statutes 1998, sections 144A.46, subdivision 2; 148.66; 148.67; 148.70; 148.705; 148.71; 148.72, subdivisions 1, 2, and 4; 148.73; 148.74; 148.75; 148.76; 148.78; and 214.01, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 148.

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

Page 3, line 33, delete "two" and insert "three" and delete "five" and insert "four"

Page 3, line 35, delete "five" and insert "four"

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

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 1920:** A bill for an act relating to state government; modifying the appointment process and position classifications for the state archaeologist; amending Minnesota Statutes 1998, section 138.35, subdivisions 1 and 1a.

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

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 1441:** A bill for an act relating to employee relations; reclassifying certain positions as classified positions; amending Minnesota Statutes 1998, section 43A.08, subdivision 1.

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

Page 2, line 21, strike "the business administration"

Page 2, line 22, strike "of"

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

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was re-referred**

**S.F. No. 383:** A bill for an act relating to health occupations; clarifying licensure requirements for the practice of midwifery; proposing coding for new law as Minnesota Statutes, chapter 147D; repealing Minnesota Statutes 1998, sections 148.30; 148.31; and 148.32; Minnesota Rules, parts 5600.2000; and 5600.2100.

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

Page 16, line 25, delete "Three" and insert "Two"

Page 16, line 27, delete "a" and delete "parent" and insert "parents"

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

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 1692:** A bill for an act relating to the state building code; permitting the installation of non-hard-wired stairway chair lifts in private residences in certain circumstances; amending Minnesota Statutes 1998, section 16B.745, subdivision 3.

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

Page 1, after line 18, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was re-referred**

**S.F. No. 1360:** A bill for an act relating to human services; modifying payment rate determination for intermediate care facilities; requiring a local system needs planning process; establishing a statewide advisory committee; amending Minnesota Statutes 1998, sections 252.28, subdivision 1; and 256B.5011, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 252; and 256B; repealing Minnesota Statutes 1998, sections 144.0723; 256B.501, subdivision 3g; and 256B.5011, subdivision 3.

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

Page 1 after line 26, insert:

"Sec. 2. Minnesota Statutes 1998, section 252.28, subdivision 3a, is amended to read:

Subd. 3a. [LICENSING EXCEPTION.] Notwithstanding the provisions of subdivision 3, the commissioner may license service sites, each accommodating up to six residents moving from a 48-bed intermediate care facility for persons with mental retardation or related conditions located in Dakota county that is closing under section 252.292. Notwithstanding the provisions of any other Minnesota law or rule, the rate provisions of section 256I.05, subdivision 1, apply to this exception."

Page 3, line 32, after the period, insert "The committee expires June 30, 2003, and is subject to section 15.0599."

Renumber the sections in sequence

Amend the title as follows:

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

Page 1, line 7, before the first semicolon, insert "and 3a"

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

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

**S.F. No. 1283:** A bill for an act relating to corrections; modifying the law prohibiting inmates from bringing actions to challenge the level of expenditures for rehabilitation programs; amending Minnesota Statutes 1998, section 244.03.

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

Page 1, line 23, delete "to include" and insert "including"

Page 1, lines 24 and 25, delete the new language

Page 1, after line 25, insert:

"Sec. 2. Minnesota Statutes 1998, section 244.035, is amended to read:

244.035 [SANCTIONS RELATED TO LITIGATION.]

(a) As used in this section, "board" means a licensing or certification board.

(b) The commissioner shall develop disciplinary sanctions to provide infraction penalties for an inmate who submits a frivolous or malicious claim as determined under section 563.02, subdivision 3, to a court or board, or who is determined by the court or board to have testified falsely or to have submitted false evidence to a court or board. Infraction penalties may include loss of privileges, punitive segregation, loss of good time, or adding discipline confinement time. The determination of the commissioner regarding disciplinary sanctions under this section is limited to the nature and extent of the infraction penalty to be imposed. The commissioner is bound by the finding of the court or board that the inmate submitted a frivolous or malicious claim, testified falsely, or submitted false evidence.

(c) The court or board shall determine whether a claim is frivolous or malicious under section 563.02, subdivision 3."

Amend the title as follows:

Page 1, line 4, before the semicolon, insert "and the law related to sanctions for frivolous or malicious claims"

Page 1, line 5, delete "section" and insert "sections" and before the period, insert "; and 244.035"

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

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

**S.F. No. 954:** A bill for an act relating to traffic regulations; allowing law enforcement agencies to recover seizure and storage expenses for vehicle returned to owner; amending Minnesota Statutes 1998, section 169.1217, subdivision 7.

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

Page 1, line 25, after the period, insert "However, when the proceeds of the sale of a seized vehicle do not equal or exceed the outstanding loan balance, the appropriate agency shall remit all



proceeds of the sale to the secured party and is not liable to the secured party for any amount owed on the loan in excess of the sale proceeds if the secured party received notification of the time and place of the sale at least three days prior to the sale."

Page 2, line 11, after the period, insert:

"(f)"

Page 2, line 15, delete the first comma and insert "or" and delete ", or secured party"

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "modifying the disposition of vehicle forfeiture sale proceeds;"

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

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

**S.F. No. 173:** A bill for an act relating to game and fish; allowing the shipment of wild animals that were taken on the northwest angle portion of the Red Lake Indian Reservation; proposing coding for new law in Minnesota Statutes, chapter 97A.

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 1998, section 97A.505, is amended by adding a subdivision to read:

Subd. 3b. [TRANSPORTATION OF CERTAIN ANIMALS.] Wild animals taken and properly tagged on Red Lake Indian Reservation lands north of the 49th parallel may be brought or shipped into the state."

Delete the title and insert:

"A bill for an act relating to game and fish; allowing the shipment of wild animals taken on Red Lake Indian Reservation lands on the northwest angle; amending Minnesota Statutes 1998, section 97A.505, by adding a subdivision."

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

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

**S.F. No. 1382:** A bill for an act relating to crime prevention; repealing provisions and striking language related to the enhanced gross misdemeanor DWI crime; expanding the gross misdemeanor DWI crime and mandatory sentencing provisions; amending Minnesota Statutes 1998, sections 169.121, subdivisions 3 and 3d; 169.129, subdivision 1; 609.02, subdivision 2; 609.105, subdivisions 1 and 3; 609.135, subdivision 2; and 609.15, subdivision 2; repealing Minnesota Statutes 1998, sections 169.121, subdivision 3e; 169.129, subdivision 2; and 609.02, subdivision 2a.

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

Page 4, after line 25, insert:

"(i) The court shall impose consecutive sentences for a violation of this section or section 169.129 and an offense listed in section 609.035, subdivision 2, paragraph (f), arising out of the same course of conduct, as required by section 609.035, subdivision 2, paragraph (g)."

Page 4, line 26, reinstate the stricken "(j)" and delete "(i)"

Page 4, line 31, reinstate the stricken "(k)" and delete "(j)"

Page 8, after line 15, insert:

"Sec. 5. Minnesota Statutes 1998, section 609.035, subdivision 2, is amended to read:

Subd. 2. (a) When a person is being sentenced for a violation of a provision listed in paragraph (f), the court may sentence the person to a consecutive term of imprisonment for a violation of any other provision listed in paragraph (f), notwithstanding the fact that the offenses arose out of the same course of conduct, subject to the limitation on consecutive sentences contained in section 609.15, subdivision 2, and except as provided in paragraphs (b), (c), ~~and~~ (d), and (g) of this subdivision.

(b) When a person is being sentenced for a violation of section 169.129 the court may not impose a consecutive sentence for a violation of a provision of section 169.121, subdivision 1, or for a violation of a provision of section 171.20, 171.24, or 171.30.

(c) When a person is being sentenced for a violation of section 171.20, 171.24, or 171.30, the court may not impose a consecutive sentence for another violation of a provision in chapter 171.

(d) When a person is being sentenced for a violation of section 169.791 or 169.797, the court may not impose a consecutive sentence for another violation of a provision of sections 169.79 to 169.7995.

(e) This subdivision does not limit the authority of the court to impose consecutive sentences for crimes arising on different dates or to impose a consecutive sentence when a person is being sentenced for a crime and is also in violation of the conditions of a stayed or otherwise deferred sentence under section 609.135.

(f) This subdivision applies to misdemeanor and gross misdemeanor violations of the following if the offender has two or more prior impaired driving convictions as defined in section 169.121, subdivision 3:

- (1) section 169.121, subdivision 1, driving while intoxicated;
- (2) section 169.121, subdivision 1a, testing refusal;
- (3) section 169.129, aggravated driving while intoxicated;
- (4) section 169.791, failure to provide proof of insurance;
- (5) section 169.797, failure to provide vehicle insurance;
- (6) section 171.20, subdivision 2, operation after revocation, suspension, cancellation, or disqualification;
- (7) section 171.24, driving without valid license;
- (8) section 171.30, violation of condition of limited license; and
- (9) section 609.487, fleeing a peace officer.

(g) When a court is sentencing an offender for a violation of section 169.121 or 169.129 and a violation of an offense listed in paragraph (f), and the offender has five or more prior impaired driving convictions, five or more prior license revocations, or a combination of the two, within the person's lifetime, the court shall sentence the offender to serve consecutive sentences for the offenses, notwithstanding the fact that the offenses arose out of the same course of conduct."

Page 9, line 6, strike "four" and insert "six"

Page 10, line 29, delete "9" and insert "10"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "crime" insert ", probationary period," and after the semicolon, insert "requiring mandatory consecutive sentences for certain DWI-related offenses;"

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

**Senator Sams from the Committee on Agriculture and Rural Development, to which was referred**

**S.F. No. 1041:** A bill for an act relating to agriculture; changing and clarifying provisions of the warehouse law; amending Minnesota Statutes 1998, sections 231.01; 231.04; 231.08; 231.09; 231.11; 231.12; 231.13; 231.14; 231.15; 231.16; 231.17; 231.18, subdivisions 1 and 6; 231.24; 231.28; 231.34; 231.36; 231.37; 231.38; and 231.39; repealing Minnesota Statutes 1998, sections 231.02; 231.03; 231.05; 231.06; 231.07; 231.10; 231.15; and 231.35.

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

Page 1, delete line 26 and insert "goods, wares, or merchandise of another by a warehouse operator."

Page 4, line 35, after "iron ore," insert "steel, aluminum,"

Page 5, line 5, before the period, insert "or provided by a railroad or common carrier"

Page 8, line 35, after "RULES" insert "; STORAGE OF HOUSEHOLD GOODS"

Pages 9 to 11, delete section 10 and insert:

"Sec. 10. Minnesota Statutes 1998, section 231.16, is amended to read:

231.16 [WAREHOUSE OPERATOR OR HOUSEHOLD GOODS WAREHOUSE OPERATOR TO OBTAIN LICENSE.]

~~Every person desiring to engage in the business of a warehouse operator, before engaging therein, shall or household goods warehouse operator must be licensed annually by, and shall be under the supervision and subject to the inspection of, the department. The department shall prescribe the form of the written application, in the form prescribed by the department shall be made to the department for license, specifying the city in which it is proposed to carry on the business of warehousing, the location, size, character, and equipment of the buildings or premises to be used by the warehouse operator, the kind of goods, wares, and merchandise intended to be stored therein, the name of the person or corporation operating the same, and of each member of the firm or officer of the corporation, and any other facts necessary to satisfy the department that the property proposed to be used is suitable for warehouse purposes and that the warehouse operator making the application is qualified to carry on the business of warehousing. Should If the department decide that the building or other property proposed to be used as a warehouse is suitable for the proposed purpose and that the applicants are entitled to a license, notice of the decision shall be given the interested parties and, upon the applicants filing approves the license application and the applicant files with the department the necessary bond, in the case of household goods warehouse operators, or proof of warehouse operators legal liability insurance coverage in an amount of \$50,000 or more, as provided for in this chapter, the department shall issue the license provided for, upon payment of the license fee, as required in this section provided. A warehouse operator or household goods warehouse operator to whom a license is issued shall pay for the license a fee based on the storage capacity of the warehouse as follows:~~

~~Storage capacity in square feet~~

~~Building square footage used for public storage~~

~~(1) 5,000 or less~~

~~\$ 80~~

(2) 5,001 to 10,000	\$155
(3) 10,001 to 20,000	\$250
(4) 20,001 to 100,000	\$315
(5) 100,001 to 200,000	\$410
(6) over 200,000	\$470

Fees collected under this chapter shall ~~shall~~ must be paid into the grain buyers and storage fund established in section 232.22.

The license shall ~~shall~~ must be renewed annually on or before July 1, and always upon payment of the full license fee, ~~as provided for required in this section for such renewal; and.~~ No license shall be issued for any portion of a year for less than the full amount of the license fee, ~~as provided for required in this section.~~ Each license obtained under this chapter shall ~~shall~~ must be publicly displayed in the main office of the place of business of the warehouse operator or household goods warehouse operator to whom it is issued. The license shall ~~authorize~~ authorizes the warehouse operator or household goods warehouse operator to carry on the business of warehousing only in the one city or town named in the application and in the buildings therein described. The department, without requiring an additional bond and license, may issue permits from time to time to any warehouse operator already duly licensed under the provisions of this chapter to operate an additional warehouse in the same city or town for which the original license was issued during the term thereof, upon the filing an application for a permit in the form prescribed by the department.

A license may be refused for good cause shown and revoked by the department for violation of law or of any rule ~~adopted by it prescribed the department,~~ upon notice and after hearing."

Page 11, line 13, delete "HOUSEHOLD GOODS" and after "OPERATORS" insert "; LEGAL LIABILITY INSURANCE"

Page 11, lines 21 to 23, strike the old language

Page 12, after line 4, insert:

"A warehouse operator that does not provide for the storage of household goods must have proof of legal liability insurance coverage of \$50,000 or more. The insurance policy must be continuous until canceled and must provide that the insurer will provide 90 days' written notice of the policy's termination date to the licensee and the department."

Page 14, line 10, delete "households" and insert "household"

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

**Senator Sams from the Committee on Agriculture and Rural Development, to which was referred**

**S.F. No. 708:** A bill for an act relating to agriculture; transferring the farmer-lender mediation program to the Minnesota extension service; removing the sunset of the Farmer-Lender Mediation Act; amending Minnesota Statutes 1998, section 583.22, subdivision 5; repealing Laws 1986, chapter 398, article 1, section 18, as amended.

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

Page 1, delete section 2 and insert:

"Sec. 2. Laws 1986, chapter 398, article 1, section 18, as amended by Laws 1987, chapter 292, section 37; Laws 1989, chapter 350, article 16, section 8; Laws 1990, chapter 525, section 1; Laws 1991, chapter 208, section 2; Laws 1993, First Special Session chapter 2, article 6, section 2; Laws 1995, chapter 212, article 2, section 11; Laws 1997, chapter 183, article 3, section 29; Laws 1998, chapter 395, section 7; and Laws 1998, chapter 402, section 6, is amended to read:

Sec. 18. [REPEALER.]

Sections 1 to 17 and Minnesota Statutes, section 336.9-501, subsections (6) and (7), and sections 583.284, 583.285, 583.286, and 583.305, are repealed on July 1, 1999 2001."

Amend the title as follows:

Page 1, line 4, delete "removing" and insert "extending"

Page 1, line 7, delete "repealing"

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

### **Senator Ranum from the Committee on Judiciary, to which was referred**

**S.F. No. 84:** A bill for an act relating to government; providing for protection of public officials and employees; prohibiting the filing of fraudulent liens; providing criminal penalties and civil remedies; proposing coding for new law in Minnesota Statutes, chapters 514; and 609.

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

Delete everything after the enacting clause and insert:

"Section 1. [514.99] [NONCONSENSUAL COMMON LAW LIENS.]

Subdivision 1. [DEFINITIONS.] (a) "Public official or employee" means:

(1) an elected or appointed official or an employee of a state, a department, agency or public instrumentality of a state, or a political subdivision of a state; or

(2) an employee of the federal government or a federal agency as defined for purposes of the Federal Tort Claims Act, United States Code, title 28, section 2671.

(b) "Lien" means an encumbrance on property as security for the payment of debt. "Lien" does not include a nonconsensual common law lien.

(c) "Nonconsensual common law lien" means a purported lien that:

(1) is not provided for by a specific state or federal statute;

(2) is not consented to by the owner of the property affected; and

(3) is not a court-imposed equitable or constructive lien. For purposes of this clause, "court" means a federal district court, Minnesota district court, or the Minnesota tax court.

Subd. 2. [NO DUTY TO ACCEPT NONCONSENSUAL COMMON LAW LIENS; NOTICE OF INVALID LIEN.] (a) No person has a duty to accept for filing or recording a claim of nonconsensual common law lien unless:

(1) the claim is accompanied by a specific order from a court of competent jurisdiction authorizing the filing of the lien;

(2) the lien statement is accompanied by an affidavit of personal service or service by certified mail of notice of the proposed lien on the subject of the lien; and

(3) the lien statement includes the mailing address of the lien claimant.

(b) No recording officer, recording office, or governmental entity is liable for the acceptance or rejection for filing or recording of a claim of nonconsensual common law lien or a notice invalid lien.

Subd. 3. [PETITION FOR RELEASE OF NONCONSENSUAL COMMON LAW LIEN.] (a) A person having an interest in real or personal property subject to a recorded claim of a nonconsensual common law lien, who believes the claim of lien is invalid, may petition the district

court of the county in which the claim of lien has been recorded for an order, which may be granted ex parte, directing the lien claimant to appear before the court at a time no earlier than six nor later than 21 days following the date of service of the petition and order on the lien claimant, and show cause, if any, why the claim of lien should not be held invalid. The petition must state the grounds upon which relief is requested, and must be supported by the affidavit of the petitioner or petitioner's attorney setting forth a concise statement of the facts upon which the petition is based. The clerk of the court shall assign a case number on the miscellaneous docket to the petition. No filing fee is required. The proceeding must be expedited, and the Rules of Civil Procedure need not apply.

(b) The order to show cause must be served upon the lien claimant by personal service or by mailing copies of the petition and order to the lien claimant at the claimant's last known address or any other address determined by the court to be likely to give actual notice, or as the court may determine is appropriate, including by publication. If service is by mail, service is deemed complete three days after mailing. The envelopes must bear the return address of the sender. If service is allowed by publication, it must be made at least once a week for not less than two consecutive weeks in a newspaper of general circulation in the county in which the claim of lien has been recorded as designated by the court, with a copy of the last notice mailed first class, postage prepaid to the lien claimant.

(c) The order to show cause must clearly state that if the lien claimant fails to appear at the time and place noted, the claimed lien shall be stricken and released and that the lien claimant may be ordered to pay actual damages and the costs incurred by the petitioner, including reasonable attorney fees.

(d) If, following a hearing on the matter, the court determines that the claimed lien is invalid, the court shall issue an order striking and releasing the claim of lien and shall award actual damages, costs, and reasonable attorney fees to the petitioner to be paid by the lien claimant. If the court determines that the claim of lien is valid, the court shall issue an order so stating and may award costs and reasonable attorney fees to the lien claimant to be paid by the petitioner.

Subd. 4. [LIENS AGAINST PUBLIC OFFICIALS AND EMPLOYEES.] A claim of lien against a public official or employee based on the performance or nonperformance of that official's or employee's duties is invalid unless accompanied by a specific order from a court of competent jurisdiction authorizing the filing of the lien or unless a specific statute authorizes the filing of the lien.

Subd. 5. [PENALTIES.] A person who submits or is responsible for submitting for recording or filing any document purporting to create a nonconsensual common law lien against real property, knowing or having reason to know that the document is forged or groundless, contains a material misstatement or false claim, or is otherwise invalid, is liable to the owner of the real property for not less than \$5,000 or for actual damages caused thereby, whichever is greater, together with costs and reasonable attorney fees. Additional punitive damages may be assessed by the court. A grantee or other person purportedly benefited by a recorded document that creates a nonconsensual common law lien against real property and is forged or groundless, contains a material misstatement or false claim, or is otherwise invalid, who willfully refuses to release the document or record upon request of the owner of the real property affected, is liable to the owner for the damages and attorney fees provided in this section.

Subd. 6. [SUNSET.] This section expires on August 1, 2002."

Delete the title and insert:

"A bill for an act relating to government; providing for protection of public officials and employees; prohibiting the filing of fraudulent liens; providing civil remedies; proposing coding for new law in Minnesota Statutes, chapter 514."

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

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

**S.F. No. 1255:** A bill for an act relating to state lands; authorizing private sale and conveyance of certain tax-forfeited lands that border public water in LeSueur county.

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

Page 1, line 10, delete "shall" and insert "may"

Page 1, delete lines 19 to 25

Page 2, delete lines 1 to 5 and insert:

"That part of Government Lot 7, Section 35, Township 109 North, Range 24 West, described as follows: Commencing at a point 1165.40 feet North and 1465.20 feet East of the west quarter corner of said Section 35; thence North 55 degrees 00 minutes 00 seconds West 524.80 feet to the southeast corner of Lot 6, Block 2, ROEMHILDTS WATERS EDGE ADDITION, according to the recorded plat thereof; thence North 70 degrees 37 minutes 00 seconds West 77.63 feet along the south line of said Lot 6 to the point of beginning; thence continuing North 70 degrees 37 minutes 00 seconds West 234.12 feet along the south line of Lots 6 and 5, said Block 2 to a southeasterly line of said Lot 5; thence South 29 degrees 00 minutes 00 seconds West 66.00 feet along said southeasterly line of Lot 5; thence South 70 degrees 37 minutes 00 seconds East 234.12 feet; thence North 29 degrees 00 minutes 00 seconds East 66.00 feet to the point of beginning."

Page 2, line 16, delete "for no consideration" and insert "after payment of fair market value for the land to the county"

Page 2, delete lines 22 to 36

Page 3, delete lines 1 to 3 and insert:

"That part of Government Lots 7 and 6, Section 35, Township 109 North, Range 24 West, described as follows: Commencing at a point 1165.40 feet North and 1465.20 feet East of the west quarter corner of said Section 35 and the point of beginning; thence North 55 degrees 00 minutes 00 seconds West 524.80 feet to the southeast corner of Lot 6, Block 2, ROEMHILDTS WATERS EDGE ADDITION, according to the recorded plat thereof; thence North 70 degrees 37 minutes 00 seconds West 77.63 feet along the south line of said Lot 6; thence South 29 degrees 00 minutes 00 seconds West 66.00 feet; thence South 70 degrees 37 minutes 00 seconds East 77.63 feet; thence South 55 degrees 00 minutes 00 seconds East 315.80; thence South 29 degrees 00 minutes 00 seconds West 190 feet, more or less, to the water's edge of Frances Lake; thence southeasterly along the water's edge of said lake to a point South of the point of beginning; thence North 190 feet, more or less, to the point of beginning."

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

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

**S.F. No. 1462:** A bill for an act relating to environmental quality; urban development; directing the environmental quality board to establish the urban development environmental steering committee; providing for a generic environmental impact statement on urban development; appropriating money.

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

Page 1, line 11, after "COMMITTEE" insert "; DEFINITION"

Page 1, after line 23, insert:

"(c) For the purposes of this section, "urban development" means development in:

- (1) cities with more than 5,000 population; and  
(2) areas with densities greater than 200 people per square mile in proximity to cities with more than 5,000 population."

Page 2, line 22, delete "\$....." and insert "\$240,000"

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

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

**S.F. No. 1093:** A bill for an act relating to civil mediation; providing for the effect of a mediated settlement agreement; amending Minnesota Statutes 1998, section 572.35, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 572.35, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] The effect of a mediated settlement agreement shall be determined under principles of law applicable to contract. A mediated settlement agreement is not binding unless:

(1) it contains a provision stating that it is binding and a provision stating substantially that the parties were advised in writing that (a) the mediator has no duty to protect their interests or provide them with information about their legal rights; (b) signing a mediated settlement agreement may adversely affect their legal rights; and (c) they should consult an attorney before signing a mediated settlement agreement if they are uncertain of their rights; or

(2) the parties were otherwise advised of the conditions in clause (1)."

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

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

**S.F. No. 953:** A bill for an act relating to health; providing for certain patient rights and protections; regulating coverages and the classification of treatment; specifying the duties of certain carriers and providers; providing remedies; amending Minnesota Statutes 1998, sections 62A.60; 62J.71, subdivision 3; 62J.72, by adding a subdivision; 62J.80; 62M.05, subdivision 3; 62M.09, subdivisions 2, 3, 6, and by adding a subdivision; 62M.10, subdivision 7; 62Q.58, subdivision 3; and 144.335, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62Q; proposing coding for new law as Minnesota Statutes, chapter 62U.

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

Page 8, line 26, delete "principled,"

Page 8, delete line 27

Page 8, line 28, delete "importance" and insert "health insurance carrier of ordinary prudence would use under the same or similar circumstances"

Page 8, line 29, delete "ostensible agent,"

Page 9, line 9, after the semicolon, insert "or"

Page 9, delete line 10

Page 9, line 11, delete "(4)" and insert "(3)"



Page 9, line 16, delete "ostensible agent,"

Page 9, line 24, delete "ostensible agent,"

Page 10, line 11, delete "shall" and insert "may"

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

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

**S.F. No. 1273:** A bill for an act relating to professions; modifying provisions relating to nursing home administrator licensing, the board of examiners for nursing home administrators, immunity for board members and staff, and acting administrator permits; amending Minnesota Statutes 1998, sections 144A.19, subdivision 1; 144A.20, subdivision 1; 144A.22; 144A.24; and 144A.27; proposing coding for new law in Minnesota Statutes, chapter 144A; repealing Minnesota Statutes 1998, sections 144A.19, subdivision 3; 144A.20, subdivision 2; and 144A.29.

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

Page 4, line 5, before the period, insert "provided they are acting in good faith"

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

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

**S.F. No. 1060:** A bill for an act relating to state government; secretary of state; regulating service of process and certain notice requirements; regulating the names of certain business organizations; providing certain technical and conforming changes; amending Minnesota Statutes 1998, sections 5.23, subdivision 1; 5.25, subdivisions 3, 4, and 6; 281.23, subdivision 6; 323A.10-02; 333.01, subdivision 1; 333.19, subdivision 1; and 336.9-411.

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

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

**S.F. No. 1477:** A bill for an act relating to state lands; authorizing conveyance and private sale of certain tax-forfeited land that borders public water in Chisago county.

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

Page 1, delete lines 22 to 25

Page 2, delete lines 1 to 4 and insert:

"Sec. 2. [TRANSFER OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; CHISAGO COUNTY.]

(a) The tax-forfeited land bordering public water that is described in paragraph (c) is withdrawn from sale and is transferred from the custody, control, and supervision of the Chisago county board to the commissioner of natural resources, free from any trust in favor of the interested taxing districts."

Page 2, delete lines 10 to 12

Amend the title as follows:

Page 1, line 2, delete "and"

Page 1, line 3, delete "private sale"

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

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

**S.F. No. 1572:** A bill for an act relating to natural resources; modifying provisions for the exchange or sale of leased lakeshore lots; amending Laws 1998, chapter 389, article 16, section 31, subdivisions 2, 3, and 4.

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

Page 1, line 24, delete "July 1, 2002" and insert "December 31, 2000"

Page 3, line 18, delete "such" and insert "any additional"

Page 4, line 28, delete everything after the period

Page 4, delete lines 29 to 31

Page 4, line 34, delete the new language and reinstate the stricken language

Page 5, lines 3 and 4, delete the new language and reinstate the stricken language

Page 5, line 5, reinstate the stricken language and before "The" insert "If the proceeds from the sale of tax-forfeited land in a county is \$250,000 or more,"

Page 5, lines 7 and 8, delete the new language and reinstate the stricken language

Page 5, lines 11 to 13, delete the new language and reinstate the stricken language

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

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 1825:** A bill for an act relating to agriculture; establishing a citizens advisory council on food; requiring a report; appropriating money.

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

Page 1, delete lines 7 to 15 and insert:

"Subdivision 1. [MEMBERSHIP.] The citizens advisory council on food consists of the commissioners of agriculture; children, families, and learning; health; and human services, or the commissioners' designees; and 12 persons appointed by the governor. At least four of the appointed members must be residents of rural communities, and at least four must be small-scale farmers, people living in poverty, or people of color, with each of those groups having at least one representative."

Page 1, line 18, delete everything after the period

Page 1, delete lines 19 to 25

Page 2, delete lines 1 to 12

Page 2, line 18, delete "and a"

Page 2, delete lines 19 and 20

Page 2, line 21, delete "learning"

Page 2, delete section 2

Amend the title as follows:

Page 1, line 3, delete the second semicolon and insert a period

Page 1, delete line 4

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

**Senator Flynn from the Committee on Transportation, to which was referred**

**S.F. No. 1665:** A bill for an act relating to transportation; modifying provisions relating to motor carriers of passengers; making conforming amendments; appropriating money; amending Minnesota Statutes 1998, sections 168.011, subdivision 35; 169.122, subdivision 5; 174A.02, subdivision 4; 174A.06; 221.011, subdivisions 15, 37, 38, and by adding subdivisions; 221.021; 221.022; 221.025; 221.026, subdivision 2; 221.0251; 221.031, subdivisions 1, 2, and 6; 221.036, subdivisions 1 and 3; 221.091; 221.122, subdivision 1; 221.124; 221.131, subdivision 2; 221.141, subdivision 1; 221.172, subdivision 10; 221.185, subdivisions 1, 2, 3, 4, 9, and by adding a subdivision; 221.221, subdivision 3; 221.291, subdivision 4; 221.55; 368.01, subdivision 12; and 412.221, subdivision 20; proposing coding for new law in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1998, sections 168.011, subdivision 36; 168.1281; 221.011, subdivisions 7, 9, 20, 21, 32, and 34; 221.041; 221.051; 221.061; 221.071; 221.081; 221.121, subdivisions 6b and 6h; 221.172, subdivision 9; 221.281; and 221.85.

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

Page 9, line 4, delete "\$500" and insert "\$1,000"

Page 14, line 6, after the period, insert "A city that has adopted an ordinance complying with this subdivision may enforce the registration requirement in section 221.021."

Page 15, line 24, strike "\$40" and insert "\$80"

Page 20, after line 16, insert:

"Sec. 26. [MOTOR CARRIER SERVICE AT MINNEAPOLIS-ST. PAUL INTERNATIONAL AIRPORT.]

Until July 1, 2000, only a motor carrier with a valid certificate, permit, or certificate of registration, issued by the transportation regulation board, public service commissioner, public utilities commission, or commissioner of transportation, or a carrier specifically authorized by the metropolitan airports commission, may pick up passengers at the Minneapolis-St. Paul International Airport."

Page 20, line 18, delete "\$....." and insert "\$732,000"

Page 20, line 20, delete "25" and insert "26"

Page 20, line 28, delete "27" and insert "28" and after the period, insert "Section 26 is effective the day following final enactment."

Page 20, line 29, delete "26" and insert "27"

Renumber the sections in sequence

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

**Senator Flynn from the Committee on Transportation, to which was referred**

**S.F. No. 770:** A bill for an act relating to railroads; extending right of first refusal to leaseholders of real property in railroad right-of-way; requiring railroad interests to provide notice; making technical changes; amending Minnesota Statutes 1998, sections 222.631; and 222.632.

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 1998, section 222.631, is amended to read:

222.631 [DEFINITIONS.]

Subdivision 1. [TERMS.] For purposes of sections 222.631 to 222.633, the following terms have the meanings given them.

Subd. 2. [FAIR MARKET VALUE.] "Fair market value" means the price negotiated between the parties under section 222.632, or the market value of the property minus the value of any leasehold improvements, as determined by independent appraisers. Fair market value must consider the type of title being transferred.

Subd. 3. [LEASEHOLDER.] "Leaseholder" means a person who holds a lease, ~~license, or permit with respect to use~~ property within a right-of-way, and ~~who has erected eligible~~ owns leasehold improvements on the property with a total fair market value of \$7,500 or more. "Leaseholder" does not include a person with an easement against the property within the right-of-way.

Subd. 4. [RAILROAD INTEREST.] "Railroad interest" includes a railroad corporation, its trustee or successor in interest, a railroad corporation which is in proceedings for bankruptcy under federal law, ~~and a nonrailroad holding corporation that owns a controlling interest in a railroad, and a person or entity who owns or controls real property on or adjacent to a railroad right-of-way prior to transfer to a leaseholder.~~

Subd. 5. [RIGHT-OF-WAY.] "Right-of-way" has the meaning given it in section 222.63, subdivision 1.

Subd. 6. [NONRAILROAD LESSOR.] "Nonrailroad lessor" means one who has granted to a lessee leaseholder an interest in property within a right-of-way and who is neither (1) an operator of a railroad on the right-of-way, nor (2) an owner of a controlling interest in or under common control with a railroad that operates on the right-of-way.

Sec. 2. Minnesota Statutes 1998, section 222.632, is amended to read:

222.632 [RIGHT OF FIRST REFUSAL.]

The legislature finds that facilities constructed by private parties within the right-of-way are part of the public purpose of the railroad itself and retaining those facilities at those locations enhances the public good. A railroad interest that is in bankruptcy proceedings or a nonrailroad lessor may not sell or offer for sale or lease or offer to lease an interest in real property that is within the right-of-way, a railroad interest that is abandoning a railroad line may not sell or offer for sale or lease or offer to lease an interest in real property within the right-of-way to be abandoned, and a nonrailroad lessor may not sell or offer for sale or lease or offer to lease an interest in real property within the right-of-way with respect to which it is a nonrailroad lessor, unless it first extends a written offer to sell or lease that interest at a fair market value price to each person who is a leaseholder with respect to the property. Leaseholders must respond to the offer within 60 days of receipt of the notice and the railroad interest must negotiate in good faith with an interested leaseholder for a period of 90 days following the leaseholder's response. After the 90-day negotiation period, either party may file a notice of dispute with the commissioner of transportation under section 222.633. The property may not be sold or leased to a party other than the leaseholder during the response and negotiation periods or while a dispute is pending before the commissioner. The parties to a dispute before the commissioner shall jointly, in equal shares, pay to the commissioner a fee of \$..... to reimburse the commissioner for the costs of the dispute resolution. Fees shall be deposited in the trunk highway fund. This section does not apply to a sale of an entire operating railroad line by one operating railroad to another for the purpose of operating a railroad.

The railroad interest must provide a notice with any offer under this section that states the following: "THE PROPOSED SALE OR LEASE OF PROPERTY WITHIN A RAILROAD RIGHT-OF-WAY IS SUBJECT TO MINNESOTA STATUTES, SECTIONS 222.631 TO 222.633. YOU MUST RESPOND TO THE WRITTEN OFFER WITHIN 60 DAYS AFTER THE RECEIPT OF THIS NOTICE. THE RAILROAD INTEREST IS REQUIRED TO NEGOTIATE IN GOOD FAITH FOR A PERIOD OF 90 DAYS FOLLOWING YOUR RESPONSE. AFTER THE 90-DAY PERIOD, EITHER PARTY MAY FILE WITH THE COMMISSIONER OF TRANSPORTATION A PETITION TO RESOLVE ANY DISPUTES REGARDING FAIR MARKET VALUE OR OTHER TERMS OF THE NEGOTIATION. ALL PARTIES TO THE DISPUTE WILL BE REQUIRED TO SHARE THE COST OF THE DISPUTE RESOLUTION."

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

**Senator Flynn from the Committee on Transportation, to which was referred**

**S.F. No. 702:** A bill for an act relating to transportation; authorizing county review and approval of plats on real property that is bordering existing or proposed county highways; amending Minnesota Statutes 1998, section 505.03, 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 1998, section 462.358, subdivision 3b, is amended to read:

Subd. 3b. [REVIEW PROCEDURES.] The regulations shall include provisions regarding the content of applications for proposed subdivisions, the preliminary and final review and approval or disapproval of applications, and the coordination of such reviews with affected political subdivisions and state agencies. Subdivisions including lands abutting upon any existing or proposed trunk highway, county road or highway, or county state-aid highway shall also be subject to the review and dispute resolution provisions of section 505.03. The regulations may provide for the consolidation of the preliminary and final review and approval or disapproval of subdivisions. Preliminary or final approval may be granted or denied for parts of subdivision applications. The regulations may delegate the authority to review proposals to the planning commission, but final approval or disapproval shall be the decision of the governing body of the municipality unless otherwise provided by law or charter. The regulations shall require that a public hearing shall be held on all subdivision applications prior to preliminary approval, unless otherwise provided by law or charter. The hearing shall be held following publication of notice of the time and place thereof in the official newspaper at least ten days before the day of the hearing. At the hearing, all persons interested shall be given an opportunity to make presentations. A subdivision application shall be preliminarily approved or disapproved within 120 days following delivery of an application completed in compliance with the municipal ordinance by the applicant to the municipality, unless an extension of the review period has been agreed to by the applicant. When a division or subdivision to which the regulations of the municipality do not apply is presented to the city, the clerk of the municipality shall within ten days certify that the subdivision regulations of the municipality do not apply to the particular division.

If the municipality or the responsible agency of the municipality fails to preliminarily approve or disapprove an application within the review period, the application shall be deemed preliminarily approved, and upon demand the municipality shall execute a certificate to that effect. Following preliminary approval the applicant may request final approval by the municipality, and upon such request the municipality shall certify final approval within 60 days if the applicant has complied with all conditions and requirements of applicable regulations and all conditions and requirements upon which the preliminary approval is expressly conditioned either through performance or the execution of appropriate agreements assuring performance. If the municipality fails to certify final approval as so required, and if the applicant has complied with all conditions and requirements, the application shall be deemed finally approved, and upon demand the municipality shall execute a certificate to that effect. After final approval a subdivision may be filed or recorded.

Sec. 2. Minnesota Statutes 1998, section 505.03, subdivision 2, is amended to read:

Subd. 2. [~~PRELIMINARY PLAT APPROVAL; ROAD REVIEW.~~] (a) Any proposed preliminary plat which includes lands abutting upon any existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the office of the county recorder shall first be presented to the commissioner of transportation for written comments and recommendations. ~~Where any preliminary plat includes land abutting upon an existing or established county or county state aid highway, it shall first be submitted to the county engineer for written comments and recommendations.~~ Preliminary plats in a city involving both a trunk highway and a highway under county jurisdiction shall be submitted by the city to the county highway engineer as provided in paragraph (b) and to the commissioner of transportation ~~and the county highway engineer~~. Plats shall be submitted to the commissioner of transportation for review at least 30 days prior to the home rule charter or statutory city, town or county taking final action on the preliminary plat. The commissioner of transportation ~~and/or the county highway engineer~~ shall submit the written comments and recommendations to the city, town, or county within 30 days after receipt by ~~them~~ the commissioner of such a plat. Final action on such plat by the city, town, or county shall not be taken until after these required comments and recommendations have been received or until the 30 day period has elapsed.

(b) Any proposed preliminary plat or initial plat filing that includes land located in a city bordering an existing or proposed county road, highway, or county state-aid highway that is designated on a map or county highway plan filed in the office of the county recorder or registrar of titles, must be submitted by the city to the county engineer within five business days for written comments and recommendations. The county engineer's review shall be limited to the following factors of county significance in conformance with adopted county guidelines developed through a public hearing process with comment by the cities:

- (1) ingress and egress to and from county roads and highways;
- (2) approach grade intersection with county roads and highways;
- (3) stormwater drainage;
- (4) safety standards; and
- (5) right-of-way requirements.

After reviewing the preliminary plat or initial plat filing, the county engineer shall provide to the city, within 30 days, written comments stating whether the plat meets county guidelines relating to clauses (1) to (5) and describing any modifications necessary to bring the plat into conformity. No city may approve a preliminary plat until it has received the county engineer's written comments and recommendations or until the county engineer's comment period has expired, whichever occurs first. Within ten business days following a city's approval of a preliminary plat, the city shall submit to the county board notice of its approval, along with a statement addressing the disposition of any written comments or recommendations made by the county engineer. Within 15 days following receipt of this notice and statement, a county may, by resolution of its board, request the commissioner of transportation to appoint a dispute resolution board as provided in subdivision 2a and submit to the city notice of intent to enter dispute resolution. No city may grant final approval of a plat until expiration of the notice period, or until the plat conforms with a decision of a dispute resolution board. The dispute resolution process grants additional time to the 120-day review period provided for in section 462.358 and the 60-day review process provided for in section 15.99.

(c) A legible preliminary drawing or print of a proposed preliminary plat shall be acceptable for purposes of review by the commissioner of transportation or the county highway engineer. To such drawing or print there shall be attached a written statement describing; (1) the outlet for and means of disposal of surface waters from the proposed platted area, (2) the land use designation or zoning category of the proposed platted area, (3) the locations of ingress and egress to the proposed platted area, and (4) a preliminary site plan for the proposed platted area, ~~if one has been prepared~~ with dimensions to scale, authenticated by a registered engineer or land surveyor,

showing the existing or proposed state highway, county road, or county highway and all existing and proposed rights-of-way, easements, general lot layouts, and lot dimensions. Failure to obtain the written comments and recommendations of the commissioner of transportation or the county highway engineer shall in no manner affect the title to the lands included in the plat or the platting of said lands. A certificate or other evidence shall be required to or upon the plat for filing in the office of the county recorder or registrar of titles as to the submission of or the obtaining of such written comments and recommendations. The home rule charter or statutory city, town or county shall provide the certificate or other evidence to the county recorder or registrar of titles. A city or county shall file with the plat, in the office of the county recorder or registrar of titles, a certificate or other evidence showing submission of the preliminary plat to the commissioner or county highway engineer in compliance with this subdivision.

Sec. 3. Minnesota Statutes 1998, section 505.03, is amended by adding a subdivision to read:

Subd. 2a. [DISPUTE RESOLUTION.] Upon receipt from a county of a request to appoint a dispute resolution board, the commissioner of transportation shall appoint a five-member board consisting of one county commissioner, one county engineer, one city council member or city mayor, one city engineer, and one representative of the department of transportation. Within 30 days of receipt by the commissioner of the request, the board shall notify the city and county of its approval, disapproval, or approval with modifications of the proposed preliminary plat, with respect to the factors listed in subdivision 2, paragraph (b), clauses (1) to (5). The decision of the board is final, and a city may not grant final approval of the plat unless the approval is consistent with the decision of the board."

Delete the title and insert:

"A bill for an act relating to transportation; authorizing county review of plats on real property that is bordering existing or proposed county highways; authorizing dispute resolution between city and county; amending Minnesota Statutes 1998, sections 462.358, subdivision 3b; and 505.03, subdivision 2, and by adding a subdivision."

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

### **Senator Flynn from the Committee on Transportation, to which was referred**

**S.F. No. 1145:** A bill for an act relating to traffic regulations; modifying provisions regulating disability parking; abolishing certain credit for vehicle registration fee; specifically authorizing statutory and home rule charter cities to enact ordinances regulating long-term parking; amending Minnesota Statutes 1998, sections 168.021, subdivision 2; 169.345; and 169.346, subdivision 3, and 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 1998, section 168.021, subdivision 2, is amended to read:

Subd. 2. [DESIGN OF PLATES; FURNISHING BY REGISTRAR.] The registrar of motor vehicles shall design and furnish two license number plates with attached emblems to each eligible owner. The emblem must bear the internationally accepted wheelchair symbol, as designated in section 16B.61, subdivision 5, approximately three inches square. The emblem must be large enough to be visible plainly from a distance of 50 feet. An applicant eligible for the special plates shall pay the motor vehicle registration fee authorized by law less a credit of \$1 for each month registered.

Sec. 2. Minnesota Statutes 1998, section 169.345, subdivision 1, is amended to read:

Subdivision 1. [SCOPE OF PRIVILEGE.] A vehicle that prominently displays the certificate authorized by this section or that bears license plates issued under section 168.021, may be parked by or solely for the benefit of a physically disabled person:

- (1) in a designated parking space for disabled persons, as provided in section 169.346; and
- (2) in a metered parking space without obligation to pay the meter fee and without time restrictions unless time restrictions are separately posted on official signs; and
- (3) in a nonmetered space governed by a sign that limits allowable parking duration and does not specifically prohibit the exercise of disabled parking privileges in that space.

A person may park a vehicle for a physically disabled person in a parking space described in clause (1), (2), or (3) only when actually transporting the physically disabled person for the sole benefit of that person and when the parking space is within a reasonable distance from the drop-off point.

For purposes of this subdivision, a certificate is prominently displayed if it is displayed so that it may be viewed from the front and rear of the vehicle by hanging it from the rearview mirror attached to the front windshield of the vehicle. If there is no rearview mirror or if the certificate holder's disability precludes placing the certificate on the mirror, the placard must be displayed on the dashboard on the driver's side of the vehicle. No part of the certificate may be obscured.

Notwithstanding clauses (1) and (2), and (3), this section does not permit parking in areas prohibited by sections 169.32 and 169.34, in designated no parking spaces, or in parking spaces reserved for specified purposes or vehicles. A local governmental unit may, by ordinance, prohibit parking on any street or highway to create a fire lane, or to accommodate heavy traffic during morning and afternoon rush hours and these ordinances also apply to physically disabled persons.

Sec. 3. Minnesota Statutes 1998, section 169.345, subdivision 3, is amended to read:

Subd. 3. [IDENTIFYING CERTIFICATE.] (a) The division of driver and vehicle services in the department of public safety shall issue (1) immediately, a temporary permit valid for 30 days, if the person is eligible for the certificate issued under this paragraph, and (2) a special identifying certificate for a motor vehicle when a physically disabled applicant submits proof of physical disability under subdivision 2a. The commissioner shall design separate certificates for persons with permanent and temporary disabilities that can be readily distinguished from each other from outside a vehicle at a distance of 25 feet. The certificate is valid for six years, if the disability is specified in the physician's or chiropractor's statement as permanent, and is valid for a period not to exceed six months, if the disability is specified as temporary.

(b) When the commissioner is satisfied that a motor vehicle is used primarily for the purpose of transporting physically disabled persons, the division may issue without charge (1) immediately, a temporary permit valid for 30 days, if the operator is eligible for the certificate issued under this paragraph, and (2) a special identifying certificate for the vehicle. The operator of a vehicle displaying the certificate or temporary permit has the parking privileges provided in subdivision 1 only while the vehicle is actually in use for transporting physically disabled persons. The certificate issued to a person transporting physically disabled persons must be renewed every third year. On application and renewal, the person must present evidence that the vehicle continues to be used for transporting physically disabled persons. When the commissioner of public safety issues commercial certificates to an organization, the commissioner shall require documentation satisfactory to the commissioner from each organization that procedures and controls have been implemented to ensure that the parking privileges available under this section will not be abused.

(c) A certificate must be made of plastic or similar durable material and must bear its expiration date prominently on both sides. A certificate issued prior to January 1, 1994, must bear its expiration date prominently on its face and will remain valid until that date or December 31, 2000, whichever shall come first. A certificate issued to a temporarily disabled person must display the date of expiration of the duration of the disability, as determined under paragraph (a). Each applicant must be provided a summary of the parking privileges and restrictions that apply to each vehicle for which the certificate is used. The commissioner may charge a fee of \$5 for issuance or renewal of a certificate or temporary permit, and a fee of \$5 for a duplicate to replace a lost, stolen, or damaged certificate or temporary permit. The commissioner shall not charge a fee for issuing a certificate to a person who has paid a fee for issuance of a temporary permit. The



commissioner shall not issue more than three replacement certificates within any six-year period without the approval of the council on disability.

Sec. 4. Minnesota Statutes 1998, section 169.345, subdivision 4, is amended to read:

Subd. 4. [UNAUTHORIZED USE; REVOCATION; MISDEMEANOR.] If a peace officer, authorized parking enforcement employee or agent of a statutory or home rule charter city or town, or authorized agent of the citizen enforcement program finds that the certificate or temporary permit is being improperly used, the officer, municipal employee, or agent shall report the violation to the division of driver and vehicle services in the department of public safety and the commissioner of public safety may revoke the certificate or temporary permit. A person who uses the certificate or temporary permit in violation of this section is guilty of a misdemeanor and is subject to a fine of \$500.

Sec. 5. Minnesota Statutes 1998, section 169.346, subdivision 3, is amended to read:

Subd. 3. [MISDEMEANOR; ENFORCEMENT.] A person who violates subdivision 1 is guilty of a misdemeanor and shall be fined not less than \$100 or more than \$200. This subdivision shall be enforced in the same manner as parking ordinances or regulations in the governmental subdivision in which the violation occurs. Law enforcement officers have the authority to tag vehicles parked on either private or public property in violation of subdivision 1. Parking enforcement employees or agents of statutory or home rule charter cities or towns have the authority to tag or otherwise issue citations for vehicles parked on public property in violation of subdivision 1. If a holder of a disability certificate or disability plates allows a person who is not otherwise eligible to use the certificate or plates, then the holder shall not be eligible to be issued or to use a disability certificate or plates for 12 months after the date of violation. A physically disabled person, or a person parking a vehicle for a disabled person, who is charged with violating subdivision 1 because the person parked in a parking space for physically disabled persons without the required certificate, license plates, or temporary permit shall not be convicted if the person produces in court or before the court appearance the required certificate, temporary permit, or evidence that the person has been issued license plates under section 168.021, and demonstrates entitlement to the certificate, plates, or temporary permit at the time of arrest or tagging.

Sec. 6. Minnesota Statutes 1998, section 169.346, is amended by adding a subdivision to read:

Subd. 5. [LOCAL ORDINANCE; LONG-TERM PARKING.] A statutory or home rule charter city may adopt an ordinance establishing a permit program for long-term parking.

Sec. 7. [APPROPRIATION.]

(a) \$138,000 is appropriated in fiscal year 2000 and \$40,000 is appropriated in fiscal year 2001 from the highway user tax distribution fund to the commissioner of public safety for computer programming and staffing for disabled parking records management and enforcement.

(b) Of this appropriation, \$98,000 the first year is for computer programming and may not be added to the agency's budget base."

Delete the title and insert:

"A bill for an act relating to traffic regulations; modifying provisions regulating disability parking; abolishing certain credit for vehicle registration fee; specifically authorizing statutory and home rule charter cities to adopt ordinances regulating long-term parking; appropriating money; amending Minnesota Statutes 1998, sections 168.021, subdivision 2; 169.345, subdivisions 1, 3, and 4; and 169.346, subdivision 3, and by adding a subdivision."

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

**Senator Novak from the Committee on Jobs, Energy and Community Development, to which was referred**

**S.F. No. 284:** A bill for an act relating to workers' compensation; providing that posttraumatic stress syndrome for a peace officer is an occupational disease; amending Minnesota Statutes 1998, section 176.011, subdivision 16.

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

Page 1, line 23, after the period, insert "For the purpose of this subdivision "traumatic event" means an event involving the employee lawfully taking the life or causing great bodily harm of another by force or violence. For the purpose of this subdivision, "great bodily harm" has the meaning given it in section 609.02, subdivision 8."

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

**Senator Novak from the Committee on Jobs, Energy and Community Development, to which was referred**

**S.F. No. 1893:** A bill for an act relating to economic development; providing for a challenge grant for construction of a steel mill; 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. [AUTHORIZATION.]

The governing body of the county of Itasca may create an economic development tax increment financing district, as provided in this act, on one or more parcels to contain an electric power plant and which are adjacent to a taconite mine direct reduction plant and steel mill. Except as otherwise provided in this act, the provisions of Minnesota Statutes, sections 469.174 to 469.179, apply to the district.

Sec. 2. [SPECIAL RULES.]

(a) The duration of the district established under section 1 is 25 years from the receipt of the first increment, notwithstanding Minnesota Statutes, section 469.176, subdivision 1b.

(b) Notwithstanding Minnesota Statutes, section 469.1763, tax increment from the district established under section 1 may be expended on improvements and activities in aid of the electric power plant and the direct reduction plant and steel mill and related administrative expenses, but may not otherwise be expended outside the district.

(c) Minnesota Statutes, section 469.1782, does not apply to this act or the district established under section 1.

(d) Minnesota Statutes, section 273.1399, does not apply to the district.

(e) The captured net tax capacity of the district established under section 1 includes any property taxed as personal property having a situs in the district.

Sec. 3. [DEVELOPMENT POWERS.]

The county may exercise all of the powers of a housing and redevelopment authority under Minnesota Statutes, sections 469.001 to 469.047, and the powers of an economic development authority under Minnesota Statutes, sections 469.090 to 469.108, in connection with the development of the project described in section 1.

Sec. 4. [APPROPRIATION.]

\$60,000,000 is appropriated from the general fund to the commissioner of trade and economic development for a grant for construction of a steel mill. The grant requires a matching amount in gross payroll at the steel mill by the fourth year of its operation. If the gross payroll at the steel mill is less than \$60,000,000 by the fourth year of its operation, the difference must be returned by the grantee.

Sec. 5. [APPROPRIATION; ITASCA COUNTY RAILROAD AUTHORITY.]

\$21,774,000 is appropriated from the bond proceeds fund to the commissioner of administration for a grant to the Itasca County Railroad Authority for capital improvements for railroad access and natural gas right-of-way and pipeline, subject to the requirements of Minnesota Statutes, section 16A.695.

Sec. 6. [APPROPRIATION; COUNTY OF ITASCA.]

\$10,108,000 is appropriated from the bond proceeds fund to the commissioner of administration for a grant to Itasca county for public highway improvements in connection with the construction of a new steel mill, subject to the requirements of Minnesota Statutes, section 16A.695.

Sec. 7. [APPROPRIATION; CITY OF NASHWAUK.]

\$3,691,000 is appropriated from the bond proceeds fund to the commissioner of administration for a grant to the city of Nashwauk to design and construct freshwater wells and wastewater treatment facilities and pipelines, subject to the requirements of Minnesota Statutes, section 16A.695.

Sec. 8. [BOND SALE.]

To provide the money appropriated in sections 5 to 7 from the bond proceeds fund, the commissioner of finance, on request of the governor, shall sell and issue bonds of the state in an amount up to \$35,573,000 in the manner, on the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Sec. 9. [EFFECTIVE DATE.]

Sections 5 to 8 are effective the day following final enactment.

Sections 1 to 3 are effective the day after the Itasca county board's approval is filed as provided in Minnesota Statutes, section 645.021, subdivision 3."

Delete the title and insert:

"A bill for an act relating to economic development; providing for an Itasca county tax increment financing district and development powers for power plant related to taconite mine direct reduction plant and steel mill; providing for a challenge grant for construction of a steel mill; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature; providing for a grant to Itasca County Railroad Authority for railroad access and natural gas right-of-way and pipeline; providing for a grant to Itasca county for highway improvements; providing for a grant to the city of Nashwauk for wells and wastewater treatment facilities; authorizing issuance of bonds; appropriating money."

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

**Senator Novak from the Committee on Jobs, Energy and Community Development, to which was referred**

**S.F. No. 961:** A bill for an act relating to employment; extending the length of employee leave in certain circumstances; amending Minnesota Statutes 1998, sections 181.941, subdivisions 1 and 2; 181.9412, subdivision 2; and 181.943.

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

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

**S.F. No. 171:** A bill for an act relating to commerce; providing an appropriation for an education campaign on mortgage flipping; establishing penalties; proposing coding for new law in Minnesota Statutes, chapter 82B.

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

**Senator Novak from the Committee on Jobs, Energy and Community Development, to which was referred**

**S.F. No. 1821:** A bill for an act relating to housing; housing finance agency; authorizing agency to make home improvement loans where debt to value ratio is up to 110 percent; authorizing agency to make equity take-out loans to owners of federally subsidized housing under certain circumstances; allowing participants to receive rental assistance for family stabilization for up to 60 months; clarifying purposes for which community rehabilitation funds may be used; establishing account to provide homeownership opportunities for disabled; modifying low-income housing credits; amending Minnesota Statutes 1998, sections 462A.05, subdivision 14; 462A.073, subdivision 2; 462A.205, subdivisions 1, 2, 5, 6, and 9; 462A.206, subdivision 2; 462A.21, by adding a subdivision; 462A.222, subdivision 3; and 462A.223, subdivision 2; repealing Minnesota Statutes 1998, section 462A.073, subdivision 3.

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

Pages 1 to 3, delete section 1

Page 14, line 33, delete "10 and 11" and insert "9 and 10"

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 3 and 4

Page 1, lines 13 and 14, delete "462A.05, subdivision 14;"

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

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

**S.F. No. 1592:** A bill for an act relating to game and fish; providing for a provisional firearms safety certificate for certain persons with mental disabilities; allowing certain persons with mental disabilities to hunt with firearms when assisted; amending Minnesota Statutes 1998, section 97B.015, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 97B.

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

Page 1, line 18, after "disability" insert ", as defined in section 97B.1055, subdivision 1"

Page 1, after line 20, insert:

"Subdivision 1. [DEFINITION.] For purposes of this section and section 97B.015, subdivision 6, "person with a mental disability condition" means a person who has been diagnosed as having substantial limitations in present functioning, manifested as significantly subaverage intellectual functioning, existing concurrently with demonstrated deficits in adaptive behavior, and who manifests these conditions before the person's 22nd birthday. A person with a related condition means a person who meets the diagnostic definition under section 252.27, subdivision 1a."

Page 1, line 21, delete "Subdivision 1." and insert "Subd. 2."

Page 1, line 25, delete "2" and insert "3" and before "A" insert "(a)"

Page 2, after line 3, insert:

"(b) Any person accompanying or assisting a person with a mental disability under this section must possess a valid firearms safety certificate issued by the commissioner."

Page 2, line 4, delete "3" and insert "4"

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

**Senator Solon from the Committee on Commerce, to which was re-referred**

**S.F. No. 1075:** A bill for an act relating to health; limiting use of health information secured as part of HIV vaccine research for insurance underwriting; amending Minnesota Statutes 1998, section 72A.20, by adding a subdivision.

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

Page 1, delete lines 21 to 25

Page 2, delete lines 1 to 19 and insert:

"(2) except as provided under paragraph (b), request, obtain, or use HIV antibody tests performed on a participant for purposes of a vaccine clinical trial.

(b) If a test to determine the presence of the HIV antibody is performed at the insurer's direction as part of the insurer's normal underwriting requirements, and an applicant or covered person is a participant in a vaccine clinical trial and tests positive for the HIV antibody in the insurer-directed test, the person shall disclose their status as a participant in a vaccine clinical trial and provide the insurance company with certification from the trial sponsor of the person's participation in the vaccine trial. Upon notification, an insurer shall stay any adverse decision or refrain from making an underwriting decision to cancel, fail to renew, or take any other action based solely on the positive test result until the insurer obtains a confidential certificate from the sponsor of the trial verifying the person's HIV status.

(c) Except as provided under paragraph (b), this subdivision does not affect tests conducted for purposes other than those described in paragraph (a), clause (2), including any test to determine the presence of the HIV antibody if such test was performed at the insurer's direction as part of the insurer's normal underwriting requirements. This subdivision does not apply to individuals who take the test described in paragraph (a), clause (2), but do not become a participant in the vaccine clinical trial for which they were tested."

Page 2, line 20, delete "(e)" and insert "(d)"

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

**Senator Solon from the Committee on Commerce, to which was referred**

**S.F. No. 1342:** A bill for an act relating to liquor; modifying the direct shipment law; requiring permits for common carriers and delivery agents; increasing criminal penalties; amending Minnesota Statutes 1998, sections 340A.3021, subdivision 2; 340A.417; and 340A.801, subdivision 1.

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

Page 2, delete lines 23 to 26

Page 2, line 30, after "\$50" insert "per carrier"

Page 2, line 35, delete "to" and insert "for inspection by"

Page 3, delete lines 1 to 14

Page 3, line 17, before the period, insert "or (c)"

Page 4, line 8, reinstate the stricken "misdemeanor"

Page 4, line 9, delete "felony"

Page 4, line 10, after the stricken "(g)" insert "(c)" and reinstate the stricken "Any person who commits a third or subsequent violation"

Page 4, line 11, reinstate the stricken language

Page 4, delete line 12 and insert "desist order was issued under paragraph (e) (a), within any"

Page 4, line 13, reinstate the stricken language

Page 4, delete section 3

Amend the title as follows:

Page 1, line 4, delete "increasing criminal penalties;"

Page 1, line 6, after the first semicolon, insert "and" and delete "; and 340A.801, subdivision 1"

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

#### **Senator Solon from the Committee on Commerce, to which was referred**

**S.F. No. 841:** A bill for an act relating to insurance; providing an alternative benefit plan for small employers; authorizing a small employer alternative benefit plan pilot project; amending Minnesota Statutes 1998, section 62L.05, subdivision 5, and by adding a subdivision.

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

Page 1, line 13, delete "100" and insert "50"

Page 2, after line 12, insert:

"Sec. 3. Minnesota Statutes 1998, section 62L.09, subdivision 3, is amended to read:

Subd. 3. [REENTRY PROHIBITION.] (a) Except as otherwise provided in paragraph (b) or (c), a health carrier that ceases to do business in the small employer market after July 1, 1993, is prohibited from writing new business in the small employer market in this state for a period of five years from the date of notice to the commissioner. This subdivision applies to any health maintenance organization that ceases to do business in the small employer market in one service area with respect to that service area only. Nothing in this subdivision prohibits an affiliated health maintenance organization from continuing to do business in the small employer market in that same service area.

(b) The commissioner of commerce or the commissioner of health may permit a health carrier that ceases to do business in the small employer market in this state after July 1, 1993, to begin writing new business in the small employer market if:

(1) since the carrier ceased doing business in the small employer market, legislative action has occurred that has significantly changed the effect on the carrier of its decision to cease doing business in the small employer market; and

(2) the commissioner deems it appropriate.

(c) This subdivision does not apply to the small employer alternative benefit plans pilot project established in section 6."

Sec. 4. Minnesota Statutes 1998, section 62Q.095, subdivision 1, is amended to read:

Subdivision 1. [PROVIDER ACCEPTANCE REQUIRED.] Each health plan company, with the exception of any health plan company with 50,000 or fewer enrollees in its commercial health plan products and health plan companies that are exempt under subdivision 6, shall establish an expanded network of allied independent health providers, in addition to a preferred network. A health plan company shall accept as a provider in the expanded network any allied independent health provider who: (1) meets the health plan company's credentialing standards; (2) agrees to the terms of the health plan company's provider contract; and (3) agrees to comply with all managed care protocols of the health plan company. A preferred network shall be considered an expanded network if all allied independent health providers who meet the requirements of clauses (1), (2), and (3) are accepted into the preferred network. A community integrated service network may offer to its enrollees an expanded network of allied independent health providers as described under this section.

Sec. 5. Minnesota Statutes 1998, section 62Q.51, subdivision 4, is amended to read:

Subd. 4. [EXEMPTION.] This section does not apply to a health plan company with fewer than 50,000 enrollees in its commercial health plan products."

Page 2, line 17, delete "operate" and insert "develop" and after "project" insert "by January 1, 2000,"

Page 2, line 23, after "may" insert "not"

Page 2, line 24, delete ", but not more than 100 current employees"

Page 3, line 2, delete "2001" and insert "2003"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "modifying certain health plan company requirements;"

Page 1, line 5, delete "section" and insert "sections"

Page 1, line 6, before the period, insert "; 62L.09, subdivision 3; 62Q.095, subdivision 1; and 62Q.51, subdivision 4"

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

**Senator Sams from the Committee on Agriculture and Rural Development, to which was re-referred**

**S.F. No. 613:** A bill for an act relating to animals; increasing certain penalties for cruelty to animals; defining acts or omissions constituting cruelty or abuse; imposing criminal penalties; amending Minnesota Statutes 1998, sections 343.20, subdivision 3, and by adding a subdivision; and 343.21, subdivisions 2, 7, 10, and by adding a subdivision; repealing Minnesota Statutes 1998, section 343.21, subdivisions 1 and 9.

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

Page 1, line 13, delete "(a)"

Page 1, line 24, delete "state" and insert ", or in violation of"

Page 1, line 25, delete "federal, or local"

Page 2, delete lines 1 to 3

Page 2, line 6, delete "9" and insert "6"

Page 2, after line 15, insert:

"Sec. 4. Minnesota Statutes 1998, section 343.21, subdivision 3, is amended to read:

Subd. 3. [ENCLOSURE.] No person shall keep any cow or other animal in any enclosure without providing wholesome exercise and change of air. No person shall raise or care for an animal without providing housing, pen space, or pasture that is consistent with commonly accepted animal husbandry practices. Confinement housing must have adequate ventilation to maintain good health.

Sec. 5. Minnesota Statutes 1998, section 343.21, subdivision 5, is amended to read:

Subd. 5. [ABANDONMENT.] No person shall abandon any animal. No person shall abandon any animal except wild animals that are raised in captivity or are temporarily in captivity and are then released into their native habitat."

Page 3, after line 34, insert:

"Sec. 9. Minnesota Statutes 1998, section 343.25, is amended to read:

343.25 [DOCKING HORSES; PENALTY.]

A person who cuts the bony part of a horse's tail for the purpose of docking it, or who causes or knowingly permits the same to be done upon premises of which the person is owner, lessee, or user, or who assists in the cutting is guilty of a misdemeanor. When a horse is found so cut, upon the premises or in the custody of any person, and the wound resulting is unhealed, that fact shall constitute prima facie evidence that the offense was committed by the person. All fines resulting from complaint made by an officer or agent of any society of this state for the prevention of cruelty to animals for any offense specified in this section shall be paid to the society whose officer or agent made the complaint. This section does not apply to a licensed veterinarian who docks a horse's tail for medical or public health reasons.

Sec. 10. Minnesota Statutes 1998, section 343.26, is amended to read:

343.26 [CLIPPED ANIMALS; PENALTY.]

No person who has custody of any animal which has had its hair removed by clipping or shearing shall cause or permit the animal to stand on a road, street, or other unsheltered place between November 1 and May 1 within 60 days after the clipping or shearing, unless the animal is blanketed. An animal which has had its hair clipped or sheared between November 1 and May 1 must be provided, at a minimum, free choice access to shelter during inclement weather. Violation of this section is a misdemeanor."

Page 4, line 3, delete "7" and insert "11"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete the first "and" and after "2," insert "3, 5,"

Page 1, line 8, after the semicolon, insert "343.25; and 343.26;"

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

**Senator Solon from the Committee on Commerce, to which was referred**

**S.F. No. 1607:** A bill for an act relating to insurance; regulating rental vehicle coverages; amending Minnesota Statutes 1998, section 72A.125, subdivisions 1 and 2.



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

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1998, section 60K.03, subdivision 7, is amended to read:

Subd. 7. [EXCEPTIONS.] The following are exempt from the general licensing requirements prescribed by this section:

- (1) agents of township mutuals who are exempted pursuant to section 60K.04;
- (2) fraternal benefit society representatives exempted pursuant to section 60K.05;
- (3) any regular salaried officer or employee of a licensed insurer, without license or other qualification, may act on behalf of that licensed insurer in the negotiation of insurance for that insurer, provided that a licensed agent must participate in the sale of the insurance;
- (4) employers and their officers or employees, and the trustees or employees of any trust plan, to the extent that the employers, officers, employees, or trustees are engaged in the administration or operation of any program of employee benefits for the employees of the employers or employees of their subsidiaries or affiliates involving the use of insurance issued by a licensed insurance company; provided that the activities of the officers, employees and trustees are incidental to clerical or administrative duties and their compensation does not vary with the volume of insurance or applications for insurance;
- (5) employees of a creditor who enroll debtors for credit life, credit accident and health, or credit involuntary unemployment insurance; provided the employees receive no commission or fee for it;
- (6) clerical or administrative employees of an insurance agent who take insurance applications or receive premiums in the office of their employer, if the activities are incidental to clerical or administrative duties and the employee's compensation does not vary with the volume of the applications or premiums;
- (7) rental vehicle companies and their employees in connection with the offer of ~~rental vehicle personal accident~~ insurance authorized under section 72A.125;
- (8) employees of a retailer who enroll purchasers for credit insurance associated with a retail purchase; provided the employees receive no commission, fee, bonus, or other form of compensation for it; and
- (9) representatives of prepaid legal service plans in connection with the sale and marketing of these plans."

Page 3, line 22, strike "repeatedly"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "section" and insert "sections 60K.03, subdivision 7; and"

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

**Senators Piper, Pogemiller and Stumpf from the Committee on Children, Families and Learning, to which was referred**

**S.F. No. 1557:** A bill for an act relating to education; establishing a grant program for Asian-Pacific American mental health professionals at the graduate school level; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

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

**Senators Piper, Pogemiller and Stumpf from the Committee on Children, Families and Learning, to which was re-referred**

**S.F. No. 1221:** A bill for an act relating to public administration; dealing with the impact of expansion of the Minneapolis-St. Paul International Airport; authorizing the establishment of airport impact zones and tax increment financing districts in the cities of Bloomington, Minneapolis, and Richfield; creating an airport impact fund in the state treasury; authorizing certain related activities by the Metropolitan Council.

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

Page 7, delete lines 35 and 36

Page 8, delete lines 1 to 6

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

**Senators Piper, Pogemiller and Stumpf from the Committee on Children, Families and Learning, to which was referred**

**S.F. No. 862:** A bill for an act relating to day care licensing; removing date restriction on definitions; amending Laws 1997, chapter 248, section 47, subdivision 1.

Report 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 1998, section 245A.02, is amended by adding a subdivision to read:

Subd. 19. [FAMILY DAY CARE AND GROUP FAMILY DAY CARE CHILD AGE CLASSIFICATIONS.] (a) For the purposes of family day care and group family day care licensing under this chapter, the following terms have the meanings given them in this subdivision.

(b) "Newborn" means a child between birth and six weeks old.

(c) "Infant" means a child who is at least six weeks old but less than 12 months old.

(d) "Toddler" means a child who is at least 12 months old but less than 24 months old, except that for purposes of specialized infant and toddler family and group family day care, "toddler" means a child who is at least 12 months old but less than 30 months old.

(e) "Preschooler" means a child who is at least 24 months old up to the age of being eligible to enter kindergarten within the next four months.

(f) "School age" means a child who is at least of sufficient age to have attended the first day of kindergarten, or is eligible to enter kindergarten within the next four months, but is younger than 11 years of age.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to human services; licensed family day care; modifying child age classification definitions; amending Minnesota Statutes 1998, section 245A.02, by adding a subdivision."

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

**Senator Flynn from the Committee on Transportation, to which was referred**

**S.F. No. 1762:** A bill for an act relating to transportation; modifying state contract requirements; allowing department of transportation to contract for land surveying; clarifying requirements for notaries and filing corrections to maps and plats relating to highways; providing for transfer of certain revolving loan accounts to transportation revolving loan fund; correcting trunk highway route description; modifying filing requirements for highway route location orders; increasing dollar amount for contracts negotiated by commissioner of transportation for highway construction or maintenance work; modifying provisions for estimates and agency costs relating to county state-aid highway and municipal state-aid street funds; modifying provision requiring certification for disbursement from state transportation fund; authorizing commissioner to convey excess rail bank corridor land to state agency or political subdivision; modifying provisions governing state grants for local airports; modifying deadlines for metropolitan transit performance evaluation reports by metropolitan council; making technical corrections; appropriating money; amending Minnesota Statutes 1998, sections 16C.05, subdivision 2; 16C.09; 160.085, subdivisions 1 and 1a; 161.04, subdivision 3, and by adding a subdivision; 161.115, subdivision 164; 161.16, subdivision 2; 161.32, subdivision 2; 162.06, subdivisions 1, 2, and 6; 162.12, subdivisions 1, 2, and 5; 174.02, by adding a subdivision; 174.50, subdivision 5; 222.63, subdivision 4; 360.0151, subdivision 2; 360.032, subdivision 1a; 360.305, subdivision 4; 446A.085, subdivisions 3 and 6; and 473.1466.

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

Page 2, line 8, reinstate the stricken "shall" and delete "will"

Page 2, delete line 9 and insert "exceed five years ; without specific, written approval by the commissioner according to established policy, procedures, and standards, or unless otherwise provided for by"

Page 2, lines 10 to 16, delete the new language and reinstate the stricken language

Page 3, delete line 7 and insert "five years; without specific, written approval by the commissioner according to established policy, procedures, and standards, or unless otherwise provided for by law."

Page 3, lines 8 to 14, delete the new language and reinstate the stricken language

Page 9, after line 20, insert:

"Sec. 16. Minnesota Statutes 1998, section 169.87, subdivision 2, is amended to read:

Subd. 2. [SEASONAL LOAD RESTRICTIONS.] Except for portland cement concrete roads, ~~from March 20 to May 15 of~~ between the dates set by the commissioner of transportation each year, the weight on any single axle shall not exceed five tons on a county or town road that has not been restricted as provided in subdivision 1. The gross weight on consecutive axles shall not exceed the gross weight allowed in section 169.825 multiplied by a factor of five divided by nine. This reduction shall not apply to the gross vehicle weight."

Page 10, after line 15, insert:

"Sec. 19. Minnesota Statutes 1998, section 221.0314, subdivision 9a, is amended to read:

Subd. 9a. [HOURS OF SERVICE EXEMPTIONS.] The federal regulations incorporated in subdivision 9 for maximum driving and on-duty time do not apply to drivers engaged in the interstate or intrastate transportation of:

(1) agricultural commodities or farm supplies for agricultural purposes in Minnesota during the planting and harvesting seasons from March 15 to December 15 of each year; or

(2) sugar beets during the harvesting season for sugar beets from September 1 to ~~March~~ May 15 of each year;

if the transportation is limited to an area within a 100-air-mile radius from the source of the commodities or the distribution point for the farm supplies."

Page 14, after line 14, insert:

"Sec. 24. Minnesota Statutes 1998, section 398A.04, subdivision 2, is amended to read:

Subd. 2. [RAILROAD ACQUISITION AND OPERATION.] The authority may plan, establish, acquire, develop, construct, purchase, enlarge, extend, improve, maintain, equip, operate, regulate, and protect railroads and railroad facilities, including but not limited to terminal buildings, roadways, crossings, bridges, causeways, tunnels, equipment, and rolling stock. The authority may not engage in planning for light rail transit or commuter rail transit."

Page 15, after line 23, insert:

"Sec. 28. Minnesota Statutes 1998, section 473.399, is amended to read:

473.399 [LIGHT RAIL TRANSIT AND COMMUTER RAIL PLANNING.]

Subdivision 1. [GENERAL REQUIREMENTS.] (a) The council shall adopt a plan to ensure that light rail transit facilities in the metropolitan area will be acquired, developed, owned, and capable of operation in an efficient, cost-effective, and coordinated manner in coordination with buses and other transportation modes and facilities. The plan may be developed and adopted in phases corresponding to phasing of construction of light rail. ~~To the extent practicable, the council shall incorporate into its plan appropriate elements of the plans of regional railroad authorities in order to avoid duplication of effort.~~

(b) The light rail transit plan or first phase of the plan required by this section must be adopted by the council before the commissioner of transportation may begin construction of light rail transit facilities. Following adoption of the plan, ~~each regional railroad authority and the~~ commissioner of transportation shall act in conformity with the plan. The commissioner shall prepare or amend the final design plans as necessary to make the plans consistent with the light rail transit plan.

(c) Throughout the development and implementation of the plan, the council shall contract for or otherwise obtain engineering services to assure that the plan adequately addresses the technical aspects of light rail transit.

(d) Regional rail authorities and counties may not engage in planning for light rail transit and commuter rail transit, except that a county may hold public hearings, review plans, approve or disapprove of plans, and appoint a representative to a corridor management committee, as provided in section 473.3994.

Subd. 1a. [INTEGRATED TRANSPORTATION SYSTEM.] The commissioner of transportation, and the metropolitan council, ~~and the regional rail authorities~~ shall ensure that the light rail transit and commuter rail facilities are planned, designed, and implemented: (1) to move commuters and transit users into and out of, as well as within, the metropolitan area, and (2) to ensure that rail transit lines will interface with each other and other transportation facilities and services so as to provide a unified, integrated, and efficient multimodal transportation system.

Sec. 29. Minnesota Statutes 1998, section 473.3994, subdivision 2, is amended to read:

Subd. 2. [PRELIMINARY DESIGN PLANS; PUBLIC HEARING.] Before final design plans are prepared for a light rail transit facility, the commissioner of transportation ~~and the regional railroad authority or authorities in whose jurisdiction the line or lines are located~~ must hold a public hearing on the physical design component of the preliminary design plans. The commissioner of transportation ~~and the regional railroad authority or authorities in whose jurisdiction the line or lines are located~~ must provide appropriate public notice of the hearing and publicity to ensure that affected parties have an opportunity to present their views at the hearing. The commissioner shall summarize the proceedings and testimony and maintain the record of a hearing held under this section, including any written statements submitted.

Sec. 30. Minnesota Statutes 1998, section 473.3994, subdivision 3, is amended to read:

Subd. 3. [PRELIMINARY DESIGN PLANS; LOCAL APPROVAL.] At least 30 days before the hearing under subdivision 2, the commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located shall submit the physical design component of the preliminary design plans to the governing body of each statutory and home rule charter city, county, and town in which the route is proposed to be located. The city, county, or town shall hold a public hearing, except that a county board need not hold a hearing if the county board membership is identical to the membership of the regional railroad authority submitting the plan for review. Within 45 days after the hearing under subdivision 2, the city, county, or town shall review and approve or disapprove the plans for the route to be located in the city, county, or town. A local unit of government that disapproves the plans shall describe specific amendments to the plans that, if adopted, would cause the local unit to withdraw its disapproval. Failure to approve or disapprove the plans in writing within 45 days after the hearing is deemed to be approval, unless an extension of time is agreed to by the city, county, or town, and the commissioner of transportation, and the regional railroad authority or authorities in whose jurisdiction the line or lines are located.

Sec. 31. Minnesota Statutes 1998, section 473.3994, subdivision 4, is amended to read:

Subd. 4. [PRELIMINARY DESIGN PLANS; COUNCIL REFERRAL.] If the governing body of one or more cities, counties, or towns disapproves the preliminary design plans within the period allowed under subdivision 3, the commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located may refer the plans, along with any comments of local jurisdictions, to the metropolitan council. The council shall hold a hearing on the plans, giving the commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located, any disapproving local governmental units, and other persons an opportunity to present their views on the plans. The council may conduct independent study as it deems desirable and may mediate and attempt to resolve disagreements about the plans. Within 90 days after the referral, the council shall review the plans submitted by the commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located and the council shall decide what amendments to the plans, if any, must be made to accommodate the objections presented by the disapproving local governmental units. The commissioner and the regional railroad authority shall make the amendments to the plans before continuing the planning and designing process.

Sec. 32. Minnesota Statutes 1998, section 473.3994, subdivision 10, is amended to read:

Subd. 10. [CORRIDOR MANAGEMENT COMMITTEE.] A corridor management committee shall be established to advise the commissioner of transportation in the design and construction of light rail transit in each corridor to be constructed. The corridor management committee shall consist of the following members:

- (1) ~~one member appointed by the joint powers board established under section 473.3998;~~
- (2) one member appointed by each city and county in which the corridor is located;
- (3) (2) the commissioner of transportation or a designee of the commissioner;
- (4) (3) two members appointed by the metropolitan council, one of whom shall be designated as the chair of the committee;
- (5) (4) one member appointed by the metropolitan airports commission, if the designated corridor provides direct service to the Minneapolis-St. Paul International Airport; and
- ~~(6)~~ (5) one member appointed by the president of the University of Minnesota, if the designated corridor provides direct service to the university.

The corridor management committee shall advise the commissioner of transportation and the regional railroad authority or authorities in whose jurisdiction the line or lines are located on issues relating to the alternatives analysis, environmental review, preliminary design, preliminary engineering, final design, implementation method, and construction of light rail transit.

Sec. 33. Minnesota Statutes 1998, section 473.3997, is amended to read:

473.3997 [FEDERAL FUNDING; LIGHT RAIL TRANSIT.]

(a) Upon completion of the alternatives analysis and draft environmental impact statement for the central corridor transit improvement project, the council, ~~and the commissioner of transportation, and the affected regional rail authorities~~ may prepare a joint application for federal assistance for light rail transit facilities in the metropolitan area. The application must be reviewed and approved by the metropolitan council before it is submitted by the council and the commissioner. In reviewing the application the council must consider the information submitted to it under section 473.3994, subdivision 9.

(b) Until the application described in paragraph (a) is submitted, no political subdivision in the metropolitan area may on its own apply for federal assistance for light rail transit planning or construction.

Sec. 34. Laws 1998, chapter 404, section 17, subdivision 3, is amended to read:

Subd. 3. Transitways

46,500,000

(a) This appropriation is to match federal and local funding for the planning, design, engineering, and construction of transitways in the metropolitan area.

(b) \$40,000,000 is for the preliminary engineering, final design, and construction of light rail transit in the Hiawatha Avenue corridor from downtown Minneapolis through Minneapolis-St. Paul International Airport and the site of the former Met Center or surrounding area with a terminus in southern Hennepin or northern Dakota county.

The Hiawatha Avenue corridor management committee created pursuant to Minnesota Statutes, section 473.3994, subdivision 10, shall establish an advisory committee of:

- (1) individuals who reside near the proposed corridor;
- (2) representatives of businesses located within one mile on either side of the corridor; and
- (3) elected officials, including legislators, who represent the area in which the Hiawatha corridor is located.

The advisory committee shall advise the corridor management committee on issues relating to the preliminary engineering, final design, and construction of light rail facilities, including the proposed alignment for the corridor.

(c) The funds in this paragraph must be distributed as grants to ~~appropriate county regional rail authorities~~ the metropolitan council as follows:

- (1) \$3,000,000 to match federal funding for a major investment study, engineering, and

implementation in the Riverview corridor between the east side of St. Paul and the Minneapolis-St. Paul International Airport and the Mall of America;

(2) \$1,500,000 to match federal funding for a major investment study, engineering, and implementation in the Northstar corridor linking downtown Minneapolis to the St. Cloud area and to study the feasibility of commuter rail and other transportation improvements within the corridor;

(3) \$500,000 to study potential transit improvements and engineering studies in the Cedar Avenue corridor to link the Hiawatha, Riverview, and Northstar transit corridors with Dakota county; and

(4) \$500,000 to develop engineering documents for a commuter rail line from Minneapolis to downtown St. Paul through southern Washington county to Hastings.

The commissioner of transportation, in coordination with the North Star Corridor Joint Powers Authority and the St. Cloud area planning agency, shall study the transportation needs within the St. Cloud metropolitan area.

(d) \$1,000,000 is available as grants to ~~appropriate county regional rail authorities~~ the metropolitan council to conduct major investment studies and to develop engineering documents for commuter rail lines in the following corridors:

(1) the Young America corridor from Carver county to Minneapolis and St. Paul;

(2) the Bethel corridor linking Cambridge with the Northstar corridor in Anoka county;

(3) the Northwest corridor from downtown Minneapolis to the Northwest suburbs of Hennepin county; and

(4) other commuter rail corridors identified in phase II of the department of transportation's commuter rail service study, except for the corridors identified in paragraph (c).

The appropriation in this paragraph is not available until the completion of the commuter rail service study as provided in Laws 1997, chapter 159, article 2, section 51. The funds may be made available only after approval by the commissioner of transportation of an application submitted by ~~county regional rail authorities~~ the metropolitan council that is consistent with the

results of the commuter rail service study and demonstrates a coordinated implementation strategy.

Sec. 35. [TRANSFER OF OBLIGATIONS.]

The metropolitan council shall be the legal successor of the regional railroad authorities with respect to contractual obligations and liabilities related to planning for light rail transit or commuter rail transit.

Sec. 36. [REPEALER.]

Minnesota Statutes 1998, sections 169.832, subdivision 13; 473.3994, subdivision 12; and 473.3998, are repealed."

Page 15, line 26, delete "16, and 19 to 23" and insert "17, 21 to 23, 25, and 26"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 15, after the semicolon, insert "authorizing commissioner of transportation to determine dates for seasonal load restrictions;"

Page 1, line 17, after the semicolon, insert "changing period of hours of service exemption for drivers transporting sugar beets;"

Page 1, line 20, after the semicolon, insert "prohibiting regional rail authorities from engaging in light rail and commuter rail transit planning; limiting powers and duties of counties with respect to light rail and commuter rail transit planning;"

Page 1, line 22, after the semicolon, insert "prohibiting regional railroad authorities and counties from engaging in rail transit planning;"

Page 1, line 29, after the semicolon, insert "169.87, subdivision 2;"

Page 1, line 30, after the second semicolon, insert "221.0314, subdivision 9a;"

Page 1, line 32, after the second semicolon, insert "398A.04, subdivision 2;"

Page 1, line 33, delete the second "and" and before the period, insert "; 473.399; 473.3994, subdivisions 2, 3, 4, and 10; and 473.3997; Laws 1998, chapter 404, section 17, subdivision 3; repealing Minnesota Statutes 1998, sections 169.832, subdivision 13; 473.3994, subdivision 12; and 473.3998"

And when so amended the bill do pass. Senator Cohen questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

## SECOND READING OF SENATE BILLS

S.F. Nos. 148, 1830, 1746, 527, 1920, 1441, 1692, 1283, 954, 173, 1382, 1041, 84, 1255, 1093, 953, 1273, 1060, 1477, 1572, 1825, 702, 284, 961, 1821, 1592, 1075, 1342, 841, 613, 1607 and 862 were read the second time.

## SECOND READING OF HOUSE BILLS

H.F. No. 40 was read the second time.



**MOTIONS AND RESOLUTIONS**

Senator Hottinger moved that the name of Senator Larson be added as a co-author to S.F. No. 1493. The motion prevailed.

Senator Berglin moved that S.F. No. 292 be withdrawn from the Committee on Children, Families and Learning and re-referred to the Committee on Crime Prevention. The motion prevailed.

Senator Anderson moved that S.F. No. 1828 be withdrawn from the Committee on Children, Families and Learning and re-referred to the Committee on Crime Prevention. The motion prevailed.

Senator Price moved that S.F. No. 1925 be withdrawn from the Committee on Governmental Operations and Veterans and re-referred to the Committee on Health and Family Security. The motion prevailed.

Senator Samuelson moved that S.F. No. 953, on General Orders, be stricken and re-referred to the Committee on State Government Finance. The motion prevailed.

Senator Pogemiller moved that his name be stricken as chief author, shown as a co-author and the name of Senator Janezich be added as chief author to S.F. No. 1989. The motion prevailed.

**Senators Moe, R.D. and Day introduced--**

**Senate Resolution No. 54:** A Senate resolution adopting Permanent Rules of the Senate.

Senator Moe, R.D. moved that Senate Resolution No. 54 be laid on the table and printed in the Journal. The motion prevailed.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Permanent Rules of the Senate for the 81st Legislature shall read as follows:

**(1997 Permanent Rule numbers shown in [brackets])**

**1. PARLIAMENTARY REFERENCE [1]**

The rules of parliamentary practice ~~comprised~~ contained in Mason's Manual of Legislative Procedure shall govern the Senate in all cases in which they are applicable, and in which they are not inconsistent with these rules and orders of the Senate and the joint rules and orders of the Senate and House of Representatives.

**2. REPORTING OF BILLS [34]**

2.1 Every bill, memorial, order, resolution or vote requiring the approval of the Governor shall ~~shall~~ must be reported to the Senate on three different days ~~previous to~~ before its passage.

(a) The first report, called the first reading, is made when it has been received for introduction;

(b) The second report, called the second reading, is made when it has been considered by all the necessary standing committees and is ready for debate;

(c) The third report, called the third reading, is made when it is ready for final passage.

### 3. BILL INTRODUCTION [32, 33]

3.1 [32] Bills, memorials, ~~and~~ concurrent or joint resolutions may be introduced by a member or by ~~order of the Senate on a report of a~~ standing committee.

3.2 [32] The name of the author ~~or, authors, or committee shall~~ must be prefixed to each written on the bill, memorial or resolution and the name of a committee introducing a bill, memorial or resolution shall be endorsed on it. The number of authors shall may not exceed five.

3.3 [32] An original and three copies are required for introduction.

3.4 [32] A member or a committee desiring to introduce a bill, memorial or concurrent or joint resolution shall ~~place it in the hands~~ deliver it to the office of the Secretary, and the Secretary shall promptly deliver all the bills, memorials or concurrent or joint resolutions to the President who shall present them to the Senate.

3.5 [32] A bill prepared by a department or agency of state government shall ~~must~~ be introduced and given its first reading at least three weeks before the first committee deadline in odd-numbered years and at least two weeks before the first committee deadline in even-numbered years. Whenever a bill introduced in violation of this rule is favorably acted on by a committee, it must be referred to the Committee on Rules and Administration for disposition.

3.6 [32] Upon its introduction, the ~~first chief~~ author of the bill shall arrange to deliver a copy of the fiscal note on the bill to the chair of the standing committee and budget division to which the bill has been referred.

3.7 [33] During the period between the last day of the session in any odd-numbered year and the first day of the session in the following year, a bill filed with the Secretary for introduction shall must be given a file number and may be unofficially referred by the President, with the approval of the Chair of the Committee on Rules and Administration, to an appropriate standing committee of the Senate. All bills filed for introduction during this period shall must be presented to the Senate when it reconvenes and shall must be referred to the standing committees previously indicated by the President, subject to objection to the referral under Rule 4.10 [35].

### 4. BILL REFERRAL [35, 36]

4.1 [35] ~~All bills shall be referred by~~ The President shall refer each bill without motion to the proper standing committee unless otherwise referred by the Senate.

4.2 [36] ~~No~~ A bill or resolution shall may not be referred to committee or amended until it has been given its first reading.

4.3 [36] ~~No~~ A member may not object to a bill or resolution ~~shall be objected to~~ on its introduction.

4.4 [35] All bills appropriating money, or obligating the state to pay or expend money, or establishing a policy which to be effective will require expenditure of money, when referred to and reported by any other than a committee on finance, shall must, before passage, be referred to a committee on finance.

4.5 [35] All bills delegating rulemaking to a department or agency of state government and all bills exempting a department or agency of state government from rulemaking, when referred to and reported by any other than the Committee on Governmental Operations and Veterans, shall, before passage, must be referred before passage to the Committee on Governmental Operations and Veterans.

4.6 [35] All bills creating a new commission, council, task force, board, or other body to which a member of the legislature will be appointed shall, before passage, must be referred before passage both to the Committee on Governmental Operations and Veterans and to the Committee on Rules and Administration.

4.7 [35] All bills authorizing or increasing a sentence of imprisonment to a state correctional institution shall must be referred before passage to the Committee on Crime Prevention.

4.8 [35] Upon request of the chair of a budget division of a policy committee, the chair of the policy committee shall refer a bill in that committee to the division.

4.9 [35] A bill introduced by a committee need not be referred to a standing committee unless a question arises ~~but rather shall~~. It must lie over one day before being given its second reading.

4.10 [35] ~~When a~~ A member may question arises concerning the proper reference of a bill during the order of business of first reading on the day of introduction ~~or at the time of report on it by a standing committee to which the bill was previously referred~~. When a member questions the reference of a bill, the bill shall must be referred without debate to the Committee on Rules and Administration to report the proper reference, ~~and~~. Upon adoption of the report of the Committee on Rules and Administration, it shall the bill must be referred accordingly.

## 5. RECALL FROM COMMITTEE [40]

5.1 With the concurrence of the ~~first~~ chief author of the bill, before the deadline for committee action on the a bill, a majority of the whole Senate ~~and after the deadline for committee action on the bill 60 percent of the Senate~~ may recall a the bill from any a committee and re-refer it to any other committee or place it on General Orders. After the committee deadline, three-fifths of the whole Senate may recall a bill from any committee and re-refer it to any other committee or place it on General Orders.

5.2 By a report of the Committee on Rules and Administration adopted by the Senate, the Committee on Rules and Administration, on request of the ~~first~~ chief author, may remove a bill from committee and re-refer it to any other committee or place it on General Orders.

## 6. RESOLUTIONS [53]

6.1 Memorial resolutions addressed to the President or the Congress of the United States, or a house or member of Congress, or a department or officer of the United States, or a state or foreign government, joint resolutions, and resolutions requiring the signature of the Governor shall must follow the same procedure as bills before being adopted.

6.2 A resolution may not be changed to a bill, and a bill may not be changed to a resolution.

6.3 ~~Upon~~ When a member ~~giving~~ gives notice of intention to debate a resolution not required to follow the same procedure as bills and not offered by the Committee on Rules and Administration, the resolution shall must lie over one calendar day without debate or other action.

6.4 Upon the request of a member, the resolution shall must be referred to the proper committee. ~~Whenever~~ If a question arises concerning the proper reference the procedure provided by Rule 4.10 [35] applies.

## 7. CONFIRMATIONS [54]

7.1 Every gubernatorial appointment requiring the advice and consent of the Senate shall must be referred by the President to the appropriate committee. If a question arises as to the proper committee, the appointment shall must be referred without debate to the Committee on Rules and Administration for a report making the proper reference.

7.2 An appointment referred to committee and not reported to the Senate within one year after it was referred is withdrawn from committee and placed on the confirmation calendar for consideration by the Senate before adjournment of the regular session.

7.3 The final question on the appointment is, "Will the Senate, having given its advice, now consent to this appointment?" The question shall must not be put the same day the appointment is received or on the day it is reported by committee ~~unless~~ except by unanimous consent.

## 8. STANDING COMMITTEES [57]

The standing committees of the Senate are as follows:

Agriculture and Rural Development  
Children, Families and Learning  
Commerce  
Crime Prevention  
Education Finance  
Election Laws  
Environment and Natural Resources  
Governmental Operations and Veterans  
Health and Family Security  
Human Resources Finance  
Jobs, Energy and Community Development  
Judiciary  
Local and Metropolitan Government  
Rules and Administration  
State Government Finance  
Taxes  
Transportation

## 9. APPOINTMENTS TO STANDING COMMITTEES [56]

9.1 The majority and minority groups shall must each be represented on all standing committees of the Senate substantially in proportion to their numbers in the Senate. The majority group shall assign the number of positions the minority group will hold on each committee. The minority group shall must be given adequate notice ~~about~~ of its positions ~~prior to the commencement of~~ before the session begins.

9.2 Both the majority and minority groups shall appoint their own members to fill the number of positions each group will hold on each committee and budget division. The minority group shall transmit notice of its assignments to the majority group within ten calendar days after receipt of the notice of positions available. The minority group may designate a ranking member for each committee. Nothing prohibits a member of the minority group from serving as chair or vice chair of a committee, subcommittee, division, or commission. If the minority group for any reason fails to make its appointments pursuant to this rule, the majority group may make all the committee and budget division assignments.

9.3 The majority and minority committee assignments are subject to the uniform criteria governing committee assignments applicable to both the majority and minority groups. The uniform criteria shall must be promulgated by the majority group and transmitted to the minority group together with notification of committee and budget division positions available to the minority.

9.4 ~~Committee assignments as made by the majority and minority groups shall be followed by The Senate in the resolution establishing representation on all Senate standing committees must set forth committee assignments as made by the majority and minority groups.~~

~~A member may not serve as the chair of the same standing committee or the same division of a standing committee, or a committee or division with substantially the same jurisdiction, for more than two consecutive Senate terms. This limit does not apply to the Committee on Rules and Administration. This limit applies to time served as a chair in the seventy-eighth legislature and thereafter.~~

9.5 After the organization of the Senate and after consultation and advice from the minority leader, the Chair of the Committee on Rules and Administration may add members to or delete members from the standing committees.

## 10. APPOINTMENTS BY SUBCOMMITTEE ON COMMITTEES

[56, 57]

10.1 [57] The Committee on Rules and Administration may constitute a standing Subcommittee on Committees, the report of which within its jurisdiction has the effect of a report of the ~~main~~ Committee on Rules and Administration. The subcommittee ~~shall consist~~ consists of five members, one of whom shall must be a member of the minority group.

10.2 [56] ~~Unless otherwise provided, the Subcommittee on Committees shall appoint all conference committees of the Senate and all members of commissions or other bodies authorized to be appointed by the Senate authorized by rule, statute, resolution or otherwise, shall be appointed by the Subcommittee on Committees of the Committee on Rules and Administration, unless otherwise provided. Appointments made by the Subcommittee are subject to confirmation by the Senate.~~

## 11. COMMITTEE MEETINGS [21, 57, 58, 59, 60, 61,

77]

11.1 [58] All meetings of the Senate, its committees, committee divisions, and subcommittees are open to the public. A meeting of a caucus of the members of any of those bodies from the same political party need not be open to the public. A caucus of the Hennepin county, Ramsey county, or St. Louis county delegation is open to the public. For purposes of this rule, a meeting occurs when a quorum is present and action is taken regarding a matter within the jurisdiction of the body.

11.2 [77] Any person may submit to the Chair of the Committee on Rules and Administration a complaint that members have violated the open meeting requirements of Minnesota Statutes, section 3.055. A member of the Senate may submit the complaint either orally or in writing; others must submit the complaint in writing. Whether the complaint was written or oral, the Chair of the Committee on Rules and Administration shall immediately forward it in writing to the Subcommittee on Ethical Conduct without disclosing the identity of the complainant. The complaint must not be further disclosed without the consent of the complainant, except to the members against whom the complaint was made, unless the complaint was made by a member of the Senate in writing under oath, in which case the investigatory procedures of Rule 54 [75] apply.

11.3 [58] ~~To the extent practical, meetings of all committees, subcommittees, and divisions a committee, subcommittee, or division shall be announced~~ announce each meeting to the public at least three calendar days prior to before convening. The notice shall must state the name of the committee, subcommittee, or division, the bill or bills to be considered, and the place and time of meeting. The notice shall must be posted on the Internet and on all Senate bulletin boards in the Capitol and the State Office Building. A notice shall must be sent to the House of Representatives for posting as it deems necessary. If the three-day notice requirement cannot be met, the committee, subcommittee, or division shall give simultaneous notice to all of the known

proponents and opponents of the bill ~~shall be given simultaneous notice of the meeting~~ as soon as practicable.

11.4 [58] A Senate committee, subcommittee, or division shall adjourn no later than 11:00 p.m. each day, unless two-thirds of the members present vote to suspend this requirement.

11.5 [21] Committees ~~shall, subcommittees, and divisions may not be absent from~~ meet while the Senate is in session without permission of the Senate. The names of the members excused shall be printed in the Journal.

11.6 [59] A majority of its members constitutes a quorum of a committee, subcommittee, or division.

11.7 [57] Each standing committee of the Senate, including a subcommittee or division of the committee, ~~is authorized~~ may at any time to sit and act, to investigate and take testimony on any matter within its jurisdiction, to report hearings held by it, and to make expenditures as authorized from time to time by the standing Committee on Rules and Administration.

11.8 [57] A standing committee, but not a subcommittee or division, may require by subpoena or otherwise the attendance and testimony of witnesses and the production of correspondence, books, papers, and documents, in the manner provided by Minnesota Statutes, section 3.153.

11.9 [60] Upon the request of a member of a committee, subcommittee, or division to which a bill has been referred, or upon the request of the chief author of the bill, a record ~~shall~~ must be made of the vote on the bill or any amendment in the committee, subcommittee, or division, including the vote on any amendment or proposed amendment to it, in the committee, subcommittee, or division to which the bill was referred.

11.10 [60] Upon request of three members of the committee before the vote is taken, the record of a roll call vote in a standing committee shall must accompany the committee report and be printed in the Journal.

11.11 [61] ~~No report of any A committee shall be made to the Senate unless it reports~~ report may only be based on action taken at a regular or special meeting of the committee. A report in violation of this rule is out of order.

## 12. HOUR OF CONVENING [2]

If the Senate adjourns without setting a time to reconvene, the Senate shall convene on days of meeting the next legislative day at 8:30 10:00 a.m. ~~unless the Senate directs otherwise.~~

## 13. PRESIDENT [3, 4, 55]

13.1 [3] The President shall take the chair at the ~~hour~~ time to which the Senate adjourned. The President shall immediately call the members to order and, on the appearance of a quorum, shall proceed with the regular order of business.

13.2 [4] The President may call a member to preside. In the absence of the President, the Chair of the Committee on Rules and Administration, or the Chair's designee, shall preside over the Senate. In the absence of the President and the Chair, the Senate may select a member ~~may be selected by the Senate~~ to perform the duties of the President. Substitutions do not extend beyond adjournment.

13.3 [3] The President shall preserve order and decorum, may speak on points of order in preference to members, and shall also decide all questions of order, subject to an appeal to the Senate by a member.

13.4 [3] An appeal is decided by a majority vote of those present and voting. Upon an appeal from the decision of the President, the question is, "Shall the decision of the President be the judgment of the Senate?"

13.5 [55] ~~In addition to the duties under Rule 3,~~ The President shall sign all acts, memorials, addresses and resolutions. All writs, warrants, and subpoenas issued by the Senate shall must be signed by the President and attested by the Secretary.

13.6 [55] Upon a finding by the Committee on Rules and Administration that the President refuses or is unable to sign any of the documents described in this rule, the Chair of the Committee on Rules and Administration, or some other member selected by the committee, shall assume the duties of the President under this rule until the President is able to sign the documents described or until the Senate elects a new President, whichever occurs first.

#### 14. ADMISSION TO SENATE CHAMBER [70]

14.1 The Senate Chamber is reserved for Senate use.

14.2 ~~No~~ A person shall may not be admitted ~~within~~ to the Senate Chamber, ~~but except as provided in these rules.~~ A member, an officer, the constitutional officers, ex-Governors of the State of Minnesota, members of the House, judges of the trial and appellate courts and members of Congress may be admitted.

14.3 ~~Those who have been~~ Past members of Congress or of the state Legislature who are not interested in any claim or directly in a bill pending before the Legislature may be personally admitted by a member of the Senate.

14.4 An employee of either house may be admitted at the request of a member or an officer of the Senate.

14.5 The head of a department of state government may be admitted by the President.

14.6 When a member-elect is sworn in, the member-elect may request that one guest be admitted.

14.7 A member of another state, provincial, or national legislative body may be admitted to the floor by any member of the Senate. A member of another legislative body who is admitted to the floor may be introduced to the Senate by the President.

14.8 When the Senate is not meeting, a person who is not a member may be admitted to the floor at the request of a member or an officer.

14.9 ~~No~~ Public hearings shall may not be held in the Senate Chamber.

14.10 The retiring room of the Senate is reserved for the exclusive use of the members of the Senate at all times. ~~The Sergeant at Arms shall strictly enforce this rule.~~

#### 15. PRIVILEGE OF REPORTERS [71]

15.1 ~~Provision shall be made~~ The Secretary shall provide space for news reporters on the Senate floor in limited numbers, and in the Senate gallery. Because of limited space on the floor, permanent space is limited to those news agencies which have that regularly covered cover the legislature, namely: The Associated Press, St. Paul Pioneer Press, St. Paul Legal Ledger, Star Tribune, Duluth News-Tribune, ~~Fargø~~ The Forum, Rochester Post-Bulletin, St. Cloud Daily Times, WCCO radio, KSTP radio, and Minnesota Public Radio. The Secretary shall provide an additional two spaces ~~shall be provided~~ to other reporters if space is available. One person from each named agency and one person from the Senate Publications Office may be present at the press table on the Senate floor at any ~~one~~ time. Other news media personnel may occupy seats provided in the Senate gallery.

15.2 The Secretary ~~of the Senate~~ shall compile and distribute to the public a directory of reporters accredited to report from the Senate floor. The directory must include each reporter's picture and news organization and a brief biography.

15.3 The Secretary must issue each accredited reporter an identification badge showing the reporter's name and news organization. The reporter must wear the badge when in the Senate Chamber.

## 16. DECORUM [71, 72, 73, 74]

16.1 [72] In case of a disturbance or disorderly conduct in the lobbies or galleries, the President may order them cleared.

16.2 [73] ~~No introduction of~~ A member may not introduce a visitor or visitors in the galleries ~~shall be made from the floor or rostrum of the Senate.~~

16.3 [74] ~~No person~~ Smoking is not permitted ~~to smoke~~ in the Senate Chamber or galleries, the Retiring Room, hearing rooms, or other spaces under the control of the Senate. ~~There shall be no smoking in the visitors section of the galleries.~~

16.4 [72] During floor proceedings, picture taking by persons other than accredited news reporters or legislative photographers, picture taking with floodlights or flash units, and visual or audible disruptions are prohibited. At all times, hand-clapping, demonstrations, and food and or beverages, are prohibited in the Senate Chamber and in the galleries.

16.5 [71] ~~The Committee on Rules and Administration may, through committee action or by delegating authority to the Secretary, allow Television filming recording or broadcasting on the Senate floor on certain occasions~~ is under the direction of the Secretary.

## 17. ORDER OF BUSINESS [7]

17.1 The order of business is as follows:

1. Petitions, letters, remonstrances.
2. Executive and official communications.
3. Messages from the House of Representatives.
4. First reading of House bills.
5. Reports of committees.
  - (a) From standing committees.
  - (b) From select committees.
6. Second reading of Senate bills.
7. Second reading of House bills.
8. Motions and Resolutions.
9. Calendar.
10. Consent Calendar.
11. General Orders.
12. Introduction and first reading of Senate bills.
13. Announcements of Senate interest.

17.2 Under the order of business of Motions and Resolutions, the Senate may by a majority vote of the whole Senate temporarily revert or proceed to any other order of business.

## 18. PETITIONS AND OTHER COMMUNICATIONS [52]

18.1 In presenting a petition, memorial, remonstrance or other communication addressed to the Senate, a member shall only state the general purpose of it.

18.2 Every petition, memorial, remonstrance, resolution, bill and report of committee, shall must have an appropriate title, and the name of the member presenting it written on it.



18.3 Every written communication distributed to members in the Senate Chamber must have the name of the member or officer distributing it displayed on it.

### **19. MESSAGES FROM THE HOUSE [7]**

A message from the House of Representatives that a Senate bill has been amended, and the amendment, must be printed and placed on the members' desks before a member may move to concur in the House amendment. If the amendment has been printed in the House Journal for a preceding day and is available to the members, the Journal copy may serve as the printed copy.

### **20. OBJECTIONS TO COMMITTEE REPORTS [35]**

A member may question the proper reference of a bill at the time the bill is reported by a standing committee to which it was previously referred. When a member questions the reference of a bill, the bill must be referred without debate to the Committee on Rules and Administration to report the proper reference. Upon adoption of the report of the Committee on Rules and Administration, the bill must be referred accordingly.

### **21. GENERAL ORDERS [11, 40]**

21.1 [11] The Secretary shall make a list of all bills, resolutions, reports of committees, and other proceedings of the Senate, ~~which that~~ are referred to the Committee of the Whole ~~and which are not made the order of the day, for a particular day,~~ and number them. The lists are called the "General Orders".

21.2 [11] ~~They shall~~ Items on General Orders must be taken up in the order in which they are numbered unless otherwise ordered by a majority of the committee.

21.3 [11] General Orders, together with all bills ~~required to be included on it required to be printed under the rules or orders of the Senate,~~ shall must be printed and placed upon the members' desks at least one calendar day before being considered in Committee of the Whole.

21.4 [40] With the concurrence of the ~~first~~ chief author of the bill, a majority of the whole Senate may at any time take a bill from the table and place it on General Orders.

### **22. COMMITTEE OF THE WHOLE [42, 43, 44]**

22.1 [42] All bills, memorials, orders, resolutions and votes requiring the approval of the Governor shall must, after a second reading, be considered in Committee of the Whole before they are finally acted upon by the Senate, ~~except as provided for in Rules 23 [9] and 24 [10]~~ unless considered on the Consent Calendar or as a Special Order.

22.2 [43] The President may call a member to the Chair when the Senate resolves itself into the Committee of the Whole.

22.3 [43] The rules observed in the Senate govern, as far as practicable, the proceedings of the Committee of the Whole, and the Chair of the Committee of the Whole has the powers of the President, as appropriate. However, a member may speak more than twice on the same subject and a call for the previous question ~~cannot~~ may not be made.

22.4 [43] ~~The yeas and nays shall be taken only upon the request of Three members, and when taken may request a roll call vote. The vote shall~~ must be recorded in the Journal along with the amendment.

22.5 [44] The recommendations of the Committee of the Whole shall must be reported to the Senate. ~~If a recommendation contains a proposed amendment of a bill, that amendment shall be~~

~~noted on a separate piece of paper but when reported need not be read by the President unless required by one or more of the members. The question is on the adoption or rejection of the report, and no other question shall may be admitted. The question may be divided to permit separate Senate action on the report as to any bill.~~

22.6 [44] On adoption of the report of the Committee of the Whole, all bills recommended to pass shall must be placed ~~upon~~ on the Calendar.

### 23. CALENDAR [8]

23.1 The Secretary shall make a Calendar of all bills, resolutions and other matters ~~coming before the Senate approved by the Committee of the Whole~~ for final action. The Secretary shall place them on the Calendar in the order in which they have been acted upon in Committee of the Whole.

23.2 The Calendar shall must be printed and placed upon the members' desks at least one calendar day before the matters on it are considered.

### 24. CONSENT CALENDAR [9]

24.1 If a committee determines that a bill it recommends to pass is ~~of a routine nature or otherwise of a nature which not likely will not~~ to be opposed, ~~it may in its report the committee may~~ recommend that the bill be placed on the Consent Calendar. If the committee report is adopted, the bill shall must be printed and placed on the Consent Calendar after its second reading. On the question of adoption of the report, the question of accepting the recommendation that the bill be placed on the Consent Calendar may be divided from the question of adopting the report in other respects.

24.2 A majority of the whole Senate, or the Chair of the Committee on Rules and Administration, may order a bill on General Orders ~~to be~~ placed on the Consent Calendar.

24.3 ~~The Consent Calendar consists of bills placed on it. Senate bills shall be positioned ahead of House bills.~~ The Consent Calendar shall must be printed and placed on the members' desks at least one calendar day before the matters on it are considered.

24.4 If a member objects to consideration of a bill on the Consent Calendar at any time during its consideration in the Senate before the question on final passage is put, and that objection is supported by at least two other members, the bill ~~shall be~~ is referred to the Committee of the Whole, and ~~shall be placed~~ the Secretary shall place it at the bottom of General Orders subject to Rule 21.2 [11], except that it need not lie over one calendar day before consideration in the Committee of the Whole.

### 25. SPECIAL ORDERS [10]

25.1 The Chair of the Committee on Rules and Administration, or the Chair's designee, may designate a special order for a bill that has been given its second reading.

25.2 A special order shall may provide that the bill be considered immediately, at a time certain, or after specific other business is completed.

25.3 During consideration of a special order, Rule 35.5 [20] is suspended.

25.4 As nearly as applicable, debate on the bill and all proceedings including amendments and substitutions shall must be ~~that of~~ conducted as in the Committee of the Whole.

25.5 On any question, a member may ~~call for the yeas and nays~~ request a roll call vote, which shall must be entered in the Journal.

25.6 Unless it is otherwise disposed of, after consideration a bill on Special Orders of the Senate shall must immediately proceed to its third reading and final passage.

25.7 A bill may not be made a special order if the chief author has declined on three previous occasions to take the bill up after it was designated a special order.

## 26. MOTIONS [12, 13, 14]

26.1 [13] A motion or amendment shall ~~must~~ be written if ~~the President or~~ a member requests. ~~In that case~~ It must identify the member or committee offering it.

26.2 [12] When a motion is made it shall ~~must~~ be stated by the President. If it is in writing, it shall must be handed to the Secretary and read to the members.

26.3 [14] After a motion is stated by the President, or read by the Secretary, it is in possession of the Senate, but may be withdrawn by the author at any time before decision or amendment.

## 27. PRECEDENCE OF MOTIONS [15]

27.1 When a question is under debate no motion shall may be received made, except:

1. To adjourn.
2. To recess.
3. To reconsider.
4. To lay on the table.
5. For the previous question.
6. To refer.
7. To postpone to a day certain.
8. To amend.
9. To postpone indefinitely.

27.2 Motions numbered 1, 2, 4 and 5 above shall ~~be decided without debate~~ are not debatable.

27.3 These ~~several~~ motions have precedence in the foregoing order; but when a motion for the previous question has been ~~seconded~~ made, or the main question ordered, a motion to lay on the table is not in order.

27.4 A motion to postpone to a day certain, to refer, to postpone indefinitely, or to amend, having been decided, shall may not again be put on the same day, nor at the same stage of the bill or proposition.

## 28. MOTION TO ADJOURN [16]

A motion to adjourn or a motion to adjourn to a time certain is always in order, ~~and also a motion to adjourn to a time certain~~. The latter motion is debatable solely as to the time. When either motion is rejected, it shall may not be renewed until further business has been transacted.

## 29. MOTION TO RECONSIDER [31]

29.1 When a motion or question has been ~~once put and carried in the affirmative or negative~~ decided, it is ~~in order for~~ a member who voted with the prevailing side to may move for reconsideration on the same day on which the vote was taken or within the next two calendar days or, if later, the first day the Senate meets after the vote was taken. The motion takes precedence over all other questions except a motion to adjourn or recess. When a motion to adjourn is adopted ~~prior to~~ before the disposition of the motion for reconsideration, a motion for reconsideration shall must lie over until the next succeeding day the Senate meets except as provided in this rule.

29.2 When notice of intention to move reconsideration of the final action of the Senate on a question is given by a member, the Secretary shall retain the subject of the notice until after the expiration of the time during which the motion can be made.

29.3 ~~During the six calendar days before the first Tuesday following the third Saturday in May of any year~~ A notice of intention to move for reconsideration is not in order after the Tuesday before the third Saturday in May, but a motion to reconsider may be made ~~and have priority over all other business except a motion to adjourn.~~

29.4 A motion for reconsideration having been once voted on shall ~~may~~ not be ~~put~~ made again nor reconsidered.

### 30. MOTION FOR THE PREVIOUS QUESTION [29]

30.1 Unless ~~the a~~ motion for the previous question is made specifically applicable to a subsidiary motion, ~~the previous question shall~~ it must be in this form: "Shall the main question now be put?" ~~It shall only be admitted when demanded~~ If the motion for the previous question is supported by a majority of the members present, and its effect is to put an end to all debate, and bring the Senate to a direct vote upon amendments reported by a committee, if any, then upon all pending amendments in their order and then upon the main question.

30.2 On a motion for the previous question, a call of the Senate is in order before the President submits the question to the Senate.

30.3 On a motion for the previous question there is no debate. All incidental questions of order, arising after a motion is made for the previous question, and pending the motion, shall must be decided, whether on appeal or otherwise, without debate.

### 31. MOTION TO REFER [46]

A bill or resolution may be referred to committee at any time ~~prior to before~~ its passage, ~~and~~ If an amendment is reported on the referral to any committee other than the Committee of the Whole, it shall must again be read the second time, considered in Committee of the Whole, read the third time and placed on final passage. If the referral is to the Committee of the Whole it shall must be placed at the head of General Orders, except when the referral is from the Consent Calendar under Rule 24.4 [9].

### 32. MOTION TO AMEND BILL OR RESOLUTION [38, 39, 45]

32.1 A motion to amend must be written if a member requests. It must identify the member offering it.

32.2 [38] In drawing an amendment to a bill or resolution, reference shall must be made therein, first to the number of the bill, then to the page, and then to the line or lines ~~from which matter where language~~ is to be stricken or ~~in which new matter is to be~~ inserted.

32.3 [45] In filling blanks, the largest sum, the longest time and the greatest distance shall must be first taken.

32.4 An amendment to an omnibus appropriation bill that increases one or more appropriations is out of order unless it includes reductions to one or more appropriations from the same fund or increases to one or more sources of revenue to the fund in the bill so that the net cost to the fund is not increased.

32.5 An amendment to an omnibus tax bill that reduces revenue to a fund is out of order unless it includes reductions to one or more appropriations from the same fund in the bill so that the net revenue raised by the bill for each fund is not reduced.

32.6 [39] The title to a bill may be amended by the Secretary at any time the bill is amended by the Senate.

32.7 [45] ~~No~~ An amendment is not in order to a bill on the Calendar or after third reading without the unanimous consent of the Senate unless it fills a blank, amends the title as ~~provided by Rule 32.6 [39]~~, is proposed to the chief author of the bill by the Revisor of Statutes to correct technical defects found by the Revisor while engrossing earlier amendments to the bill, or is proposed to a bill on the Consent Calendar before the bill is given its third reading.

### 33. MOTION TO SUSPEND RULES [17]

33.1 A rule ~~shall not~~ may be suspended ~~except~~ by a vote of at least two-thirds ~~vote~~ of the whole Senate.

33.2 A motion to suspend the rules for the purpose of advancing a bill ~~shall~~ may be made only under the order of business, "Motions and Resolutions".

### 34. GERMANENESS [37]

34.1 An amendment proposed to the Senate or to the Committee of the Whole that is not germane is out of order.

34.2 A non-germane amendment includes one that relates to a substantially different subject, or is intended to accomplish a substantially different purpose, than that of the original bill to which it is proposed.

34.3 An amendment to insert a constitutional amendment is not germane to a bill that does not already include a constitutional amendment.

34.4 Whether an amendment is germane is ~~a question~~ to be decided by the President, who may put the question to the body if the President chooses.

34.5 A motion to remove an amendment placed on a House bill under Rule 44.1 [49] is out of order if removal of the amendment would make a portion of the House bill not germane to the Senate companion for which it was substituted.

### 35. DEBATE [6, 18, 19, 20]

35.1 [18] When a member is about to speak ~~in debate, or deliver a matter~~ to the Senate, the member shall rise and respectfully address "Mr. (or Madam) President". The member ~~shall~~ may not proceed to speak further until recognized by the President.

35.2 [18] The member shall speak only to the question under debate and avoid personality.

35.3 [18] The member may inform the Senate of the Governor's position on a bill and on its status in the House of Representatives.

35.4 [18] In discussing a resolution, each member is limited to ten minutes.

35.5 [20] ~~No~~ A member ~~shall~~ may not speak more than twice on the same question on the same day without leave permission of the Senate.

35.6 [6] When a member is speaking, no one ~~shall pass~~ may stand between the member speaking and the President.

35.7 [6] ~~No~~ A member may not speak without using a microphone.

35.8 All remarks during debate shall be addressed to the ~~Presiding Officer~~ President; however,

a member may turn toward other members when speaking, rather than facing the Presiding Officer President.

35.9 [6] When the President puts a question, or addresses the Senate, no one shall may walk out of or cross the Chamber.

35.10 [19] When a member is called to order, the member shall be silent until it is determined whether or not the member is in order. If a member is called to order for words spoken in debate, the words excepted to shall must be taken down in writing by the Secretary immediately.

### 36. ABSENCE OF MEMBERS [5]

No A member or officer of the Senate shall may not be absent from a session of the Senate unless excused by the Senate. The name of a member excused must be printed in the Journal.

### 37. CALL OF THE SENATE [23]

37.1 A member may impose a call of the Senate requiring the attendance of all members before any further proceedings occur except a motion to adjourn.

37.2 Upon the imposition of a call, a member may request a record of those present shall be obtained upon the request of any member, and the Sergeant at Arms shall instructed to bring in the absent members.

37.3 When the Senate has been placed under call, a member may demand that the doors be closed and that no member be permitted to leave the Chamber until the matter or question, if any, under consideration at the time of the call is disposed of, or until the call is lifted by a majority vote of all the members of the whole Senate, or until the Senate adjourns.

37.4 A majority vote of all the members of the whole Senate may excuse from attendance members not answering the call.

37.5 A call cannot may not be made imposed after voting has commenced.

### 38. DIVISION OF QUESTION [30]

38.1 A member may call for a division of the question when the question will admit of it division is possible. A motion to strike out and insert is indivisible.

38.2 A The defeat of a motion to strike out being lost does not preclude an amendment nor a motion to strike out and insert.

### 39. VOTING [24, 25, 26, 27]

39.1 [24] Questions shall be The President shall distinctly put state the question before taking the vote. The President shall declare all votes but the result of the vote. If a member riser to question questions the result of a vote, the President shall order a division.

39.2 [25] Upon a division and count of the Senate on a question, only members present A member may vote on a question or be counted on a division only at the member's own seat in the Senate Chamber shall be counted.

[25] No member may vote on a question except at the member's own seat in the Chamber.

39.3 [26] At any time prior to before the start of voting on a question, a member may call for the yeas and nays request a roll call vote, which shall must be entered in the Journal. A roll call for the yeas and nays vote cannot may not be interrupted except to close the roll as provided in Rule 40.3 [22].

39.4 [27] Unless otherwise ordered, a roll call vote, except upon elections, may be taken by means of the electrical voting system ~~which is~~ under the control of the President.

39.5 [6] ~~No~~ A member, or other person, ~~shall~~ may not proceed to or remain by the Secretary's desk while ~~the yeas and nays are~~ a roll call or division is being called or counted taken.

#### **40. MEMBERS TO VOTE UNLESS EXCUSED [22]**

40.1 Every member who is in the Senate Chamber during a roll call shall vote upon the request of another member unless, ~~for special reasons,~~ excused by the Senate.

40.2 A motion by a member to be excused from voting ~~shall~~ must be made before the question is put. A member wishing to be excused from voting may make a brief statement of the reason for making the request, ~~and~~ The question on the motion to excuse ~~shall~~ must be taken without further debate.

40.3 When members have had an opportunity to vote and fail to do so, a majority of ~~all the members of the~~ whole Senate may, by motion, direct the President to close the roll.

40.4 The vote on a motion to close the roll ~~shall~~ must be taken without debate, ~~and~~ No member is required to vote on the motion.

#### **41. FINAL PASSAGE [47]**

The final question ~~upon~~ on a bill or other matter requiring action by both Houses after its first and second reading, and after the consideration in Committee of the Whole, is ~~upon~~ on its final passage.

#### **42. TRANSMITTING BILLS TO THE HOUSE [48]**

42.1 Except when a motion to reconsider has been made as provided in Rule 29 [31], immediately after the passage of a bill or other matter in which the concurrence of the House of Representatives is requested, the Secretary shall transmit it to the House.

42.2 On the concurrence of a bill or other matter of the House by the Senate, or on the concurrence or disagreement in a vote of the House, the Secretary shall notify the House.

#### **43. ENGROSSING AND ENROLLING OF BILLS [50]**

43.1 The Secretary and the Engrossing Secretary shall ensure that every bill, memorial, order or resolution originating in the Senate shall be is carefully engrossed before being it is transmitted to the House of Representatives for concurrence.

~~All engrossing and enrolling of bills shall be done at the direction and under authority of the Senate.~~

~~43.2 All bills shall be carefully enrolled under the supervision of the Committee on Rules and Administration, which may report to the Senate at any time on the enrollment of bills. The Secretary shall ensure that every bill, memorial, or resolution originating in the Senate is carefully enrolled by the Revisor of Statutes before it is presented to the Governor or filed with the Secretary of State.~~

#### **44. COMPARISON AND SUBSTITUTION OF BILLS [49]**

~~44.1 Unless there is a motion by the Chair of the Committee on Rules and Administration or~~

~~objection under Rule 4 [35]~~; A House bill, after its first reading, shall must be referred as follows, unless there is a motion by the Chair of the Committee on Rules and Administration or objection under Rule 4.10 [35]:

(a) If there is no Senate companion bill, the House bill shall must be referred to the appropriate standing committee;

(b) If there is a Senate companion bill, the House bill shall must be referred to the standing committee possessing the Senate companion;

(c) If the Senate companion bill has been reported to the Senate, the House bill shall must be referred to the Committee on Rules and Administration, which shall report whether the House bill is identical to the Senate companion bill. If the bills are identical, the report shall must recommend that the House bill be given its second reading and substituted for the Senate companion bill and the Senate companion bill be indefinitely postponed. If the House bill is not identical to the Senate companion bill, the report of the committee shall must ~~so state and~~ recommend an amendment to the House bill that when adopted will render the House bill identical to the Senate bill. Upon adoption of a committee report containing the proposed amendment, the House bill as amended shall must be given its second reading and substituted for the Senate companion bill and the Senate companion bill shall must be indefinitely postponed.

44.2 The Secretary shall prepare and submit reports under this rule on behalf of the Committee on Rules and Administration pursuant to this rule shall be prepared and submitted on behalf of the committee by the Secretary.

44.3 A House bill placed on the Calendar by substitution shall must not be given its third reading on the same day as the substitution.

#### **45. CONFERENCE COMMITTEES [56]**

The Subcommittee on Committees shall appoint all conference committees of the Senate. Appointments made by the Subcommittee are subject to confirmation by the Senate. In the appointment of members of conference committees between the two houses, the Subcommittee on Committees shall appoint those who are in accord with the position of the Senate. Whenever practical, the subcommittee shall give preference to authors of bills in dispute and to members of standing committees in which the bills were considered.

#### **46. DISPOSITION OF BILLS ON ADJOURNMENT [51]**

Adjournment of the regular session in an odd-numbered year to a date certain in the following year shall be is equivalent to daily adjournment, except that a bill on the Calendar, Consent Calendar, or General Orders shall must be returned to the standing committee other than the Committee on Rules and Administration from which it was last reported to the Senate, unless otherwise provided for by motion prior to before adjournment. Bills returned to committee pursuant to under this rule shall must, upon request of the chief author, be given priority for consideration by the committee in the even-numbered year ahead of all other bills in the order in which they appeared on the Calendar, Consent Calendar, or General Orders.

#### **47. PRINTING AND DISTRIBUTION OF BILLS [41]**

47.1 Unless otherwise ordered by the Senate, all Senate bills which that been reported upon favorably or without recommendation by a committee shall must be printed prior to before consideration by the Senate or the Committee of the Whole.

47.2 A House bill amended by the Senate must be unofficially engrossed and printed when placed on General Orders.

47.3 A bill may be printed by order of the Secretary when amended after second reading.



47.4 A bill shall must be printed when ordered by a ~~majority vote~~ of the Senate.

47.5 Action by the Senate on a bill ~~which~~ that has not been printed is a waiver of the printing requirement.

47.6 To the extent practical, the Secretary shall provide a copy of any bill to the public and may charge a reasonable fee.

#### 48. JOURNAL AND INDEX [65, 66]

48.1 [65] The Secretary shall keep a correct Journal of the proceedings of the Senate and shall perform other duties assigned to the Secretary.

48.2 [65] The Secretary shall not permit Journal records, accounts or papers to be taken ~~from the table or~~ out of the Secretary's custody, other than in the regular mode of business. If a ~~paper~~ document in the Secretary's charge is missing, the Secretary shall report the fact to the President, so that inquiry may be made.

48.3 [65] The Secretary shall ~~superintend~~ supervise the recording of proceedings in the Journal, the engrossing, transcribing and copying of the bills and resolutions, ~~supervise the assistants, clerks and stenographers under the direction of the Committee on Rules and Administration,~~ and generally perform the duties of Secretary, under direction of the President Committee on Rules and Administration.

48.4 [66] The Journal of each day's proceedings is open for correction at any time during the session of the next day the Senate meets. Unless corrected on that day, the Journal stands approved.

48.5 [65] The Secretary shall keep a record of all Senate and House bills showing the ~~state, condition, and progress~~ status of each bill pending, until its final passage.

#### 49. TAPE RECORDINGS [65]

49.1 The Secretary shall cause to be recorded on magnetic tape the proceedings of the Senate, the Committee of the Whole, and each standing committee, subcommittee, and division. Each tape shall ~~must~~ be clearly labeled to show the name of the body whose proceedings are recorded and the dates the proceedings occurred. Each tape of the proceedings of the Senate and the Committee of the Whole shall ~~must~~ be accompanied by a log showing the number of each bill considered and the places on the tape where consideration of the bill occurred.

49.2 Within two working days after each ~~day~~ the Senate is in session, the Secretary shall make a copy of the tape and corresponding log of proceedings of the Senate and the Committee of the Whole and deliver the copies to the Legislative Reference Library.

49.3 Within one week after each meeting of a standing committee, subcommittee, or division, the Secretary shall deliver a tape recording of the meeting to the Legislative Reference Library, together with an agenda showing bills considered and any action taken on them.

49.4 Upon completion and approval of the minutes of the meeting, the Secretary shall promptly deliver a copy of the minutes ~~shall be promptly delivered~~ to the Legislative Reference Library.

49.5 The Secretary shall keep a record of each session of the Senate and the Committee of the Whole, each meeting of a Senate standing committee, subcommittee, or division and the date on which a tape recording of the session or meeting was transmitted to the Legislative Reference Library. The Library shall keep a similar record of all tapes received.

49.6 The Library shall provide committee staff with reasonable access to Senate tapes and shall provide the public with convenient facilities to listen to the tapes.

49.7 ~~The Secretary shall make copies of Senate tapes shall be available to the public from the Secretary, for a fee determined by the Secretary to be adequate to cover the cost of preparing the copies. A copy shall must be provided free to a member of the Senate upon request for use in legislative business.~~

49.8 ~~The Secretary shall keep the original tape and log of each session of the Senate and the Committee of the Whole shall be kept by the Secretary until the end of the period for which the members of the existing House of Representatives have been elected, at which time the tape may be preserved or disposed of as the Secretary sees fit. The Legislative Reference Library shall keep tapes, logs, and minutes forwarded to the Legislative Reference Library shall be kept by the Library it until two years after the end of the period for which the members of the existing Senate have been elected, at which time they may be preserved or disposed of as the Library sees fit.~~

49.9 ~~It is the intention~~ The Senate intends that testimony and discussion preserved under this rule not be admissible in any court or administrative proceeding on an issue of legislative intent.

### **50. OTHER DUTIES OF SECRETARY [28, 41, 67, 68]**

50.1 [28] ~~No~~ The Secretary shall not issue a certificate authorizing the payment of money appropriated by the Legislature shall be issued by the Secretary by virtue of a motion or resolution, unless the motion or resolution is voted for by a majority of all members of the whole Senate upon a call of the yeas and nays on a roll call vote.

50.2 [67] ~~The Secretary of the Senate and the Engrossing Secretary, in all proper cases, shall correct all mistakes in numbering the sections and reference to them, whether the errors occur in the original bill or are caused by amendments to it.~~

50.3 [68] ~~The Secretary is the agent of the Senate for the purchase of supplies and services. The Secretary's records on purchase of supplies and services are open for inspection during normal business hours.~~

50.4 [68] ~~The Secretary shall adopt administrative controls to ensure that each member is accountable for the member's own long distance telephone calls and that Senate telephones are used only for Senate business.~~

50.5 [68] ~~By the 15th day of April, July, October, and January of each year, the Secretary of the Senate shall submit a detailed report of Senate expenditures during the previous quarter to the Committee on Rules and Administration.~~

50.6 The Secretary's public records may be inspected during normal business hours.

### **51. SERGEANT AT ARMS [69]**

The Sergeant at Arms shall execute all orders of the President and perform all assigned duties connected with the police and good order of the Senate Chamber; exercise supervision over the entry and exit of all persons to and from the Chamber; see that messages are promptly delivered; see that the hall is properly ventilated and the temperature is properly regulated, and that if the Chamber is open for the use of members of the Senate at the time fixed at least one-half hour before the start of a session; and perform all other services pertaining to the office of Sergeant.

### **52. BUDGET AND EXPENDITURES [63]**

52.1 ~~The Committee on Rules and Administration shall adopt an operating budget for the Senate.~~

52.2 ~~All propositions for the appointment and payment of employees of the Senate or for expenditures on account of the Legislature Senate, other than those provided by law, shall must be referred without debate to the Committee on Rules and Administration without debate.~~

**53. EMPLOYEES [62, 64]**

53.1 [62] The Committee on Rules and Administration shall establish positions, set compensation, appoint employees, and authorize expense reimbursement for employees as it deems ~~proper~~ necessary to carry out the work of the Senate. At the request of any committee member, an action of the committee shall must be submitted as a Senate resolution for adoption by the Senate.

53.2 [62] The Secretary shall keep a roster of all employees of the Senate, including positions and compensation, ~~shall be kept by the Secretary and shall be~~ which must be open for inspection by the public.

53.3 [62] The Secretary shall post, in a public place in the Capitol, a notice of every vacant position on the permanent staff of the Senate. The notice must remain posted for at least two weeks, and no vacancy may be filled until the period of posting has elapsed.

53.4 [64] Except as otherwise provided in these rules, the Committee on Rules and Administration has full and exclusive authority over, and charge of all employees, ~~officers and clerks~~ of the Senate both ~~elective~~ elected and ~~appointive~~ appointed. The committee has the sole and exclusive power and authority to assign them to duties other than for which they were elected or appointed as the committee may ~~from time to time~~ provide. ~~The committee has power to appoint employees, officers or clerks as it deems proper to exercise the power granted to it by this rule.~~

53.5 [64] The committee may make employment rules and regulations for the government of ~~the employees, officers and clerks as they see fit~~. In case of violation of an order of the committee by an employee, ~~officer or clerk~~, or in case of a violation of a rule or regulation made by the committee, or in case of misconduct or omission by an employee, ~~officer or clerk~~, the Committee on Rules and Administration may hear complaints and discharge the employee, ~~officer or clerk~~ or impose discipline, a fine, or other punishment ~~by way of fine or otherwise~~ upon the employee, ~~officer or clerk as the committee deems just and proper~~.

53.6 [65] The Secretary shall supervise the employees assistants, clerks, and stenographers under the direction of the Committee on Rules and Administration.

**54. SUBCOMMITTEE ON ETHICAL CONDUCT [75]**

54.1 [75] The Subcommittee on Committees shall appoint a Subcommittee on Ethical Conduct of the Committee on Rules and Administration consisting of four members, two from the majority group and two from the minority group.

54.2 [75] The subcommittee shall serve in an advisory capacity to a member or employee upon written request and shall issue recommendations to the member or employee. A member may request the subcommittee to provide its advice on a potential conflict of interest to the member in private. If so requested, the subcommittee shall conduct its proceedings on the advisory opinion in private. The request, proceedings on the request, and any advice given by the subcommittee in response to the request must remain private. The member may not use an advisory opinion from the subcommittee as a defense to a complaint under this rule unless the opinion has been adopted by the subcommittee at a public meeting.

54.3 [75] The subcommittee shall investigate a complaint by a member of the Senate in writing under oath received during a legislative session regarding improper conduct by a member or employee of the Senate. The subcommittee has the powers of a standing committee to issue subpoenas ~~pursuant to~~ under Minnesota Statutes, section 3.153.

54.4 [75] Within 30 days after receiving a complaint, the subcommittee must meet and either make a finding of no probable cause, vote to defer action until a certain time, or proceed with its investigation.

54.5 [75] In order to determine whether there is probable cause to believe that improper conduct has occurred, the subcommittee may, by a vote of three of its members, conduct a preliminary inquiry in executive session to which the open meeting requirements of Rule 11.1 to 11.3 [58] do not apply. The executive session may be ordered by a vote of three of its members whenever the subcommittee determines that matters relating to probable cause are likely to be discussed. The executive session must be limited to matters relating to probable cause. Upon a finding of probable cause, further proceedings on the complaint are open to the public.

54.6 [75] The subcommittee may appoint special counsel to provide expert advice on how to conduct its proceedings. The subcommittee may appoint a suitable person to conduct the investigation and report findings of fact and recommendations for action to the subcommittee.

54.7 [75] If, after investigation, the subcommittee finds the complaint substantiated by the evidence, it shall recommend to the Committee on Rules and Administration appropriate disciplinary action.

54.8 [75] To minimize disruption of its public proceedings, the subcommittee may require that television coverage be pooled or be provided by Senate media services.

54.9 [75] If criminal proceedings relating to the same conduct have begun, the subcommittee may defer its own proceedings until the criminal proceedings have been completed.

54.10 The Senate intends that proceedings of the Subcommittee on Ethical Conduct not be admissible in any criminal proceeding.

## **55. STANDARDS OF ETHICAL CONDUCT**

55.1 [75] Members shall adhere to the highest standard of ethical conduct as embodied in the Minnesota Constitution, state law, and these rules.

55.2 [75] A member shall not publish or distribute written material if the member knows or has reason to know that the material includes any statement that is false or clearly misleading, concerning a public policy issue or concerning the member's or another member's voting record or position on a public policy issue.

55.3 [75] Improper conduct includes conduct that ~~violated~~ violates a rule or administrative policy of the Senate, that ~~violated~~ violates accepted norms of Senate behavior, that ~~betrayed~~ betrays the public trust, or that ~~tended~~ tends to bring the Senate into dishonor or disrepute.

## **56. CONFLICTS OF INTEREST**

A member who in the discharge of senatorial duties would be required to take an action or make a decision that would substantially affect the member's financial interests or those of an associated business, unless the effect on the member is no greater than on others in the member's business classification, profession, or occupation, shall disclose the potential conflict of interest by following the procedure set forth in Minnesota Statutes, section 10A.07.

## **57. LOBBYISTS [76]**

57.1 [76] A lobbyist shall not appear before a Senate committee pursuant to the lobbyist's employment unless the lobbyist is in compliance with the law requiring lobbyist registration, Minnesota Statutes, sections 10A.03 to 10A.06. A lobbyist, when appearing before a committee, shall disclose to the committee ~~those in~~ on whose behalf interest the lobbyist speaks and the purpose of the lobbyist's appearance. A lobbyist shall not knowingly furnish false or misleading information or make a false or misleading statement that is relevant and material to a matter before the Senate or any of its committees when the lobbyist knows or should know it will influence the judgment or action of the Senate or any of its committees, subcommittees, or divisions thereon.

57.2 [76] The Subcommittee on Ethical Conduct shall investigate a complaint by a member of the Senate in writing under oath received during a legislative session ~~regarding improper conduct by that a lobbyist has violated Rule 57.1. Improper conduct includes conduct that violated a rule or administrative policy of the Senate, that violated accepted norms of Senate behavior, that betrayed the public trust, or that tended to bring the Senate into dishonor or disrepute.~~ The investigatory procedures of Rule 54 [75] apply, except as provided in this rule. The complaint and proceedings on the complaint are private until the subcommittee has found probable cause to believe that a violation of Rule 57.1 has occurred, unless they are made public by the lobbyist whose conduct is the subject of the complaint or by the vote of at least three members of the subcommittee.

## 58. AMENDMENTS TO RULES [17]

Every proposition to amend a rule of the Senate must be referred to the Committee on Rules and Administration. The proposition shall may not be acted upon until the report of the committee is received by the Senate.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

#### **Senators Neuville and Day introduced--**

**S.F. No. 2026:** A bill for an act relating to taxes; sales and use taxes; exempting the purchase of construction materials used in building the Pearl Street 9-1-1 center in the city of Owatonna; amending Minnesota Statutes 1998, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes.

#### **Senators Laidig, Frederickson, Stumpf, Price and Johnson, J.B. introduced--**

**S.F. No. 2027:** A bill for an act relating to natural resources; appropriating money for surveying public trails and park facilities for accessibility to persons with disabilities.

Referred to the Committee on Environment and Natural Resources.

#### **Senator Ten Eyck introduced--**

**S.F. No. 2028:** A bill for an act relating to transportation; specifically authorizing appropriations for road approaches for local bridges from previous transportation bonding authorization; amending Laws 1998, chapter 404, section 17, subdivision 2.

Referred to the Committee on Transportation.

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

**S.F. No. 2029:** A bill for an act relating to landlords and tenants; modifying requirements for tenant screening reports in the second and fourth judicial districts; amending Minnesota Statutes 1998, section 504.30, subdivision 4.

Referred to the Committee on Judiciary.

#### **Senators Lessard and Janezich introduced--**

**S.F. No. 2030:** A bill for an act relating to education; providing a grant for a full day daily kindergarten program; appropriating money.

Referred to the Committee on Children, Families and Learning.

**Senators Lessard, Vickerman and Langseth introduced--**

**S.F. No. 2031:** A bill for an act relating to local government; permitting the city of Grand Rapids to increase the membership of its public utilities commission to five members.

Referred to the Committee on Local and Metropolitan Government.

**Senator Metzzen introduced--**

**S.F. No. 2032:** A bill for an act relating to professions and occupations; modifying criminal background checks for certain health and human services workers; amending Minnesota Statutes 1998, section 245A.04, subdivision 3.

Referred to the Committee on Health and Family Security.

**Senator Moe, R.D. introduced--**

**S.F. No. 2033:** A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Norman county.

Referred to the Committee on Environment and Natural Resources.

**Senators Johnson, D.E. and Stumpf introduced--**

**S.F. No. 2034:** A bill for an act relating to retirement; modifying the definition of "average salary" for certain plans; amending Minnesota Statutes 1998, sections 352.115, subdivision 2; 352.12, subdivision 2a; 352.93, subdivision 1; and 352B.01, subdivision 11.

Referred to the Committee on Governmental Operations and Veterans.

**Senators Higgins, Pogemiller, Ranum, Knutson and Robertson introduced--**

**S.F. No. 2035:** A bill for an act relating to education; appropriating money for the Beacons Project.

Referred to the Committee on Children, Families and Learning.

**Senators Flynn, Foley, Vickerman, Hottinger and Belanger introduced--**

**S.F. No. 2036:** A bill for an act relating to health; modifying provisions of the Clean Indoor Air Act; amending Minnesota Statutes 1998, sections 144.412; 144.413, subdivisions 1 and 2; 144.414, subdivisions 1 and 2; 144.415; 144.416; 144.4165; and 144.417, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Family Security.

**Senator Wiger introduced--**

**S.F. No. 2037:** A bill for an act relating to education; providing for a youth works program report to the legislature; appropriating money; amending Minnesota Statutes 1998, section 124D.45, by adding a subdivision.

Referred to the Committee on Children, Families and Learning.

**Senators Runbeck and Novak introduced--**

**S.F. No. 2038:** A bill for an act relating to insurance; regulating workers' compensation self-insurance; providing reporting and financial requirements; amending Minnesota Statutes 1998, sections 79A.21, subdivisions 2 and 3; 79A.22, subdivisions 2 and 3; 79A.23; and 79A.24, subdivision 2.

Referred to the Committee on Commerce.

**Senator Scheid introduced--**

**S.F. No. 2039:** A bill for an act relating to education; appropriating money for the expansion of the young inventors program.

Referred to the Committee on Children, Families and Learning.

**Senator Price introduced--**

**S.F. No. 2040:** A bill for an act relating to natural resources; providing for no net loss of public shoreland; appropriating money; amending Minnesota Statutes 1998, sections 92.45; 282.018, subdivision 1; and 477A.11, subdivisions 3 and 4.

Referred to the Committee on Environment and Natural Resources.

**Senator Stumpf introduced--**

**S.F. No. 2041:** A bill for an act relating to water; modifying certain shoreland standards; proposing coding for new law in Minnesota Statutes, chapter 103F.

Referred to the Committee on Environment and Natural Resources.

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

**S.F. No. 2042:** A bill for an act relating to health; requesting that the University of Minnesota establish and administer a rural preventative health care program; requesting that the University of Minnesota operate a rural medical community information resource system for health care providers in rural areas; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 137.

Referred to the Committee on Children, Families and Learning.

**Senator Wiger introduced--**

**S.F. No. 2043:** A bill for an act relating to state government; extending the civil service pilot project in the housing finance agency; amending Laws 1993, chapter 301, section 1, subdivision 4; and Laws 1995, chapter 248, article 12, section 2.

Referred to the Committee on Governmental Operations and Veterans.

**Senators Vickerman; Moe, R.D. and Pariseau introduced--**

**S.F. No. 2044:** A bill for an act relating to gambling; authorizing dice games in retail establishments licensed to sell alcoholic beverages under certain circumstances; amending Minnesota Statutes 1998, sections 340A.410, subdivision 5; and 609.761, by adding a subdivision.

Referred to the Committee on Local and Metropolitan Government.

**Senator Johnson, D.H. introduced--**

**S.F. No. 2045:** A bill for an act relating to commerce; regulating securities; modifying filing

fees for securities issued by open end management companies and unit investments trusts; amending Minnesota Statutes 1998, section 80A.28, subdivision 1.

Referred to the Committee on Commerce.

**Senators Kiscaden, Solon and Ten Eyck introduced--**

**S.F. No. 2046:** A bill for an act relating to education, giving the board of trustees of the Minnesota state colleges and universities certain authority with respect to property transactions, construction, repairs, and improvements; appropriating money; amending Minnesota Statutes 1998, sections 136F.36, subdivisions 1, 3, and by adding subdivisions; 136F.60; and 136F.64, subdivision 1.

Referred to the Committee on Children, Families and Learning.

**Senators Frederickson, Vickerman, Berg and Johnson, D.E. introduced--**

**S.F. No. 2047:** A bill for an act relating to taxation; imposing a temporary limitation on increases in the valuation of agricultural property; amending Minnesota Statutes 1998, section 273.11, by adding a subdivision.

Referred to the Committee on Taxes.

**Senators Lourey and Samuelson introduced--**

**S.F. No. 2048:** A bill for an act relating to health; establishing an office of minority health in the department of health; specifying powers and duties of the office; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Family Security.

**Senator Solon introduced--**

**S.F. No. 2049:** A bill for an act relating to commerce; regulating motor vehicle sales and distributions; specifying certain unfair practices; amending Minnesota Statutes 1998, sections 80E.13; and 80E.17.

Referred to the Committee on Commerce.

**Senator Ten Eyck introduced--**

**S.F. No. 2050:** A bill for an act relating to drivers' licenses; providing for administrative review in lieu of judicial review of driver's license revocations, disqualifications, and denials due to DWI violations; amending Minnesota Statutes 1998, section 169.123, subdivisions 5, 5b, 5c, 6, and 7.

Referred to the Committee on Crime Prevention.

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

**S.F. No. 2051:** A bill for an act relating to taxation; providing an income tax checkoff to provide money for the children's trust fund for the prevention of child abuse; amending Minnesota Statutes 1998, section 119A.12; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes.

**Senators Kelly, R.C.; Higgins and Kleis introduced--**



**S.F. No. 2052:** A bill for an act relating to claims against the state; providing for payment of various claims; clarifying certain language concerning claims; appropriating money; amending Minnesota Statutes 1998, sections 3.738, subdivision 2; and 3.739, subdivision 2a.

Referred to the Committee on Human Resources Finance.

**Senator Limmer introduced--**

**S.F. No. 2053:** A bill for an act relating to courts; providing for the size of petit juries in civil and criminal cases; proposing coding for new law in Minnesota Statutes, chapter 593.

Referred to the Committee on Judiciary.

**Senator Pogemiller introduced--**

**S.F. No. 2054:** A bill for an act relating to retirement; changing certain rates governing transfers of contributions and interest for employees transferring from the general Minnesota state retirement system to the unclassified plan; amending Minnesota Statutes 1998, sections 352D.02, subdivision 1c; and 352D.03.

Referred to the Committee on Governmental Operations and Veterans.

**Senators Junge, Lourey, Pappas and Robertson introduced--**

**S.F. No. 2055:** A bill for an act relating to public safety; creating critical incident stress management, fire assistance support team grant program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A.

Referred to the Committee on Crime Prevention.

**Senators Pogemiller, Pappas, Robertson and Scheid introduced--**

**S.F. No. 2056:** A bill for an act relating to education; promoting professional teaching standards; appropriating money; amending Laws 1997, First Special Session chapter 4, article 5, section 22.

Referred to the Committee on Children, Families and Learning.

**Senators Stevens and Day introduced--**

**S.F. No. 2057:** A bill for an act relating to state government; modifying provisions relating to appointment of members of the iron range resources and rehabilitation board; amending Minnesota Statutes 1998, section 298.22, subdivision 2.

Referred to the Committee on Governmental Operations and Veterans.

**Senators Terwilliger and Higgins introduced--**

**S.F. No. 2058:** A bill for an act relating to education; modifying the definition of parent for compulsory education and reporting; permitting reporting to a county or state agency providing services to a child; working to develop, provide, and maintain an educational structure that meets the needs of at-risk students; identifying obstacles to student educational success; providing for staff development and community training grants; creating an advisory council to assist in analyzing student performance data; emphasizing outcomes; appropriating money; amending Minnesota Statutes 1998, sections 120A.22, subdivision 3; and 120A.26, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 124D.

Referred to the Committee on Children, Families and Learning.

**Senators Belanger and Metzen introduced--**

**S.F. No. 2059:** A bill for an act relating to landlords and tenants; providing that landlords may apportion utility payments among residential units; amending Minnesota Statutes 1998, section 504.185, subdivision 1a.

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

**Senator Vickerman introduced--**

**S.F. No. 2060:** A bill for an act relating to human services; modifying calculation of the replacement cost new for nursing facilities completing projects approved under the moratorium exception process; amending Minnesota Statutes 1998, section 256B.431, subdivision 17.

Referred to the Committee on Health and Family Security.

**Senator Pappas introduced--**

**S.F. No. 2061:** A bill for an act relating to taxation; income; restructuring the individual income tax; conforming to federal S corporation rules; disallowing itemized deductions; allowing standard deduction and personal exemption amounts; allowing certain previously taxed retirement benefits to be deducted in tax year 1999; repealing the individual alternative minimum tax; amending Minnesota Statutes 1998, sections 290.01, subdivisions 19a, 19b, 19e, 19f, 19g, and by adding a subdivision; 290.06, by adding a subdivision; 290.091, subdivision 6; 290.491; and 290.9725; proposing coding for new law in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1998, sections 290.01, subdivisions 19b and 19g; 290.0671, subdivision 3; 290.0674, subdivision 3; and 290.091, subdivisions 1, 2, 3, 4, 5, and 6.

Referred to the Committee on Taxes.

**Senators Olson, Belanger and Pariseau introduced--**

**S.F. No. 2062:** A bill for an act relating to taxation; establishing a minimum per capita aid amount for city local government aid; amending Minnesota Statutes 1998, sections 477A.013, subdivision 9; and 477A.03, subdivision 2.

Referred to the Committee on Local and Metropolitan Government.

**Senator Runbeck introduced--**

**S.F. No. 2063:** A bill for an act relating to appropriations; appropriating money for individual sewage treatment system loans in the city of Blaine.

Referred to the Committee on Environment and Natural Resources.

**Senators Olson, Limmer and Robertson introduced--**

**S.F. No. 2064:** A bill for an act relating to the city of Plymouth; tax increment financing; waiving the local contribution requirement for a district.

Referred to the Committee on Local and Metropolitan Government.

**Senator Laidig introduced--**

**S.F. No. 2065:** A bill for an act relating to the environment; modifying the landfill cleanup program; repealing certain obsolete accounting and reporting requirements; amending Minnesota Statutes 1998, sections 115A.554; 115A.918, subdivision 1; 115B.39, subdivision 2; 115B.40, subdivisions 2, 3, 4, 5, 6, 7, and 8; 115B.405, subdivision 1; 115B.412, subdivision 3; 115B.42;

115B.43, subdivision 1; 115B.442, by adding a subdivision; and 115B.445; proposing coding for new law in Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1998, sections 115A.929; 115A.981; 297H.13, subdivision 6; and 473.845, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

**Senator Scheevel introduced--**

**S.F. No. 2066:** A bill for an act relating to education; providing for a fund transfer for independent school district No. 495, Grand Meadow.

Referred to the Committee on Children, Families and Learning.

**MEMBERS EXCUSED**

Senator Johnson, D.H. was excused from the Session of today. Senator Ranum was excused from the Session of today at 11:50 a.m.

**ADJOURNMENT**

Senator Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Wednesday, March 24, 1999. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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