

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-THIRD LEGISLATURE

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FIFTY-THIRD DAY

St. Paul, Minnesota, Friday, May 9, 2003

The Senate met at 9:00 a.m. and was called to order by the President.

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Dr. Paul Fruth.

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

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

The President declared a quorum present.

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

## RECESS

Senator Hottinger moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

## CALL OF THE SENATE

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

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communication was received.

May 8, 2003

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2003 Session of the State Legislature has been received from the Office of the Governor and is 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 2003	Date Filed 2003
	446	31	10:10 a.m. May 8	May 8

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. 479, 645, 891 and 1069.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives  
Returned May 8, 2003

Mr. President:

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

**S.F. No. 422:** A bill for an act relating to examiners of titles; providing for alternative means of compensation; amending Minnesota Statutes 2002, section 508.12, subdivision 1.

Senate File No. 422 is herewith returned to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives  
Returned May 8, 2003

**CONCURRENCE AND REPASSAGE**

Senator Robling moved that the Senate concur in the amendments by the House to S.F. No. 422 and that the bill be placed on its repassage as amended. The motion prevailed.

**S.F. No. 422:** A bill for an act relating to examiners of titles; adding Scott and Wright counties

to those with an alternative means of compensation; amending Minnesota Statutes 2002, section 508.12, subdivision 1.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Bachmann	Frederickson	Koering	Ortman	Skoe
Bakk	Gaither	Kubly	Ourada	Skoglund
Belanger	Hann	LeClair	Pappas	Solon
Berglin	Higgins	Limmer	Pariseau	Sparks
Betzold	Hottinger	Lourey	Pogemiller	Tomassoni
Chaudhary	Johnson, D.E.	Marty	Reiter	Vickerman
Cohen	Jungbauer	McGinn	Rest	Wergin
Day	Kelley	Metzen	Robling	Wiger
Dibble	Kierlin	Michel	Rosen	
Dille	Kiscaden	Moua	Ruud	
Fischbach	Kleis	Neuville	Saxhaug	
Foley	Knutson	Nienow	Senjem	

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 1524:** A bill for an act relating to state government; appropriating money for the general legislative and administrative expenses of state government, criminal justice, and economic development; modifying provisions relating to state and local government operations; modifying certain fee and revenue provisions; modifying certain board and commission provisions; modifying certain public safety and judiciary provisions; amending Minnesota Statutes 2002, sections 3.885, subdivision 1; 3A.11, subdivision 1; 10A.02, by adding a subdivision; 10A.025, subdivision 2; 10A.04, by adding subdivisions; 10A.34, subdivision 1a, by adding a subdivision; 13.072, subdivisions 1, 2; 13.87, subdivision 3; 14.48, subdivision 3; 16A.11, subdivision 3; 16A.1285, subdivision 3; 16A.40; 16B.24, subdivision 5; 16B.465, subdivision 7; 16B.48, subdivision 2; 16B.54, by adding a subdivision; 16C.02, subdivision 6; 16C.05, subdivision 2, by adding a subdivision; 16C.06, subdivision 1; 16C.08, subdivisions 2, 3, 4, by adding a subdivision; 16D.08, subdivision 2; 16E.01, subdivision 3; 16E.07, subdivision 9; 43A.17, subdivision 9; 116J.8771; 154.18; 197.608; 239.101, subdivision 3, by adding a subdivision; 240.03; 240.10; 240.15, subdivision 6; 240.155, subdivision 1; 240A.03, subdivision 10; 240A.04; 240A.06, subdivision 1; 256B.435, subdivision 2a; 270.052; 270.44; 270A.07, subdivision 1; 271.06, subdivision 4; 289A.08, subdivision 16; 299C.10, subdivision 4, by adding a subdivision; 299C.48; 299F.46, subdivision 1, by adding subdivisions; 299M.03, by adding a subdivision; 303.14; 340A.301, by adding a subdivision; 349A.08, subdivision 5; 349A.15; 357.021, subdivisions 2, 7; 357.022; 357.08; 403.02, subdivision 10; 403.06; 403.07, subdivisions 1, 2, 3; 403.09, subdivision 1; 403.11; 403.113; 473.891, subdivision 10, by adding a subdivision; 473.898, subdivisions 1, 3; 473.901; 473.902, by adding a subdivision; 473.907, subdivision 1; 611A.72; 611A.73, subdivisions 2, 6; 611A.74; 624.22, subdivision 1; Laws 1998, chapter 366, section 80, as amended; Laws 2001, First Special Session chapter 8, article 4, section 2; proposing coding for new law in Minnesota Statutes, chapters 5; 15; 16C; 326; 473; repealing Minnesota Statutes 2002, sections 16B.50; 16C.07; 123B.73.

There has been appointed as such committee on the part of the House:

Haas, Rhodes, Krinkie, Erickson and Gerlach.

Senate File No. 1524 is herewith returned to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives

Returned May 8, 2003

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 294:

**H.F. No. 294:** A bill for an act relating to the military; requiring payment of a salary differential and continuation of certain benefits to certain state employees who are members of the national guard or other military reserve units and who reported for active military duty; permitting local governments to pay a similar salary differential for their employees who are members of the national guard or other military reserve units and who have reported for active military service; amending Minnesota Statutes 2002, section 471.975; proposing coding for new law in Minnesota Statutes, chapter 43A.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Eastlund; Anderson, B. and Larson have been appointed as such committee on the part of the House.

House File No. 294 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives

Transmitted May 8, 2003

Senator Betzold moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 294, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 677:

**H.F. No. 677:** A bill for an act relating to occupations and professions; modifying licensure requirements for architects, engineers, surveyors, landscape architects, geoscientists, and interior designers; amending Minnesota Statutes 2002, sections 326.10, by adding subdivisions; 326.107, subdivisions 4, 8; repealing Minnesota Statutes 2002, sections 326.10, subdivision 5; 326.107, subdivisions 6, 9.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Erickson, Severson and Lieder have been appointed as such committee on the part of the House.

House File No. 677 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives

Transmitted May 8, 2003

Senator Hottinger, for Senator Scheid, moved that the Senate accede to the request of the House

for a Conference Committee on H.F. No. 677, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1167:

**H.F. No. 1167:** A bill for an act relating to victims; increasing parental liability owed to a victim for acts of certain juvenile offenders; amending certain laws to enhance victim rights; amending Minnesota Statutes 2002, sections 260B.163, subdivision 1; 260B.171, subdivision 4; 611A.01.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Meslow, Rhodes and Lesch have been appointed as such committee on the part of the House.

House File No. 1167 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives

Transmitted May 8, 2003

Senator Sparks moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1167, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1011, 1119 and 624.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives

Transmitted May 8, 2003

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 1011:** A bill for an act relating to health occupations; modifying licensure requirements for occupational therapists whose licenses have lapsed for more than four years; amending Minnesota Statutes 2002, section 148.6425, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1234, now on General Orders.

**H.F. No. 1119:** A bill for an act relating to elections; changing certain deadlines, procedures, requirements, and provisions; appropriating money; amending Minnesota Statutes 2002, sections 5.08; 15.0597, subdivisions 2, 3, 4, 5, 6, 7; 15.0599, subdivision 4; 126C.17, subdivision 9; 201.061, subdivision 3; 201.071, subdivision 3; 201.161; 201.1611, subdivision 1; 201.171; 201.221, subdivision 3; 201.275; 202A.14, subdivision 3; 203B.085; 203B.11, subdivision 1; 203B.125; 204B.06, subdivision 1; 204B.07, subdivision 2; 204B.09, subdivisions 1, 3; 204B.13, subdivision 6; 204B.14, subdivision 2; 204B.16, subdivision 3; 204B.18, subdivision 1; 204B.19, subdivisions 1, 6, by adding a subdivision; 204B.21, subdivisions 1, 2; 204B.22, by adding a subdivision; 204B.34, subdivision 3; 204B.36, subdivision 4; 204B.41; 204C.06, by adding a subdivision; 204C.10; 204C.12, subdivision 4; 204C.15, subdivision 1; 204C.20, subdivision 2;

204C.28, subdivision 1; 204C.33, subdivision 1; 204C.35, by adding a subdivision; 204C.36, subdivisions 1, 3, by adding a subdivision; 204C.361; 204D.14, by adding a subdivision; 204D.27, subdivision 11; 205.02, subdivision 1; 205.075, by adding a subdivision; 205.16, subdivision 4, by adding a subdivision; 205.185, subdivisions 2, 3; 205A.02; 205A.07, subdivision 3, by adding a subdivision; 206.58, subdivision 1; 206.81; 206.90, subdivision 6; 211A.02, by adding a subdivision; 351.01, subdivision 4; 365.51, subdivision 3; 367.12; 375.101, subdivision 1; 414.041, subdivision 1; 447.32, subdivisions 3, 4; proposing coding for new law in Minnesota Statutes, chapters 5; 204D.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1035, now on General Orders.

**H.F. No. 624:** A bill for an act relating to state government; requiring local government impact notes; requiring a determination of the aggregate cost of complying with proposed rules; amending Minnesota Statutes 2002, section 3.987, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 14.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1070, now on General Orders.

### REPORTS OF COMMITTEES

Senator Hottinger moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

**S.F. No. 712:** A bill for an act relating to the metropolitan mosquito control district; including the rest of Carver county in the district; adding a second member for Carver county; providing for pesticide application for mosquito control; clarifying the exception to prohibiting entry upon private property if objected to; making the district subject to the Minnesota Uniform Municipal Contracting Law; eliminating per diems for commissioners; making expense payments permissive rather than mandatory; making conforming changes; amending Minnesota Statutes 2002, sections 18B.07, subdivision 2; 473.702; 473.703, subdivision 1; 473.704, subdivision 17; 473.705; 473.714, subdivision 1; repealing Minnesota Statutes 2002, section 473.714, subdivision 2.

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

Page 2, line 6, strike "conducted" and strike "in compliance with"

Page 2, line 7, strike everything before the semicolon

Page 2, after line 19, insert:

"(d) For pesticide applications under paragraph (c), clause (2), the following conditions apply:

(1) no practicable and effective alternative method of control exists;

(2) the pesticide is among the least toxic available for control of the target pest; and

(3) notification of residents in the area to be treated is provided at least 24 hours before application by direct notification and through posting daily on the metropolitan mosquito control Web site those areas to be treated by adult mosquito control techniques during the next calendar day and by sending a broadcast e-mail to those persons who request notification of metropolitan mosquito control district control activities. For control operations related to human disease outbreaks, notice under this paragraph may be given less than 24 hours in advance."

Page 2, line 20, strike "(d)" and insert "(e)"

Page 2, line 29, strike "(e)" and insert "(f)"

Page 2, line 33, strike "(f)" and insert "(g)"

Page 4, line 9, delete "to determine the need for control of" and insert "to monitor for disease-bearing mosquitoes, ticks, or black gnats"

Page 4, line 10, delete "known"

Page 4, line 11, delete the new language and insert "mosquito species capable of carrying a human disease in the local area of a human disease outbreak regardless of whether there has been an occurrence of the disease in a human being"

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

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

**S.F. No. 943:** A bill for an act relating to traffic regulations; making seat belt violation a primary offense in all seating positions regardless of age; increasing the fine for seat belt violations; making technical changes; amending Minnesota Statutes 2002, sections 169.686, subdivision 1; 171.05, subdivision 2b; 171.055, subdivision 2.

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

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

**H.F. No. 784:** A bill for an act relating to crimes; prohibiting interfering with emergency communications; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 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. [609.776] [INTERFERENCE WITH EMERGENCY COMMUNICATIONS.]

Whoever, without prior authorization, broadcasts or transmits on, interferes with, blocks, or cross-patches another frequency onto a law enforcement, firefighting, emergency medical services, emergency radio frequency or channel, any assigned or alternate emergency frequency or channel, or an official cellular telephone communication of a law enforcement agency, a fire department, or emergency medical services provider, knowing, or having reason to know that the act creates a risk of obstructing, preventing, or misdirecting official law enforcement, firefighting, or emergency medical services communications, is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 2003, and applies to crimes committed on or after that date."

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

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

**S.F. No. 613:** A bill for an act relating to health; modifying enrollee cost sharing provisions for health maintenance organizations; amending Minnesota Statutes 2002, section 62D.095, subdivision 2, by adding a subdivision.

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

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

**S.F. No. 850:** A bill for an act relating to natural resources; restricting the use of off-highway vehicles on state land; providing civil citation authority; modifying the disposition of certain fees; modifying registration and operating requirements for certain recreational vehicles; providing for enforcement; modifying motorized trail grants-in-aid; appropriating money; amending Minnesota Statutes 2002, sections 84.788, subdivisions 2, 3, by adding a subdivision; 84.791, subdivision 1, by adding a subdivision; 84.794, subdivision 2; 84.798, subdivision 4, by adding a subdivision; 84.803, subdivision 2; 84.92, subdivision 8; 84.922, subdivision 2, by adding a subdivision; 84.925, subdivision 1, by adding a subdivision; 84.926; 84.927, subdivision 2; 84.928, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84.

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

Delete everything after the enacting clause and insert:

"Section 1. [84.771] [OFF-HIGHWAY VEHICLE DEFINITION.]

For the purposes of sections 84.771 to 84.930, "off-highway vehicle" means an off-highway motorcycle, as defined under section 84.787, subdivision 7; an off-road vehicle, as defined under section 84.797, subdivision 7; or an all-terrain vehicle, as defined under section 84.92, subdivision 8.

Sec. 2. [84.773] [OPERATION OF OFF-HIGHWAY VEHICLES ON PUBLIC LANDS.]

Subdivision 1. [CERTIFICATE AND RULES DECAL REQUIRED.] (a) A person may not operate an off-highway vehicle off-road on public land unless the operator has complied with the educational certificate possession requirements in this section. An operator of an off-highway vehicle must possess a copy of one of the following certificates at all times while operating an off-highway vehicle on public land:

- (1) an off-highway motorcycle certificate issued under section 84.791;
- (2) an off-road vehicle certificate issued under section 84.8015; or
- (3) an all-terrain vehicle certificate issued under section 84.925.

(b) A person may not operate an off-highway vehicle off-road on public land without an off-highway vehicle rules decal, issued by the commissioner, attached to the vehicle in full view of the operator.

Subd. 2. [REVOCAION OF CERTIFICATE.] If the commissioner of natural resources determines that a person has violated subdivision 3 or has committed three offenses related to the operation of off-highway vehicles on public lands, the commissioner must revoke all of the off-highway vehicle certificates the person possesses. After one year from the date of revocation, the holder of a certificate revoked under this subdivision may petition for reinstatement of the certificate. As a condition of reinstatement, the commissioner must require the petitioner to sign a written statement agreeing to follow the off-highway vehicle laws in this state.

Subd. 3. [RESTRICTIONS ON OPERATION.] A person may not intentionally operate an off-highway vehicle:

- (1) on a trail on public land that is designated for nonmotorized use only;
- (2) on restricted areas within public lands that are posted or where gates or other clearly visible structures are placed to prevent unauthorized motorized vehicle access;
- (3) except as specifically authorized by law or rule adopted by the commissioner, in: type 3, 4, 5, and 8 wetlands or unfrozen public waters, as defined in section 103G.005; in a state park; in a scientific and natural area; or in a wildlife management area; or
- (4) on public land under a certificate currently or previously revoked under subdivision 2.



Sec. 3. [84.775] [OFF-HIGHWAY VEHICLE CIVIL CITATIONS.]

Subdivision 1. [CIVIL CITATION; AUTHORITY TO ISSUE.] (a) A conservation officer or other licensed peace officer may issue a civil citation to a person who operates:

(1) an off-highway motorcycle in violation of sections 84.773; 84.777; 84.788 to 84.795; or 84.90;

(2) an off-road vehicle in violation of sections 84.773; 84.777; 84.798 to 84.804; or 84.90; or

(3) an all-terrain vehicle in violation of sections 84.773; 84.777; 84.90; or 84.922 to 84.928.

(b) A civil citation shall require restitution for any public or private property damage and impose a penalty of no more than \$250 for the first offense, no more than \$500 for the second offense, and no more than \$1,000 for third and subsequent offenses. If the peace officer determines that there is damage to property requiring restitution, the commissioner of natural resources must send a written explanation of the extent of the damage and the cost of the repair by first class mail to the address provided by the person receiving the citation within 15 days of the date of the citation.

Subd. 2. [APPEALS.] Civil citations issued under subdivision 1 may be appealed according to section 116.072, if the recipient of the citation requests a hearing by notifying the commissioner in writing within 30 days after receipt of the citation or, if applicable, within 15 days after the date of mailing the explanation of restitution. For the purposes of this section, the terms "commissioner" and "agency" as used in section 116.072 mean the commissioner of natural resources. If a hearing is not requested within the 30-day period, the citation becomes a final order not subject to further review.

Subd. 3. [ENFORCEMENT.] Civil citations issued under subdivision 1 may be enforced under section 116.072, subdivision 9. Penalty amounts must be remitted within 30 days of issuance of the citation. If a person fails to pay a penalty owed under this section within 30 days of the citation, the commissioner must revoke all certificates issued to the person according to section 84.773, subdivision 2.

Subd. 4. [ALLOCATION OF PENALTY AMOUNTS.] Penalty amounts collected from civil citations issued under this section must be paid to the treasury of the unit of government employing the officer that issued the civil citation. Penalties retained by the commissioner shall be credited as follows: to the off-highway motorcycle account under section 84.794 for citations involving off-highway motorcycles; to the off-road vehicle account under section 84.803 for citations involving off-road vehicles; or to the all-terrain vehicle account under section 84.927 for citations involving all-terrain vehicles. Penalty amounts credited under this subdivision are dedicated for the enforcement of off-highway vehicle laws.

Subd. 5. [SELECTION OF REMEDY.] A peace officer may not seek both civil and misdemeanor penalties for offenses listed in subdivision 1.

Sec. 4. [84.776] [LOCAL UNIT OF GOVERNMENT; CLAIMS FOR DAMAGE.]

A local unit of government may submit a claim to the commissioner of natural resources for the cost of repair or restoration of property under the jurisdiction of the government unit that is designated for use by off-highway vehicles and has been damaged by off-highway vehicle use. The commissioner may request any information necessary to evaluate the claim and may make payment from money appropriated for that purpose, including money from the off-highway motorcycle account under section 84.794, subdivision 2, paragraph (a), clause (3); money from the off-road vehicle account under section 84.803, subdivision 2, paragraph (a), clause (3); and money from the all-terrain vehicle account under section 84.927, subdivision 2, paragraph (a), clause (3).

Sec. 5. [84.777] [OFF-HIGHWAY VEHICLE USE OF STATE LANDS RESTRICTED.]

Subdivision 1. [RESTRICTED USE.] (a) Except as otherwise allowed by law or rules adopted by the commissioner, effective June 1, 2003, notwithstanding sections 84.787 to 84.805 and 84.92

to 84.929, the use of off-highway vehicles is prohibited on state land administered by the commissioner of natural resources, and on county-administered forest land within the boundaries of a state forest, except on roads and trails specifically designated and posted by the commissioner for use by off-highway vehicles.

(b) Paragraph (a) does not apply to county-administered land within a state forest if the county board adopts a resolution that regulates the use of off-highway vehicles on county-administered land within the forest.

Subd. 2. [ROAD OR TRAIL CLOSURE.] The commissioner may close a road or trail designated under subdivision 1 when:

(1) adequate maintenance cannot be done on the road or trail; or

(2) there is significant damage to natural resources, including, but not limited to, forest resources as defined in section 89.001, subdivision 8.

Sec. 6. [84.780] [OFF-HIGHWAY VEHICLE DAMAGE ACCOUNT.]

The off-highway vehicle damage account is created in the natural resources fund. Money in the off-highway vehicle damage account is appropriated to the commissioner of natural resources for the repair or restoration of property damaged by the operation of off-highway vehicles in an unpermitted area and for the costs of administration for this section. Before the commissioner may make a payment from this account, the commissioner must determine whether the damage to the property was caused by the unpermitted use of off-highway vehicles, that the applicant has made reasonable efforts to identify the responsible individual and obtain payment from the individual, and that the applicant has made reasonable efforts to prevent reoccurrence.

Sec. 7. Minnesota Statutes 2002, section 84.788, subdivision 2, is amended to read:

Subd. 2. [EXEMPTIONS.] Registration is not required for off-highway motorcycles:

(1) owned and used by the United States, the state, another state, or a political subdivision;

(2) registered in another state or country that have not been within this state for more than 30 consecutive days; or

(3) used exclusively in organized track racing events;

(4) being used on private land with the permission of the landowner; or

(5) registered under chapter 168, when operated on forest roads to gain access to a state forest campground.

Sec. 8. Minnesota Statutes 2002, section 84.788, subdivision 3, is amended to read:

Subd. 3. [APPLICATION; ISSUANCE; REPORTS.] (a) Application for registration or continued registration must be made to the commissioner or an authorized deputy registrar of motor vehicles in a form prescribed by the commissioner. The form must state the name and address of every owner of the off-highway motorcycle.

(b) A person who purchases from a retail dealer an off-highway motorcycle that is intended to be operated on public lands or waters shall make application for registration to the dealer at the point of sale. The dealer shall issue a temporary ten-day registration permit to each purchaser who applies to the dealer for registration. The dealer shall submit the completed registration applications and fees to the deputy registrar at least once each week. No fee may be charged by a dealer to a purchaser for providing the temporary permit.

(c) Upon receipt of the application and the appropriate fee, the commissioner or deputy registrar shall issue to the applicant, or provide to the dealer, a 60-day temporary receipt and shall assign a registration number that must be affixed to the motorcycle in a manner prescribed by the commissioner. A dealer subject to paragraph (b) shall provide the registration materials and temporary receipt to the purchaser within the ten-day temporary permit period.

(d) The commissioner shall develop a registration system to register vehicles under this section. A deputy registrar of motor vehicles acting under section 168.33, is also a deputy registrar of off-highway motorcycles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to ensure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with the accounting and procedural requirements. A fee of \$2 in addition to other fees prescribed by law is charged for each off-highway motorcycle registered by:

(1) a deputy registrar and must be deposited in the treasury of the jurisdiction where the deputy is appointed, or kept if the deputy is not a public official; or

(2) the commissioner and must be deposited in the state treasury and credited to the off-highway motorcycle account.

Sec. 9. Minnesota Statutes 2002, section 84.788, is amended by adding a subdivision to read:

Subd. 6a. [OFF-HIGHWAY VEHICLE DAMAGE SURCHARGE.] A \$15 surcharge is placed on each off-highway motorcycle registered under subdivision 6, paragraph (a). The surcharge must be deposited in the off-highway vehicle damage account in the natural resources fund under section 84.780.

Sec. 10. Minnesota Statutes 2002, section 84.791, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM ESTABLISHED.] The commissioner shall establish a comprehensive off-highway motorcycle environment and safety education and training program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of off-highway motorcycle operators, and the issuance of off-highway motorcycle safety certificates to operators under the age of 16 years who successfully complete the off-highway motorcycle environment and safety education and training courses. The courses must include information about the responsible operation of off-highway motorcycles on public lands and frozen waters, including information about relevant state laws and the environmental impacts related to trail riding behavior.

Sec. 11. Minnesota Statutes 2002, section 84.791, subdivision 2, is amended to read:

Subd. 2. [FEE.] For the purposes of administering the program and to defray a portion of the expenses of training and certifying vehicle operators, the commissioner shall collect a fee not to exceed \$5 \$10 from each person who receives the training. The fees must be deposited in the state treasury and credited to the off-highway motorcycle account.

Sec. 12. Minnesota Statutes 2002, section 84.791, is amended by adding a subdivision to read:

Subd. 4. [EXEMPTION FROM TRAINING.] Until July 1, 2004, the commissioner shall issue a certificate that satisfies the requirements of section 84.773 to the operator of a registered off-highway motorcycle who is at least 18 years of age and who signs a statement on a form prepared by the commissioner that the operator is familiar with and agrees to obey the off-highway laws in this state. The commissioner may charge a fee of up to \$5 for issuing the certificate.

Sec. 13. Minnesota Statutes 2002, section 84.794, subdivision 2, is amended to read:

Subd. 2. [PURPOSES.] (a) Subject to appropriation by the legislature, money in the off-highway motorcycle account may only be spent for the following purposes:

(1) administration, and enforcement, and implementation of sections 84.787 84.773 to 84.796, including, but not limited to, increasing the number of conservation officers available for enforcement of off-highway motorcycle laws to ensure that off-highway motorcycle laws are sufficiently enforced;

(2) acquisition, maintenance, and development of monitoring ongoing impacts of off-highway motorcycle use;

(3) maintenance and repair of designated off-highway motorcycle trails and use areas; and  
(3) grants-in-aid (4) acquisition and development of trails designated for use by off-highway motorcycles;

(5) funding state safety and environmental programs for off-highway motorcycle use;

(6) providing grants-in-aid to local safety and environmental programs for off-highway motorcycle use;

(7) providing grants for enforcement to local jurisdictions where the off-highway vehicle laws are equivalent to the standards in state law; and

(8) funding grant-in-aid programs to counties and municipalities to construct and maintain local off-highway motorcycle trails and use areas.

(b) The distribution of funds made available for grants-in-aid must be guided by the statewide comprehensive outdoor recreation plan.

(c) In determining the amount of money to be allocated for enforcement purposes under paragraph (a), clause (1), the commissioner shall consider:

(1) the number of off-highway motorcycles using state lands, by enforcement region;

(2) the number of off-highway motorcycles using a particular outdoor recreation unit in relation to the size of the unit and the type, speed, and size of off-highway motorcycles used;

(3) the acreage of state land within each enforcement region;

(4) the extent to which violations are cited in each enforcement region;

(5) the overall performance of each enforcement region;

(6) special considerations, such as volume of transient, nonresident, or rental off-highway motorcycles or extremely large outdoor recreation units; and

(7) any other factor determined relevant by the commissioner.

Sec. 14. Minnesota Statutes 2002, section 84.798, is amended by adding a subdivision to read:

Subd. 6a. [OFF-HIGHWAY VEHICLE DAMAGE SURCHARGE.] A \$15 surcharge is placed on each off-road vehicle registered under subdivision 6, paragraph (a). The surcharge must be deposited in the off-highway vehicle damage account in the natural resources fund under section 84.780.

Sec. 15. [84.8015] [EDUCATION AND TRAINING.]

Subdivision 1. [PROGRAM ESTABLISHED.] The commissioner shall establish a comprehensive off-road vehicle environment and safety education and training program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of off-road vehicle operators, and the issuance of off-road vehicle certificates to operators who successfully complete the off-road vehicle environment and safety education and training courses. The courses must include information about the responsible operation of off-road vehicles on public lands and frozen waters, including information about relevant state laws and the environmental impacts related to trail use.

Subd. 2. [FEE.] For the purposes of administering the program and to defray a portion of the expenses of training and certifying vehicle operators, the commissioner shall collect a fee not to exceed \$10 from each person who receives the training. The fees must be deposited in the state treasury and credited to the off-road vehicle account.

Subd. 3. [COOPERATION AND CONSULTATION.] The commissioner shall cooperate with

private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this section. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of off-road vehicle operators.

Subd. 4. [EXEMPTION FROM TRAINING.] Until July 1, 2004, the commissioner shall issue a certificate that satisfies the requirements of section 84.773 to the operator of a registered off-road vehicle who is at least 18 years of age and who signs a statement on a form prepared by the commissioner that the operator is familiar with and agrees to obey the off-road vehicle laws in this state. The commissioner may charge a fee of up to \$5 for issuing the certificate.

Sec. 16. Minnesota Statutes 2002, section 84.803, subdivision 2, is amended to read:

Subd. 2. [PURPOSES.] (a) Subject to appropriation by the legislature, money in the off-road vehicle account may only be spent for the following purposes:

(1) administration and implementation of enforcement of sections 84.773 to 84.777 and 84.797 to 84.805 and Laws 1993, chapter 311, article 2, section 18, including, but not limited to, increasing the number of conservation officers available for enforcement of off-road vehicle laws to ensure that off-road vehicle laws are sufficiently enforced;

(2) acquisition, maintenance, and development of monitoring ongoing impacts of off-road vehicle use;

(3) maintenance and repair of designated off-road vehicle trails and use areas;

(4) acquisition and development of trails designated for use by off-road vehicles;

(5) funding state safety and environmental programs for off-road vehicle use;

(6) providing grants-in-aid to local safety and environmental programs for off-road vehicle use;

(3) (7) funding grant-in-aid programs to counties and municipalities to construct and maintain local off-road vehicle trails and use areas; and

(4) grants-in-aid to local safety programs

(8) providing grants for enforcement to local jurisdictions where off-highway vehicle laws are equivalent to the standards in state law.

(b) In determining the amount of money to be allocated for enforcement purposes under paragraph (a), clause (1), the commissioner shall consider:

(1) the number of off-road vehicles using state lands, by enforcement region;

(2) the number of off-road vehicles using a particular outdoor recreation unit in relation to the size of the unit and the type, speed, and size of off-road vehicles used;

(3) the acreage of state land within each enforcement region;

(4) the extent to which violations are cited in each enforcement region;

(5) the overall performance of each enforcement region;

(6) special considerations, such as volume of transient, nonresident, or rental off-road vehicles or extremely large outdoor recreation units; and

(7) any other factor determined relevant by the commissioner.

Sec. 17. [84.901] [OFF-HIGHWAY VEHICLE SAFETY AND CONSERVATION PROGRAM.]

Subdivision 1. [CREATION.] The commissioner of natural resources shall establish a program

to promote the safe and responsible operation of off-highway vehicles in a manner that does not harm the environment. The commissioner shall coordinate the program through the regional offices of the department of natural resources.

Subd. 2. [PURPOSE.] The purpose of the program is to encourage off-highway vehicle clubs to assist, on a volunteer basis, in improving, maintaining, and monitoring of trails on state forest land and other public lands.

Subd. 3. [AGREEMENTS.] (a) The commissioner shall enter into informal agreements with off-highway vehicle clubs for volunteer services to maintain, make improvements to, and monitor trails on state forest land and other public lands. The off-highway vehicle clubs shall promote the operation of off-highway vehicles in a safe and responsible manner that complies with the laws and rules that relate to the operation of off-highway vehicles.

(b) The off-highway vehicle clubs may provide assistance to the department in locating, recruiting, and training instructors for off-highway vehicle training programs.

(c) The commissioner may provide assistance to enhance the comfort and safety of volunteers and to facilitate the implementation and administration of the safety and conservation program.

Subd. 4. [WORKER DISPLACEMENT PROHIBITED.] The commissioner may not enter into any agreement that has the purpose of or results in the displacement of public employees by volunteers participating in the off-highway safety and conservation program under this section. The commissioner must certify to the appropriate bargaining agent that the work performed by a volunteer will not result in the displacement of currently employed workers or workers on seasonal layoff or layoff from a substantially equivalent position, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits.

Sec. 18. Minnesota Statutes 2002, section 84.92, subdivision 8, is amended to read:

Subd. 8. [ALL-TERRAIN VEHICLE.] "All-terrain vehicle" or "vehicle" means a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 800 900 pounds.

Sec. 19. Minnesota Statutes 2002, section 84.922, is amended by adding a subdivision to read:

Subd. 5a. [OFF-HIGHWAY VEHICLE DAMAGE SURCHARGE.] A \$15 surcharge is placed on each all-terrain vehicle registration under subdivision 5, paragraph (a), clause (1). The surcharge must be deposited in the off-highway vehicle damage account in the natural resources fund under section 84.780.

Sec. 20. Minnesota Statutes 2002, section 84.925, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM ESTABLISHED.] (a) The commissioner shall establish a comprehensive all-terrain vehicle environmental and safety education and training program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of all-terrain vehicle operators, and the issuance of all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who successfully complete the all-terrain vehicle environmental and safety education and training course. The courses must include information about the responsible operation of all-terrain vehicles on public lands and frozen waters, including information about relevant state laws and the environmental impacts related to trail riding behavior.

(b) For the purpose of administering the program and to defray a portion of the expenses of training and certifying vehicle operators, the commissioner shall collect a fee of \$15 from each person who receives the training that includes a riding component, and a fee of \$10 from each person who receives training without a riding component. Fee proceeds shall be deposited in the all-terrain vehicle account in the natural resources fund.

(c) The commissioner shall cooperate with private organizations and associations, private and

public corporations, and local governmental units in furtherance of the program established under this section. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of vehicle operators. By June 30, 2003, the commissioner shall incorporate a riding component in the safety education and training program.

Sec. 21. Minnesota Statutes 2002, section 84.925, is amended by adding a subdivision to read:

Subd. 3. [EXEMPTION FROM TRAINING.] Until July 1, 2004, the commissioner shall issue a certificate that satisfies the requirements of section 84.773 to the operator of a registered all-terrain vehicle who is at least 18 years of age and who signs a statement on a form prepared by the commissioner that the operator is familiar with and agrees to obey the all-terrain vehicle laws in this state. The commissioner may charge a fee of up to \$5 for issuing the certificate.

Sec. 22. Minnesota Statutes 2002, section 84.926, is amended to read:

84.926 [VEHICLE USE ALLOWED ON PUBLIC LANDS BY THE COMMISSIONER.]

Notwithstanding section 84.777, on a case by case basis, after notice and public hearing, the commissioner may allow vehicles issue a permit authorizing a person to operate an off-highway vehicle on individual public trails under the commissioner's jurisdiction during specified times and for specified purposes.

Sec. 23. Minnesota Statutes 2002, section 84.927, subdivision 2, is amended to read:

Subd. 2. [PURPOSES.] (a) Subject to appropriation by the legislature, money in the all-terrain vehicle account may only be spent for the following purposes:

- ~~(1) the education and training program under section 84.925;~~
- (2) administration and implementation of enforcement of sections 84.773 to 84.777 and 84.92 to 84.929 and Laws 1984, chapter 647, sections 9 and 10, including, but not limited to, increasing the number of conservation officers available for enforcement of all-terrain vehicle laws to ensure that all-terrain vehicle laws are sufficiently enforced;
- (2) monitoring ongoing impacts of all-terrain vehicle use;
- (3) acquisition, maintenance, and development of repair of vehicle trails and use areas;
- (4) acquisition and development of trails designated for use by all-terrain vehicles;
- (5) funding state safety and environmental programs for all-terrain vehicle use;
- (6) providing grants-in-aid to local safety and environmental programs for all-terrain vehicle use;
- (4) (7) funding grant-in-aid programs to counties and municipalities to construct and maintain local all-terrain vehicle trails and use areas; and
- ~~(5) grants-in-aid to local safety programs~~
- (8) providing grants for enforcement to local jurisdictions where off-highway vehicle laws are equivalent to the standards in state law.
- (b) The distribution of funds made available through grant-in-aid programs must be guided by the statewide comprehensive outdoor recreation plan.
- (c) In determining the amount of money to be allocated for enforcement purposes under paragraph (a), clause (1), the commissioner shall consider:

- (1) the number of all-terrain vehicles using state lands, by enforcement region;

(2) the number of all-terrain vehicles using a particular outdoor recreation unit in relation to the size of the unit and the type, speed, and size of all-terrain vehicles used;

(3) the acreage of state land within each enforcement region;

(4) the extent to which violations are cited in each enforcement region;

(5) the overall performance of each enforcement region;

(6) special considerations, such as volume of transient, nonresident, or rental all-terrain vehicles or extremely large outdoor recreation units; and

(7) any other factor determined relevant by the commissioner.

Sec. 24. Minnesota Statutes 2002, section 84.928, subdivision 1, is amended to read:

Subdivision 1. [OPERATION ON ROADS AND RIGHTS-OF-WAY.] (a) Unless otherwise allowed in sections 84.92 to 84.929, a person shall not operate an all-terrain vehicle in this state:

(1) along or on the roadway, shoulder, or inside bank or slope of a public road right-of-way other than of a trunk, county state aid, or county highway; or

(2) in the ditch or the outside bank or slope of a trunk, county state aid, or county highway in this state unless otherwise allowed in sections 84.92 to 84.929 a public road right-of-way, unless approved after a public hearing by the road authority as defined under section 160.02, subdivision 25.

(b) The commissioner may limit the use of a right-of-way approved by a local unit of government under this subdivision for a period of time if the commissioner determines that use of the right-of-way causes:

(1) degradation of vegetation on adjacent public property;

(2) siltation of waters of the state;

(3) impairment or enhancement to the act of taking game; or

(4) a threat to safety of the right-of-way users or to individuals on adjacent public property.

~~(b)~~ (c) A person may operate an all-terrain vehicle registered for private use and used for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or county highway in this state if the all-terrain vehicle is operated on the extreme right-hand side of the road, and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions.

~~(e)~~ (d) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in the agricultural zone unless the vehicle is being used exclusively as transportation to and from work on agricultural lands. This paragraph does not apply to an agent or employee of a road authority, as defined in section 160.02, subdivision 25, or the department of natural resources when performing or exercising official duties or powers.

~~(d)~~ (e) A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way and in the same direction as the highway traffic on the nearest lane of the adjacent roadway.

~~(e)~~ (f) A person shall not operate an all-terrain vehicle at any time within the right-of-way of an interstate highway or freeway within this state.

Sec. 25. [84.930] [MOTORIZED TRAIL GRANTS-IN-AID.]

(a) This section applies to grants-in-aid for motorized trail construction and maintenance under sections 84.794, 84.803, 84.83, and 84.927.



(b) If the commissioner of natural resources determines that a grant-in-aid recipient has violated any federal or state law or any of the terms of the grant agreement with the commissioner, the commissioner may withhold all grant payments for any work occurring after the date the recipient was notified of the violation and may seek restitution for any property damage caused by the violation.

Sec. 26. [PROVISIONAL FOREST TRAIL DESIGNATION.]

Subdivision 1. [PROVISIONAL TRAILS.] (a) The commissioner of natural resources shall review all state forests and provide provisional designations for trails for use by off-highway vehicles by October 31, 2005. The commissioner shall prioritize selection of state forests for review based on the prospect for finding trails appropriate for off-highway vehicle use, and shall ensure that at least 1,500 additional miles of trails are provisionally designated and posted by October 31, 2005.

If the total mileage of the trails designated under this subdivision does not exceed 1,500 miles of permanently designated trails after the expiration of all provisional designations, the commissioner must designate enough provisional trails under this subdivision to ensure that a total with at least 1,500 additional miles of permanent and provisional trails are available for off-highway use. The commissioner must continue this process until at least 1,500 miles of permanently designated off-highway vehicle trails are available in state forests in addition to the designated trails available before commencing the process under this subdivision.

(b) Before making a designation of a trail under this subdivision, the commissioner must review the proposed designation for the trail prepared by a trail designation team composed of an interdisciplinary team of representatives from departmental divisions.

(c) Until October 31, 2005, Minnesota Statutes, section 84.777, subdivision 1, paragraph (a), does not apply to a state forest, unless the review and provisional trail designation process has been completed for the forest.

(d) After provisional trail designations and postings are completed for a state forest, Minnesota Statutes, section 84.777, subdivision 1, paragraph (a), applies to that forest. For the purposes of Minnesota Statutes, section 84.777, subdivision 1, paragraph (a), a provisional designation under this subdivision is a trail specifically designated by the commissioner. A provisional trail designation expires at the end of the time specified for suspension of environmental review provided in subdivision 2.

Subd. 2. [TEMPORARY SUSPENSION OF ENVIRONMENTAL REVIEW REQUIREMENTS.] The requirements for environmental review under Minnesota Statutes, section 116D.04, and rules of the environmental quality board are temporarily suspended for each provisional trail designation until two years have elapsed after each provisional trail has been designated in a state forest. If a lawsuit challenging a trail designation is commenced, the running of the two-year suspension under this subdivision is tolled, and the suspension remains in effect from the date the lawsuit is filed until the date of dismissal or entry of final judgment in the lawsuit.

This subdivision does not apply to a trail that is included in a record of decision or court order issued before the date of enactment of this act that requires environmental review for the trail.

Subd. 3. [RULEMAKING.] By January 1, 2006, the environmental quality board shall adopt rules providing for threshold levels for environmental review on recreational trails.

Sec. 27. [STUDY OF OFF-HIGHWAY VEHICLE TRAILS.]

By October 1, 2003, the commissioner of natural resources must submit a report to the chairs of the legislative committees with jurisdiction over natural resources policy and finance concerning the compatibility of multiple uses of the outdoor recreation system. The report must address the current and future availability of recreational opportunities for nonmotorized and motorized activities, and recommend legislative and policy changes to preserve natural resources and to assure the continued availability of outdoor recreation opportunities for all residents of this state.

The report must also address cost of maintenance, operation, and enforcement for the current off-highway vehicle trails system, including, but not limited to, how many miles of trails the department's off-highway vehicle budget will support. The report must include:

- (1) a detailed discussion of sources of revenue for trails;
- (2) an analysis of recent and projected expenditures from the off-highway vehicle accounts;
- (3) information regarding all other sources of revenue used for off-highway vehicle purposes;  
and
- (4) a current inventory of all the state forest roads and access routes, including designated off-highway vehicle routes and all motorized and nonmotorized trails.

Sec. 28. [APPROPRIATIONS.]

Subdivision 1. [TRAILS.] \$1,000,000 in fiscal year 2004 and \$600,000 in fiscal year 2005 is appropriated from the natural resources fund to the commissioner of natural resources for off-highway vehicle trail designation and development. Of this amount, \$600,000 in fiscal year 2004 and \$360,000 in fiscal year 2005 is from the all-terrain vehicle account; \$50,000 in fiscal year 2004 and \$30,000 in fiscal year 2005 is from the off-highway motorcycle account; and \$350,000 in fiscal year 2004 and \$210,000 in fiscal year 2005 is from the off-road vehicle account.

Subd. 2. [ENFORCEMENT AND TRAINING.] \$2,626,000 in fiscal year 2004 and \$965,000 in fiscal year 2005 is appropriated from the natural resources fund to the commissioner of natural resources for off-highway vehicle enforcement and training. Of this amount, \$2,496,000 in fiscal year 2004 and \$918,000 in fiscal year 2005 is from the all-terrain vehicle account; \$103,000 in fiscal year 2004 and \$36,000 in fiscal year 2005 is from the off-highway motorcycle account; and \$27,000 in fiscal year 2004 and \$11,000 in fiscal year 2005 is from the off-road vehicle account.

Subd. 3. [LOCAL ENFORCEMENT AND EDUCATION GRANTS.] \$200,000 in fiscal year 2004 and \$200,000 in fiscal year 2005 are appropriated to the commissioner of natural resources from the natural resources fund for grants to county law enforcement agencies for off-highway vehicle enforcement and public education activities based on off-highway vehicle use in the county. Of this amount, \$189,000 each year is from the all-terrain vehicle account, \$10,000 each year is from the off-highway motorcycle account, and \$1,000 each year is from the off-road vehicle account. The county enforcement agencies may use money received under this subdivision to make grants to other local enforcement agencies within the county that have a high concentration of off-highway vehicle use.

Subd. 4. [OFF-HIGHWAY VEHICLE FACILITIES.] \$1,000,000 in fiscal year 2004 is appropriated from the natural resources fund to the commissioner of natural resources for the Iron Range off-highway vehicle recreation area. Of this amount, \$600,000 is from the all-terrain vehicle account, \$350,000 is from the off-road vehicle account, and \$50,000 is from the off-highway motorcycle account. This appropriation is available until expended.

Subd. 5. [RULES DECALS.] \$151,000 in fiscal year 2004 is appropriated to the commissioner of natural resources from the natural resources fund for the production and distribution of off-highway vehicle rules decals. Of this amount, \$138,000 is from the all-terrain vehicle account, \$10,000 is from the off-highway motorcycle account, and \$3,000 is from the off-road vehicle account.

Sec. 29. [EFFECTIVE DATES.]

Sections 2 and 24 are effective June 1, 2004. Section 26 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to natural resources; restricting the use of off-highway vehicles on

state land; providing civil citation authority; modifying the disposition of certain fees; modifying registration and operating requirements for certain recreational vehicles; providing for enforcement; modifying motorized trail grants-in-aid; appropriating money; amending Minnesota Statutes 2002, sections 84.788, subdivisions 2, 3, by adding a subdivision; 84.791, subdivisions 1, 2, by adding a subdivision; 84.794, subdivision 2; 84.798, by adding a subdivision; 84.803, subdivision 2; 84.92, subdivision 8; 84.922, by adding a subdivision; 84.925, subdivision 1, by adding a subdivision; 84.926; 84.927, subdivision 2; 84.928, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84."

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

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

**S.F. No. 969:** A bill for an act relating to crimes; creating the crime of skimming card fraud; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Page 2, delete lines 18 to 27 and insert:

"Subd. 3. [PENALTY.] A person who violates subdivision 2 commits skimming card fraud and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both."

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

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

**S.F. No. 1414:** A bill for an act relating to judgments; regulating stays of execution on money judgments; limiting bond amounts; amending Minnesota Statutes 2002, section 550.36.

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

Page 2, line 23, delete "\$25,000,000" and insert "\$100,000,000"

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

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

**S.F. No. 425:** A bill for an act relating to human services; establishing hearing procedures; proposing coding for new law in Minnesota Statutes, chapter 256.

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

Page 2, lines 21 and 24, delete "five" and insert "three"

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

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

**H.F. No. 1140:** A bill for an act relating to health; modifying requirements for an agreement to regulate nuclear materials; amending Minnesota Statutes 2002, section 144.1202, subdivision 4.

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

Page 1, after line 19, insert:

"Sec. 2. Minnesota Statutes 2002, section 148B.18, subdivision 2a, is amended to read:

Subd. 2a. [APPLICANT.] "Applicant" means a person who has submitted an application, with

the appropriate fee, for licensure ~~by the board~~, temporary licensure, or reinstatement of an expired license.

Sec. 3. Minnesota Statutes 2002, section 148B.18, is amended by adding a subdivision to read:

Subd. 13. [TEMPORARY LICENSEE.] "Temporary licensee" means a person licensed by the board under section 148B.21, subdivision 7.

Sec. 4. Minnesota Statutes 2002, section 148B.20, subdivision 3, is amended to read:

Subd. 3. [DUTIES OF THE BOARD.] The board shall ~~by rule~~ establish fees, including late fees, for licenses and renewals so that the total fees collected by the board will as closely as possible equal anticipated expenditures during the fiscal biennium, as provided in section 16A.1285. Fees must be credited to accounts in the special revenue fund.

Sec. 5. Minnesota Statutes 2002, section 148B.21, subdivision 7, is amended to read:

Subd. 7. [TEMPORARY PERMIT LICENSE.] (a) The board may issue a temporary ~~permit license~~ to practice social work to an applicant ~~in the following situations, provided the applicant meets all other requirements for licensure~~ who is either:

(1) ~~the applicant~~ not licensed in any jurisdiction but has:

(i) applied for a license under section 148B.24;

(ii) applied for a temporary license on a form provided by the board;

(iii) submitted a form provided by the board authorizing the board to complete a criminal background check with the Minnesota bureau of criminal apprehension;

(iv) passed the applicable licensure examination provided for in section 148B.20, subdivision 1, paragraph (c); and

(v) the applicant's accredited program of social work has submitted an affidavit on attested on a form provided by the board verifying that the applicant's completion of applicant has completed the requirements for a baccalaureate or master's degree. The affidavit must be submitted within 15 days of the date of completion of the degree requirements. The temporary permit under this clause is valid for six months, or until a license is issued, whichever comes first, and is nonrenewable from a social work program accredited by the Council on Social Work Education or the requirements for a doctoral degree in social work; or

(2) the applicant has applied for licensure under section 148B.24 and the board determines that the applicant must pass the licensure examination before being licensed. The temporary permit under this clause is valid if the applicant passes the examination and completes the licensure process within the time periods specified by the board, and is nonrenewable; licensed in another jurisdiction, may or may not have applied for a license under section 148B.20, and has:

(i) applied for a temporary license on a form provided by the board;

(ii) submitted a form provided by the board authorizing the board to complete a criminal background check with the Minnesota bureau of criminal apprehension;

(iii) submitted evidence satisfactory to the board that the applicant is currently licensed or credentialed to practice social work in another jurisdiction; and

(iv) attested on a form provided by the board that the applicant has completed the requirements for a baccalaureate or master's degree from a social work program accredited by the council on social work education or the requirements for a doctoral degree in social work.

(3) the applicant has passed the licensure examination, has graduated from a program of social work in candidacy status with the Council on Social Work Education, and the program of social work has submitted an affidavit on a form provided by the board verifying the applicant's

completion of the requirements for a degree. The affidavit must be submitted within 15 days of the date of completion of the degree requirements. The temporary permit under this clause is valid for six months, and may be extended at the board's discretion upon a showing that the social work program remains in good standing with the Council on Social Work Education. If the board receives notice from the Council on Social Work Education that the program of social work is not in good standing or that accreditation will not be granted to the program of social work, then the temporary permit shall be invalid immediately and the applicant shall not qualify for licensure; or

~~(4) the applicant was born in a foreign country, the applicant has taken and failed to pass the licensure examination, English is a second language for the applicant, and the applicant's accredited program of social work has submitted an affidavit on a form provided by the board verifying the applicant's completion of the requirements for a degree. The affidavit must be submitted within 15 days of the date of completion of the degree requirements. The temporary permit under this clause is valid for six months or until a license is issued, whichever comes first, and is nonrenewable. This clause expires August 1, 2005.~~

~~(b) An applicant for a temporary license must not practice social work in Minnesota until the applicant has been granted a temporary license. An applicant who is practicing social work at the time of application is ineligible for a temporary license.~~

~~(c) An applicant for a temporary license must pay the nonrefundable application fee described in section 148B.226 plus the required fee for the cost of the criminal background check. Only one fee for the cost of the criminal background check must be submitted when the applicant is applying for both a temporary license and a license under section 148B.20.~~

~~(d) An applicant who is not licensed in another jurisdiction and who obtains a temporary permit license may practice social work only under the supervision of a licensed social worker who is eligible to provide supervision under section 148B.18, subdivision 12. The applicant's supervisor must provide evidence to the board, before the applicant is approved by the board for licensure, that the applicant has practiced social work under supervision. This supervision will not apply applies toward the supervision requirement required after licensure.~~

~~(e) A temporary licensee who has provided evidence to the board that the licensee has completed the requirements for a baccalaureate degree in social work from a social work program accredited by the Council on Social Work Education may temporarily engage in the social work practice described in section 148B.18, subdivision 11, paragraph (b), but may not engage in the social work practice described in section 148B.18, subdivision 11, paragraph (c).~~

~~(f) A temporary licensee who has provided evidence to the board that the licensee has completed the requirements for a master's degree in social work from a social work program accredited by the Council on Social Work Education, or the requirements for a doctoral degree in social work, may temporarily engage in the social work practice described in section 148B.18, subdivision 11, paragraphs (b) and (c).~~

~~(g) A temporary licensee shall conduct all professional activities as a social worker in accordance with the requirements established by the statutes and rules of the board.~~

~~(h) A temporary licensee must use the title "Social Worker - Temporary Licensee" in all professional use of the temporary licensee's name.~~

~~(i) The board may immediately revoke the temporary license of any temporary licensee who violates any requirements of this subdivision. A temporary licensee whose temporary license is revoked shall immediately return the temporary license to the board.~~

~~(e) (j) A temporary permit license is valid for six months, or until the board issues or denies a license, or until the board revokes the temporary license, whichever comes first, and is nonrenewable. An individual holding a temporary license may not practice social work for more than six months without a license under section 148B.24.~~

Sec. 6. Minnesota Statutes 2002, section 148B.22, is amended by adding a subdivision to read:

Subd. 1a. [REINSTATEMENT OF EXPIRED LICENSES.] (a) The board must reinstate an expired license under either of the following conditions:

(1) hardship cases in which the applicant has:

(i) demonstrated to the board's satisfaction that the applicant was unable to comply with the board's license renewal requirements due to a mental or physical condition;

(ii) submitted an application for reinstatement on a form provided by the board;

(iii) paid the applicable hardship reinstatement fee described in section 148B.226, subdivision 2, paragraph (j);

(iv) demonstrated to the board's satisfaction that the applicant was in compliance with the board's continuing education requirements at the time the license expired; and

(v) if applicable, demonstrated to the board's satisfaction that the licensee is in compliance with the supervised practice requirements established by the board in rule and statute; or

(2) nonhardship cases in which the applicant has:

(i) submitted an application for reinstatement on a form provided by the board within one year of the date the license expired;

(ii) paid the applicable nonhardship reinstatement fee described in section 148B.226, subdivision 2, paragraph (k);

(iii) demonstrated to the board's satisfaction that the applicant was in compliance with the board's continuing education requirements at the time the license expired; and

(iv) if applicable, demonstrated to the board's satisfaction that the licensee is in compliance with the supervised practice requirements established by the board in rule and statute.

(b) When an applicant's expired license has been reinstated under paragraph (a), clause (1) or (2), the reinstated license is effective the day following the day the license expired.

(c) A licensee whose license expired on or after August 1, 2001, may apply for reinstatement of an expired license pursuant to paragraph (a), clause (2). The application must be submitted no later than July 31, 2004.

Sec. 7. [148B.224] [ALTERNATIVE LICENSE STATUS.]

Subdivision 1. [DEFINED; QUALIFICATIONS.] A license may be placed on inactive status if a licensee is not practicing social work in Minnesota and the licensee does not wish to meet license renewal requirements every two years. A licensee qualifies for inactive status if the licensee demonstrates to the board that the licensee is not practicing social work, as defined by section 148B.18, in any setting in Minnesota.

Subd. 2. [APPLICATION.] (a) A licensee may apply for inactive status: (1) at any time by submitting a written application for inactive status; or (2) as an alternative to applying for the renewal of a license by so recording on the application for license renewal form and submitting the completed, signed form. The application for inactive status must be accompanied by the nonrefundable inactive status fee specified in section 148B.226, payable to the board of social work. An application that is not completed or signed, or which is not accompanied by the correct inactive status fee, shall be returned to the licensee and is void. If the application for inactive status is received after the expiration date, the licensee shall pay a late fee as specified in section 148B.226, payable to the board of social work, in addition to the inactive status fee, before the application for inactive status will be considered by the board.

(b) The licensee shall attest on a form provided by the board that the applicant will not use the title social worker and will not engage in social work practice in any setting in Minnesota after the date of the board's approval of the application for inactive status.

Subd. 3. [APPROVAL.] The board shall approve an application for inactive status if the qualifications and application requirements have been met.

Subd. 4. [PRACTICE PROHIBITED.] Licensees on inactive status shall not practice, attempt to practice, offer to practice, or advertise or hold themselves out as authorized to practice social work in any setting in Minnesota and shall use only the title "Social Worker - Inactive Status."

Subd. 5. [TIME LIMIT ON INACTIVE STATUS.] A licensee may maintain a license on inactive status for up to ten consecutive years. Within 30 days after the end of this ten-year period, the licensee must apply for reactivation of the license pursuant to subdivision 7 or the license expires. The board shall mail an application for reactivation to a licensee at least 45 days before the expiration date of the license. Placing the application for license reactivation in first class United States mail, addressed to the licensee at the licensee's last known mailing address with postage prepaid, constitutes valid mailing. Failure to receive the reactivation application does not release a license holder from the requirements of this section.

Subd. 6. [CONTINUING EDUCATION REQUIREMENT.] A licensee whose license is on inactive status must continue to obtain the continuing education hours required by rule that would be required if the licensee's license were on active status.

Subd. 7. [REACTIVATING A LICENSE.] (a) To reactivate a license, a licensee must complete an application for reactivation of a license, in a form specified by the board; document compliance with the continuing education hours required by subdivision 6 and any continuing education hours not reported by the last expiration date of the license; submit a supervision plan under rules of the board, if required; pay a prorated license renewal fee for the balance of the biennial renewal cycle; and pay the duplicate license certificate fee specified in section 148B.226, if the licensee needs a license in order to meet the requirements of Minnesota Rules, part 8740.0340, subpart 4.

(b) If a licensee who reactivates a license has been on inactive status for five or more consecutive years and has not practiced social work during this period, the licensee must receive at least 38 hours of supervision for the first year of full-time practice or 2,000 hours of part-time practice, in accordance with the supervised practice requirements in rules of the board, for application to the licensee's current level. A licensee must submit a supervision plan before beginning practice, in accordance with rules of the board. A licensee must have the supervisor submit verification of the supervised practice in a form specified by the board within 30 days of completing this supervised practice requirement. This supervision requirement must be waived if the licensee can document at least two years of social work practice, outside of Minnesota, within the previous five-year period.

(c) For licensed social workers, the completed hours of supervised practice required under this subpart apply toward any remaining hours required by Minnesota Rules, part 8740.0130, subpart 3.

(d) Licensed graduate social workers and licensed independent social workers shall complete this supervised practice requirement before applying for another social work license. Supervised practice hours obtained to meet this requirement may be applied toward the supervised practice requirement for another social work license.

Subd. 8. [LICENSE OR RENEWAL FEE.] A licensee who is approved for inactive status before the end of the renewal cycle may not receive a refund for any portion of the license fee or renewal fee.

Subd. 9. [DISCIPLINARY OR CORRECTIVE ACTION.] The board shall retain jurisdiction over a license on inactive status and may take disciplinary or corrective action against the license based on conduct occurring before inactive status was granted or during the inactive status period.

Sec. 8. [148B.225] [EMERITUS STATUS.]

Subdivision 1. [DEFINED; QUALIFICATIONS.] A licensee may apply for an emeritus license if the licensee is retired from social work practice and does not intend to practice social work in

any setting in Minnesota. A licensee shall qualify for an emeritus license if the licensee demonstrates to the board that the licensee is not practicing social work, as defined in section 148B.18, and verifies that the licensee is retired from social work practice.

Subd. 2. [APPLICATION.] (a) A licensee may apply for an emeritus license: (1) at any time by submitting a written application for an emeritus license; or (2) as an alternative to applying for the renewal of a license by so recording on the application for license renewal form and submitting a completed, signed form. The application for an emeritus license must be accompanied by the onetime, nonrefundable emeritus license fee specified in section 148B.226, payable to the board of social work. An application which is not completed or signed, or which is not accompanied by the correct emeritus license fee must be returned to the licensee and is void.

(b) An applicant for an emeritus license shall attest on a form provided by the board that the licensee will not use the title "social worker" and will not engage in social work practice in any setting in Minnesota after the date of the board's approval of the application for an emeritus license.

Subd. 3. [APPROVAL.] The board shall approve an application for an emeritus license if the qualifications and application requirements have been met. Upon approval of an application for an emeritus license, the board shall issue an emeritus license certificate.

Subd. 4. [PRACTICE PROHIBITED.] A licensee with an emeritus license shall not practice, attempt to practice, offer to practice, or advertise or hold out as authorized to practice social work in any setting in Minnesota, and shall use only the title "social worker emeritus."

Subd. 5. [REACTIVATING A LICENSE.] A licensee with an emeritus license may reactivate a license by meeting the requirements of section 148B.224, subdivision 7.

Subd. 6. [LICENSE OR RENEWAL FEE.] A licensee who applies for and is approved for an emeritus license before the end of the renewal cycle may not receive a refund for any portion of the license fee or renewal fee.

Subd. 7. [DISCIPLINARY ACTION.] (a) The board may resolve any pending complaints against a licensee before approving an application for an emeritus license.

(b) The board shall retain jurisdiction and may take disciplinary action against a licensee holding an emeritus license based on conduct occurring before issuance of the emeritus license.

#### Sec. 9. [148B.226] [FEES.]

Subdivision 1. [HOW PAYABLE.] The fees in subdivision 2 must be paid by personal check, bank draft, cashier's check, or money order payable to the board of social work. All fees are nonrefundable.

Subd. 2. [FEE AMOUNTS.] (a) Application fees for licensure are as follows:

- (1) for a licensed social worker or a licensed graduate social worker, \$45;
- (2) for a licensed independent social worker or a licensed independent clinical social worker, \$90;
- (3) for a reciprocity application for licensure at all levels, \$150; and
- (4) for a temporary license application, \$50.

(b) A criminal background check fee must be paid in the amount determined by the bureau of criminal apprehension.

(c) License fees payable in addition to application fees for licensure are as follows:

- (1) licensed social worker, \$115.20;



- (2) licensed graduate social worker, \$201.60;
- (3) licensed independent social worker, \$302.40; and
- (4) licensed independent clinical social worker, \$331.20.
- (d) License renewal fee:
  - (1) licensed social worker, \$115.20;
  - (2) licensed graduate social worker, \$201.60;
  - (3) licensed independent social worker, \$302.40; and
  - (4) licensed independent clinical social worker, \$331.20.
- (e) An emeritus license fee is \$43.20.
- (f) A duplicate license wall certificate is \$30.
- (g) Inactive status fees are as follows:
  - (1) licensed social worker, \$115.20;
  - (2) licensed graduate social worker, \$201.60;
  - (3) licensed independent social worker, \$302.40; and
  - (4) licensed independent clinical social worker, \$331.20.
- (h) A duplicate license card is \$10.
- (i) A late fee is one-half of the applicable license renewal fee or inactive status fee.
- (j) Hardship reinstatement fees are as follows:
  - (1) licensed social worker, \$172.80;
  - (2) licensed graduate social worker, \$302.40;
  - (3) licensed independent social worker, \$453.60; and
  - (4) licensed independent clinical social worker, \$496.80.
- (k) Nonhardship reinstatement fees are as follows:
  - (1) licensed social worker, \$230.40;
  - (2) licensed graduate social worker, \$403.20;
  - (3) licensed independent social worker, \$604.80; and
  - (4) licensed independent clinical social worker, \$662.40.

Sec. 10. Minnesota Statutes 2002, section 148B.26, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS.] The following conduct is grounds for the board to deny the application for or the renewal of a temporary ~~permit~~ or license, to take disciplinary or other action against a license as provided for in section 148B.281, or to take corrective action against a licensee as provided for in chapter 214:

- (1) engaging in any conduct which violates any statute or rule enforced by the board, or any other law that is related to the practice of social work;
- (2) violating any order issued by the board;

(3) practicing outside the scope of practice authorized by this chapter for each level of licensure;

(4) failing to demonstrate the qualifications or satisfy the requirements for licensure, with the burden of proof on the applicant to demonstrate the qualifications or the satisfaction of the requirements;

(5) obtaining a temporary ~~permit~~, license, or license renewal by fraud, bribery, or cheating, or attempting to subvert the examination process;

(6) making a false statement or misrepresentation to the board;

(7) having been the subject of revocation, suspension, or surrender of a social work or related license or of other adverse action related to a social work or related license in another jurisdiction or country;

(8) failing to report the revocation, suspension, or surrender of a social work or related license or other adverse action related to a social work or related license in another jurisdiction or country, failing to report that a complaint or other charges regarding the person's license have been brought in this or another jurisdiction or country, or having been refused a license by any other jurisdiction or country;

(9) engaging in unprofessional conduct or any other conduct which has the potential for causing harm to the public, including any departure from or failure to conform to the minimum standards of acceptable and prevailing practice without actual injury having to be established;

(10) engaging in unethical conduct or conduct likely to deceive, defraud, or harm the public, demonstrating a willful or careless disregard for the health, welfare, or safety of a client, or engaging in a practice which is professionally incompetent with proof of actual injury not having to be established;

(11) being adjudicated by a court of competent jurisdiction, within or without this state, as incapacitated, mentally incompetent or mentally ill, chemically dependent, mentally ill and dangerous to the public, or a psychopathic personality;

(12) being unable to practice with reasonable skill and safety by reason of illness, use of alcohol, drugs, chemicals or any other materials, or as a result of any mental or physical condition;

(13) engaging in improper or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws;

(14) obtaining money, property, or services from a client through the use of undue influence, harassment, duress, deception, or fraud or through the improper use of a professional position;

(15) engaging in sexual contact, as defined in section 148A.01, with a client or conduct that is or may reasonably be interpreted by the client as sexual, engaging in verbal behavior that is or may reasonably be interpreted as sexually seductive or sexually demeaning to a client, or engaging in conduct that violates section 617.23;

(16) being convicted, including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or a no contest plea, of a crime against a minor;

(17) being convicted, including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or a no contest plea of a felony, gross misdemeanor, or misdemeanor reasonably related to the practice of social work, as evidenced by a certified copy of the conviction;

(18) engaging in an unfair discriminatory practice prohibited by chapter 363 of an employee of the applicant, licensee, or facility in which the applicant or licensee practices;

(19) engaging in false, fraudulent, deceptive, or misleading advertising; or

(20) revealing a privileged communication from or relating to a client except when otherwise required or permitted by law.

Sec. 11. Minnesota Statutes 2002, section 148B.27, subdivision 1, is amended to read:

Subdivision 1. [PRACTICE.] No individual shall engage in social work practice unless that individual holds a valid temporary ~~permit~~ license or a license as a licensed social worker, licensed graduate social worker, licensed independent social worker, or licensed independent clinical social worker.

Sec. 12. Minnesota Statutes 2002, section 148B.27, subdivision 2, is amended to read:

Subd. 2. [USE OF TITLES.] No individual shall be presented to the public by any title incorporating the words "social work" or "social worker" unless that individual holds a valid temporary ~~permit~~ license or a license issued under sections 148B.18 to 148B.289. City, county, and state agency social workers who are not licensed under sections 148B.18 to 148B.289 may use only the title city agency social worker or county agency social worker or state agency social worker.

Sec. 13. Laws 2001, chapter 90, section 6, is amended to read:

Sec. 6. [STUDY OF THE SOCIAL WORKER LICENSE EXAMINATION.]

(a) The board of social work shall, upon receipt of funding from federal or private sources, commission a study by an independent researcher to determine the extent to which the social work licensure examination failure rate for applicants who were born in a foreign country and for whom English is not their first language is greater than the failure rate for applicants from other populations taking the licensure examination, and the underlying cause of any such disparity. The study shall include consultations with and the collection of data from Minnesota social work educators; representatives of culturally based community organizations, including, but not limited to, the Asian-Pacific, Chicano/Latino, and Somali populations; and the national organization that develops, owns, and maintains the social work examinations used by the board. The study shall also include the collection and review of relevant data from other health-related boards in Minnesota, as well as relevant data from social work and health-related boards in other states. The results of the study shall be reported directly to the board.

(b) Provided funding is received to conduct the study, the board shall submit a report to the legislature by September 1, ~~2003~~ 2004. The report shall include the results of the study as well as recommendations on possible remedies to address any disparity in examination failure rates among different populations.

Sec. 14. [REVISOR INSTRUCTION.]

The revisor shall change references in Minnesota Rules from "part 8740.0290" to "Minnesota Statutes, section 148B.226."

Sec. 15. [REPEALER.]

Minnesota Rules, parts 8740.0200, subpart 3, item C; 8740.0222; 8740.0227; and 8740.0290, are repealed.

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "regulating the issuance of social work licenses and the payment of fees;"

Page 1, line 4, delete "section" and insert "sections"

Page 1, line 5, before the period, insert "; 148B.18, subdivision 2a, by adding a subdivision; 148B.20, subdivision 3; 148B.21, subdivision 7; 148B.22, by adding a subdivision; 148B.26,

subdivision 1; 148B.27, subdivisions 1, 2; Laws 2001, chapter 90, section 6; proposing coding for new law in Minnesota Statutes, chapter 148B; repealing Minnesota Rules, parts 8740.0200, subpart 3, item C; 8740.0222; 8740.0227; 8740.0290"

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

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

**S.F. No. 1346:** A bill for an act relating to education finance; creating an alternative to the detachment and annexation process for residential property parcels that are split among school districts; proposing coding for new law in Minnesota Statutes, chapter 123A.

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

Delete everything after the enacting clause and insert:

"Section 1. [REALIGNING SPLIT RESIDENTIAL PARCELS.]

Subdivision 1. [DEFINITIONS.] "Split residential property parcel" means a parcel of real estate that is located within the city of Fridley and crosses the boundaries of independent school district No. 14, Fridley, and independent school district No. 13, Columbia Heights, school districts and that is classified as residential property as defined in:

- (1) Minnesota Statutes, section 273.13, subdivision 22, paragraph (a);
- (2) Minnesota Statutes, section 273.13, subdivision 25, paragraph (b), clause (1); or
- (3) Minnesota Statutes, section 273.13, subdivision 25, paragraph (c), clause (1).

Subd. 2. [PETITION.] The owner of a split residential property parcel may petition the auditor of the county where any part of a split parcel is located to transfer that part into either the Fridley or Columbia Heights school district. The petition must contain:

- (1) a correct description of the split parcel to be affected by the transfer including supporting data regarding location and title to the land;
- (2) the school district into which the petitioner desires to have the whole split parcel transferred; and
- (3) the district of attendance of any students currently residing on the property.

A copy of the petition must be filed with the county auditor of any other county in which any part of a split parcel lies.

Subd. 3. [AUDITOR'S ORDER.] Within 60 days of receipt of the petition, the auditor of the county in which the original petition was filed under subdivision 2 shall issue an order to transfer the affected parcel to the district determined by the county board as of July 1 immediately following issuance of the order. The auditor must notify the affected school districts and the commissioner of the change in school district boundaries.

Subd. 4. [COMMISSIONER.] The commissioner shall modify the records of school district boundaries to conform to the order.

Subd. 5. [TAXABLE PROPERTY.] Upon the effective date of the order, the whole split property parcel is transferred into a single school district. Beginning in the next subsequent taxes payable year, all taxable property in the whole split parcel is relieved from all school district taxes from the district in which any portion of the parcel no longer lies and is subject to all school district taxes in the district in which the whole split parcel is now located.

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

Delete the title and insert:

"A bill for an act relating to education finance; creating an alternative to the detachment and annexation process for residential property parcels located in the city of Fridley and split between the Fridley and Columbia Heights school districts."

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

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

**S.F. No. 597:** A bill for an act relating to crimes; making it a crime of child endangerment to manufacture controlled substances in the presence of a child; amending Minnesota Statutes 2002, section 609.378, subdivision 1, by adding subdivisions.

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

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

**S.F. No. 771:** A bill for an act relating to insurance; improving insurance coverage of long-term care; providing for studies of ways to reduce long-term care costs to the state; amending Minnesota Statutes 2002, sections 61A.072, subdivision 6; 62A.315; 62A.48, by adding a subdivision; 62A.49, by adding a subdivision; 62S.22, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 62S.

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

Pages 8 and 9, delete section 7

Page 9, line 11, delete "8" and insert "7"

Page 9, line 15, delete everything after the period

Page 9, delete line 16

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

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

**S.F. No. 679:** A bill for an act relating to cooperatives; authorizing businesses to organize as cooperative associations; providing penalties; amending Minnesota Statutes 2002, sections 80A.14, subdivision 17; 80A.15, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 308B.

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

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

**S.F. No. 834:** A bill for an act relating to civil actions; providing limits on certain liability of certain nonprofit corporations providing day training and habilitation services for adults with mental retardation, daytime developmental achievement center services for children with mental retardation and related conditions, providing group homes for children, or providing skilled nursing home care; proposing coding for new law in Minnesota Statutes, chapter 604A.

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

Page 1, line 22, after the semicolon, insert "or"

Page 1, line 25, delete the second "or"

Page 1, delete line 26

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

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

**S.F. No. 496:** A bill for an act relating to economic development; authorizing the establishing of job opportunity building zones; providing tax exemptions for individuals and business entities in the zones; providing for repayment of tax benefits under certain circumstances; providing for the payment of state aid; appropriating money; amending Minnesota Statutes 2002, sections 272.02, by adding a subdivision; 272.029, by adding a subdivision; 290.01, subdivisions 19b, 29; 290.06, subdivision 2c, by adding a subdivision; 290.067, subdivision 1; 290.0671, subdivision 1; 290.091, subdivision 2; 290.0921, subdivision 3; 290.0922, subdivision 3; 297A.68, by adding a subdivision; 297B.03; proposing coding for new law in Minnesota Statutes, chapters 469; 477A.

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

Page 2, line 6, before the period, insert "and to property occupied by July 1 of the assessment year by a qualified business"

Page 2, line 20, delete "period" and insert "duration" and delete "designation"

Page 15, after line 34, insert:

"Sec. 11. Minnesota Statutes 2002, section 290.0922, subdivision 2, is amended to read:

Subd. 2. [EXEMPTIONS.] The following entities are exempt from the tax imposed by this section:

- (1) corporations exempt from tax under section 290.05;
- (2) real estate investment trusts;
- (3) regulated investment companies or a fund thereof; and
- (4) entities having a valid election in effect under section 860D(b) of the Internal Revenue Code;
- (5) town and farmers' mutual insurance companies; ~~and~~
- (6) cooperatives organized under chapter 308A that provide housing exclusively to persons age 55 and over and are classified as homesteads under section 273.124, subdivision 3; and
- (7) an entity, if for the taxable year all of its property is located in a job opportunity building zone designated under section 469.314 and all of its payroll is a job opportunity building zone payroll under section 469.310.

Entities not specifically exempted by this subdivision are subject to tax under this section, notwithstanding section 290.05.

**[EFFECTIVE DATE.]** This section is effective for taxable years beginning after December 31, 2003.

Page 16, line 24, delete "468.310" and insert "469.310"

Page 17, line 10, delete "made" and insert ", if the purchase was made and delivery received"

Page 17, line 11, delete "of the designation"

Page 19, line 16, after the period, insert "The exemption under this clause applies to sales, if the purchase was made and delivery received during the duration of the job opportunity building zone."

Page 21, line 2, delete "school district,"

Page 21, line 3, delete "or" and before the period, insert ", or a federally designated economic development district"

Page 21, line 13, after "metals," insert "kaolin clay,"

Page 21, after line 22, insert:

"(b) A qualified business must pay each employee total compensation, including benefits not mandated by law, that on an annualized basis is equal to at least 110 percent of the federal poverty level for a family of four."

Page 21, line 23, delete "(b)" and insert "(c)"

Page 29, line 14, after the period, insert "This section applies only to taxable years beginning during the duration of the job opportunity building zone."

Page 30, line 8, after "zone" insert "and used by a qualified business"

Page 31, after line 32, insert:

"(c) This section applies only to taxable years beginning during the duration of the job opportunity building zone."

Page 32, line 9, delete "employee positions" and insert "employees"

Page 32, line 18, delete "position"

Page 33, line 6, before "A" insert "(a)"

Page 33, delete line 7 and insert "repay all or a portion of the amount of the total tax reduction listed in section 469.315 and any refund under section 469.318 in excess of tax liability"

Page 33, line 8, delete everything before the comma

Page 33, delete lines 11 and 12 and insert:

"(2) did not meet the goals specified in an agreement entered into with the applicant that states any obligation the qualified business must fulfill in order to be eligible for tax benefits. The commissioner may extend for up to one year the period for meeting any goals provided in an agreement. The applicant may extend the period for meeting other goals by documenting in writing the reason for the extension and attaching a copy of the document to its next annual report to the commissioner; or"

Page 33, after line 15, insert:

"(b) At a minimum, the business must repay the tax reductions received during the two years immediately before it ceased to operate in the zone or did not meet its goals or, at the commissioner's option, repayment may be prorated to reflect partial fulfillment of goals."

Page 37, line 12, delete "\$100,000" and insert "\$153,000" and delete "\$30,000" and insert "\$59,000"

Page 37, line 14, after "designating" insert "and coordinating the administration of the tax provisions of the"

Page 37, delete lines 16 to 18

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 14, delete "subdivision 3" and insert "subdivisions 2, 3"

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

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

**S.F. No. 960:** A bill for an act relating to crime prevention; allowing aggregation of certain prostitution offense prosecutions; amending Minnesota Statutes 2002, section 609.322, by adding a subdivision.

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

Page 1, after line 17, insert:

"[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to crimes committed on or after that date."

Page 1, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2002, section 609.324, is amended to read:

609.324 [OTHER PROHIBITED ACTS OTHER PROSTITUTION CRIMES; PATRONS, PROSTITUTES, AND INDIVIDUALS HOUSING INDIVIDUALS ENGAGED IN PROSTITUTION; PENALTIES.]

Subdivision 1. [CRIME DEFINED ENGAGING IN, HIRING, OR AGREEING TO HIRE A MINOR TO ENGAGE IN PROSTITUTION; PENALTIES.] (a) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both:

(1) engages in prostitution with an individual under the age of 13 years; or

(2) hires or offers or agrees to hire an individual under the age of 13 years to engage in sexual penetration or sexual contact.

(b) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both:

(1) engages in prostitution with an individual under the age of 16 years but at least 13 years; or

(2) hires or offers or agrees to hire an individual under the age of 16 years but at least 13 years to engage in sexual penetration or sexual contact.

(c) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both:

(1) engages in prostitution with an individual under the age of 18 years but at least 16 years; or

(2) hires or offers or agrees to hire an individual under the age of 18 years but at least 16 years to engage in sexual penetration or sexual contact.

Subd. 1a. [HOUSING AN UNRELATED MINOR ENGAGED IN PROSTITUTION; PENALTIES.] Any person, other than one related by blood, adoption, or marriage to the minor, who permits a minor to reside, temporarily or permanently, in the person's dwelling without the consent of the minor's parents or guardian, knowing or having reason to know that the minor is engaging in prostitution may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both; except that, this subdivision does not apply to residential placements made, sanctioned, or supervised by a public or private social service agency.

Subd. 2. [SOLICITATION IN PUBLIC PLACE OR ACCEPTANCE OF SOLICITATION TO ENGAGE IN PROSTITUTION; PENALTY.] Whoever solicits or accepts a solicitation to engage for hire in sexual penetration or sexual contact while in a public place may be sentenced to



imprisonment for not more than one year or to payment of a fine of not more than \$3,000 or both. Except as otherwise provided in subdivision 4, a person who is convicted of violating this subdivision while acting as a patron must, at a minimum, be sentenced to pay a fine of at least \$1,500.

Subd. 3. [~~HIRE TO ENGAGE ENGAGING IN, HIRING, OR AGREEING TO HIRE AN ADULT TO ENGAGE IN PROSTITUTION; PENALTIES.~~] Whoever intentionally does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both:

(1) engages in prostitution with an individual 18 years of age or above; or

(2) hires or offers or agrees to hire an individual 18 years of age or above to engage in sexual penetration or sexual contact. Except as otherwise provided in subdivision 4, a person who is convicted of violating clause (1) or (2) while acting as a patron must, at a minimum, be sentenced to pay a fine of at least \$500.

Whoever violates the provisions of this subdivision within two years of a previous conviction may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. Except as otherwise provided in subdivision 4, a person who is convicted of a gross misdemeanor violation of this subdivision while acting as a patron, must, at a minimum, be sentenced as follows:

(1) to pay a fine of at least \$1,500; and

(2) to serve 20 hours of community work service.

The court may waive the mandatory community work service if it makes specific, written findings that the community work service is not feasible or appropriate under the circumstances of the case.

Subd. 4. [COMMUNITY SERVICE IN LIEU OF MINIMUM FINE.] The court may order a person convicted of violating subdivision 2 or 3 to perform community work service in lieu of all or a portion of the minimum fine required under those subdivisions if the court makes specific, written findings that the convicted person is indigent or that payment of the fine would create undue hardship for the convicted person or that person's immediate family. Community work service ordered under this subdivision is in addition to any mandatory community work service ordered under subdivision 3.

Subd. 5. [USE OF MOTOR VEHICLE TO PATRONIZE PROSTITUTES; DRIVING RECORD NOTATION.] When a court sentences a person convicted of violating this section while acting as a patron, the court shall determine whether the person used a motor vehicle during the commission of the offense. If the court finds that the person used a motor vehicle during the commission of the offense, it shall forward its finding to the commissioner of public safety who shall record the finding on the person's driving record. The finding is classified as private data on individuals, as defined in section 13.02, subdivision 12.

**[EFFECTIVE DATE.]** This section is effective August 1, 2003.

Sec. 3. Minnesota Statutes 2002, section 609.3241, is amended to read:

609.3241 [PENALTY ASSESSMENT AUTHORIZED.]

When a court sentences an adult convicted of violating section 609.322 or 609.324, while acting other than as a prostitute, the court shall impose an assessment of not less than \$250 and not more than \$500 for a violation of section 609.324, subdivision 2, or a misdemeanor violation of section 609.324, subdivision 3; otherwise the court shall impose an assessment of not less than \$500 and not more than \$1,000. The mandatory minimum portion of the assessment is to be used for the purposes described in section 626.558, subdivision 2a, and is in addition to the surcharge required by section 357.021, subdivision 6. Any portion of the assessment imposed in excess of the mandatory minimum amount shall be forwarded to the general fund and is appropriated

annually to the commissioner of ~~corrections~~ public safety. The commissioner, with the assistance of the general crime victims advisory council, shall use money received under this section for grants to agencies that provide assistance to individuals who have stopped or wish to stop engaging in prostitution. Grant money may be used to provide these individuals with medical care, child care, temporary housing, and educational expenses.

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

Sec. 4. [COLLECTION OF INFORMATION AND STUDY ON CERTAIN PROSTITUTION CASES; REPORT.]

Subdivision 1. [DEFINITIONS.] (a) The following terms have the meanings given them.

(b) "Intermediate sanctions" has the meaning given in Minnesota Statutes, section 609.135, subdivision 1, paragraph (b).

(c) "Patron" has the meaning given in Minnesota Statutes, section 609.321, subdivision 4.

(d) "Promotes the prostitution of an individual" has the meaning given in Minnesota Statutes, section 609.321, subdivision 7.

(e) "Prostitute" has the meaning given in Minnesota Statutes, section 609.321, subdivision 8.

(f) "Prostitution crime" means a violation of Minnesota Statutes, section 609.322 or 609.324.

Subd. 2. [COLLECTION OF INFORMATION.] (a) The following attorneys or their designees and the following law enforcement representatives or their designees shall oversee the collection of information on the investigation and prosecution of prostitution crimes committed within the jurisdiction of each individual's office, commencing January 1, 2002, and ending December 31, 2002:

(1) the Hennepin county attorney;

(2) the Minneapolis city attorney;

(3) the Ramsey county attorney;

(4) the St. Paul city attorney;

(5) the Hennepin county sheriff;

(6) the chief of police of the Minneapolis police department;

(7) the Ramsey county sheriff; and

(8) the chief of police of the St. Paul police department.

(b) The information collected under paragraph (a) must include:

(1) information on the neighborhood and city where the offense was committed or allegedly committed and information on the neighborhood and city where the offender or alleged offender resides;

(2) the number of calls to law enforcement and the number of complaints made directly to law enforcement regarding alleged prostitution crimes;

(3) the number of arrests made for prostitution crimes and a breakdown of the age, race, and gender of the individuals arrested;

(4) the number of citations, tab charges, and complaints issued for prostitution crimes;

(5) the types of charges filed in each case, if any, including whether the person was acting as a patron, prostitute, or promoting the prostitution of an individual; and

(6) the disposition of each case in which prosecution was commenced, including the amount of any fine or penalty assessment imposed; the incarceration imposed on the offender, if any; the intermediate sanctions, if relevant, or conditions of probation imposed on the offender, if any; and whether the offender was referred to a restorative justice program, diversion program, or alternative sentencing program.

Subd. 3. [PREPARATION OF SUMMARY AND REPORT.] The law enforcement authorities specified in subdivision 2, paragraph (a), shall provide the information required by subdivision 2, paragraph (b), to the prosecuting authorities in their jurisdictions by August 15, 2003. The prosecuting authorities specified in subdivision 2, paragraph (a), shall cooperate in preparing a summary of the information collected under subdivision 2, paragraph (b), and in preparing a report for the chairs and ranking minority members of the house and senate committees and divisions with jurisdiction over criminal justice policy and funding. The report shall be provided to the legislature and filed in the legislative reference library no later than December 15, 2003.

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

Sec. 5. [REPORTS ON PENALTY ASSESSMENTS FOR PROSTITUTION CRIMES.]

Subdivision 1. [COMMISSIONER OF PUBLIC SAFETY; REPORT.] (a) By December 15, 2003, the commissioner of public safety shall submit a report to the chairs and ranking minority members of the house and senate committees and divisions with jurisdiction over criminal justice policy and funding on the amount of money appropriated to the commissioner of public safety under Minnesota Statutes, section 609.3241, since the beginning of fiscal year 1998. In preparing this report, the commissioner of public safety shall determine whether any penalty assessments were appropriated to the commissioner of corrections during this time and, if so, how much was appropriated. The commissioner of corrections shall cooperate with the commissioner of public safety in providing this information. The report also shall contain information on the use of money appropriated during this time period, including, but not limited to, the ways in which the money has been used to assist individuals who have stopped or wish to stop engaging in prostitution. The report shall be filed with the legislative reference library no later than December 15, 2003.

Subd. 2. [SUPREME COURT; REPORT.] By December 15, 2003, the supreme court is requested to report to the chairs and ranking minority members of the house and senate committees and divisions with jurisdiction over criminal justice policy and funding concerning the use of money collected since the beginning of fiscal year 1998 from penalty assessments under Minnesota Statutes, section 609.3241, and use for the purposes described in Minnesota Statutes, section 626.558, subdivision 2a. The report is requested to be filed with the legislative reference library no later than December 15, 2003.

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

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring the collection of information concerning certain types of prostitution and requiring a report; requiring a report on the use of money collected from penalty assessments imposed against individuals committing certain prostitution crimes; clarifying headnotes; providing that the penalty assessments be appropriated to the commissioner of public safety;"

Page 1, line 4, delete "section" and insert "sections"

Page 1, line 5, before the period, insert "; 609.324; 609.3241"

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

## SECOND READING OF SENATE BILLS

S.F. Nos. 943, 613, 850, 969, 1414, 425, 597, 771, 679, 834 and 960 were read the second time.

## SECOND READING OF HOUSE BILLS

H.F. Nos. 784 and 1140 were read the second time.

## MOTIONS AND RESOLUTIONS

Senator Hottinger moved that H.F. No. 1095 be taken from the table and referred to the Committee on Rules and Administration for comparison with S.F. No. 1060, now on the Consent Calendar. The motion prevailed.

### Senators Solon, Bakk, Saxhaug, Tomassoni and Lourey introduced--

**Senate Resolution No. 76:** A Senate resolution congratulating the University of Minnesota-Duluth Women's Hockey team on winning the 2003 NCAA Frozen Four national tournament championship.

Referred to the Committee on Rules and Administration.

### Senators Metzen, Higgins, Kierlin, Pappas and Murphy introduced--

**Senate Resolution No. 77:** A Senate resolution to express Minnesota's support for Grand Excursion 2004.

Referred to the Committee on Rules and Administration.

## SUSPENSION OF RULES

Senator Hottinger moved that Senate Rule 15.2 be so far suspended today to allow the admission of the wife of an ex-Governor of the State of Minnesota. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Senator Hottinger moved that the Senate take up the Consent Calendar. The motion prevailed.

## CONSENT CALENDAR

**H.F. No. 1374:** A bill for an act relating to agriculture; providing for the headquarters of the department of agriculture to be named after Orville L. Freeman.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Langseth	Ourada	Skoe
Bakk	Hann	LeClair	Pappas	Skoglund
Belanger	Higgins	Lourey	Pogemiller	Solon
Berglin	Hottinger	Marko	Ranum	Sparks
Betzold	Johnson, D.E.	Marty	Reiter	Stumpf
Chaudhary	Jungbauer	McGinn	Rest	Tomassoni
Cohen	Kelley	Metzen	Robling	Vickerman
Day	Kierlin	Michel	Rosen	Wergin
Dibble	Kiscaden	Moua	Ruud	Wiger
Dille	Kleis	Murphy	Sams	
Fischbach	Knutson	Neuville	Saxhaug	
Foley	Koering	Nienow	Scheid	
Frederickson	Kubly	Ortman	Senjem	

So the bill passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

### SPECIAL ORDERS

Pursuant to Rule 26, Senator Hottinger, Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. Nos. 931, 388, 1019, 755, H.F. No. 968, S.F. Nos. 381, 857, 1180 and H.F. No. 628.

### SPECIAL ORDER

**S.F. No. 931:** A bill for an act relating to campaign finance; clarifying certain terms; requiring assumption of certain obligations; changing certain expenditure, contribution, and reporting requirements; providing additional civil penalties; repealing obsolete and duplicative rules; amending Minnesota Statutes 2002, sections 10A.01, subdivision 18; 10A.08; 10A.20, subdivision 5; 10A.24, subdivision 2; 10A.25, subdivision 2; 10A.27, subdivision 1; 10A.28, subdivision 2; 10A.31, subdivisions 6, 7; 10A.323; repealing Minnesota Rules, parts 4501.0300, subpart 4; 4501.0600; 4503.0200, subpart 4; 4503.0300, subpart 2; 4503.0400, subpart 2; 4503.0500, subpart 9; 4503.0800, subpart 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hann	Langseth	Pappas	Skoe
Bakk	Higgins	LeClair	Pogemiller	Skoglund
Belanger	Hottinger	Lourey	Ranum	Solon
Berglin	Johnson, D.E.	Marko	Reiter	Sparks
Betzold	Jungbauer	Marty	Rest	Stumpf
Chaudhary	Kelley	McGinn	Robling	Tomassoni
Day	Kierlin	Metzen	Rosen	Vickerman
Dibble	Kiscaden	Michel	Ruud	Wergin
Fischbach	Kleis	Moua	Sams	Wiger
Foley	Knutson	Neuville	Saxhaug	
Frederickson	Koering	Nienow	Scheid	
Gaither	Kubly	Ortman	Senjem	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 388:** A bill for an act relating to vehicle forfeiture; clarifying and modifying certain definitions, standards, and procedures for vehicle forfeitures associated with driving while impaired; amending Minnesota Statutes 2002, sections 169A.60, subdivisions 1, 14; 169A.63, subdivisions 1, 2, 6, 7, 8, 9, 10, 11.

Senator Foley moved to amend S.F. No. 388 as follows:

Page 5, line 6, before "based" insert "perfected according to section 168A.17, subdivision 2,"

Page 6, line 24, after "interest" insert "perfected according to section 168A.17, subdivision 2"

The motion prevailed. So the amendment was adopted.

S.F. No. 388 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Kubly	Nienow	Saxhaug
Bakk	Hann	Langseth	Ortman	Senjem
Belanger	Higgins	LeClair	Ourada	Skoe
Berglin	Hottinger	Lourey	Pappas	Skoglund
Betzold	Johnson, D.E.	Marko	Pogemiller	Solon
Chaudhary	Jungbauer	Marty	Ranum	Sparks
Cohen	Kelley	McGinn	Reiter	Stumpf
Day	Kierlin	Metzen	Rest	Tomassoni
Dibble	Kiscaden	Michel	Robling	Vickerman
Fischbach	Kleis	Moua	Rosen	Wergin
Foley	Knutson	Murphy	Ruud	Wiger
Frederickson	Koering	Neuville	Sams	

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

### SPECIAL ORDER

**S.F. No. 1019:** A bill for an act relating to health; establishing a reporting system for adverse health care events; proposing coding for new law in Minnesota Statutes, chapter 144.

Senator Kelley moved to amend S.F. No. 1019 as follows:

Page 7, delete lines 10 to 13

Page 7, line 14, delete "(d)" and insert "(c)"

Page 8, after line 27, insert:

"Sec. 6. Minnesota Statutes 2002, section 145.64, subdivision 1, is amended to read:

Subdivision 1. [DATA AND INFORMATION.] (a) Except as provided in subdivision 4, data and information acquired by a review organization, in the exercise of its duties and functions, or by an individual or other entity acting at the direction of a review organization, shall be held in confidence, shall not be disclosed to anyone except to the extent necessary to carry out one or more of the purposes of the review organization, and shall not be subject to subpoena or discovery. No person described in section 145.63 shall disclose what transpired at a meeting of a review organization except to the extent necessary to carry out one or more of the purposes of a review organization. The proceedings and records of a review organization shall not be subject to discovery or introduction into evidence in any civil action against a professional arising out of the matter or matters which are the subject of consideration by the review organization. Information, documents or records otherwise available from original sources shall not be immune from discovery or use in any civil action merely because they were presented during proceedings of a review organization, nor shall any person who testified before a review organization or who is a member of it be prevented from testifying as to matters within the person's knowledge, but a witness cannot be asked about the witness' testimony before a review organization or opinions formed by the witness as a result of its hearings. For purposes of this subdivision, records of a review organization include Internet-based data derived from data shared for the purposes of the standardized incident reporting system described in section 145.61, subdivision 5, clause (q), and reports submitted electronically in compliance with sections 144.706 to 144.7069.

(b) Notwithstanding paragraph (a), a review organization may release nonpatient-identified aggregate trend data on medical error and iatrogenic injury and a facility may file the reports, analyses, and plans required by sections 144.706 to 144.7069 without violating this section or being subjected to a penalty under section 145.66 and without compromising the protections

provided under sections 145.61 to 145.67 to the reporter of such information; to the review organization, its sponsoring organizations, and members; and to the underlying data and reports.

(c) The confidentiality protection and protection from discovery or introduction into evidence provided in this subdivision shall also apply to the governing body of the review organization and shall not be waived as a result of referral of a matter from the review organization to the governing body or consideration by the governing body of decisions, recommendations, or documentation of the review organization.

(d) The governing body of a hospital, health maintenance organization, or community integrated service network, that is owned or operated by a governmental entity, may close a meeting to discuss decisions, recommendations, deliberations, or documentation of the review organization. A meeting may not be closed except by a majority vote of the governing body in a public meeting. The closed meeting must be tape recorded and the tape must be retained by the governing body for five years."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1019 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 59 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Kubly	Ortman	Saxhaug
Bachmann	Frederickson	Langseth	Ourada	Scheid
Bakk	Gaither	Limmer	Pappas	Skoe
Belanger	Higgins	Lourey	Pariseau	Skoglund
Berglin	Hottinger	Marko	Pogemiller	Solon
Betzold	Johnson, D.E.	Marty	Ranum	Sparks
Chaudhary	Jungbauer	McGinn	Reiter	Stumpf
Cohen	Kelley	Metzen	Rest	Tomassoni
Day	Kierlin	Moua	Robling	Vickerman
Dibble	Kiscaden	Murphy	Rosen	Wergin
Dille	Kleis	Neuville	Ruud	Wiger
Fischbach	Knutson	Nienow	Sams	

Those who voted in the negative were:

Hann	Koering	LeClair	Senjem
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So the bill, as amended, was passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 755:** A bill for an act relating to state government; prohibiting state contracts with vendors reincorporated in tax haven countries; amending Minnesota Statutes 2002, section 16C.03, by adding a subdivision.

### CALL OF THE SENATE

Senator Cohen imposed a call of the Senate for the balance of the proceedings on S.F. No. 755. The Sergeant at Arms was instructed to bring in the absent members.

S.F. No. 755 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 41 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Marty	Robling	Stumpf
Bakk	Hottinger	McGinn	Rosen	Tomassoni
Berglin	Kelley	Metzen	Sams	Vickerman
Betzold	Kleis	Moua	Saxhaug	Wergin
Chaudhary	Knutson	Murphy	Scheid	Wiger
Cohen	Kubly	Neuville	Skoe	
Dibble	Langseth	Pappas	Skoglund	
Foley	Lourey	Pogemiller	Solon	
Frederickson	Marko	Rest	Sparks	

Those who voted in the negative were:

Bachmann	Gaither	Koering	Nienow	Reiter
Belanger	Hann	LeClair	Ortman	Ruud
Day	Johnson, D.J.	Limmer	Ourada	Senjem
Dille	Jungbauer	Michel	Pariseau	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 968:** A bill for an act relating to highways; adding, modifying, vacating, or transferring state highways; amending Minnesota Statutes 2002, sections 161.114, subdivision 2; 161.115, by adding a subdivision; repealing Minnesota Statutes 2002, sections 161.115, subdivisions 197, 204, 233.

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	Frederickson	Kubly	Nienow	Senjem
Bachmann	Gaither	Langseth	Ortman	Skoe
Bakk	Hann	LeClair	Ourada	Skoglund
Belanger	Higgins	Limmer	Pappas	Solon
Berglin	Hottinger	Lourey	Pogemiller	Sparks
Betzold	Johnson, D.E.	Marko	Reiter	Stumpf
Chaudhary	Johnson, D.J.	Marty	Rest	Tomassoni
Cohen	Jungbauer	McGinn	Robling	Vickerman
Day	Kelley	Metzen	Rosen	Wergin
Dibble	Kiscaden	Michel	Ruud	Wiger
Dille	Kleis	Moua	Sams	
Fischbach	Knutson	Murphy	Saxhaug	
Foley	Koering	Neuville	Scheid	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 381:** A bill for an act relating to fire protection industry licensing; requiring certification for installers of multipurpose potable water piping systems; requiring licensing for multipurpose potable water piping system contractors; amending Minnesota Statutes 2002, sections 299M.01, by adding subdivisions; 299M.03, by adding subdivisions; 299M.04; 299M.11, subdivisions 1, 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Bachmann	Frederickson	Kubly	Ortman	Senjem
Bakk	Gaither	LeClair	Ourada	Skoe
Belanger	Hann	Limmer	Pappas	Skoglund
Berglin	Higgins	Lourey	Pogemiller	Solon
Betzold	Johnson, D.E.	Marko	Reiter	Sparks
Chaudhary	Johnson, D.J.	Marty	Rest	Stumpf
Cohen	Jungbauer	McGinn	Robling	Tomassoni
Day	Kelley	Metzen	Rosen	Vickerman
Dibble	Kiscaden	Michel	Ruud	Wergin
Dille	Kleis	Moua	Sams	Wiger
Fischbach	Knutson	Neuville	Saxhaug	
Foley	Koering	Nienow	Scheid	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 857:** A bill for an act relating to lake improvement districts; changing the percent of property owners necessary to petition for creation and termination of a district; amending Minnesota Statutes 2002, sections 103B.521, subdivision 1; 103B.581, 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Bachmann	Frederickson	Kubly	Nienow	Scheid
Bakk	Gaither	Langseth	Ortman	Senjem
Belanger	Hann	LeClair	Ourada	Skoe
Berglin	Higgins	Limmer	Pappas	Skoglund
Betzold	Johnson, D.E.	Lourey	Pogemiller	Solon
Chaudhary	Johnson, D.J.	Marko	Reiter	Sparks
Cohen	Jungbauer	Marty	Rest	Stumpf
Day	Kelley	McGinn	Robling	Vickerman
Dibble	Kiscaden	Metzen	Rosen	Wergin
Dille	Kleis	Michel	Ruud	Wiger
Fischbach	Knutson	Moua	Sams	
Foley	Koering	Neuville	Saxhaug	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1180:** A bill for an act relating to state government; department of administration; updating references; increasing the threshold project amount for designer selection board approval; modifying building code language; eliminating a report; amending Minnesota Statutes 2002, sections 16B.054; 16B.24, subdivisions 1, 5; 16B.33, subdivision 3; 16B.61, subdivision 1a; 16B.62, subdivision 1; 16C.10, subdivision 5; 16C.15; 16C.16, subdivision 7; 327A.01, subdivision 2; repealing Minnesota Statutes 2002, section 16C.18, 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Bachmann	Frederickson	Kubly	Nienow	Saxhaug
Bakk	Gaither	Langseth	Ortman	Scheid
Belanger	Hann	LeClair	Ourada	Senjem
Berglin	Higgins	Limmer	Pappas	Skoe
Betzold	Johnson, D.E.	Lourey	Pariseau	Skoglund
Chaudhary	Johnson, D.J.	Marko	Pogemiller	Solon
Cohen	Jungbauer	Marty	Ranum	Sparks
Day	Kelley	McGinn	Reiter	Stumpf
Dibble	Kiscaden	Metzen	Rest	Tomassoni
Dille	Kleis	Michel	Robling	Vickerman
Fischbach	Knutson	Moua	Ruud	Wergin
Foley	Koering	Neuville	Sams	Wiger

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 628:** A bill for an act relating to civil actions; limiting liability for public notification of emergency; proposing coding for new law in Minnesota Statutes, chapter 604A.

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:

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

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Betzold moved that S.F. No. 190, No. 48 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Senator Foley moved that H.F. No. 784, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

### RECESS

Senator Rest moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

**APPOINTMENTS**

Senator Hottinger from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 351: Senators Bakk, Knutson and Saxhaug.

S.F. No. 980: Senators Foley, Berglin and McGinn.

H.F. No. 294: Senators Betzold, Metzen and Frederickson.

Senator Rest moved that the foregoing appointments be approved. The motion prevailed.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

**Senator Skoglund introduced--**

**S.F. No. 1543:** A bill for an act relating to capital improvements; appropriating money to renovate and complete bicycle and running paths around Lake Nokomis and Hiawatha Lake; authorizing the sale of state bonds.

Referred to the Committee on Finance.

**RECESS**

Senator Rest moved that the Senate do now recess subject to the call of the President.

**ADJOURNMENT**

Senator Day moved that the Senate do now adjourn until 11:00 a.m., Monday, May 12, 2003.

**CALL OF THE SENATE**

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

Senator Day withdrew his motion.

The question recurred on the adoption of the Rest motion to recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

**CALL OF THE SENATE**

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

## MOTIONS AND RESOLUTIONS - CONTINUED

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

### REPORTS OF COMMITTEES

Senator Hottinger moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

**Senator Hottinger from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,**

**S.F. No. 1462:** A bill for an act relating to civil action; regulating actions involving fault; regulating actions involving certain insurance practices; amending Minnesota Statutes 2002, sections 604.01, subdivision 1; 604.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 604.

Reports the same back with the recommendation that the report from the Committee on Judiciary, shown in the Journal for April 14, 2003, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass".

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

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

**S.F. No. 593:** A bill for an act relating to human services; modifying an adult foster care licensing provision; amending Minnesota Statutes 2002, sections 245A.11, subdivision 2b.

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

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

**H.F. No. 784:** A bill for an act relating to crimes; prohibiting interfering with emergency communications; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1  
APPROPRIATIONS

Section 1. [APPROPRIATIONS.]

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified in this act, to be available for the fiscal years indicated for each purpose. The figures "2003," "2004," and "2005," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 2003, June 30, 2004, or June 30, 2005, respectively. The term "first year" means the fiscal year ending June 30, 2004, and the term "second year" means the fiscal year ending June 30, 2005.

## SUMMARY BY FUND

	2004	2005	TOTAL
General	\$653,245,000	\$677,083,000	\$1,330,328,000
For 2003 - \$35,000			
Special Revenue Fund	1,000,000	1,000,000	2,000,000
TOTAL	\$654,245,000	\$678,083,000	\$1,332,328,000

## APPROPRIATIONS

Available for the Year Ending June 30	
2004	2005

## Sec. 2. SUPREME COURT

Subdivision 1. Total  
Appropriation

	\$39,173,000	\$36,520,000
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Subd. 2. Supreme Court Operations

5,131,000	5,150,000
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\$5,000 each year is for a contingent account for expenses necessary for the normal operation of the court for which no other reimbursement is provided.

Subd. 3. Civil Legal Services

7,559,000	7,559,000
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Subd. 4. State Court Administration

24,394,000	21,722,000
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Priority shall be given to maintaining fiscal years 2002 and 2003 biennium funding levels for court interpreter programming, children's justice initiative, guardian ad litem programming statewide, and the Minnesota court information system (MNCIS).

Subd. 5. Law Library Operations

2,089,000	2,089,000
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Sec. 3. COURT OF APPEALS

7,957,000	7,994,000
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Sec. 4. DISTRICT COURTS

179,924,000	201,101,000
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Priority shall be given to maintaining and strengthening fiscal years 2002 and 2003 biennium funding levels for court interpreter programming, guardian ad litem programming, and services to victims of domestic and sexual abuse and to minimizing the closing of satellite courts.

The balance of any retired judge usage funding allocated to the fourth judicial district in the fiscal year 2003 appropriation to the district

courts and the community court appropriation for the fourth judicial district do not cancel and are available to the fourth judicial district until spent.

Sec. 5. BOARD ON JUDICIAL STANDARDS

252,000 252,000

For 2003 - \$35,000

This appropriation for fiscal year 2003 is added to the appropriation in Laws 2001, First Special Session chapter 8, article 4, section 5, to the board on judicial standards and is to fund costs of a public hearing for a judge. This is a onetime appropriation.

Sec. 6. TAX COURT

751,000 751,000

Sec. 7. UNIFORM LAWS COMMISSION

38,000 39,000

Sec. 8. HUMAN RIGHTS

3,753,000 3,724,000

Sec. 9. CORRECTIONS

Subdivision 1. Total Appropriation

368,202,000 373,507,000

Summary by Fund

General Fund 367,202,000 372,507,000

Special Revenue 1,000,000 1,000,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Correctional Institutions

Summary by Fund

General Fund 236,579,000 239,697,000

Special Revenue 630,000 630,000

If the commissioner contracts with other states, local units of government, or the federal government to rent beds in the Rush City correctional facility, the commissioner shall charge a per diem under the contract, to the extent possible, that is equal to or greater than the per diem cost of housing Minnesota inmates in the facility. The per diem cost for housing inmates of other states, local units of government, or the federal government at this facility shall be based on the assumption that the facility is at or near capacity. Notwithstanding any laws to the contrary, the commissioner may use the per diem appropriation to operate the state correctional system.

No portion of this appropriation may be used for

the faith-based prerelease program described in Laws 2001, First Special Session chapter 9, article 18, section 3, subdivision 2.

Subd. 3. Juvenile Services

13,035,000	13,035,000
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Subd. 4. Community Services

Summary by Fund

General Fund	102,941,000	105,128,000
Special Revenue	120,000	120,000

Of the general fund appropriation, \$3,300,000 the first year and \$4,400,000 the second year are for grants to counties to assist them to incarcerate short-term offenders. The commissioner shall make the grants in an equitable manner based on the total amount available for the grants, each county's proportionate share of offenders affected by the changes made to Minnesota Statutes, section 609.105, in this act, and the actual number of bed days used by each county to incarcerate these offenders. The grants may not exceed the actual cost per day incurred by a county. A county seeking a grant shall report to the commissioner on offenders affected by the changes made to Minnesota Statutes, section 609.105, in this act. The report must include the number of these offenders for the reporting period, the actual number of bed days used for these offenders, the costs associated with this, and any other information requested by the commissioner. These reports are due on September 15, 2003, December 15, 2003, March 15, 2004, June 15, 2004, September 15, 2004, December 15, 2004, March 15, 2005, and June 15, 2005. The commissioner shall make the grants within a month of receiving the required reports from counties.

Of the general fund appropriation, \$155,000 the first year and \$155,000 the second year are for two agency positions to administer the restorative justice program.

Of the general fund appropriation, \$475,000 the first year and \$475,000 the second year are for restorative justice grants.

Subd. 5. Operations Support

Summary by Fund

General Fund	14,647,000	14,647,000
Special Revenue	250,000	250,000

Sec. 10. BOARD OF PUBLIC DEFENSE	53,759,000	53,759,000
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Budget reductions must be allocated proportionately between operating costs and grant programs.

Sec. 11. SENTENCING GUIDELINES COMMISSION	436,000	436,000
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Sec. 12. Laws 2001, First Special Session chapter 8, article 4, section 2, subdivision 4, is amended to read:

Subd. 4. State Court Administration

22,815,000	24,570,000
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[JUDICIAL BRANCH TRANSFORMATION AND INFRASTRUCTURE.] \$1,054,000 the first year and \$1,905,000 the second year are for judicial branch transformation and infrastructure.

[CONTINUE REDEVELOPMENT OF COURT INFORMATION SYSTEM.] \$7,500,000 each year is to continue redevelopment of the court information system to be used by all counties to integrate court information with other criminal justice information. Of this amount, \$225,000 the first year must be transferred to the board of public defense for hardware and software necessary to redesign information systems to accommodate changes to the criminal justice information system. This is a onetime transfer. This transfer amount does not cancel and is available to the board of public defense until spent. This appropriation may not be used for any other purpose. Any unencumbered balances remaining from the first year do not cancel but are available for the second year.

This appropriation is available only pursuant to a budget approved by the criminal and juvenile justice information policy group that is consistent with technology and project management analyses of the office of technology.

Up to 20 percent of this appropriation may be released on July 1, 2001. The remaining funds shall be released upon approval of the criminal and juvenile justice information policy group, under advisement from the office of technology. The policy group shall approve the release of funding for each project to ensure (1) that the project is in compliance with the statewide criminal justice information system standards, (2) that each project remains feasible according to plans established pursuant to Minnesota Statutes, sections 16E.04, subdivision 3, and 299C.65, subdivision 6 or 7, or that an updated



plan has been approved by the policy group and the project is progressing according to the revised plan, (3) that the project is fully integrated with existing information and communications networks, and (4) that it complies with technology standards and protocols established by the office of technology for statewide connectivity and interoperability.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment. In the event that the transfer of \$225,000 to the board of public defense has not been completed by the effective date of this section, the transfer shall be completed within ten days of the effective date of this section.

Sec. 13. [EFFECTIVE DATE.]

The appropriations for fiscal year 2003 are effective the day following final enactment. All other appropriations are effective July 1, 2003.

## ARTICLE 2 POLICY PROVISIONS

Section 1. Minnesota Statutes 2002, section 243.53, subdivision 1, is amended to read:

Subdivision 1. [SEPARATE CELLS.] (a) When there are sufficient cells available, each inmate shall be confined in a separate cell. Each inmate shall be confined in a separate cell in institutions classified by the commissioner as custody level five and six institutions, except where the commissioner deems necessary. This requirement does not apply to the following:

- (1) geriatric dormitory-type facilities;
  - (2) honor dormitory-type facilities; and
  - (3) ~~any other multiple occupancy facility at a custody level five or six institution that confines inmates who could be confined in an institution at custody level four or lower.~~
- (b) Correctional institutions classified by the commissioner as custody level one, two, three, or four institutions must permit multiple occupancy, except segregation units, to the greatest extent possible.

(c) Correctional institutions classified by the commissioner as custody level five must permit multiple occupancy not to exceed the limits of facility infrastructure and programming space.

Sec. 2. [243.557] [INMATE MEALS.]

Where inmates in a state correctional facility are not routinely absent from the facility for work or other purposes, the commissioner must make three meals available Monday through Friday, excluding holidays, and at least two meals available on Saturdays, Sundays, and holidays.

Sec. 3. Minnesota Statutes 2002, section 271.06, subdivision 4, is amended to read:

Subd. 4. [APPEAL FEE.] At the time of filing the notice of appeal the appellant shall pay to the court administrator of the tax court an appeal fee equal to the fee provided for civil actions in the district court under section 357.021, subdivision 2, clause (1); except that no appeal fee shall be required of the commissioner of revenue, the attorney general, the state or any of its political subdivisions. In small claims division, the appeal fee shall be \$25 \$150. The provisions of chapter 563, providing for proceedings in forma pauperis, shall also apply for appeals to the tax court.

Sec. 4. Minnesota Statutes 2002, section 357.021, subdivision 2, is amended to read:

Subd. 2. [FEE AMOUNTS.] The fees to be charged and collected by the court administrator shall be as follows:

(1) In every civil action or proceeding in said court, including any case arising under the tax laws of the state that could be transferred or appealed to the tax court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of ~~\$135~~ \$265.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of ~~\$135~~ \$265.

The party requesting a trial by jury shall pay \$75.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 103E, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding, \$10, and \$5 for an uncertified copy.

(3) Issuing a subpoena, ~~\$3~~ \$12 for each name.

(4) Filing a motion or response to a motion in civil, family, excluding child support, and guardianship cases, \$55.

(5) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, ~~\$10~~ \$40.

(5) (6) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, ~~\$7.50~~ \$30.

(6) (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of judgment, \$5.

(7) (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name certified to.

(8) (9) Filing and indexing trade name; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians, or optometrists, \$5.

(9) (10) For the filing of each partial, final, or annual account in all trusteeships, ~~\$10~~ \$40.

(10) (11) For the deposit of a will, \$5 \$20.

(11) (12) For recording notary commission, ~~\$25~~ \$100, of which, notwithstanding subdivision 1a, paragraph (b), ~~\$20~~ \$80 must be forwarded to the state treasurer to be deposited in the state treasury and credited to the general fund.

(12) (13) Filing a motion or response to a motion for modification of child support, a fee fixed by rule or order of the supreme court.

(13) (14) All other services required by law for which no fee is provided, such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

(14) (15) In addition to any other filing fees under this chapter, a surcharge in the amount of \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption petition filed in district court to fund the fathers' adoption registry under section 259.52.

The fees in clauses (3) and (4) need not be paid by a public authority or the party the public authority represents.

Sec. 5. Minnesota Statutes 2002, section 357.021, subdivision 6, is amended to read:

Subd. 6. [SURCHARGES ON CRIMINAL AND TRAFFIC OFFENDERS.] (a) The court shall impose and the court administrator shall collect a ~~\$35~~ \$60 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle parking, for which there shall be a \$3 surcharge. The surcharge shall be imposed whether or not the person is sentenced to imprisonment or the sentence is stayed.

(b) If the court fails to impose a surcharge as required by this subdivision, the court administrator shall show the imposition of the surcharge, collect the surcharge and correct the record.

(c) The court may not waive payment of the surcharge required under this subdivision. Upon a showing of indigency or undue hardship upon the convicted person or the convicted person's immediate family, the sentencing court may authorize payment of the surcharge in installments.

(d) The court administrator or other entity collecting a surcharge shall forward it to the state treasurer.

(e) If the convicted person is sentenced to imprisonment and has not paid the surcharge before the term of imprisonment begins, the chief executive officer of the correctional facility in which the convicted person is incarcerated shall collect the surcharge from any earnings the inmate accrues from work performed in the facility or while on conditional release. The chief executive officer shall forward the amount collected to the state treasurer.

Sec. 6. Minnesota Statutes 2002, section 357.021, subdivision 7, is amended to read:

Subd. 7. [DISBURSEMENT OF SURCHARGES BY STATE TREASURER.] (a) Except as provided in paragraphs (b) and (c), the state treasurer shall disburse surcharges received under subdivision 6 and section 97A.065, subdivision 2, as follows:

(1) one percent shall be credited to the game and fish fund to provide peace officer training for employees of the department of natural resources who are licensed under sections 626.84 to 626.863, and who possess peace officer authority for the purpose of enforcing game and fish laws;

(2) 39 percent shall be credited to the peace officers training account in the special revenue fund; and

(3) 60 percent shall be credited to the general fund.

(b) The state treasurer shall credit \$3 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, to ~~a criminal justice special projects account in the special revenue fund. This account is available for appropriation to the commissioner of public safety for grants to law enforcement agencies and for other purposes authorized by the legislature~~ the general fund.

(c) In addition to any amounts credited under paragraph (a), the state treasurer shall credit ~~\$7~~ \$32 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, ~~and the \$3 parking surcharge,~~ to the general fund.

Sec. 7. Minnesota Statutes 2002, section 357.022, is amended to read:

357.022 [CONCILIATION COURT FEE.]

The court administrator in every county shall charge and collect a filing fee of ~~\$25 where the amount demanded is less than \$2,000 and \$35 where the amount demanded is \$2,000 or more~~ \$50 from every plaintiff and from every defendant when the first paper for that party is filed in any conciliation court action. This section does not apply to conciliation court actions filed by the state. The court administrator shall transmit the fees monthly to the state treasurer for deposit in the state treasury and credit to the general fund.

Sec. 8. Minnesota Statutes 2002, section 357.08, is amended to read:

357.08 [PAID BY APPELLANT IN APPEAL.]

There shall be paid to the clerk of the appellate courts by the appellant, or moving party or person requiring the service, in all cases of appeal, certiorari, habeas corpus, mandamus, injunction, prohibition, or other original proceeding, when initially filed with the clerk of the appellate courts, the sum of ~~\$250~~ \$500 to the clerk of the appellate courts. An additional filing fee of \$100 shall be required for a petition for accelerated review by the supreme court. A filing fee of ~~\$250~~ \$500 shall be paid to the clerk of the appellate courts upon the filing of a petition for review from a decision of the court of appeals. A filing fee of ~~\$250~~ \$500 shall be paid to the clerk of the appellate courts upon the filing of a petition for permission to appeal. A filing fee of \$100 shall be paid to the clerk of the appellate courts upon the filing by a respondent of a notice of review. The clerk shall transmit the fees to the state treasurer for deposit in the state treasury and credit to the general fund.

The clerk shall not file any paper, issue any writ or certificate, or perform any service enumerated herein, until the payment has been made for it. The clerk shall pay the sum into the state treasury as provided for by section 15A.01.

The charges provided for shall not apply to disbarment proceedings, nor to an action or proceeding by the state taken solely in the public interest, where the state is the appellant or moving party, nor to copies of the opinions of the court furnished by the clerk to the parties before judgment, or furnished to the district judge whose decision is under review, or to such law library associations in counties having a population exceeding 50,000, as the court may direct.

Sec. 9. [481.011] [SURCHARGE.]

(a) The supreme court is requested to impose an annual surcharge of \$200 to be added to the fee set by the supreme court under section 481.01 for attorney license renewals. Money collected under the surcharge must be paid into the fund established by section 481.01 and is appropriated annually to the supreme court for the support of the public defender system established by chapter 611.

(b) This section expires on June 30, 2007.

Sec. 10. Minnesota Statutes 2002, section 609.105, subdivision 1, is amended to read:

Subdivision 1. In a felony sentence to imprisonment, when the remaining term of imprisonment is for more than one year 180 days or less, the defendant shall commit the defendant be committed to the custody of the commissioner of corrections and must serve the remaining term of imprisonment at a workhouse, work farm, county jail, or other place authorized by law.

Sec. 11. Minnesota Statutes 2002, section 609.105, is amended by adding a subdivision to read:

Subd. 1a. [DEFINITIONS.] (a) The terms in this subdivision apply to this section.

(b) "Remaining term of imprisonment" as applied to inmates whose crimes were committed before August 1, 1993, is the period of time for which an inmate is committed to the custody of the commissioner of corrections minus earned good time and jail credit, if any.

(c) "Remaining term of imprisonment" as applied to inmates whose crimes were committed on or after August 1, 1993, is the period of time equal to two-thirds of the inmate's executed sentence, minus jail credit, if any.

Sec. 12. Minnesota Statutes 2002, section 609.105, is amended by adding a subdivision to read:

Subd. 1b. [SENTENCE TO MORE THAN 180 DAYS.] A felony sentence to imprisonment when the warrant of commitment has a remaining term of imprisonment for more than 180 days shall commit the defendant to the custody of the commissioner of corrections.

Sec. 13. Minnesota Statutes 2002, section 609.145, is amended by adding a subdivision to read:

Subd. 3. [JAIL CREDIT DETERMINATION.] The appropriate probation officer must provide to the court prior to the sentencing hearing the amount of time the offender has credit for prior

imprisonment. The court must pronounce the amount of credit for prior imprisonment at the time of sentencing.

Sec. 14. Minnesota Statutes 2002, section 609.2231, is amended by adding a subdivision to read:

Subd. 7. [COMMUNITY CRIME PREVENTION GROUP MEMBERS.] (a) A person is guilty of a gross misdemeanor who:

(1) assaults a community crime prevention group member while the member is engaged in neighborhood patrol;

(2) should reasonably know that the victim is a community crime prevention group member engaged in neighborhood patrol; and

(3) inflicts demonstrable bodily harm.

(b) As used in this subdivision, "community crime prevention group" means a community group focused on community safety and crime prevention that:

(1) is organized for the purpose of discussing community safety and patrolling community neighborhoods for criminal activity;

(2) is designated and trained by the local law enforcement agency as a community crime prevention group; or

(3) interacts with local law enforcement regarding community safety issues.

Sec. 15. [609.776] [INTERFERENCE WITH EMERGENCY COMMUNICATIONS.]

Whoever, without prior authorization, broadcasts or transmits on, interferes with, blocks, or cross-patches another frequency onto a law enforcement, firefighting, emergency medical services, emergency radio frequency or channel, any assigned or alternate emergency frequency or channel, or an official cellular telephone communication of a law enforcement agency, a fire department, or emergency medical services provider, knowing, or having reason to know that the act creates a risk of obstructing, preventing, or misdirecting official law enforcement, firefighting, or emergency medical services communications, is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$10,000, or both.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to crimes committed on or after that date.

Sec. 16. [611.254] [OVERSIGHT OF CORRECTIONAL FUNCTIONS.]

Subdivision 1. [DEFINITION.] As used in this section, "administrative agency" or "agency" means any division, official, or employee of the department of corrections, including the commissioner of corrections, and any state correctional facility licensed or inspected by the commissioner of corrections, whether public or private, established and operated for the detention and confinement of adults or juveniles, but does not include:

(1) any court or judge;

(2) any member of the senate or house of representatives of the state of Minnesota;

(3) the governor or the governor's personal staff;

(4) any instrumentality of the federal government of the United States; or

(5) any interstate compact.

Subd. 2. [INVESTIGATION.] The state public defender has the authority to investigate

decisions, acts, and other matters of the department of corrections to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections. The state public defender may delegate any of this authority or these duties.

Subd. 3. [POWERS.] (a) The state public defender may:

(1) prescribe the methods by which complaints are to be made, reviewed, and acted upon; provided, however, that the state public defender may not levy a complaint fee;

(2) determine the scope and manner of investigations to be made;

(3) except as otherwise provided, determine the form, frequency, and distribution of conclusions, recommendations, and proposals;

(4) investigate, upon a complaint, any action of an administrative agency;

(5) request and be given access to information in the possession of an administrative agency deemed necessary for the discharge of responsibilities;

(6) examine the records and documents of an administrative agency;

(7) enter and inspect, at any time, premises within the control of an administrative agency;

(8) subpoena any person to appear, give testimony, or produce documentary or other evidence that the state public defender deems relevant to a matter under inquiry, and petition the appropriate state court to enforce the subpoena; provided, however, that any witness at a hearing or before an investigation possesses the same privileges reserved to a witness in the courts or under the laws of this state; and

(9) bring an action in an appropriate state court to provide the operation of the powers provided in this subdivision.

(b) The provisions of this section are in addition to other provisions of law under which any remedy or right of appeal or objection is provided for any person, or any procedure provided for inquiry or investigation concerning any matter. Nothing in this section shall be construed to limit or affect any other remedy or right of appeal or objection nor shall it be deemed part of an exclusionary process.

Subd. 4. [ACTIONS AGAINST STATE PUBLIC DEFENDER.] No proceeding or civil action shall be commenced against the state public defender or staff members, or a person delegated the state public defender's duties or authority under subdivision 2, for actions taken pursuant to the provisions of this section.

Subd. 5. [MATTERS APPROPRIATE FOR INVESTIGATION.] In selecting matters for attention, the state public defender should address particularly actions of an administrative agency, which might be:

(1) contrary to law or rule;

(2) unreasonable, unfair, oppressive, or inconsistent with any policy or judgment of an administrative agency; or

(3) mistaken in law or arbitrary in the ascertainment of facts.

Subd. 6. [COMPLAINTS.] (a) The state public defender may receive a complaint from any source concerning an action of an administrative agency.

(b) The state public defender may exercise powers without regard to the finality of any action of an administrative agency; however, the state public defender may require a complainant to pursue other remedies or channels of complaint open to the complainant before accepting or investigating the complaint.

(c) After completing investigation of a complaint, the state public defender shall inform the complainant, the administrative agency, and the official or employee of the action taken.

(d) A letter to the state public defender from a person in an institution under the control of an administrative agency must be forwarded immediately and unopened to the state public defender's office. A reply from the state public defender to the person must be delivered unopened to the person, promptly after its receipt by the institution. No complainant shall be punished nor shall the general condition of the complainant's confinement or treatment be unfavorably altered as a result of the complainant having made a complaint to the state public defender.

Subd. 7. [RECOMMENDATIONS.] (a) If, after duly considering a complaint and whatever material the state public defender deems pertinent, the state public defender is of the opinion that the complaint is valid, the state public defender may recommend that an administrative agency should:

(1) consider the matter further;

(2) modify or cancel its actions;

(3) alter a ruling;

(4) explain more fully the action in question; or

(5) take any other step that the state public defender recommends to the administrative agency involved.

(b) If the state public defender so requests, the agency shall within the time the state public defender specifies, inform the state public defender about the action taken on the state public defender's recommendation or the reasons for not complying with it.

Subd. 8. [ACCESS TO DATA.] Notwithstanding section 13.384 or 13.85, the state public defender has access to corrections and detention data and medical data maintained by an agency and classified as private data on individuals or confidential data on individuals when access to the data is necessary for the state public defender to perform the powers under this section.

Subd. 9. [PUBLICATION.] The state public defender may publish conclusions and suggestions by transmitting them to the office of the governor. Before announcing a conclusion or recommendation that expressly or impliedly criticizes an administrative agency, or any person, the state public defender shall consult with that agency or person. When publishing an opinion adverse to an administrative agency, or any person, the state public defender shall include in such publication any statement of reasonable length made to the state public defender by that agency or person in defense or mitigation of the action.

Subd. 10. [COMPELLED TESTIMONY.] Neither the state public defender nor any member of the state public defender's staff or a person delegated the state public defender's duties or authority under subdivision 2 shall be compelled to testify or to produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of these official duties except as may be necessary to enforce the provisions of this section.

Sec. 17. [REPEALER.]

Minnesota Statutes 2002, sections 241.41; 241.42; 241.43; 241.44; 241.441; and 241.45, are repealed.

Sec. 18. [EFFECTIVE DATES.]

Sections 1 and 14 are effective the day following final enactment; section 14 applies to crimes committed on or after that date. Sections 5, 6, and 13 are effective July 1, 2003, and apply to crimes committed on or after that date. Sections 10 to 12 are effective July 1, 2003, and apply to persons incarcerated or under correctional supervision and crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to judiciary finance; appropriating money to fund courts, corrections, and other agencies; establishing, funding, modifying, or regulating certain court, corrections, and other programs, policies, duties, activities, or practices; making technical, conforming, and clarifying changes; providing criminal penalties; setting fines, surcharges, and fees; amending Minnesota Statutes 2002, sections 243.53, subdivision 1; 271.06, subdivision 4; 357.021, subdivisions 2, 6, 7; 357.022; 357.08; 609.105, subdivision 1, by adding subdivisions; 609.145, by adding a subdivision; 609.2231, by adding a subdivision; Laws 2001, First Special Session chapter 8, article 4, section 2, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 243; 481; 609; 611; repealing Minnesota Statutes 2002, sections 241.41; 241.42; 241.43; 241.44; 241.441; 241.45."

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

### **SECOND READING OF SENATE BILLS**

S.F. Nos. 1462 and 593 were read the second time.

### **SECOND READING OF HOUSE BILLS**

H.F. No. 784 was read the second time.

### **MEMBERS EXCUSED**

Senator Larson was excused from the Session of today. Senator Marko was excused from the Session of today from 9:00 to 11:30 a.m. and at 4:50 p.m. Senator Johnson, D.J. was excused from the Session of today from 9:00 a.m. to 12:30 p.m. Senator Stumpf was excused from the Session of today from 11:15 to 11:35 a.m. Senator Olson was excused from the Session of today at 11:20 a.m. Senators Bachmann, Limmer and Pariseau were excused from the Session of today from 12:00 to 12:25 p.m. Senator Dibble was excused from the Session of today from 12:20 to 12:25 p.m. Senator Ranum was excused from the Session of today from 12:20 to 12:55 p.m. Senators Anderson, Hottinger and Murphy were excused from the Session of today from 12:50 to 1:00 p.m. Senator Robling was excused from the Session of today at 1:15 p.m. Senator Solon was excused from the Session of today at 4:50 p.m.

### **ADJOURNMENT**

Senator Hottinger moved that the Senate do now adjourn until 11:00 a.m., Monday, May 12, 2003. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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