

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-THIRD LEGISLATURE

FIFTY-EIGHTH DAY

St. Paul, Minnesota, Friday, May 16, 2003

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

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Pastor Jon Engen.

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

Anderson	Gaither	Langseth	Olson	Scheid
Bachmann	Hann	Larson	Ortman	Senjem
Bakk	Higgins	LeClair	Ourada	Skoe
Belanger	Hottinger	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	Rosen	Wiger
Fischbach	Knutson	Murphy	Ruud	
Foley	Koering	Neuville	Sams	
Frederickson	Kubly	Nienow	Saxhaug	

The President declared a quorum present.

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

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committee indicated.

March 26, 2003

The Honorable James P. Metzen  
President of the Senate

Dear Senator Metzen:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

### MINNESOTA POLLUTION CONTROL AGENCY

Keith H. Langmo, 618 W. Crescent Ln., Litchfield, in the county of Meeker, effected March 31, 2003, filling the remaining part of a term that expires on January 2, 2006.

Marcus Marsh, 1172-8th Ave. N., Sauk Rapids, in the county of Benton, effective March 31, 2003, for a term that expires on January 1, 2007.

Chester Wilander, 45454 U.S. Hwy. 71, Laporte, in the county of Hubbard, effective March 31, 2003, for a term that expires on January 1, 2007.

(Referred to the Committee on Environment and Natural Resources.)

Sincerely,  
Tim Pawlenty, Governor

May 15, 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 Acts of the 2003 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2003	Date Filed 2003
	317	43	4:00 p.m. May 14	May 14
	335	44	4:35 p.m. May 14	May 14
	1268	45	4:02 p.m. May 14	May 14
	710	46	3:50 p.m. May 15	May 15
	1026	47	3:40 p.m. May 15	May 15
	1234	48	3:45 p.m. May 15	May 15
	314	49	4:30 p.m. May 14	May 14

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. 28, 231 and 1260.

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

Returned May 15, 2003

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 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 693:** A bill for an act relating to the metropolitan council; authorizing the use of energy forward pricing mechanisms; proposing coding for new law in Minnesota Statutes, chapter 473.

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

Buesgens, Holberg and Atkins.

Senate File No. 693 is herewith returned to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives  
Returned May 15, 2003

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 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 328:** A bill for an act relating to health; authorizing the board of psychology to require an independent examination of a practitioner; classifying such information; amending Minnesota Statutes 2002, sections 13.383, subdivision 8; 148.941, by adding a subdivision.

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

Powell, Wilkin and Thao.

Senate File No. 328 is herewith returned to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives  
Returned May 15, 2003

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 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 575:** A bill for an act relating to civil actions; modifying the limitation period for civil actions for personal injury based on sexual abuse against a minor; amending Minnesota Statutes 2002, section 541.073.

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

Holberg, Kohls and Atkins.

Senate File No. 575 is herewith returned to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives  
Returned May 15, 2003

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1119:

**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.

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

Kielkucki, Lipman and Seifert have been appointed as such committee on the part of the House.

House File No. 1119 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 15, 2003

Senator Higgins moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1119, 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. 376, 592 and 1064.

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

Transmitted May 15, 2003

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 376:** 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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 613, now on General Orders.

**H.F. No. 592:** 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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 593, now on General Orders.

**H.F. No. 1064:** A bill for an act relating to state employees; making technical and housekeeping changes; amending Minnesota Statutes 2002, sections 43A.08, subdivision 1a; 43A.30, subdivision 5; 43A.319.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1197.

## REPORTS OF COMMITTEES

Senator Betzold 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**

**H.F. No. 810** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
810	935				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 810 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 810 and insert the language after the enacting clause of S.F. No. 935, the second engrossment; further, delete the title of H.F. No. 810 and insert the title of S.F. No. 935, the second engrossment.

And when so amended H.F. No. 810 will be identical to S.F. No. 935, and further recommends that H.F. No. 810 be given its second reading and substituted for S.F. No. 935, and that the Senate File be indefinitely postponed.

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

**Senator Hottinger, from the Committee on Rules and Administration, to which was referred**

**H.F. No. 831** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
831	864				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 831 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 831 and insert the language after the enacting clause of S.F. No. 864, the first engrossment; further, delete the title of H.F. No. 831 and insert the title of S.F. No. 864, the first engrossment.

And when so amended H.F. No. 831 will be identical to S.F. No. 864, and further recommends that H.F. No. 831 be given its second reading and substituted for S.F. No. 864, and that the Senate File be indefinitely postponed.

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

## SECOND READING OF HOUSE BILLS

H.F. Nos. 810 and 831 were read the second time.

## MOTIONS AND RESOLUTIONS

### Senator Neuville introduced--

**Senate Resolution No. 79:** A Senate resolution recognizing Don Hayden for his years of dedicated public service.

Referred to the Committee on Rules and Administration.

### Senator Johnson, D.J. introduced--

**Senate Resolution No. 80:** A Senate resolution congratulating Matt Erickson for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Wergin moved that S.F. No. 1197 be taken from the table and placed on General Orders. The motion prevailed.

Senator Knutson moved that H.F. No. 480 be withdrawn from the Committee on Judiciary, given a second reading, and placed on General Orders. The motion prevailed.

H.F. No. 480 was read the second time.

Senator McGinn moved that S.F. No. 256 be taken from the table. The motion prevailed.

**S.F. No. 256:** A bill for an act relating to crime prevention; making changes related to search warrants; amending Minnesota Statutes 2002, sections 626.11; 626.13.

## CONCURRENCE AND REPASSAGE

Senator McGinn moved that the Senate concur in the amendments by the House to S.F. No. 256 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 256 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

## MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

**MESSAGES FROM THE HOUSE**

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. 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.

Senate File No. 388 is herewith returned to the Senate.

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

Returned May 15, 2003

Senator Foley moved that the Senate do not concur in the amendments by the House to S.F. No. 388, 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 to be appointed on the part of the House. The motion prevailed.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Murphy moved that S.F. No. 958 be taken from the table and placed on General Orders. The motion prevailed.

**S.F. No. 958:** A bill for an act relating to veterans; classifying military certificates of discharge as private data on individuals; providing procedures for their release; amending Minnesota Statutes 2002, sections 13.785, subdivision 2; 196.08; 386.20, subdivision 1.

Senator Murphy moved that H.F. No. 768 be taken from the table and re-referred to the Committee on Rules and Administration for comparison with S.F. No. 958, now on General Orders. The motion prevailed.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 677, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 677 is herewith transmitted to the Senate.

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

Transmitted May 16, 2003

**CONFERENCE COMMITTEE REPORT ON 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.

May 14, 2003

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

We, the undersigned conferees for H.F. No. 677, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 677 be further amended as follows:

Page 3, line 6, delete the third comma and insert "has been called to active duty in the military services"

Page 3, line 7, delete everything after the comma

Page 3, line 8, delete "active duty in the military services,"

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Sondra Erickson, Daniel Severson, Bernie L. Lieder

Senate Conferees: (Signed) Linda Scheid, Sheila M. Kiscaden, Sandra L. Pappas

Senator Scheid moved that the foregoing recommendations and Conference Committee Report on H.F. No. 677 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 677 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

### MESSAGES FROM THE HOUSE - CONTINUED

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. 333:** A bill for an act relating to health; modifying provisions relating to the practice of speech-language pathology or audiology; amending Minnesota Statutes 2002, sections 148.511; 148.512, subdivisions 2, 4, 6, 7, 8, 12, 13, 14, 15, 16, 17, 18, 20; 148.513; 148.514; 148.515, subdivisions 2, 4; 148.516; 148.5161; 148.517; 148.518; 148.519; 148.5191; 148.5193, subdivisions 1, 4, 6, 6a, 7, 8; 148.5194, subdivisions 1, 2, 3, 3a; 148.5195, subdivisions 2, 3, 4, 5, 6; 148.5196; 153A.14, subdivisions 2a, 2i; 153A.17; 153A.20, subdivision 1; repealing Minnesota Statutes 2002, sections 148.512, subdivision 11; 148.515, subdivisions 3, 5.

Senate File No. 333 is herewith returned to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives  
Returned May 15, 2003

### CONCURRENCE AND REPASSAGE

Senator Sams moved that the Senate concur in the amendments by the House to S.F. No. 333 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 333 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

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

**Senators Bakk; Saxhaug; Tomassoni; Johnson, D.E. and Sams introduced--**

**S.F. No. 1554:** A bill for an act relating to taxes; property; including seasonal recreational property in the operating excess levy referenda; amending Minnesota Statutes 2002, section 126C.01, subdivision 3.

Referred to the Committee on Finance.

**Senator Betzold introduced--**

**S.F. No. 1555:** A bill for an act relating to gambling enforcement; requiring certain notification prior to initiating video surveillance in some cases; amending Minnesota Statutes 2002, section 299L.06.

Referred to the Committee on State and Local Government Operations.

**Senator Kelley introduced--**

**S.F. No. 1556:** A bill for an act relating to telecommunications; modifying and recodifying telecommunications laws; imposing excise tax on certain telecommunications, cable, and video programming services; appropriating money; amending Minnesota Statutes 2002, sections 13.46, subdivision 2; 13.679, by adding a subdivision; 13.681, by adding subdivisions; 16A.124, subdivision 8; 16B.465, subdivisions 1, 1a; 115B.02, subdivision 14; 216A.03, subdivision 7; 216A.07, subdivisions 2, 5; 216B.16, subdivision 2; 221.031, subdivision 2; 256.978, subdivision 2; 270B.14, subdivision 1; 272.01, subdivision 3; 297A.61, subdivision 7; 308A.210, subdivisions 3, 8; 325E.021; 325F.692; 325F.693; 326.242, subdivision 12; 403.09; 403.11, subdivision 1; 412.014; 471.425, subdivision 5; 473.129, subdivision 6; 609.52, subdivision 2; 609.80, subdivisions 1, 2; 609.892, subdivision 1; proposing coding for new law as Minnesota Statutes, chapters 237A; 237B; repealing Minnesota Statutes 2002, sections 237.01; 237.011; 237.02; 237.03; 237.035; 237.036; 237.04; 237.05; 237.06; 237.065; 237.066; 237.067; 237.068; 237.069; 237.07; 237.071; 237.072; 237.075; 237.076; 237.081; 237.082; 237.09; 237.10; 237.101; 237.11; 237.115; 237.12; 237.121; 237.14; 237.15; 237.16; 237.162; 237.163; 237.164; 237.17; 237.18; 237.19; 237.20; 237.21; 237.22; 237.23; 237.231; 237.24; 237.25; 237.26; 237.27; 237.28; 237.295; 237.30; 237.33; 237.34; 237.35; 237.36; 237.37; 237.38; 237.39; 237.40; 237.44; 237.45; 237.46; 237.461; 237.462; 237.47; 237.49; 237.50; 237.51, subdivisions 1, 5, 5a; 237.52; 237.53; 237.54; 237.55; 237.56; 237.57; 237.59; 237.60; 237.61; 237.626; 237.63; 237.64; 237.65; 237.66; 237.661; 237.662; 237.663; 237.67; 237.68; 237.69; 237.70, subdivisions 1, 2, 3, 4a, 5, 6, 7; 237.701; 237.71; 237.711; 237.73; 237.74; 237.75; 237.76; 237.761; 237.762; 237.763; 237.764; 237.765; 237.766; 237.767; 237.768; 237.769; 237.770; 237.771; 237.772; 237.773; 237.774; 237.775; 237.79; 237.80; 237.81; 238.01; 238.02; 238.03; 238.08; 238.081; 238.082; 238.083; 238.084; 238.086; 238.11; 238.12; 238.15; 238.16; 238.17; 238.18; 238.22; 238.23; 238.24; 238.241; 238.242; 238.25; 238.26; 238.27; 238.35; 238.36; 238.37; 238.38; 238.39; 238.40; 238.41; 238.42; 238.43; Minnesota Rules, parts 7810.8715; 7810.8720; 7810.8725; 7810.8730; 7810.8735; 7810.8760; 7810.8805; 7810.8810; 7810.8815; 7811.0050; 7811.0100; 7811.0150; 7811.0200; 7811.0300; 7811.0350; 7811.0400; 7811.0500; 7811.0550; 7811.0600; 7811.0700; 7811.0800; 7811.0900; 7811.1000; 7811.1050; 7811.1100; 7811.1200; 7811.1300; 7811.1400; 7811.1500; 7811.1600; 7811.1700; 7811.1800; 7811.1900; 7811.2000; 7811.2100; 7811.2300; 7812.0050; 7812.0100, subparts 22, 23, 31, 32, 35, 45, 47; 7812.0200, subpart 2; 7812.0300, subparts 1, 2, 3, 4; 7812.0350; 7812.0400; 7812.0500; 7812.1300; 7812.1400; 7815.0100; 7815.0200; 7815.0300; 7815.0400; 7815.0500; 7815.0600; 7817.0100; 7817.0200; 7817.0300; 7817.0400; 7817.0500; 7817.0600; 7817.0700; 7817.0800; 7817.0900; 7817.1000.

Referred to the Committee on Commerce and Utilities.

**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. No. 805, H.F. Nos. 894, 673, S.F. No. 343, H.F. Nos. 723 and 293.

**SPECIAL ORDER**

**S.F. No. 805:** A bill for an act relating to local government; providing for special assessments for reinspections; amending Minnesota Statutes 2002, section 429.101, 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 57 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Reiter

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**H.F. No. 894:** A bill for an act relating to property; modifying provisions relating to certificates of title to manufactured homes; amending Minnesota Statutes 2002, sections 168A.141; 507.24, subdivision 2.

Senator Metzen moved that the amendment made to H.F. No. 894 by the Committee on Rules and Administration in the report adopted April 24, 2003, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 894 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**H.F. No. 673:** A bill for an act relating to insurance; permitting the comprehensive health association to offer policies with higher annual deductibles; permitting extension of the writing carrier contract; providing a new category of individuals eligible for coverage; clarifying the effective date of coverage and other matters; amending Minnesota Statutes 2002, sections 62E.08, subdivision 1; 62E.091; 62E.12; 62E.13, subdivision 2, by adding a subdivision; 62E.14; 62E.18.

Senator Sparks moved that the amendment made to H.F. No. 673 by the Committee on Rules and Administration in the report adopted May 8, 2003, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

Senator Sparks moved that H.F. No. 673 be laid on the table. The motion prevailed.

**SPECIAL ORDER**

**S.F. No. 343:** A bill for an act relating to insurance; requiring health plan companies to file reports with respect to certain costs; amending Minnesota Statutes 2002, section 62Q.64.

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 45 and nays 13, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Kubly	Ortman	Skoe
Bakk	Frederickson	Larson	Pappas	Skoglund
Belanger	Higgins	Lourey	Pariseau	Solon
Betzold	Johnson, D.E.	Marko	Pogemiller	Sparks
Cohen	Jungbauer	Marty	Ranum	Stumpf
Day	Kelley	McGinn	Robling	Tomassoni
Dibble	Kleis	Metzen	Sams	Vickerman
Dille	Knutson	Moua	Saxhaug	Wergin
Fischbach	Koering	Neuville	Scheid	Wiger

Those who voted in the negative were:

Bachmann	Kierlin	Limmer	Ourada	Senjem
Hann	Kiscaden	Michel	Reiter	
Johnson, D.J.	LeClair	Nienow	Rosen	

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**H.F. No. 723:** A bill for an act relating to traffic regulations; exempting occupants of certain motor vehicles from seat belt law; amending Minnesota Statutes 2002, section 169.686, subdivision 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Betzold	Dille	Hann	Jungbauer
Bachmann	Cohen	Fischbach	Higgins	Kelley
Bakk	Day	Foley	Johnson, D.E.	Kierlin
Belanger	Dibble	Frederickson	Johnson, D.J.	Kiscaden

Kleis	Marko	Ourada	Sams	Stumpf
Knutson	Marty	Pappas	Saxhaug	Tomassoni
Koering	McGinn	Pariseau	Scheid	Vickerman
Kubly	Metzen	Pogemiller	Senjem	Wergin
Larson	Michel	Ranum	Skoe	Wiger
LeClair	Moua	Reiter	Skoglund	
Limmer	Neuville	Rest	Solon	
Lourey	Nienow	Rosen	Sparks	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 293:** A bill for an act relating to municipalities; allowing the prescribing of certain fees by a fee schedule; amending Minnesota Statutes 2002, section 462.353, subdivision 4, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 4, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	LeClair	Limmer	Ourada
----------	---------	--------	--------

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

#### RECONSIDERATION

Having voted on the prevailing side, Senator Pariseau moved that the vote whereby S.F. No. 343 was passed by the Senate on May 16, 2003, be now reconsidered. The motion prevailed. So the vote was reconsidered.

S.F. No. 343 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 45 and nays 14, as follows:

Those who voted in the affirmative were:

Anderson	Betzold	Dibble	Foley	Hottinger
Bakk	Cohen	Dille	Frederickson	Johnson, D.E.
Belanger	Day	Fischbach	Higgins	Jungbauer

Kelley	Marko	Murphy	Robling	Sparks
Kleis	Marty	Neuville	Sams	Stumpf
Koering	McGinn	Ortman	Scheid	Tomassoni
Kubly	Metzen	Ourada	Skoe	Vickerman
Larson	Michel	Pappas	Skoglund	Wergin
Lourey	Moua	Rest	Solon	Wiger

Those who voted in the negative were:

Bachmann	Johnson, D.J.	Knutson	Nienow	Rosen
Gaither	Kierlin	LeClair	Pariseau	Senjem
Hann	Kiscaden	Limmer	Reiter	

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Murphy moved that H.F. No. 741 be taken from the table. The motion prevailed.

**H.F. No. 741:** A bill for an act relating to commerce; regulating advertising by motor vehicle dealers; amending Minnesota Statutes 2002, section 168.27, subdivision 26.

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

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

### RECONSIDERATION

Having voted on the prevailing side, Senator Vickerman moved that the vote whereby H.F. No. 1244 was passed by the Senate on May 15, 2003, be now reconsidered. The motion prevailed. So the vote was reconsidered.

**H.F. No. 1244:** A bill for an act relating to lawful gambling; making various clarifying and technical changes; providing and modifying definitions; permitting resale of certain gambling equipment; providing for fees, prices, and prize limits; clarifying requirements for gambling managers and employees, premises, records and reports; regulating linked bingo games; clarifying conduct of high school raffles; amending Minnesota Statutes 2002, sections 349.12, subdivisions 4, 18, 19, 25, by adding subdivisions; 349.151, subdivisions 4, 4b; 349.153; 349.155, subdivision 3; 349.161, subdivision 5; 349.163, subdivision 3; 349.166, subdivisions 1, 2; 349.167, subdivisions 4, 6, 7; 349.168, subdivisions 1, 2, 6, by adding a subdivision; 349.169, subdivisions

1, 3; 349.17, subdivisions 3, 6, 7, by adding a subdivision; 349.18, subdivision 1; 349.19, subdivision 3, by adding a subdivision; 349.191, subdivisions 1, 1a; 349.211, subdivision 1, by adding a subdivision; 609.761, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 349; repealing Minnesota Statutes 2002, sections 349.168, subdivision 9.

## RECONSIDERATION

Having voted on the prevailing side, Senator Vickerman moved that the vote whereby the Vickerman amendment to H.F. No. 1244 was adopted on May 15, 2003, be now reconsidered. The motion prevailed. So the vote was reconsidered.

Senator Vickerman withdrew his amendment.

Senator Vickerman then moved to amend H.F. No. 1244, as amended pursuant to Rule 45, adopted by the Senate May 7, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 1153.)

Page 1, after line 25, insert:

"Sec. 2. Minnesota Statutes 2002, section 349.12, subdivision 4, is amended to read:

Subd. 4. [BINGO.] "Bingo" means a game where each player has a bingo hard card or bingo paper sheet, for which a consideration has been paid, and played in accordance with this chapter and with rules of the board for the conduct of bingo. "Bingo" also includes a linked bingo game."

Page 2, after line 2, insert:

"Sec. 4. Minnesota Statutes 2002, section 349.12, subdivision 18, is amended to read:

Subd. 18. [GAMBLING EQUIPMENT.] "Gambling equipment" means: bingo hard cards or paper sheets, linked bingo paper sheets, devices for selecting bingo numbers, pull-tabs, jar tickets, paddlewheels, paddlewheel tables, paddletickets, paddleticket cards, tipboards, tipboard tickets, and pull-tab dispensing devices."

Page 6, after line 32, insert:

"Sec. 7. Minnesota Statutes 2002, section 349.12, is amended by adding a subdivision to read:

Subd. 25a. [LINKED BINGO GAME.] "Linked bingo game" means a bingo game played at two or more locations where licensed organizations are authorized to conduct bingo, where there is a common prize pool and a common selection of numbers or symbols conducted at one location, and where the results of the selection are transmitted to all participating locations by satellite, telephone, or other means by a linked bingo game provider.

Sec. 8. Minnesota Statutes 2002, section 349.12, is amended by adding a subdivision to read:

Subd. 25b. [LINKED BINGO GAME PROVIDER.] "Linked bingo game provider" means any person who provides the means to link bingo prizes in a linked bingo game, who provides linked bingo paper sheets to the participating organizations, who provides linked bingo prize management, and who provides the linked bingo game system.

Sec. 9. Minnesota Statutes 2002, section 349.12, is amended by adding a subdivision to read:

Subd. 25c. [LINKED BINGO GAME SYSTEM.] "Linked bingo game system" means the equipment used by the linked bingo provider to conduct, transmit, and track a linked bingo game. The system must be approved by the board before its use in this state and it must have dial-up or other capability to permit the board to monitor its operation remotely.

Sec. 10. Minnesota Statutes 2002, section 349.12, is amended by adding a subdivision to read:

Subd. 25d. [LINKED BINGO PRIZE POOL.] "Linked bingo prize pool" means the total of all prize money that each participating organization has contributed to the linked bingo game prize. No participating organization may contribute more than \$300 per bingo occasion to a linked bingo prize pool."

Page 7, after line 15, insert:

"Sec. 14. Minnesota Statutes 2002, section 349.151, subdivision 4, is amended to read:

Subd. 4. [POWERS AND DUTIES.] (a) The board has the following powers and duties:

- (1) to regulate lawful gambling to ensure it is conducted in the public interest;
  - (2) to issue licenses to organizations, distributors, bingo halls, manufacturers, linked bingo game providers, and gambling managers;
  - (3) to collect and deposit license, permit, and registration fees due under this chapter;
  - (4) to receive reports required by this chapter and inspect all premises, records, books, and other documents of organizations, distributors, manufacturers, linked bingo game providers, and bingo halls to insure compliance with all applicable laws and rules;
  - (5) to make rules authorized by this chapter;
  - (6) to register gambling equipment and issue registration stamps;
  - (7) to provide by rule for the mandatory posting by organizations conducting lawful gambling of rules of play and the odds and/or house percentage on each form of lawful gambling;
  - (8) to report annually to the governor and legislature on its activities and on recommended changes in the laws governing gambling;
  - (9) to impose civil penalties of not more than \$500 per violation on organizations, distributors, employees eligible to make sales on behalf of a distributor, manufacturers, bingo halls, linked bingo game providers, and gambling managers for failure to comply with any provision of this chapter or any rule or order of the board;
  - (10) to issue premises permits to organizations licensed to conduct lawful gambling;
  - (11) to delegate to the director the authority to issue or deny license and premises permit applications and renewals under criteria established by the board;
  - (12) to suspend or revoke licenses and premises permits of organizations, distributors, manufacturers, bingo halls, linked bingo game providers, or gambling managers as provided in this chapter;
  - (13) to register employees of organizations licensed to conduct lawful gambling;
  - (14) to require fingerprints from persons determined by board rule to be subject to fingerprinting;
  - (15) to delegate to a compliance review group of the board the authority to investigate alleged violations, issue consent orders, and initiate contested cases on behalf of the board;
  - (16) to order organizations, distributors, manufacturers, bingo halls, linked bingo game providers, and gambling managers to take corrective actions; and
  - (17) to take all necessary steps to ensure the integrity of and public confidence in lawful gambling.
- (b) The board, or director if authorized to act on behalf of the board, may by citation assess any organization, distributor, employee eligible to make sales on behalf of a distributor, manufacturer, bingo hall licensee, linked bingo game provider, or gambling manager a civil penalty of not more



than \$500 per violation for a failure to comply with any provision of this chapter or any rule adopted or order issued by the board. Any organization, distributor, bingo hall licensee, gambling manager, linked bingo game provider, or manufacturer assessed a civil penalty under this paragraph may request a hearing before the board. Appeals of citations imposing a civil penalty are not subject to the provisions of the Administrative Procedure Act.

(c) All fees and penalties received by the board must be deposited in the general fund."

Page 8, after line 8, insert:

"Sec. 16. Minnesota Statutes 2002, section 349.153, is amended to read:

349.153 [CONFLICT OF INTEREST.]

(a) A person may not serve on the board, be the director, or be an employee of the board who has an interest in any corporation, association, limited liability company, or partnership that is licensed by the board as a distributor, manufacturer, linked bingo game provider, or a bingo hall under section 349.164.

(b) A member of the board, the director, or an employee of the board may not accept employment with, receive compensation directly or indirectly from, or enter into a contractual relationship with an organization that conducts lawful gambling, a distributor, a linked bingo game provider, a bingo hall, or a manufacturer while employed with or a member of the board or within one year after terminating employment with or leaving the board.

(c) A distributor, bingo hall, manufacturer, linked bingo game provider, or organization licensed to conduct lawful gambling may not hire a former employee, director, or member of the gambling control board for one year after the employee, director, or member has terminated employment with or left the gambling control board.

Sec. 17. Minnesota Statutes 2002, section 349.155, subdivision 3, is amended to read:

Subd. 3. [MANDATORY DISQUALIFICATIONS.] (a) In the case of licenses for manufacturers, distributors, bingo halls, linked bingo game providers, and gambling managers, the board may not issue or renew a license under this chapter, and shall revoke a license under this chapter, if the applicant or licensee, or a director, officer, partner, governor, person in a supervisory or management position of the applicant or licensee, or an employee eligible to make sales on behalf of the applicant or licensee:

- (1) has ever been convicted of a felony or a crime involving gambling;
- (2) has ever been convicted of (i) assault, (ii) a criminal violation involving the use of a firearm, or (iii) making terroristic threats;
- (3) is or has ever been connected with or engaged in an illegal business;
- (4) owes \$500 or more in delinquent taxes as defined in section 270.72;
- (5) had a sales and use tax permit revoked by the commissioner of revenue within the past two years; or
- (6) after demand, has not filed tax returns required by the commissioner of revenue. The board may deny or refuse to renew a license under this chapter, and may revoke a license under this chapter, if any of the conditions in this paragraph are applicable to an affiliate or direct or indirect holder of more than a five percent financial interest in the applicant or licensee.

(b) In the case of licenses for organizations, the board may not issue or renew a license under this chapter, and shall revoke a license under this chapter, if the organization, or an officer or member of the governing body of the organization:

- (1) has been convicted of a felony or gross misdemeanor within the five years before the issuance or renewal of the license;

(2) has ever been convicted of a crime involving gambling; or

(3) has had a license issued by the board or director permanently revoked for violation of law or board rule."

Page 9, after line 18, insert:

"Sec. 19. Minnesota Statutes 2002, section 349.163, subdivision 3, is amended to read:

Subd. 3. [PROHIBITED SALES.] (a) A manufacturer may not:

(1) sell gambling equipment for use or resale within the state to any person not licensed as a distributor, except that gambling equipment used exclusively in a linked bingo game may be sold to a licensed linked bingo provider; or

(2) sell gambling equipment to a distributor in this state that has the same serial number as another item of gambling equipment of the same type that is sold by that manufacturer for use or resale in this state.

(b) A manufacturer, affiliate of a manufacturer, or person acting as a representative or agent of a manufacturer may not provide a lessor of gambling premises or an appointed official any compensation, gift, gratuity, premium, contribution, or other thing of value.

(c) A manufacturer may not sell or otherwise provide a pull-tab or tipboard deal with the symbol required by subdivision 5, paragraph (h), imprinted on the flare to any person other than a licensed distributor unless the manufacturer first renders the symbol permanently invisible.

Sec. 20. [349.1635] [LINKED BINGO GAME PROVIDER LICENSE.]

Subdivision 1. [LICENSE REQUIRED.] No person may do any of the following without having first obtained a license from the board:

(1) provide the means to link prizes in a linked bingo game;

(2) provide linked bingo game prize management;

(3) provide the linked bingo system; or

(4) provide linked bingo paper sheets to an organization.

Subd. 2. [LICENSE APPLICATION.] The board may issue a license to a linked bingo game provider who meets the qualifications of this chapter and the rules promulgated by the board. The application shall be on a form prescribed by the board. The license is valid for two years and the fee for a linked bingo game provider license is \$5,000 per year.

Subd. 3. [ATTACHMENTS TO APPLICATION.] An applicant for a linked bingo game provider license must attach to its application:

(1) evidence of a bond in the principal amount of \$250,000 payable to the state of Minnesota conditioned on the payment of all linked bingo prizes and any other money due and payable under this chapter;

(2) detailed plans and specifications for the operation of the linked bingo game and the linked bingo system; and

(3) any other information required by the board by rule.

Subd. 4. [PROHIBITION.] (a) Except for services associated exclusively with a linked bingo game, a linked bingo game provider may not participate or assist in the conduct of lawful gambling by an organization. No linked bingo game provider may:

(1) also be licensed as a bingo hall or hold any financial or managerial interest in a bingo hall;

- (2) also be licensed as a distributor or hold any financial or managerial interest in a distributor;
- (3) sell or lease linked bingo game equipment to any person not licensed as an organization;
- (4) purchase gambling equipment to be used exclusively in a linked bingo game from any person not licensed as a manufacturer under section 349.163; and
- (5) provide an organization, a lessor of gambling premises, or an appointed official any compensation, gift, gratuity, premium, or contribution.

(b) Employees of the board and the division of alcohol and gambling enforcement may inspect the books, records, inventory, and business premises of a licensed linked bingo game provider without notice during the normal business hours of the linked bingo game provider. The board may charge a linked bingo game provider for the actual cost of conducting scheduled or unscheduled inspections of the licensee's facilities."

Page 9, line 21, after "Bingo" insert ", with the exception of linked bingo games,"

Page 10, after line 22, insert:

"Sec. 22. Minnesota Statutes 2002, section 349.166, subdivision 2, is amended to read:

Subd. 2. [EXEMPTIONS.] (a) Lawful gambling, with the exception of linked bingo games, may be conducted by an organization without a license and without complying with sections 349.168, subdivisions 1 and 2; 349.17, subdivisions 4 and 5; 349.18, subdivision 1; and 349.19 if:

- (1) the organization conducts lawful gambling on five or fewer days in a calendar year;
- (2) the organization does not award more than \$50,000 in prizes for lawful gambling in a calendar year;
- (3) the organization pays a fee of \$25 to the board, notifies the board in writing not less than 30 days before each lawful gambling occasion of the date and location of the occasion, or 60 days for an occasion held in the case of a city of the first class, the types of lawful gambling to be conducted, the prizes to be awarded, and receives an exemption identification number;
- (4) the organization notifies the local government unit 30 days before the lawful gambling occasion, or 60 days for an occasion held in a city of the first class;
- (5) the organization purchases all gambling equipment and supplies from a licensed distributor; and
- (6) the organization reports to the board, on a single-page form prescribed by the board, within 30 days of each gambling occasion, the gross receipts, prizes, expenses, expenditures of net profits from the occasion, and the identification of the licensed distributor from whom all gambling equipment was purchased.

(b) If the organization fails to file a timely report as required by paragraph (a), clause (3) or (6), the board shall not issue any authorization, license, or permit to the to conduct lawful gambling on an exempt, excluded, or licensed basis until the report has been filed.

(c) Merchandise prizes must be valued at their fair market value.

(d) Unused pull-tab and tipboard deals must be returned to the distributor within seven working days after the end of the lawful gambling occasion. The distributor must accept and pay a refund for all returns of unopened and undamaged deals returned under this paragraph.

(e) An organization that is exempt from taxation on purchases of pull-tabs and tipboards under section 297E.02, subdivision 4, paragraph (b), clause (4), must return to the distributor any tipboard or pull-tab deal no part of which is used at the lawful gambling occasion for which it was purchased by the organization.

(f) The organization must maintain all required records of exempt gambling activity for 3-1/2 years."

Page 11, after line 21, insert:

"Sec. 24. Minnesota Statutes 2002, section 349.167, subdivision 6, is amended to read:

Subd. 6. [RECRUITMENT OF GAMBLING MANAGERS.] No organization may seek or accept assistance from a manufacturer ~~or~~, distributor, or linked bingo game provider, or a representative, agent, affiliate, or employee of a manufacturer ~~or~~, distributor, or linked bingo game provider, in identifying or recruiting candidates to become a gambling manager for the organization."

Page 14, after line 6, insert:

"Sec. 32. Minnesota Statutes 2002, section 349.17, subdivision 3, is amended to read:

Subd. 3. [WINNERS.] Each bingo winner must be determined and every prize shall be awarded and delivered the same day on which the bingo occasion is conducted, except that prizes won in a linked bingo game must be delivered within three business days of the day on which the occasion was conducted.

Sec. 33. Minnesota Statutes 2002, section 349.17, subdivision 6, is amended to read:

Subd. 6. [CONDUCT OF BINGO.] (a) Each bingo hard card and paper sheets must have five horizontal rows of spaces with each row except one having five numbers. The center row must have four numbers and the center space marked "free." Each column must have one of the letters B-I-N-G-O in order at the top. Bingo paper sheets may also have numbers that are not preprinted but are filled in by players.

(b) A game of bingo begins with the first letter and number called. Each player must cover or mark with a liquid dauber the numbers when bingo balls, similarly numbered, are randomly drawn, announced, and displayed to the players, either manually or with a flashboard and monitor. The game is won when a player has covered or marked a previously designated arrangement of numbers on the card or sheet and declared bingo. The game is completed when a winning card or sheet is verified and a prize awarded, except that prizes won in linked bingo games may be awarded pursuant to subdivision 3.

Sec. 34. Minnesota Statutes 2002, section 349.17, subdivision 7, is amended to read:

Subd. 7. [NOON HOUR BINGO.] Notwithstanding subdivisions 1 and 3, an organization may conduct bingo subject to the following restrictions:

- (1) the bingo is conducted only between the hours of 11:00 a.m. and 2:00 p.m.;
- (2) the bingo is conducted at a site the organization owns or leases and which has a license for the sale of intoxicating beverages on the premises under chapter 340A;
- (3) the bingo is limited to one progressive bingo game per site as defined by section 349.211, subdivision 2;
- (4) the bingo is conducted using only bingo paper sheets; ~~and~~
- (5) if the premises are leased, the rent may not exceed \$25 per day for each day bingo is conducted; and
- (6) linked bingo games may not be conducted at a noon hour bingo occasion.

Sec. 35. Minnesota Statutes 2002, section 349.17, is amended by adding a subdivision to read:

Subd. 8. [LINKED BINGO GAMES.] (a) A licensed organization may conduct or participate in a linked bingo game in association with one or more other licensed organizations.

(b) Each participating licensed organization shall contribute to each prize awarded in a linked bingo game in an amount not to exceed \$300 per occasion.

(c) The board may adopt rules to:

(1) specify the manner in which a linked bingo game must be played and how the linked bingo prizes must be awarded;

(2) specify the records to be maintained by a linked bingo game provider;

(3) require the submission of periodic reports by the linked bingo game provider and specify the content of the reports;

(4) establish the qualifications required to be licensed as a linked bingo game provider; and

(5) any other matter involving the operation of a linked bingo game."

Page 15, line 36, before "or" insert "linked bingo game provider,"

Page 16, after line 35, insert:

"Sec. 37. Minnesota Statutes 2002, section 349.19, is amended by adding a subdivision to read:

Subd. 2b. [LINKED BINGO PRIZE POOL ACCOUNT.] A licensed organization participating in a linked bingo game must maintain a separate account in a bank for the deposit of the organization's portion of the linked bingo game prize pool. The name of the bank, the account number, and authorization for electronic funds transfer must be provided by the organization to the linked bingo game provider. Deposits must be made into the account by the organization as designated by the linked bingo game provider. Money in the account must be available to the linked bingo game provider at all times by electronic funds transfer, unless the linked bingo provider agrees to the transfer of the funds by other means."

Page 18, after line 7, insert:

"Sec. 39. Minnesota Statutes 2002, section 349.191, subdivision 1, is amended to read:

Subdivision 1. [CREDIT RESTRICTION.] A manufacturer may not offer or extend to a distributor, a linked bingo game provider may not offer or extend to an organization, and a distributor may not offer or extend to an organization, credit for a period of more than 30 days for the sale or lease of any gambling equipment. No right of action exists for the collection of any claim based on credit prohibited by this subdivision. The 30-day period allowed by this subdivision begins with the day immediately following the day of invoice and includes all successive days, including Sundays and holidays, to and including the 30th successive day.

Sec. 40. Minnesota Statutes 2002, section 349.191, subdivision 1a, is amended to read:

Subd. 1a. [CREDIT AND SALES TO DELINQUENT ORGANIZATIONS.] (a) If a distributor or linked bingo game provider does not receive payment in full from an organization within 35 days of the day immediately following the date of the invoice, the distributor or linked bingo game provider must notify the board in writing of the delinquency on the next business day.

(b) If a distributor or linked bingo game provider who has notified the board under paragraph (a) has not received payment in full from the organization within 60 days of the notification under paragraph (a), the distributor or linked bingo game provider must notify the board of the continuing delinquency.

(c) On receipt of a notice under paragraph (a), the board shall order all distributors and linked bingo game providers that until further notice from the board, they may sell gambling equipment to the delinquent organizations only on a cash basis with no credit extended. On receipt of a notice under paragraph (b), the board shall order all distributors and linked bingo game providers not to sell any gambling equipment to the delinquent organization.

(d) No distributor or linked bingo game provider may extend credit or sell gambling equipment to an organization in violation of an order under paragraph (c) until the board has authorized such credit or sale.

Sec. 41. Minnesota Statutes 2002, section 349.211, subdivision 1, is amended to read:

Subdivision 1. [BINGO.] Except as provided in ~~subdivision~~ subdivisions 1a and 2, prizes for a single bingo game may not exceed \$200 except prizes for a cover-all game, which may exceed \$200 if the aggregate value of all cover-all prizes in a bingo occasion does not exceed \$1,000. Total prizes awarded at a bingo occasion may not exceed \$2,500, unless a cover-all game is played in which case the limit is \$3,500. A prize may be determined based on the value of the bingo packet sold to the player. For purposes of this subdivision, a cover-all game is one in which a player must cover all spaces except a single free space to win.

Sec. 42. Minnesota Statutes 2002, section 349.211, is amended by adding a subdivision to read:

Subd. 1a. [LINKED BINGO PRIZES.] Prizes for a linked bingo game shall be limited as follows:

(1) no organization may contribute more than \$300 per occasion to a linked bingo game prize pool; and

(2) if an organization contributes to a linked bingo game prize pool, the organization's aggregate value of cover-all prizes available during the bingo occasion must be reduced by the amount contributed to the linked bingo game prize pool."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1244 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 57 and nays 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bakk	Foley	Marty	Skoglund	Solon
Betzold	Kubly	Moua		

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

**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. 552, 857 and 926.

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

Returned May 16, 2003

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 326:

**H.F. No. 326:** A bill for an act relating to health; modifying dental practice provisions; amending Minnesota Statutes 2002, sections 150A.06, subdivisions 1a, 3, by adding a subdivision; 150A.10, subdivision 1a, by adding a subdivision; 256B.55, subdivisions 3, 4, 5.

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

Samuelson, Wilkin and Huntley have been appointed as such committee on the part of the House.

House File No. 326 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 16, 2003

Senator Lourey moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 326, 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. 259:

**H.F. No. 259:** A bill for an act relating to drivers' licenses; removing sunset provisions to allow certain school buses to continue to be operated by licensed child care providers and by holders of Class D drivers' licenses under limited conditions; amending Minnesota Statutes 2002, sections 169.448, subdivision 1; 171.02, subdivision 2a; Laws 2001, chapter 97, section 5.

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

Kuisle, Adolphson and Larson have been appointed as such committee on the part of the House.

House File No. 259 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 16, 2003

Senator Gaither moved that the Senate accede to the request of the House for a Conference

Committee on H.F. No. 259, 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.

### 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.

### 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. 388: Senators Foley, Skoglund and McGinn.

H.F. No. 1119: Senators Higgins, Scheid and Kleis.

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

### 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.

### 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 Messages From the House, Reports of Committees and Second Reading of House Bills.

### MESSAGES FROM THE HOUSE

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. 484:** A bill for an act relating to counties; authorizing counties to require the dedication of land for public parks; providing certain terms and conditions for the dedication; amending Minnesota Statutes 2002, section 394.25, subdivision 7.

Senate File No. 484 is herewith returned to the Senate.



Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives  
Returned May 16, 2003

**CONCURRENCE AND REPASSAGE**

Senator Wergin moved that the Senate concur in the amendments by the House to S.F. No. 484 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 484 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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hann	Langseth	Olson	Scheid
Bakk	Higgins	LeClair	Ortman	Senjem
Belanger	Hottinger	Limmer	Pappas	Skoe
Berglin	Johnson, D.E.	Lourey	Pariseau	Skoglund
Betzold	Johnson, D.J.	Marko	Reiter	Solon
Chaudhary	Jungbauer	McGinn	Rest	Sparks
Cohen	Kelley	Metzen	Robling	Stumpf
Foley	Kierlin	Michel	Rosen	Tomassoni
Frederickson	Kleis	Neuville	Sams	Wergin
Gaither	Koering	Nienow	Saxhaug	Wiger

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

**REPORTS OF COMMITTEES**

Senator Hottinger moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 1221. The motion prevailed.

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

**S.F. No. 1221:** A bill for an act relating to unfair trade practices; prohibiting employer misrepresentation of status of employees; proposing coding for new law in Minnesota Statutes, chapter 325D.

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

Senator Limmer questioned the reference thereon and, under Rule 21, the bill was referred to the Committee on Rules and Administration.

**Senator Hottinger, from the Committee on Rules and Administration, to which was referred**

**H.F. No. 768** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
768	958				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 768 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 768 and insert the language after the enacting clause of S.F. No. 958, the second engrossment; further, delete the title of H.F. No. 768 and insert the title of S.F. No. 958, the second engrossment.

And when so amended H.F. No. 768 will be identical to S.F. No. 958, and further recommends that H.F. No. 768 be given its second reading and substituted for S.F. No. 958, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 768 was read the second time.

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Foley moved that S.F. No. 58, No. 79 on General Orders, be stricken and laid on the table. The motion prevailed.

S.F. No. 980 and the Conference Committee Report thereon were reported to the Senate.

### **CONFERENCE COMMITTEE REPORT ON S.F. NO. 980**

A bill for an act relating to crime; providing reporting procedures and venue for identity theft; amending Minnesota Statutes 2002, section 609.527, by adding subdivisions.

May 15, 2003

The Honorable James P. Metzen  
President of the Senate

The Honorable Steve Sviggum  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 980, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendments.

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Leo T. Foley, Linda Berglin, Mike McGinn

House Conferees: (Signed) Erik Paulsen, Doug Meslow, Thomas W. Pugh

Senator Foley moved that the foregoing recommendations and Conference Committee Report on S.F. No. 980 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 980 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 990 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 990

A bill for an act relating to state government; changing certain wild rice provisions; authorizing certain embargoes; clarifying certain food provisions; clarifying an enforcement provision; changing a milk storage requirement; changing certain procedures and requirements for organic food; providing for compliance with federal law; extending a provision authorizing certain emergency restrictions; clarifying animal feedlot regulation; changing fuel provisions; changing veterans homes provisions; providing for the headquarters of the departments of agriculture and health to be named after Orville L. Freeman; eliminating a requirement for anaplasmosis testing; requiring certain reports; amending Minnesota Statutes 2002, sections 30.49, subdivision 6; 31.05, by adding a subdivision; 31.101, subdivisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12; 31.102, subdivision 1; 31.103, subdivision 1; 31.92, subdivision 3, by adding subdivisions; 31.94; 32.01, subdivision 10; 32.21, subdivision 4; 32.394, subdivisions 4, 8c; 32.415; 35.0661, subdivision 4; 35.243; 41A.09, subdivision 1a; 116.07, subdivision 7; 198.001, by adding a subdivision; 198.004, subdivision 1; 198.005; 198.007; 239.791, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 31; repealing Minnesota Statutes 2002, sections 31.92, subdivisions 2a, 5; 31.93; 31.95; 32.391, subdivisions 1a, 1b, 1c; 35.251; 198.001, subdivision 7; 198.002, subdivision 5; 198.003, subdivision 2; Minnesota Rules, parts 1700.0800; 1700.1000; 1700.1300; 1705.0550; 1705.0560; 1705.0570; 1705.0580; 1705.0590; 1705.0600; 1705.0610; 1705.0630; 1715.1430.

May 15, 2003

The Honorable James P. Metzen  
President of the Senate

The Honorable Steve Sviggum  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 990, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 990 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 30.49, subdivision 6, is amended to read:

Subd. 6. [PACKAGED BLENDED RICE AND CERTAIN READY-TO-EAT RICE.] A package containing a blend of wild rice and at least 40 percent other grains or food products, and ~~puffed or~~ ready-to-eat wild rice that is consumed or packaged on the retail premises, are exempt from this section, except subdivisions 3, 5, and 7.

Sec. 2. Minnesota Statutes 2002, section 31.05, is amended by adding a subdivision to read:

Subd. 5. [EMERGENCY RESPONSE.] In the event of an emergency declared by the governor's order under section 12.31, if the commissioner finds or has probable cause to believe that a food or consumer commodity within a specific area is likely to be adulterated because of the emergency or so misbranded as to be dangerous or fraudulent, or is in violation of section 31.131, subdivision 1, the commissioner may embargo a geographic area that is included in the declared emergency. The commissioner shall provide notice to the public and to those with custody of the product in as thorough a manner as is practical under the emergency circumstances.

Sec. 3. Minnesota Statutes 2002, section 31.101, subdivision 3, is amended to read:

Subd. 3. [PESTICIDE CHEMICAL RULES.] Federal pesticide chemical regulations ~~in effect on April 1, 2001,~~ adopted under authority of the Federal Insecticide, Fungicide and Rodenticide Act, as provided by United States Code, title 7, chapter 6, are the pesticide chemical rules in this state.

Sec. 4. Minnesota Statutes 2002, section 31.101, subdivision 4, is amended to read:

Subd. 4. [FOOD ADDITIVE RULES.] Federal food additive regulations ~~in effect on April 1, 2001,~~ as provided by Code of Federal Regulations, title 21, parts 170 to 199, are the food additive rules in this state.

Sec. 5. Minnesota Statutes 2002, section 31.101, subdivision 5, is amended to read:

Subd. 5. [COLOR ADDITIVE RULES.] Federal color additive regulations ~~in effect on April 1, 2001,~~ as provided by Code of Federal Regulations, title 21, parts 70 to 82, are the color additive rules in this state.

Sec. 6. Minnesota Statutes 2002, section 31.101, subdivision 6, is amended to read:

Subd. 6. [SPECIAL DIETARY USE RULES.] Federal special dietary use regulations ~~in effect on April 1, 2001,~~ as provided by Code of Federal Regulations, title 21, parts 104 and 105, are the special dietary use rules in this state.

Sec. 7. Minnesota Statutes 2002, section 31.101, subdivision 7, is amended to read:

Subd. 7. [FAIR PACKAGING AND LABELING RULES.] Federal regulations ~~in effect on April 1, 2001,~~ adopted under the Fair Packaging and Labeling Act, as provided by United States Code, title 15, sections 1451 to 1461, are the rules in this state. The commissioner may not adopt amendments to these rules or adopt other rules which are contrary to the labeling requirements for the net quantity of contents required pursuant to section 4 of the Fair Packaging and Labeling Act and the regulations adopted under that act.

Sec. 8. Minnesota Statutes 2002, section 31.101, subdivision 8, is amended to read:

Subd. 8. [FOOD AND DRUGS RULES.] Applicable federal regulations including recodification contained in Code of Federal Regulations, title 21, parts 0-1299, Food and Drugs, ~~in effect April 1, 2001,~~ and not otherwise adopted herein, also are adopted as food rules of this state.

Sec. 9. Minnesota Statutes 2002, section 31.101, subdivision 9, is amended to read:

Subd. 9. [FISHERY PRODUCTS RULES.] Federal regulations ~~in effect on April 1, 2001,~~ as provided by Code of Federal Regulations, title 50, parts 260 to 267, are incorporated as part of the fishery products rules in this state for state inspections performed under a cooperative agreement with the United States Department of Commerce, National Marine Fisheries Service.

Sec. 10. Minnesota Statutes 2002, section 31.101, subdivision 10, is amended to read:

Subd. 10. [MEAT AND POULTRY RULES.] Federal regulations ~~in effect on April 1, 2001,~~ as provided by Code of Federal Regulations, title 9, part 301, et seq., are incorporated as part of the meat and poultry rules in this state.

Sec. 11. Minnesota Statutes 2002, section 31.101, subdivision 11, is amended to read:

Subd. 11. [STANDARDS FOR FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS.] Federal regulations ~~in effect on April 1, 2001~~, as provided by Code of Federal Regulations, title 7, parts 51 and 52, are incorporated as part of the rules in this state.

Sec. 12. Minnesota Statutes 2002, section 31.101, subdivision 12, is amended to read:

Subd. 12. [DAIRY GRADE RULES; MANUFACTURING PLANT STANDARDS.] Federal grading and inspection standards for manufacturing dairy plants and products ~~and amendments thereto in effect on April 1, 2001~~, as provided by Code of Federal Regulations, title 7, part 58, subparts B-W, are adopted as the dairy grade rules and manufacturing plant standards in this state.

Sec. 13. Minnesota Statutes 2002, section 31.102, subdivision 1, is amended to read:

Subdivision 1. [IDENTITY, QUANTITY, AND FILL OF CONTAINER RULES.] Federal definitions and standards of identity, quality, and fill of container ~~in effect on April 1, 2001~~, adopted under authority of the federal act, are the definitions and standards of identity, quality, and fill of container in this state. The rules may be amended by the commissioner under chapter 14.

Sec. 14. Minnesota Statutes 2002, section 31.103, subdivision 1, is amended to read:

Subdivision 1. [CONSUMER COMMODITIES LABELING RULES.] All labels of consumer commodities must conform with the requirements for the declaration of net quantity of contents of section 4 of the Fair Packaging and Labeling Act (United States Code, title 15, section 1451 et seq.) and federal regulations ~~in effect on April 1, 2001~~, adopted under authority of that act, except to the extent that the commissioner amends the rules under chapter 14. Consumer commodities exempted from the requirements of section 4 of the Fair Packaging and Labeling Act are also exempt from this subdivision.

Sec. 15. Minnesota Statutes 2002, section 31.92, is amended by adding a subdivision to read:

Subd. 2b. [FEDERAL LAW.] "Federal law" means the Organic Foods Production Act of 1990, United States Code, title 7, sections 6501 et seq. and associated regulations in Code of Federal Regulations, title 7, section 205.

Sec. 16. Minnesota Statutes 2002, section 31.92, subdivision 3, is amended to read:

Subd. 3. [ORGANIC FOOD.] "Organic food" means any food product, including meat, dairy, and beverage, that is marketed using the term "organic" or any derivative of "organic" in its labeling or advertising. "Organic" is a labeling term that refers to an agricultural product produced in accordance with federal law.

Sec. 17. Minnesota Statutes 2002, section 31.92, is amended by adding a subdivision to read:

Subd. 3a. [ORGANIC PRODUCTION.] "Organic production" means a production system that is managed in accordance with federal law to respond to site-specific conditions by integrating cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity.

Sec. 18. [31.925] [UNIFORMITY WITH FEDERAL LAW.]

The federal law specified in section 31.92, subdivision 2b, is adopted as the organic food production law and rules in this state.

Sec. 19. Minnesota Statutes 2002, section 31.94, is amended to read:

31.94 [COMMISSIONER DUTIES.]

~~(a) The commissioner shall enforce sections 31.92 to 31.95. The commissioner shall withhold from sale or trade any product sold, labeled, or advertised in violation of sections 31.92 to 31.95.~~

~~(b) The commissioner shall investigate the offering for sale, labeling, or advertising of an article or substance as organically grown, organically processed, or produced in an organic environment if there is reason to believe that action is in violation of sections 31.92 to 31.95.~~

~~(c) The commissioner may adopt rules that further clarify organic food standards and marketing practices.~~

~~(d) In order to promote opportunities for organic agriculture in Minnesota, the commissioner shall:~~

~~(1) survey producers and support services and organizations to determine information and research needs in the area of organic agriculture practices;~~

~~(2) work with the University of Minnesota to demonstrate the on-farm applicability of organic agriculture practices to conditions in this state;~~

~~(3) direct the programs of the department so as to work toward the promotion of organic agriculture in this state;~~

~~(4) inform agencies of how state or federal programs could utilize and support organic agriculture practices; and~~

~~(5) work closely with farmers producers, the University of Minnesota, the Minnesota trade office, and other appropriate organizations to identify opportunities and needs as well as ensure coordination and avoid duplication of state agency efforts regarding research, teaching, marketing, and extension work relating to organic agriculture.~~

~~(e) (b) By November 15 of each even-numbered year the commissioner, in conjunction with the task force created in section 31.95, subdivision 3a paragraph (c), shall report on the status of organic agriculture in Minnesota to the legislative policy and finance committees and divisions with jurisdiction over agriculture. The report must include:~~

~~(1) a description of current state or federal programs directed toward organic agriculture, including significant results and experiences of those programs;~~

~~(2) a description of specific actions the department of agriculture is taking in the area of organic agriculture, including the proportion of the department's budget spent on organic agriculture;~~

~~(3) a description of current and future research needs at all levels in the area of organic agriculture; and~~

~~(4) suggestions for changes in existing programs or policies or enactment of new programs or policies that will affect organic agriculture;~~

~~(5) a description of market trends and potential for organic products;~~

~~(6) available information, using currently reliable data, on the price received, yield, and profitability of organic farms, and a comparison with data on conventional farms; and~~

~~(7) available information, using currently reliable data, on the positive and negative impacts of organic production on the environment and human health.~~

~~(c) The commissioner shall appoint a Minnesota organic advisory task force to advise the commissioner on policies and practices to improve organic agriculture in Minnesota. The task force must consist of the following residents of the state:~~

~~(1) three farmers using organic agriculture methods;~~

~~(2) two organic food wholesalers, retailers, or distributors;~~

~~(3) one representative of organic food certification agencies;~~

- (4) two organic food processors;
- (5) one representative from the Minnesota extension service;
- (6) one representative from a Minnesota postsecondary research institution;
- (7) one representative from a nonprofit organization representing producers;
- (8) one at-large member;
- (9) one representative from the United States Department of Agriculture; and
- (10) one organic consumer representative.

Terms, compensation, and removal of members are governed by section 15.059, subdivision 6. The task force must meet at least twice each year and expires on June 30, 2005.

(d) For the purposes of expanding, improving, and developing production and marketing of the organic products of Minnesota agriculture, the commissioner may receive funds from state and federal sources and spend them, including through grants or contracts, to assist producers and processors to achieve certification, to conduct education or marketing activities, to enter into research and development partnerships, or to address production or marketing obstacles to the growth and well-being of the industry.

(e) The commissioner may facilitate the registration of state organic production and handling operations including those exempt from organic certification according to Code of Federal Regulations, title 7, section 205.101, and certification agents operating within the state.

Sec. 20. Minnesota Statutes 2002, section 32.01, subdivision 10, is amended to read:

Subd. 10. [DAIRY PRODUCT.] "Dairy product" means milk as defined by Code of Federal Regulations, title 21, cream, any product or by-product of either, or any commodity among the principal constituents or ingredients of which is one or a combination of two or more of them, as determined by standards, grades, or rules duly adopted by the commissioner.

Sec. 21. Minnesota Statutes 2002, section 32.21, subdivision 4, is amended to read:

Subd. 4. [PENALTIES.] (a) A person, other than a milk producer, who violates this section is guilty of a misdemeanor or subject to a civil penalty up to \$1,000.

(b) A milk producer may not change milk plants within 30 days, without permission of the commissioner, after receiving notification from the commissioner under paragraph (c) or (d) that the milk producer has violated this section.

(c) A milk producer who violates subdivision 3, clause (1), (2), (3), (4), or (5), is subject to clauses (1) to (3) of this paragraph.

(1) Upon notification of the first violation in a 12-month period, the producer must meet with the ~~dairy plant field service representative~~ qualified dairy sanitarian to initiate corrective action within 30 days.

(2) Upon the second violation within a 12-month period, the producer is subject to a civil penalty of \$300. The commissioner shall notify the producer by certified mail stating the penalty is payable in 30 days, the consequences of failure to pay the penalty, and the consequences of future violations.

(3) Upon the third violation within a 12-month period, the producer is subject to an additional civil penalty of \$300 and possible revocation of the producer's permit or certification. The commissioner shall notify the producer by certified mail that all civil penalties owed must be paid within 30 days and that the commissioner is initiating administrative procedures to revoke the producer's permit or certification to sell milk for at least 30 days.

(d) The producer's shipment of milk must be immediately suspended if the producer is identified as an individual source of milk containing residues causing a bulk load of milk to test positive in violation of subdivision 3, clause (6) or (7). The Grade A or manufacturing grade permit must be converted to temporary status for not more than 30 days and shipment may resume only after subsequent milk has been sampled by the commissioner or the commissioner's agent and found to contain no residues above established tolerances or safe levels.

The Grade A or manufacturing grade permit may be restored if the producer completes the "Milk and Dairy Beef Residue Prevention Protocol" with a licensed veterinarian, displays the signed certificate in the milkhouse, and sends verification to the commissioner within the 30-day temporary permit status period. If the producer does not comply within the temporary permit status period, the Grade A or manufacturing grade permit must be suspended. A milk producer whose milk supply is in violation of subdivision 3, clause (6) or (7), and has caused a bulk load to test positive is subject to clauses (1) to (3) of this paragraph.

(1) For the first violation in a 12-month period, the penalty is the value of all milk on the contaminated load plus any costs associated with the disposition of the contaminated load. Future pickups are prohibited until subsequent testing reveals the milk is free of drug residue. A farm inspection must be completed by ~~the plant representative~~ a qualified dairy sanitarian and the producer to determine the cause of the residue and actions required to prevent future violations.

(2) For the second violation in a 12-month period, the penalty is the value of all milk on the contaminated load plus any costs associated with the disposition of the contaminated load. Future pickups are prohibited until subsequent testing reveals the milk is free of drug residue. A farm inspection must be completed by the regulatory agency or its agent to determine the cause of the residue and actions required to prevent future violations.

(3) For the third violation in a 12-month period, the penalty is the value of all milk on the contaminated load plus any costs associated with the disposition of the contaminated load. Future pickups are prohibited until subsequent testing reveals the milk is free of drug residue. The commissioner or the commissioner's agent shall also notify the producer by certified mail that the commissioner is initiating administrative procedures to revoke the producer's right to sell milk for a minimum of 30 days.

(4) If a bulk load of milk tests negative for residues and there is a positive producer sample on the load, no civil penalties may be assessed to the producer. The plant must report the positive result within 24 hours and reject further milk shipments from that producer until the producer's milk tests negative. A farm inspection must be completed by the plant representative and the producer to determine the cause of the residue and actions required to prevent future violations. The department shall suspend the producer's permit and count the violation on the producer's record. The Grade A or manufacturing grade permit must be converted to temporary status for not more than 30 days during which time the producer must review the "Milk and Dairy Beef Residue Prevention Protocol" with a licensed veterinarian, display the signed certificate in the milkhouse, and send verification to the commissioner. If these conditions are met, the Grade A or manufacturing grade permit must be reinstated. If the producer does not comply within the temporary permit status period, the Grade A or manufacturing grade permit must be suspended.

(e) A milk producer that has been certified as completing the "Milk and Dairy Beef Residue Prevention Protocol" within 12 months of the first violation of subdivision 3, clause (7), need only review the cause of the violation with a field service representative within three days to maintain Grade A or manufacturing grade permit and shipping status if all other requirements of this section are met.

(f) Civil penalties collected under this section must be deposited in the milk inspection services account established in this chapter.

Sec. 22. Minnesota Statutes 2002, section 32.394, subdivision 4, is amended to read:

Subd. 4. [RULES.] The commissioner shall by rule promulgate identity, production and processing standards for milk, milk products and goat milk which are intended to bear the Grade A label.



In the exercise of the authority to establish requirements for Grade A milk, milk products, and goat milk, the commissioner adopts definitions, standards of identity, and requirements for production and processing contained in the "1999 2001 Grade A Pasteurized Milk Ordinance" and the "1995 Grade A Condensed and Dry Milk Ordinance" of the United States Department of Health and Human Services, in a manner provided for and not in conflict with law.

Sec. 23. Minnesota Statutes 2002, section 32.394, subdivision 8c, is amended to read:

Subd. 8c. [GRADE A OR MANUFACTURING GRADE RAW MILK.] Grade A or manufacturing grade raw milk must not have been stored longer than ~~76~~ 72 hours when it is picked up at the farm by the receiving plant. The commissioner or an agent of the commissioner may waive the ~~76-hour~~ 72-hour time limit in a case of hardship, emergency, or natural disaster. On farms permitted or certified for bulk tank storage, the milk may only be picked up from approved bulk milk tanks in proper working order.

Sec. 24. Minnesota Statutes 2002, section 32.415, is amended to read:

32.415 [MILK FOR MANUFACTURING; QUALITY STANDARDS.]

(a) The commissioner may adopt rules to provide uniform quality standards, and producers of milk used for manufacturing purposes shall conform to the standards contained in Subparts B, C, D, E, and F of the United States Department of Agriculture Consumer and Marketing Service Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing, as revised through ~~November 12, 1996~~ June 17, 2002, except that the commissioner shall develop methods by which producers can comply with the standards without violation of religious beliefs.

(b) The commissioner shall perform or contract for the performance of the inspections necessary to implement this section or shall certify dairy industry personnel to perform the inspections.

(c) The commissioner and other employees of the department shall make every reasonable effort to assist producers in achieving the milk quality standards at minimum cost and to use the experience and expertise of the University of Minnesota and the agricultural extension service to assist producers in achieving the milk quality standards in the most cost-effective manner.

(d) The commissioner shall consult with producers, processors, and others involved in the dairy industry in order to prepare for the implementation of this section including development of informational and educational materials, meetings, and other methods of informing producers about the implementation of standards under this section.

Sec. 25. Minnesota Statutes 2002, section 35.0661, subdivision 4, is amended to read:

Subd. 4. [EXPIRATION.] This section expires July 31, ~~2003~~ 2005.

Sec. 26. Minnesota Statutes 2002, section 41A.09, subdivision 1a, is amended to read:

Subd. 1a. [ETHANOL PRODUCTION GOAL.] It is a goal of the state that ethanol production plants in the state attain a total annual production level of:

- (1) 240,000,000 gallons in 2003;
- (2) 300,000,000 gallons in 2004;
- (3) 360,000,000 gallons in 2005 and 2006;
- (4) 420,000,000 gallons in 2007; and
- (5) 480,000,000 gallons in 2008 and subsequent years.

Sec. 27. Minnesota Statutes 2002, section 41D.01, subdivision 4, is amended to read:

Subd. 4. [EXPIRATION.] This section expires on June 30, 2003 2008.

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

Sec. 28. Minnesota Statutes 2002, section 97C.605, subdivision 2c, is amended to read:

Subd. 2c. [LICENSE EXEMPTIONS.] A person does not need a turtle seller's license or an angling license:

(1) when buying turtles for resale at a retail outlet;

(2) when buying a turtle at a retail outlet; or

(3) if the person is a nonresident buying a turtle from a licensed turtle seller for export out of state. Shipping documents provided by the turtle seller must accompany each shipment exported out of state by a nonresident. Shipping documents must include: name, address, city, state, and zip code of the buyer; number of each species of turtle; and name and license number of the turtle seller; or

(4) to take, possess, and rent or sell up to 25 turtles for the purpose of providing the turtles to participants at a nonprofit turtle race, if the person is a resident under age 18. The person is responsible for the well-being of the turtles.

Sec. 29. Minnesota Statutes 2002, section 116.07, subdivision 7, is amended to read:

Subd. 7. [COUNTIES; PROCESSING OF APPLICATIONS FOR ANIMAL LOT PERMITS.] Any Minnesota county board may, by resolution, with approval of the pollution control agency, assume responsibility for processing applications for permits required by the pollution control agency under this section for livestock feedlots, poultry lots or other animal lots. The responsibility for permit application processing, if assumed by a county, may be delegated by the county board to any appropriate county officer or employee.

(a) For the purposes of this subdivision, the term "processing" includes:

(1) the distribution to applicants of forms provided by the pollution control agency;

(2) the receipt and examination of completed application forms, and the certification, in writing, to the pollution control agency either that the animal lot facility for which a permit is sought by an applicant will comply with applicable rules and standards, or, if the facility will not comply, the respects in which a variance would be required for the issuance of a permit; and

(3) rendering to applicants, upon request, assistance necessary for the proper completion of an application.

(b) For the purposes of this subdivision, the term "processing" may include, at the option of the county board, issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or rules promulgated pursuant to it, subject to review, suspension, and reversal by the pollution control agency. The pollution control agency shall, after written notification, have 15 days to review, suspend, modify, or reverse the issuance of the permit. After this period, the action of the county board is final, subject to appeal as provided in chapter 14. For permit applications filed after October 1, 2001, section 15.99 applies to feedlot permits issued by the agency or a county pursuant to this subdivision.

(c) For the purpose of administration of rules adopted under this subdivision, the commissioner and the agency may provide exceptions for cases where the owner of a feedlot has specific written plans to close the feedlot within five years. These exceptions include waiving requirements for major capital improvements.

(d) For purposes of this subdivision, a discharge caused by an extraordinary natural event such as a precipitation event of greater magnitude than the 25-year, 24-hour event, tornado, or flood in excess of the 100-year flood is not a "direct discharge of pollutants."

(e) In adopting and enforcing rules under this subdivision, the commissioner shall cooperate closely with other governmental agencies.

(f) The pollution control agency shall work with the Minnesota extension service, the department of agriculture, the board of water and soil resources, producer groups, local units of government, as well as with appropriate federal agencies such as the Natural Resources Conservation Service and the Farm Service Agency, to notify and educate producers of rules under this subdivision at the time the rules are being developed and adopted and at least every two years thereafter.

(g) The pollution control agency shall adopt rules governing the issuance and denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this section. Pastures are exempt from the rules authorized under this paragraph. A feedlot permit is not required for livestock feedlots with more than ten but less than 50 animal units; provided they are not in shoreland areas. A livestock feedlot permit does not become required solely because of a change in the ownership of the buildings, grounds, or feedlot. These rules apply both to permits issued by counties and to permits issued by the pollution control agency directly.

(h) The pollution control agency shall exercise supervising authority with respect to the processing of animal lot permit applications by a county.

(i) Any new rules or amendments to existing rules proposed under the authority granted in this subdivision, or to implement new fees on animal feedlots, must be submitted to the members of legislative policy and finance committees with jurisdiction over agriculture and the environment prior to final adoption. The rules must not become effective until 90 days after the proposed rules are submitted to the members.

(j) Until new rules are adopted that provide for plans for manure storage structures, any plans for a liquid manure storage structure must be prepared or approved by a registered professional engineer or a United States Department of Agriculture, Natural Resources Conservation Service employee.

(k) A county may adopt by ordinance standards for animal feedlots that are more stringent than standards in pollution control agency rules.

(l) After January 1, 2001, a county that has not accepted delegation of the feedlot permit program must hold a public meeting prior to the agency issuing a feedlot permit for a feedlot facility with 300 or more animal units, unless another public meeting has been held with regard to the feedlot facility to be permitted.

(m) After the proposed rules published in the State Register, volume 24, number 25, are finally adopted, the agency may not impose additional conditions as a part of a feedlot permit, unless specifically required by law or agreed to by the feedlot operator.

(n) For the purposes of feedlot permitting, a discharge from land-applied manure or a manure stockpile that is managed according to agency rule must not be subject to a fine for a discharge violation.

(o) For the purposes of feedlot permitting, manure that is land applied, or a manure stockpile that is managed according to agency rule, must not be considered a discharge into waters of the state, unless the discharge is to waters of the state, as defined by section 103G.005, subdivision 17, except type 1 or type 2 wetlands, as defined in section 103G.005, subdivision 17b, and does not meet discharge standards established for feedlots under agency rule.

(p) Unless the upgrade is needed to correct an immediate public health threat under section 145A.04, subdivision 8, or the facility is determined to be a concentrated animal feeding operation under Code of Federal Regulations, title 40, section 122.23, in effect on April 15, 2003, the agency may not require a feedlot operator:

(1) to spend more than \$3,000 to upgrade an existing feedlot with less than 300 animal units unless cost-share money is available to the feedlot operator for 75 percent of the cost of the upgrade; or

(2) to spend more than \$10,000 to upgrade an existing feedlot with between 300 and 500 animal units, unless cost-share money is available to the feedlot operator for 75 percent of the cost of the upgrade or \$50,000, whichever is less.

(q) For the purposes of this section, "pastures" means areas, including winter feeding areas as part of a grazing area, where grass or other growing plants are used for grazing and where the concentration of animals allows a vegetative cover to be maintained during the growing season except that vegetative cover is not required:

(1) in the immediate vicinity of supplemental feeding or watering devices;

(2) in associated corrals and chutes where livestock are gathered for the purpose of sorting, veterinary services, loading and unloading trucks and trailers, and other necessary activities related to good animal husbandry practices; and

(3) in associated livestock access lanes used to convey livestock to and from areas of the pasture.

Sec. 30. Minnesota Statutes 2002, section 239.791, subdivision 1, is amended to read:

Subdivision 1. [MINIMUM OXYGEN ETHANOL CONTENT REQUIRED.] (a) Except as provided in subdivisions 10 to 14, a person responsible for the product shall ~~comply with the following requirements:~~

~~(a) After October 1, 1995, gasoline sold or offered for sale at any time in a carbon monoxide control area must contain at least 2.7 percent oxygen by weight.~~

~~(b) After October 1, 1997, ensure that all gasoline sold or offered for sale in Minnesota must contain at least 2.7 10.0 percent oxygen denatured ethanol by weight volume.~~

~~(c) For the purposes of this subdivision, the oxygenates listed in section 239.761, subdivision 6, paragraph (b), shall not be included in calculating the oxygen content of the gasoline.~~

(b) For purposes of enforcing the minimum ethanol requirement of paragraph (a), a gasoline/ethanol blend will be construed to be in compliance if the ethanol content, exclusive of denaturants and permitted contaminants, comprises not less than 9.2 percent by volume and not more than 10.0 percent by volume of the blend as determined by an appropriate United States Environment Protection Agency of American Society of Testing Materials standard method of analysis of alcohol/ether content in motor fuels.

Sec. 31. Minnesota Statutes 2002, section 500.221, subdivision 2, is amended to read:

Subd. 2. [ALIENS AND NON-AMERICAN CORPORATIONS.] Except as hereinafter provided, no natural person shall acquire directly or indirectly any interest in agricultural land unless the person is a citizen of the United States or a permanent resident alien of the United States. In addition to the restrictions in section 500.24, no corporation, partnership, limited partnership, trustee, or other business entity shall directly or indirectly, acquire or otherwise obtain any interest, whether legal, beneficial or otherwise, in any title to agricultural land unless at least 80 percent of each class of stock issued and outstanding or 80 percent of the ultimate beneficial interest of the entity is held directly or indirectly by citizens of the United States or permanent resident aliens. This section shall not apply:

(1) to agricultural land that may be acquired by devise, inheritance, as security for indebtedness, by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise. All agricultural land acquired in the collection of debts or by the enforcement of a lien or claim shall be disposed of within three years after acquiring ownership;

(2) to citizens or subjects of a foreign country whose rights to hold land are secured by treaty;

(3) to lands used for transportation purposes by a common carrier, as defined in section 218.011, subdivision 10;

(4) to lands or interests in lands acquired for use in connection with (i) the production of timber and forestry products by a corporation organized under the laws of Minnesota, or (ii) mining and mineral processing operations. Pending the development of agricultural land for the production of timber and forestry products or mining purposes the land may not be used for farming except under lease to a family farm, a family farm corporation or an authorized farm corporation;

(5) to agricultural land operated for research or experimental purposes if the ownership of the agricultural land is incidental to the research or experimental objectives of the person or business entity and the total acreage owned by the person or business entity does not exceed the acreage owned on May 27, 1977;

(6) to the purchase of any tract of 40 acres or less for facilities incidental to pipeline operation by a company operating a pipeline as defined in section 116I.01, subdivision 3; or

(7) to agricultural land and land capable of being used as farmland in vegetable processing operations that is reasonably necessary to meet the requirements of pollution control law or rules; or

(8) to an interest in agricultural land held on the effective date of this section by a natural person with a nonimmigrant treaty investment visa, pursuant to United States Code, title 8, section 1101(a)15(E)(ii), if, within five years after the effective date of this section, the person:

(i) disposes of all agricultural land held; or

(ii) becomes a permanent resident alien of the United States or a United States citizen.

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

Sec. 32. [REPEALER.]

Subdivision 1. [ANAPLASMOSIS TESTING REQUIREMENT.] Minnesota Statutes 2002, section 35.251, is repealed.

Subd. 2. [RELATED RULES.] Minnesota Rules, parts 1700.0800; 1700.1000; 1700.1300; 1705.0550; 1705.0560; 1705.0570; 1705.0580; 1705.0590; 1705.0600; 1705.0610; 1705.0630; and 1715.1430, are repealed.

Sec. 33. [REPEALER.]

Minnesota Statutes 2002, sections 31.92, subdivisions 2a and 5; 31.93; 31.95; 32.391, subdivisions 1a, 1b, and 1c, are repealed.

Sec. 34. [EFFECTIVE DATE.]

Section 1 is effective August 1, 2004. Sections 25 and 32 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to agriculture; changing certain wild rice provisions; changing certain procedures and requirements for organic food; clarifying certain food provisions; clarifying an enforcement provision; changing a milk storage requirement; providing for compliance with federal law; extending a provision authorizing certain emergency restrictions; setting certain ethanol goals; changing certain animal lot regulations; requiring that certain gasoline contain denatured ethanol; eliminating a requirement for anaplasmosis testing; extending an agency sunset; providing a turtle seller's license exemption; authorizing certain persons to own and operate agricultural land; amending Minnesota Statutes 2002, sections 30.49, subdivision 6; 31.05, by adding a subdivision; 31.101, subdivisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12; 31.102, subdivision 1; 31.103, subdivision 1; 31.92, subdivision 3, by adding subdivisions; 31.94; 32.01, subdivision 10; 32.21, subdivision 4; 32.394, subdivisions 4, 8c; 32.415; 35.0661, subdivision 4; 41A.09, subdivision 1a; 41D.01, subdivision 4; 97C.605, subdivision 2c; 116.07, subdivision 7; 239.791, subdivision 1; 500.221, subdivision 2; proposing coding for new law in Minnesota Statutes,

chapter 31; repealing Minnesota Statutes 2002, sections 31.92, subdivisions 2a, 5; 31.93; 31.95; 32.391, subdivisions 1a, 1b, 1c; 35.251; Minnesota Rules, parts 1700.0800; 1700.1000; 1700.1300; 1705.0550; 1705.0560; 1705.0570; 1705.0580; 1705.0590; 1705.0600; 1705.0610; 1705.0630; and 1715.1430."

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Steve Murphy, Steve Dille, Gary W. Kubly

House Conferees: (Signed) Howard Swenson, Greg Blaine, Maxine Penas

Senator Murphy moved that the foregoing recommendations and Conference Committee Report on S.F. No. 990 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 990 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Hottinger moved that H.F. No. 673 be taken from the table. The motion prevailed.

**H.F. No. 673:** A bill for an act relating to insurance; permitting the comprehensive health association to offer policies with higher annual deductibles; permitting extension of the writing carrier contract; providing a new category of individuals eligible for coverage; clarifying the effective date of coverage and other matters; amending Minnesota Statutes 2002, sections 62E.08, subdivision 1; 62E.091; 62E.12; 62E.13, subdivision 2, by adding a subdivision; 62E.14; 62E.18.

Senator Scheid moved to amend H.F. No. 673 as follows:

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 2002, section 62A.021, subdivision 1, is amended to read:

Subdivision 1. [LOSS RATIO STANDARDS.] (a) Notwithstanding section 62A.02, subdivision 3, relating to loss ratios, health care policies or certificates shall not be delivered or issued for delivery to an individual or to a small employer as defined in section 62L.02, unless the policies or certificates can be expected, as estimated for the entire period for which rates are computed to provide coverage, to return to Minnesota policyholders and certificate holders in the form of aggregate benefits not including anticipated refunds or credits, provided under the policies or certificates, (1) at least 75 percent of the aggregate amount of premiums earned in the case of

policies issued in the small employer market, as defined in section 62L.02, subdivision 27, calculated on an aggregate basis; and (2) at least 65 percent of the aggregate amount of premiums earned in the case of each policy form or certificate form issued in the individual market; calculated on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization on a service rather than reimbursement basis and earned premiums for the period and according to accepted actuarial principles and practices. Assessments by the reinsurance association created in chapter 62L and all types of taxes, surcharges, or assessments created by Laws 1992, chapter 549, or created on or after April 23, 1992, are included in the calculation of incurred claims experience or incurred health care expenses. The applicable percentage for policies and certificates issued in the small employer market, as defined in section 62L.02, increases by one percentage point on July 1 of each year, beginning on July 1, 1994, until an 82 percent loss ratio is reached on July 1, 2000. The applicable percentage for policy forms and certificate forms issued in the individual market increases by one percentage point on July 1 of each year, beginning on July 1, 1994, until a 72 percent loss ratio is reached on July 1, 2000. A health carrier that enters a market after July 1, 1993, does not start at the beginning of the phase-in schedule and must instead comply with the loss ratio requirements applicable to other health carriers in that market for each time period. Premiums earned and claims incurred in markets other than the small employer and individual markets are not relevant for purposes of this section.

(b) All filings of rates and rating schedules shall demonstrate that actual expected claims in relation to premiums comply with the requirements of this section when combined with actual experience to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future period for which the revised rates are computed to provide coverage can be expected to meet the appropriate loss ratio standards, and aggregate loss ratio from inception of the policy form or certificate form shall equal or exceed the appropriate loss ratio standards.

(c) A health carrier that issues health care policies and certificates to individuals or to small employers, as defined in section 62L.02, in this state shall file annually its rates, rating schedule, and supporting documentation including ratios of incurred losses to earned premiums by policy form or certificate form duration for approval by the commissioner according to the filing requirements and procedures prescribed by the commissioner. The supporting documentation shall also demonstrate in accordance with actuarial standards of practice using reasonable assumptions that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. The demonstration shall exclude active life reserves. If the data submitted does not confirm that the health carrier has satisfied the loss ratio requirements of this section, the commissioner shall notify the health carrier in writing of the deficiency. The health carrier shall have 30 days from the date of the commissioner's notice to file amended rates that comply with this section. If the health carrier fails to file amended rates within the prescribed time, the commissioner shall order that the health carrier's filed rates for the nonconforming policy form or certificate form be reduced to an amount that would have resulted in a loss ratio that complied with this section had it been in effect for the reporting period of the supplement. The health carrier's failure to file amended rates within the specified time or the issuance of the commissioner's order amending the rates does not preclude the health carrier from filing an amendment of its rates at a later time. The commissioner shall annually make the submitted data available to the public at a cost not to exceed the cost of copying. The data must be compiled in a form useful for consumers who wish to compare premium charges and loss ratios.

(d) Each sale of a policy or certificate that does not comply with the loss ratio requirements of this section is an unfair or deceptive act or practice in the business of insurance and is subject to the penalties in sections 72A.17 to 72A.32.

(e)(1) For purposes of this section, health care policies issued as a result of solicitations of individuals through the mail or mass media advertising, including both print and broadcast advertising, shall be treated as individual policies.

(2) For purposes of this section, (i) "health care policy" or "health care certificate" is a health plan as defined in section 62A.011; and (ii) "health carrier" has the meaning given in section 62A.011 and includes all health carriers delivering or issuing for delivery health care policies or certificates in this state or offering these policies or certificates to residents of this state.

(f) The loss ratio phase-in as described in paragraph (a) does not apply to individual policies and small employer policies issued by a health plan company that is assessed less than three percent of the total annual amount assessed by the Minnesota comprehensive health association. These policies must meet a 68 percent loss ratio for individual policies, a 71 percent loss ratio for small employer policies with fewer than ten employees, and a 75 percent loss ratio for all other small employer policies.

(g) Notwithstanding paragraphs (a) and (f), the loss ratio shall be 60 percent for a ~~policy or certificate of accident and sickness insurance as defined in section 62A.01~~ health plan as defined in section 62A.011, offered by an insurance company licensed under chapter 60A that is assessed less than ten percent of the total annual amount assessed by the Minnesota Comprehensive Health Association. For purposes of the percentage calculation of the association's assessments, an insurance company's assessments include those of its affiliates.

(h) The commissioners of commerce and health shall each annually issue a public report listing, by health plan company, the actual loss ratios experienced in the individual and small employer markets in this state by the health plan companies that the commissioners respectively regulate. The commissioners shall coordinate release of these reports so as to release them as a joint report or as separate reports issued the same day. The report or reports shall be released no later than June 1 for loss ratios experienced for the preceding calendar year. Health plan companies shall provide to the commissioners any information requested by the commissioners for purposes of this paragraph."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 673 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 51 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Johnson, D.E.	Limmer	Ourada	Skoglund
Belanger	Johnson, D.J.	Lourey	Pariseau	Solon
Betzold	Jungbauer	Marko	Pogemiller	Sparks
Chaudhary	Kelley	McGinn	Reiter	Stumpf
Dibble	Kierlin	Metzen	Robling	Tomassoni
Fischbach	Kleis	Michel	Rosen	Vickerman
Foley	Knutson	Moua	Sams	Wiger
Frederickson	Kubly	Murphy	Saxhaug	
Gaither	Langseth	Neuville	Scheid	
Hann	Larson	Nienow	Senjem	
Higgins	LeClair	Olson	Skoe	

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

**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. 39, 770, 1019 and 1158.



Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives  
Returned May 16, 2003

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 3 members of the House, on the amendments adopted by the House to the following Senate File:

**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.

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

Fuller, Meslow and Lesch.

Senate File No. 388 is herewith returned to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives  
Returned May 16, 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. 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.

Senate File No. 1180 is herewith returned to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives  
Returned May 16, 2003

Senator Marko moved that the Senate do not concur in the amendments by the House to S.F. No. 1180, 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 to be appointed on the part of the House. The motion prevailed.

## 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:

H.F. Nos. 624, 671, 923, S.F. No. 394, H.F. Nos. 279, 754, 151, 988, 1140, 943, S.F. No. 960 and H.F. No. 692.

**SPECIAL ORDER**

**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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**H.F. No. 671:** A bill for an act relating to telecommunications; regulating promotions and packages of telephone company services; removing sunset expiration dates for alternative regulation plans for telecommunications providers and highway weight limit exemptions for utility vehicles; amending Minnesota Statutes 2002, section 237.626; Laws 1995, chapter 156, section 25; Laws 2002, chapter 433, section 4.

Senator Metzen moved that the amendment made to H.F. No. 671 by the Committee on Rules and Administration in the report adopted May 14, 2003, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

Pursuant to Rule 41, Senator Kierlin moved that he be excused from voting on H.F. No. 671. The motion prevailed.

H.F. No. 671 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 59 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berglin

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 923:** A bill for an act relating to local government; providing an exception to the conflict of interest law for township officers; amending Minnesota Statutes 2002, section 471.88, by adding a subdivision.

Senator Tomassoni moved to amend H.F. No. 923, as amended pursuant to Rule 45, adopted by the Senate April 29, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 911.)

Page 1, after line 19, insert:

"Sec. 2. [BIWABIK, TOWN OF WHITE; REIMBURSEMENT SCHEDULE.]

Notwithstanding the limitations on duration or equality of payment under Minnesota Statutes, section 414.036, the city of Biwabik may reimburse the town of White for orderly annexed property for a period of time and in amounts agreed to by the city and town under an orderly annexation agreement, approved by the city and town after September 1, 2002, pursuant to Minnesota Statutes, section 414.0325.

Sec. 3. [LOCAL APPROVAL; EFFECTIVE DATE.]

Section 2 is effective under Minnesota Statutes, section 645.02, the day after the governing bodies of both the town of White and the city of Biwabik and their respective chief clerical officers timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "authorizing the town of White to be reimbursed by the city of Biwabik according to their orderly annexation agreement;"

The motion prevailed. So the amendment was adopted.

H.F. No. 923 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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

**SPECIAL ORDER**

**S.F. No. 394:** A bill for an act relating to health; modifying prior authorization requirements for health care services; establishing requirements for provider contracting; modifying provisions for payment of claims; regulating the disclosure of profiling data; amending Minnesota Statutes 2002, sections 62M.07; 62Q.74; 62Q.75, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 2002, section 62Q.745.

Senator Sams moved to amend S.F. No. 394 as follows:

Page 9, after line 25, insert:

"Subd. 6. [BENEFIT DESIGN CHANGES.] For purposes of this section, "different underlying financial reimbursement methodology" does not include health plan benefit design changes, including, but not limited to, changes in co-payment or deductible amounts or other changes in member cost-sharing requirements."

Pages 11 and 12, delete section 13 and insert:

"Sec. 13. [EFFECTIVE DATE.]

Sections 1, 2, and 4 are effective for provider contracts issued, renewed, or amended on or after July 1, 2003. Sections 3, 6, 8, and 10 are effective for provider contracts issued, renewed, or amended on or after January 1, 2004. Sections 5, 7, 9, 11, and 12 are effective for provider contracts issued, renewed, or amended on or after July 1, 2005."

The motion prevailed. So the amendment was adopted.

S.F. No. 394 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 25 and nays 29, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Kubly	Pappas	Skoe
Bakk	Fischbach	Marko	Pogemiller	Sparks
Betzold	Higgins	Marty	Sams	Stumpf
Chaudhary	Johnson, D.E.	Metzen	Saxhaug	Vickerman
Cohen	Kelley	Moua	Scheid	Wiger

Those who voted in the negative were:

Bachmann	Hann	Knutson	Michel	Rosen
Belanger	Johnson, D.J.	Koering	Neuville	Ruud
Berglin	Jungbauer	Larson	Nienow	Senjem
Day	Kierlin	LeClair	Pariseau	Solon
Foley	Kiscaden	Lourey	Reiter	Wergin
Gaither	Kleis	McGinn	Robling	

So the bill, as amended, failed to pass.

**SPECIAL ORDER**

**H.F. No. 279:** A bill for an act relating to health; modifying provisions for certifying a physical disability; modifying provisions for admitting a person for emergency care of mental illness or mental retardation; amending Minnesota Statutes 2002, sections 147A.09, subdivision 2; 169.345, subdivision 2a; 253B.05, subdivision 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 754:** A bill for an act relating to eminent domain; changing the definition of displaced person to correspond to federal law; amending Minnesota Statutes 2002, section 117.50, subdivision 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 46 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Hann	Kubly	Ortman	Sparks
Bachmann	Johnson, D.E.	Larson	Pariseau	Stumpf
Bakk	Johnson, D.J.	LeClair	Reiter	Tomassoni
Belanger	Jungbauer	Limmer	Robling	Vickerman
Cohen	Kelley	Marko	Sams	Wergin
Day	Kierlin	McGinn	Saxhaug	Wiger
Dille	Kiscaden	Metzen	Scheid	
Fischbach	Kleis	Michel	Senjem	
Frederickson	Knutson	Neuville	Skoe	
Gaither	Koering	Nienow	Solon	

Those who voted in the negative were:

Berglin	Dibble	Lourey	Pappas	Ranum
Betzold	Foley	Moua	Pogemiller	Skoglund
Chaudhary	Higgins			

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 151:** A bill for an act relating to human services; exempting children eligible for adoption assistance from the prepaid medical assistance program; amending Minnesota Statutes 2002, section 256B.69, subdivision 4.

Senator Frederickson moved that the amendment made to H.F. No. 151 by the Committee on Rules and Administration in the report adopted April 24, 2003, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 151 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 988:** A bill for an act relating to transportation; authorizing commissioner of transportation to replace railroad lands needed for a trunk highway; amending Minnesota Statutes 2002, section 161.241, subdivision 1.

Senator McGinn moved that the amendment made to H.F. No. 988 by the Committee on Rules and Administration in the report adopted May 7, 2003, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 988 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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**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.

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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 943:** A bill for an act relating to state government; modifying practices and procedures relating to state finance; transferring state treasurer duties to the commissioner of finance; amending Minnesota Statutes 2002, sections 7.26; 15.62, subdivisions 2, 3; 16A.10, subdivisions 1, 2; 16A.11, subdivision 3; 16A.127, subdivision 4; 16A.1285, subdivision 3; 16A.129, subdivision 3; 16A.133, subdivision 1; 16A.14, subdivision 3; 16A.17, by adding a subdivision; 16A.27, subdivision 5; 16A.40; 16A.46; 16A.501; 16A.626; 16A.642, subdivision 1; 16D.09, subdivision 1; 16D.13, subdivisions 1, 2; 35.08; 35.09, subdivision 3; 49.24, subdivisions 13, 16; 84A.11; 84A.23, subdivision 4; 84A.33, subdivision 4; 84A.40; 85A.05, subdivision 2; 94.53; 115A.58, subdivision 2; 116.16, subdivision 4; 116.17, subdivision 2; 122A.21; 126C.72, subdivision 2; 127A.40; 161.05, subdivision 3; 161.07; 167.50, subdivision 2; 174.51, subdivision 2; 176.181, subdivision 2; 176.581; 190.11; 241.08, subdivision 1; 241.10; 241.13, subdivision 1; 244.19, subdivision 7; 245.697, subdivision 2a; 246.15, subdivision 1; 246.18, subdivision 1; 246.21; 276.11, subdivision 1; 280.29; 293.06; 299D.03, subdivision 5; 352.05; 352B.03, subdivision 2; 354.06, subdivision 3; 354.52, subdivision 5; 385.05; 475A.04; 475A.06, subdivision 2; 481.01; 490.123, subdivision 2; 525.161; 525.841; repealing Minnesota Statutes 2002, sections 7.21; 16A.06, subdivision 10; 16A.131, subdivision 1; 16D.03, subdivision 3; 16D.09, subdivision 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 960:** A bill for an act relating to crime prevention; allowing aggregation of certain prostitution offense prosecutions; 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; amending Minnesota Statutes 2002, sections 609.322, by adding a subdivision; 609.324; 609.3241.

Senator Foley moved to amend S.F. No. 960 as follows:

Pages 1 to 4, delete section 2

Page 8, after line 8, insert:

"Sec. 5. [REVISOR INSTRUCTION.]

In the next edition of Minnesota Statutes, the revisor shall change the headnotes for Minnesota Statutes, section 609.324, as follows:

(1) the section headnote from "OTHER PROHIBITED ACTS" to "OTHER PROSTITUTION CRIMES; PATRONS, PROSTITUTES, AND INDIVIDUALS HOUSING INDIVIDUALS ENGAGED IN PROSTITUTION; PENALTIES";

(2) the subdivision 1 headnote from "CRIME DEFINED" to "ENGAGING IN, HIRING, OR AGREEING TO HIRE A MINOR TO ENGAGE IN PROSTITUTION; PENALTIES";

(3) the subdivision 1a headnote from "MINOR ENGAGED IN PROSTITUTION" to "HOUSING AN UNRELATED MINOR ENGAGED IN PROSTITUTION; PENALTIES";

(4) the subdivision 2 headnote from "SOLICITATION IN PUBLIC PLACE" to "SOLICITATION OR ACCEPTANCE OF SOLICITATION TO ENGAGE IN PROSTITUTION; PENALTY"; and

(5) the subdivision 3 headnote from "HIRE TO ENGAGE IN PROSTITUTION" to "ENGAGING IN, HIRING, OR AGREEING TO HIRE AN ADULT TO ENGAGE IN PROSTITUTION; PENALTIES".

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Foley then moved to amend S.F. No. 960 as follows:

Page 5, after line 12, insert:

"Sec. 4. Minnesota Statutes 2002, section 609.5312, subdivision 3, is amended to read:

Subd. 3. [VEHICLE FORFEITURE FOR PROSTITUTION OFFENSES.] (a) A motor vehicle is subject to forfeiture under this subdivision if it was used to commit or facilitate, or used during the commission of, a violation of section 609.324 or a violation of a local ordinance substantially similar to section 609.324. A motor vehicle is subject to forfeiture under this subdivision only if the offense is established by proof of a criminal conviction for the offense. Except as otherwise provided in this subdivision, a forfeiture under this subdivision is governed by sections 609.531, 609.5312, and 609.5313.

(b) When a motor vehicle subject to forfeiture under this subdivision is seized in advance of a judicial forfeiture order, a hearing before a judge or referee must be held within 96 hours of the seizure. Notice of the hearing must be given to the registered owner within 48 hours of the seizure. The prosecuting authority shall certify to the court, at or in advance of the hearing, that it has filed or intends to file charges against the alleged violator for violating section 609.324 or a local ordinance substantially similar to section 609.324. After conducting the hearing, the court shall order that the motor vehicle be returned to the owner if:

(1) the prosecutor has failed to make the certification required by paragraph (b);



(2) the owner of the motor vehicle has demonstrated to the court's satisfaction that the owner has a defense to the forfeiture, including but not limited to the defenses contained in subdivision 2; or

(3) the court determines that seizure of the vehicle creates or would create an undue hardship for members of the owner's family.

(c) If the defendant is acquitted or prostitution charges against the defendant are dismissed, neither the owner nor the defendant is responsible for paying any costs associated with the seizure or storage of the vehicle.

(d) A vehicle leased or rented under section 168.27, subdivision 4, for a period of 180 days or less is not subject to forfeiture under this subdivision.

(e) For purposes of this subdivision, seizure occurs either:

(1) at the date at which personal service of process upon the registered owner is made; or

(2) at the date when the registered owner has been notified by certified mail at the address listed in the Minnesota Department of Public Safety computerized motor vehicle registration records.

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

Sec. 5. Minnesota Statutes 2002, section 609.5312, subdivision 4, is amended to read:

Subd. 4. [VEHICLE FORFEITURE FOR FLEEING A PEACE OFFICER.] (a) A motor vehicle is subject to forfeiture under this subdivision if it was used to commit a violation of section 609.487 and endanger life or property. A motor vehicle is subject to forfeiture under this subdivision only if the offense is established by proof of a criminal conviction for the offense. Except as otherwise provided in this subdivision, a forfeiture under this subdivision is governed by sections 609.531, 609.5312, 609.5313, and 609.5315, subdivision 6.

(b) When a motor vehicle subject to forfeiture under this subdivision is seized in advance of a judicial forfeiture order, a hearing before a judge or referee must be held within 96 hours of the seizure. Notice of the hearing must be given to the registered owner within 48 hours of the seizure. The prosecuting authority shall certify to the court, at or in advance of the hearing, that it has filed or intends to file charges against the alleged violator for violating section 609.487. After conducting the hearing, the court shall order that the motor vehicle be returned to the owner if:

(1) the prosecutor has failed to make the certification required by this paragraph;

(2) the owner of the motor vehicle has demonstrated to the court's satisfaction that the owner has a defense to the forfeiture, including but not limited to the defenses contained in subdivision 2; or

(3) the court determines that seizure of the vehicle creates or would create an undue hardship for members of the owner's family.

(c) If the defendant is acquitted or the charges against the defendant are dismissed, neither the owner nor the defendant is responsible for paying any costs associated with the seizure or storage of the vehicle.

(d) A vehicle leased or rented under section 168.27, subdivision 4, for a period of 180 days or less is not subject to forfeiture under this subdivision.

(e) A motor vehicle that is an off-road recreational vehicle as defined in section 169A.03, subdivision 16, or a motorboat as defined in section 169A.03, subdivision 13, is not subject to paragraph (b).

(f) For purposes of this subdivision, seizure occurs either:

(1) at the date at which personal service of process upon the registered owner is made; or  
 (2) at the date when the registered owner has been notified by certified mail at the address listed in the Minnesota Department of Public Safety computerized motor vehicle registration records.

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

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. 960 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

**H.F. No. 692:** A bill for an act relating to health occupations; modifying the scope of practice for pharmacists; amending Minnesota Statutes 2002, section 151.01, subdivision 27.

Senator Higgins moved to amend H.F. No. 692 as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2002, section 148.6425, subdivision 3, is amended to read:

Subd. 3. [LICENSURE RENEWAL FOUR YEARS OR MORE AFTER LICENSURE EXPIRATION DATE.] (a) An individual who requests licensure renewal four years or more after the licensure expiration date must submit the following:

- (1) a completed and signed application for licensure on forms provided by the commissioner;
- (2) the renewal fee and the late fee required under section 148.6445 if renewal application is based on paragraph (b), clause (1), (2), or (3), or the renewal fee required under section 148.6445 if renewal application is based on paragraph (b), clause (4);
- (3) proof of having met the continuing education requirement for the most recently completed two-year continuing education cycle; and
- (4) at the time of the next licensure renewal, proof of having met the continuing education requirement, which shall be prorated based on the number of months licensed during the biennial licensure period.

(b) In addition to the requirements in paragraph (a), the applicant must submit proof of one of the following:

(1) verified documentation of successful completion of 160 hours of supervised practice approved by the commissioner as described in paragraph (c);

(2) verified documentation of having achieved a qualifying score on the credentialing examination for occupational therapists or the credentialing examination for occupational therapy assistants administered within the past year; or

(3) documentation of having completed a combination of occupational therapy courses or an occupational therapy refresher program that contains both a theoretical and clinical component approved by the commissioner. Only courses completed within one year preceding the date of the application or one year after the date of the application qualify for approval; or

(4) evidence that the applicant holds a current and unrestricted credential for the practice of occupational therapy in another jurisdiction and that the applicant's credential from that jurisdiction has been held in good standing during the period of lapse.

(c) To participate in a supervised practice as described in paragraph (b), clause (1), the applicant shall obtain limited licensure. To apply for limited licensure, the applicant shall submit the completed limited licensure application, fees, and agreement for supervision of an occupational therapist or occupational therapy assistant practicing under limited licensure signed by the supervising therapist and the applicant. The supervising occupational therapist shall state the proposed level of supervision on the supervision agreement form provided by the commissioner. The supervising therapist shall determine the frequency and manner of supervision based on the condition of the patient or client, the complexity of the procedure, and the proficiencies of the supervised occupational therapist. At a minimum, a supervising occupational therapist shall be on the premises at all times that the person practicing under limited licensure is working; be in the room ten percent of the hours worked each week by the person practicing under limited licensure; and provide daily face-to-face collaboration for the purpose of observing service competency of the occupational therapist or occupational therapy assistant, discussing treatment procedures and each client's response to treatment, and reviewing and modifying, as necessary, each treatment plan. The supervising therapist shall document the supervision provided. The occupational therapist participating in a supervised practice is responsible for obtaining the supervision required under this paragraph and must comply with the commissioner's requirements for supervision during the entire 160 hours of supervised practice. The supervised practice must be completed in two months and may be completed at the applicant's place of work.

(d) In addition to the requirements in paragraphs (a) and (b), the applicant must submit additional information as requested by the commissioner to clarify information in the application, including information to determine whether the applicant has engaged in conduct warranting disciplinary action as set forth in section 148.6448. The information must be submitted within 30 days after the commissioner's request.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kiscaden moved to amend H.F. No. 692 as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2002, section 116J.70, subdivision 2a, is amended to read:

Subd. 2a. [LICENSE; EXCEPTIONS.] "Business license" or "license" does not include the following:

(1) any occupational license or registration issued by a licensing board listed in section 214.01 or any occupational registration issued by the commissioner of health pursuant to section 214.13;

(2) any license issued by a county, home rule charter city, statutory city, township, or other political subdivision;

(3) any license required to practice the following occupation regulated by the following sections:

- (i) abstracters regulated pursuant to chapter 386;
- (ii) accountants regulated pursuant to chapter 326A;
- (iii) adjusters regulated pursuant to chapter 72B;
- (iv) architects regulated pursuant to chapter 326;
- (v) assessors regulated pursuant to chapter 270;
- (vi) athletic trainers regulated pursuant to chapter 148;
- (vii) attorneys regulated pursuant to chapter 481;
- (viii) auctioneers regulated pursuant to chapter 330;
- (ix) barbers regulated pursuant to chapter 154;
- (x) beauticians regulated pursuant to chapter 155A;
- (xi) boiler operators regulated pursuant to chapter 183;
- (xii) chiropractors regulated pursuant to chapter 148;
- (xiii) collection agencies regulated pursuant to chapter 332;
- (xiv) cosmetologists regulated pursuant to chapter 155A;
- (xv) dentists, registered dental assistants, and dental hygienists regulated pursuant to chapter 150A;
- (xvi) detectives regulated pursuant to chapter 326;
- (xvii) electricians regulated pursuant to chapter 326;
- (xviii) mortuary science practitioners regulated pursuant to chapter 149A;
- (xix) engineers regulated pursuant to chapter 326;
- (xx) insurance brokers and salespersons regulated pursuant to chapter 60A;
- (xxi) certified interior designers regulated pursuant to chapter 326;
- (xxii) midwives regulated pursuant to chapter 147D;
- (xxiii) nursing home administrators regulated pursuant to chapter 144A;
- (xxiv) optometrists regulated pursuant to chapter 148;
- (xxv) osteopathic physicians regulated pursuant to chapter 147;
- (xxvi) pharmacists regulated pursuant to chapter 151;
- (xxvii) physical therapists regulated pursuant to chapter 148;
- (xxviii) physician assistants regulated pursuant to chapter 147A;

- (xxix) physicians and surgeons regulated pursuant to chapter 147;
- (xxx) plumbers regulated pursuant to chapter 326;
- (xxxix) podiatrists regulated pursuant to chapter 153;
- (xxxii) practical nurses regulated pursuant to chapter 148;
- (xxxiii) professional fund raisers regulated pursuant to chapter 309;
- (xxxiv) psychologists regulated pursuant to chapter 148;
- (xxxv) real estate brokers, salespersons, and others regulated pursuant to chapters 82 and 83;
- (xxxvi) registered nurses regulated pursuant to chapter 148;
- (xxxvii) securities brokers, dealers, agents, and investment advisers regulated pursuant to chapter 80A;
- (xxxviii) steamfitters regulated pursuant to chapter 326;
- (xxxix) teachers and supervisory and support personnel regulated pursuant to chapter 125;
- (xl) veterinarians regulated pursuant to chapter 156;
- (xli) water conditioning contractors and installers regulated pursuant to chapter 326;
- (xlii) water well contractors regulated pursuant to chapter 103I;
- (xliii) water and waste treatment operators regulated pursuant to chapter 115;
- (xliv) motor carriers regulated pursuant to chapter 221;
- (xlv) professional firms regulated under chapter 319B;
- (xlvi) real estate appraisers regulated pursuant to chapter 82B;
- (xlvii) residential building contractors, residential remodelers, residential roofers, manufactured home installers, and specialty contractors regulated pursuant to chapter 326;
- (xlviii) licensed professional counselors regulated pursuant to chapter 148B;
- (4) any driver's license required pursuant to chapter 171;
- (5) any aircraft license required pursuant to chapter 360;
- (6) any watercraft license required pursuant to chapter 86B;
- (7) any license, permit, registration, certification, or other approval pertaining to a regulatory or management program related to the protection, conservation, or use of or interference with the resources of land, air, or water, which is required to be obtained from a state agency or instrumentality; and
- (8) any pollution control rule or standard established by the pollution control agency or any health rule or standard established by the commissioner of health or any licensing rule or standard established by the commissioner of human services.

Sec. 2. Minnesota Statutes 2002, section 148A.01, subdivision 5, is amended to read:

Subd. 5. [PSYCHOTHERAPIST.] "Psychotherapist" means a physician, psychologist, nurse, chemical dependency counselor, social worker, member of the clergy, marriage and family therapist, mental health service provider, licensed professional counselor, or other person, whether or not licensed by the state, who performs or purports to perform psychotherapy.

LICENSED PROFESSIONAL  
COUNSELING

Sec. 3. [148B.50] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For the purposes of sections 148B.50 to 148B.593, the following terms have the meanings given.

Subd. 2. [APPROVED SUPERVISOR.] "Approved supervisor" means a licensed professional counselor, licensed psychologist, or other qualified supervisor as determined by the board, who has four years of professional counseling experience and documents to the board the completion of a training in counseling supervision that included content and experiences relevant to the supervision of professional counselors.

Subd. 3. [BOARD.] "Board" means the board of behavioral health and therapy established by section 148B.51.

Subd. 4. [LICENSED PROFESSIONAL COUNSELING.] "Licensed professional counseling" means the application of counseling, human development, and mental health research, principles, and procedures to maintain and enhance the mental health, development, personal and interpersonal effectiveness, and adjustment to work and life of individuals and families.

Subd. 5. [SCOPE OF PRACTICE.] (a) The scope of practice of a licensed professional counselor includes, but is not limited to:

(1) the implementation of professional counseling treatment interventions including evaluation, treatment planning, assessment, and referral;

(2) direct counseling services to individuals, groups, and families;

(3) counseling strategies that effectively respond to multicultural populations;

(4) knowledge of relevant laws and ethics impacting practice;

(5) crisis intervention;

(6) consultation; and

(7) program evaluation and applied research.

(b) For the purposes of paragraph (a), clause (1), "professional counseling treatment interventions" means the application of cognitive, affective, behavioral, systemic, and community counseling strategies which include principles of human development, wellness, and pathology. Counselors provide mental health services for clients whose symptoms significantly interfere with daily functioning and would most likely not improve in a reasonable time period without intervention.

(c) Licensed professional counseling does not include activities or services undertaken by persons listed in section 148B.592, or the performance of any act that licensed professional counselors are not educated and trained to perform.

(d) In order to evaluate and treat mental illness, a licensed professional counselor must have a specialty as described in section 148B.57 and complete the postgraduate training specified in section 245.462, subdivision 18, clause (6), or 245.4871, subdivision 27, clause (6).

Sec. 4. [148B.51] [BOARD OF BEHAVIORAL HEALTH AND THERAPY.]

The board of behavioral health and therapy consists of 13 members appointed by the governor. Five of the members shall be professional counselors licensed or eligible for licensure under sections 148B.50 to 148B.593. Five of the members shall be alcohol and drug counselors licensed under chapter 148C. Three of the members shall be public members as defined in section 214.02. The board shall annually elect from its membership a chair and vice-chair. The board shall appoint

and employ an executive director who is not a member of the board. Chapter 214 applies to the board of behavioral health and therapy unless superseded by sections 148B.50 to 148B.593.

Sec. 5. [148B.52] [DUTIES OF THE BOARD.]

(a) The board of behavioral health and therapy shall:

(1) establish by rule appropriate techniques, including examinations and other methods, for determining whether applicants and licensees are qualified under sections 148B.50 to 148B.593;

(2) establish by rule standards for professional conduct, including adoption of a code of professional ethics and requirements for continuing education and supervision;

(3) issue licenses to individuals qualified under sections 148B.50 to 148B.593;

(4) establish by rule standards for initial education including coursework for licensure and content of professional education;

(5) establish by rule procedures, including a standard disciplinary process, to assess whether individuals licensed as licensed professional counselors comply with the board's rules;

(6) establish, maintain, and publish annually a register of current licensees and approved supervisors;

(7) establish initial and renewal application and examination fees sufficient to cover operating expenses of the board and its agents;

(8) educate the public about the existence and content of the laws and rules for licensed professional counselors to enable consumers to file complaints against licensees who may have violated the rules;

(9) establish rules and regulations pertaining to treatment for impaired practitioners; and

(10) periodically evaluate its rules in order to refine the standards for licensing professional counselors and to improve the methods used to enforce the board's standards.

(b) The board may appoint a professional discipline committee for each occupational licensure regulated by the board, and may appoint a board member as chair. The professional discipline committee shall consist of five members representative of the licensed occupation and shall provide recommendations to the board with regard to rule techniques, standards, procedures, and related issues specific to the licensed occupation.

Sec. 6. [148B.53] [REQUIREMENTS FOR LICENSURE.]

Subdivision 1. [GENERAL REQUIREMENTS.] (a) To be licensed as a licensed professional counselor (LPC), an applicant must provide evidence satisfactory to the board that the applicant:

(1) is at least 18 years of age;

(2) is of good moral character;

(3) has completed a master's degree program in counseling that includes a minimum of 48 semester hours and a supervised field experience of not fewer than 700 hours that is counseling in nature;

(4) has submitted to the board a plan for supervision during the first 2,000 hours of professional practice;

(5) has demonstrated competence in professional counseling by passing the National Counseling Exam (NCE) administered by the National Board for Certified Counselors, Inc. (NBCC) including obtaining a passing score on the examination accepted by the board based on the determinations made by the NBCC and oral and situational examinations if prescribed by the board;

(6) will conduct all professional activities as a licensed professional counselor in accordance with standards for professional conduct established by the rules of the board; and

(7) has declared to the board and agrees to continue to declare areas of professional competencies through a statement of professional disclosure, describing the intended use of the license and the population to be served.

(b) The degree described in paragraph (a), clause (3), must be from a counseling program recognized by the Council for Accreditation of Counseling and Related Education Programs (CACREP) or from an institution of higher education that is accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation (CHEA). Specific academic course content and training must meet standards established by the CACREP, including course work in the following subject areas:

(1) the helping relationship, including counseling theory and practice;

(2) human growth and development;

(3) lifestyle and career development;

(4) group dynamics, processes, counseling, and consulting;

(5) assessment and appraisal;

(6) social and cultural foundations, including multicultural issues;

(7) principles of etiology, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior;

(8) family counseling and therapy;

(9) research and evaluation; and

(10) professional counseling orientation and ethics.

(c) To be licensed as a professional counselor, a psychological practitioner licensed under section 148.908 need only show evidence of licensure under that section and is not required to comply with paragraph (a) or (b).

Subd. 2. [MINIMUM HOUR EFFECTIVE DATE.] The minimum semester hour requirement imposed by subdivision 1, paragraph (a), clause (3), is not effective until July 1, 2004. This subdivision expires July 1, 2005.

Subd. 3. [FEE.] Each applicant shall pay a nonrefundable fee set by the board.

Sec. 7. [148B.54] [LICENSE RENEWAL REQUIREMENTS.]

Subdivision 1. [RENEWAL.] Licensees shall renew licenses at the time and in the manner established by the rules of the board.

Subd. 2. [CONTINUING EDUCATION.] At the completion of the first two years of licensure, a licensee must provide evidence satisfactory to the board of completion of 12 additional postgraduate semester credit hours in counseling as determined by the board. Thereafter, at the time of renewal, each licensee shall provide evidence satisfactory to the board that the licensee has completed during each two-year period at least the equivalent of 40 clock hours of professional postdegree continuing education in programs approved by the board and continues to be qualified to practice under sections 148B.50 to 148B.593.

Sec. 8. [148B.55] [LICENSES; TRANSITION PERIOD.]

For two years beginning July 1, 2003, the board shall issue a license without examination to an applicant if the board determines that the applicant satisfies the requirements in section 148B.53,



subdivision 1, if the applicant is a licensed psychological practitioner, a licensed marriage and family therapist, or a licensed alcohol and drug counselor, or is in the process of being so licensed. An applicant licensed under this section must also agree to conduct all professional activities as a licensed professional counselor in accordance with standards for professional conduct established by the board by rule. This section expires July 1, 2005.

Sec. 9. [148B.56] [RECIPROCIITY.]

The board may issue a license to an individual who holds a current license or other credential from another jurisdiction if the board finds that the requirements for that credential are substantially similar to the requirements in sections 148B.50 to 148B.593.

Sec. 10. [148B.58] [NONTRANSFERABILITY OF LICENSES.]

A professional counseling license is not transferable.

Sec. 11. [148B.59] [GROUNDS FOR DISCIPLINARY ACTION; FORMS OF DISCIPLINARY ACTION; RESTORATION OF LICENSE.]

(a) The board may impose disciplinary action as described in paragraph (b) against an applicant or licensee whom the board, by a preponderance of the evidence, determines:

- (1) has violated a statute, rule, or order that the board issued or is empowered to enforce;
- (2) has engaged in fraudulent, deceptive, or dishonest conduct, whether or not the conduct relates to the practice of licensed professional counseling, that adversely affects the person's ability or fitness to practice professional counseling;
- (3) has engaged 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;
- (4) has been convicted of or has pled guilty or nolo contendere to a felony or other crime, an element of which is dishonesty or fraud, or has been shown to have engaged in acts or practices tending to show that the applicant or licensee is incompetent or has engaged in conduct reflecting adversely on the applicant's or licensee's ability or fitness to engage in the practice of professional counseling;
- (5) has employed fraud or deception in obtaining or renewing a license, or in passing an examination;
- (6) has had any counseling license, certificate, registration, privilege to take an examination, or other similar authority denied, revoked, suspended, canceled, limited, or not renewed for cause in any jurisdiction;
- (7) has failed to meet any requirement for the issuance or renewal of the person's license. The burden of proof is on the applicant or licensee to demonstrate the qualifications or satisfy the requirements for a license under the licensed professional counseling act;
- (8) has failed to cooperate with an investigation of the board;
- (9) has demonstrated an inability to practice professional counseling with reasonable skill and safety to clients due to any mental or physical illness or condition; or
- (10) has engaged in fee splitting. This clause does not apply to the distribution of revenues from a partnership, group practice, nonprofit corporation, or professional corporation to its partners, shareholders, members, or employees if the revenues consist only of fees for services performed by the licensee or under a licensee's administrative authority. Fee splitting includes, but is not limited to:
  - (i) dividing fees with another person or a professional corporation, unless the division is in proportion to the services provided and the responsibility assumed by each professional; and

(ii) referring a client to any health care provider as defined in section 144.335 in which the referring licensee has a significant financial interest, unless the licensee has disclosed in advance to the client the licensee's own financial interest.

(b) If grounds for disciplinary action exist under paragraph (a), the board may take one or more of the following actions:

(1) refuse to grant or renew a license;

(2) revoke a license;

(3) suspend a license;

(4) impose limitations or conditions on a licensee's practice of professional counseling, including, but not limited to, limiting the scope of practice to designated competencies, imposing retraining or rehabilitation requirements, requiring the licensee to practice under supervision, or conditioning continued practice on the demonstration of knowledge or skill by appropriate examination or other review of skill and competence;

(5) censure or reprimand the licensee;

(6) refuse to permit an applicant to take the licensure examination or refuse to release an applicant's examination grade if the board finds that it is in the public interest; or

(7) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the physical therapist of any economic advantage gained by reason of the violation charged, to discourage similar violations or to reimburse the board for the cost of the investigation and proceeding, including, but not limited to, fees paid for services provided by the office of administrative hearings, legal and investigative services provided by the office of the attorney general, court reporters, witnesses, reproduction of records, board members' per diem compensation, board staff time, and travel costs and expenses incurred by board staff and board members.

(c) In lieu of or in addition to paragraph (b), the board may require, as a condition of continued licensure, termination of suspension, reinstatement of license, examination, or release of examination grades, that the applicant or licensee:

(1) submit to a quality review, as specified by the board, of the applicant's or licensee's ability, skills, or quality of work; and

(2) complete to the satisfaction of the board educational courses specified by the board.

(d) Service of the order is effective if the order is served on the applicant, licensee, or counsel of record personally or by mail to the most recent address provided to the board for the licensee, applicant, or counsel of record. The order shall state the reasons for the entry of the order.

Sec. 12. [148B.591] [PROHIBITION AGAINST UNLICENSED PRACTICE OR USE OF TITLES.]

Subdivision 1. [PRACTICE.] After the effective date of rules adopted by the board, no individual may engage in the practice of licensed professional counseling unless that individual holds a valid license or is exempt from licensure under section 148B.592.

Subd. 2. [USE OF TITLES.] After the board adopts rules, no individual may be presented to the public by any title or practice incorporating the words "licensed professional counselor" or "LPC" unless that individual holds a valid license issued under sections 148B.50 to 148B.593.

Sec. 13. [148B.592] [EXCEPTIONS TO LICENSE REQUIREMENT.]

Subdivision 1. [OTHER PROFESSIONALS.] Nothing in sections 148B.50 to 148B.593 prevents members of other professions or occupations from performing functions for which they are qualified or licensed. This exception includes, but is not limited to, licensed physicians,

registered nurses, licensed practical nurses, licensed psychologists, probation officers, attorneys, social workers, marriage and family therapists, qualified rehabilitation consultants, natural family planning practitioners certified by the American Academy of Natural Family Planning, and registered occupational therapists or certified occupational therapist assistants. These persons must not, however, use a title incorporating the words "licensed professional counselor" or otherwise hold themselves out to the public by any title or description stating or implying that they are licensed to engage in the practice of professional counseling unless they are licensed under sections 148B.50 to 148B.593.

Subd. 2. [STUDENTS.] Nothing in sections 148B.50 to 148B.593 prevents a student, intern, or trainee enrolled in an accredited program of professional counseling from engaging in professional counseling as part of the supervised course of study if the person is identified as a "counselor intern."

Subd. 3. [GOVERNMENT AGENCIES; EDUCATIONAL INSTITUTIONS.] Nothing in sections 148B.50 to 148B.593 limits the activities and services of, or use of, an official title by a person employed as a counselor by a federal, state, county, or municipal agency, or public or private educational institution if the person is performing the activities within the scope of the person's employment.

Subd. 4. [UNLICENSED PRACTITIONERS.] (a) Nothing in sections 148B.50 to 148B.593 prohibits the provision of mental health services by an unlicensed mental health practitioner as defined in section 148B.60, subdivision 3. This paragraph expires July 1, 2004.

(b) Nothing in this section limits the authority of unlicensed complementary and alternative health care practitioners to perform services under chapter 146A.

Subd. 5. [NONRESIDENTS.] A nonresident may engage in the practice of professional counseling within the state without a license for up to 30 days during any calendar year if the nonresident is authorized to provide the services under the law of the state or country of residence and the nonresident has provided proof of credentials to the board, been found qualified to render services in the state, and been granted permission by the board to practice.

Subd. 6. [CLERGY.] Nothing in sections 148B.50 to 148B.593 limits the activities and services of a rabbi, priest, minister, or clergyperson of any religious denomination or sect, provided such activities and services are within the scope of the performance of regular or specialized ministerial duties.

Subd. 7. [NONPROFIT ORGANIZATIONS AND CHARITIES.] Nothing in sections 148B.50 to 148B.593 limits the activities, services, and descriptions of persons offering volunteer or professional services for public or private nonprofit organizations or charities.

**Sec. 14. [148B.593] [DISCLOSURE OF INFORMATION.]**

(a) A person licensed under sections 148B.50 to 148B.593 may not disclose without written consent of the client any communication made by the client to the licensee in the course of the practice of professional counseling, nor may any employee of the licensee reveal the information without the consent of the employer or client except as provided under section 626.556 or 626.557.

(b) For purposes of sections 148B.50 to 148B.593, the confidential relations and communications between the licensee and a client are placed upon the same basis as those that exist between a licensed psychologist and client. Nothing in sections 148B.50 to 148B.593 may be construed to require any communications to be disclosed except by court order.

**Sec. 15. Minnesota Statutes 2002, section 148B.60, subdivision 3, is amended to read:**

**Subd. 3. [UNLICENSED MENTAL HEALTH PRACTITIONER OR PRACTITIONER.] "Unlicensed mental health practitioner" or "practitioner" means a person who provides or purports to provide, for remuneration, mental health services as defined in subdivision 4. It does not include persons licensed by the board of medical practice under chapter 147 or registered by the board of**

medical practice under chapter 147A; the board of nursing under sections 148.171 to 148.285; the board of psychology under sections 148.88 to 148.98; the board of social work under sections 148B.18 to 148B.289; the board of marriage and family therapy under sections 148B.29 to 148B.39; the board of behavioral health and therapy under sections 148B.50 to 148B.593; or another licensing board if the person is practicing within the scope of the license; members of the clergy who are providing pastoral services in the context of performing and fulfilling the salaried duties and obligations required of a member of the clergy by a religious congregation; American Indian medicine men and women; licensed attorneys; probation officers; school counselors employed by a school district while acting within the scope of employment as school counselors; registered occupational therapists; or occupational therapy assistants. For the purposes of complaint investigation or disciplinary action relating to an individual practitioner, the term includes:

(1) persons employed by a program licensed by the commissioner of human services who are acting as mental health practitioners within the scope of their employment;

(2) persons employed by a program licensed by the commissioner of human services who are providing chemical dependency counseling services; persons who are providing chemical dependency counseling services in private practice; and

(3) clergy who are providing mental health services that are equivalent to those defined in subdivision 4.

Sec. 16. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 2e. [BOARD.] "Board" means the board of behavioral health and therapy established by section 148B.51.

**[EFFECTIVE DATE.]** This section is effective July 1, 2005."

Page 2, after line 23, insert:

"Sec. 17. Minnesota Statutes 2002, section 214.01, subdivision 2, is amended to read:

Subd. 2. [HEALTH-RELATED LICENSING BOARD.] "Health-related licensing board" means the board of examiners of nursing home administrators established pursuant to section 144A.19, the office of unlicensed complementary and alternative health care practice established pursuant to section 146A.02, the board of medical practice created pursuant to section 147.01, the board of nursing created pursuant to section 148.181, the board of chiropractic examiners established pursuant to section 148.02, the board of optometry established pursuant to section 148.52, the board of physical therapy established pursuant to section 148.67, the board of psychology established pursuant to section 148.90, the board of social work pursuant to section 148B.19, the board of marriage and family therapy pursuant to section 148B.30, the office of mental health practice established pursuant to section 148B.61, the board of behavioral health and therapy established by section 148B.51, the alcohol and drug counselors licensing advisory council established pursuant to section 148C.02, the board of dietetics and nutrition practice established under section 148.622, the board of dentistry established pursuant to section 150A.02, the board of pharmacy established pursuant to section 151.02, the board of podiatric medicine established pursuant to section 153.02, and the board of veterinary medicine, established pursuant to section 156.01.

Sec. 18. Minnesota Statutes 2002, section 214.04, subdivision 3, is amended to read:

Subd. 3. [OFFICERS; STAFF.] The executive director of each health-related board and the executive secretary of each non-health-related board shall be the chief administrative officer for the board but shall not be a member of the board. The executive director or executive secretary shall maintain the records of the board, account for all fees received by it, supervise and direct employees servicing the board, and perform other services as directed by the board. The executive directors, executive secretaries, and other employees of the following boards shall be hired by the board, and the executive directors or executive secretaries shall be in the unclassified civil service, except as provided in this subdivision:

- (1) dentistry;
- (2) medical practice;
- (3) nursing;
- (4) pharmacy;
- (5) accountancy;
- (6) architecture, engineering, land surveying, landscape architecture, geoscience, and interior design;
- (7) barber examiners;
- (8) cosmetology;
- (9) electricity;
- (10) teaching;
- (11) peace officer standards and training;
- (12) social work;
- (13) marriage and family therapy; ~~and~~
- (14) dietetics and nutrition practice; and
- (15) licensed professional counseling.

The executive directors or executive secretaries serving the boards are hired by those boards and are in the unclassified civil service, except for part-time executive directors or executive secretaries, who are not required to be in the unclassified service. Boards not requiring full-time executive directors or executive secretaries may employ them on a part-time basis. To the extent practicable, the sharing of part-time executive directors or executive secretaries by boards being serviced by the same department is encouraged. Persons providing services to those boards not listed in this subdivision, except executive directors or executive secretaries of the boards and employees of the attorney general, are classified civil service employees of the department servicing the board. To the extent practicable, the commissioner shall ensure that staff services are shared by the boards being serviced by the department. If necessary, a board may hire part-time, temporary employees to administer and grade examinations.

Sec. 19. Minnesota Statutes 2002, section 214.10, subdivision 9, is amended to read:

Subd. 9. [ACTS AGAINST MINORS.] (a) As used in this subdivision, the following terms have the meanings given them.

(1) "Licensed person" means a person who is licensed under this chapter by the board of nursing, the board of psychology, the social work licensing board, the board of marriage and family therapy, the board of unlicensed mental health service providers, the board of behavioral health and therapy, or the board of teaching.

(2) "Crime against a minor" means conduct that constitutes a violation of section 609.185, 609.19, 609.195, 609.20, 609.205, 609.21, 609.215, 609.221, 609.222, 609.223, 609.342, 609.343, 609.345, or a felony violation of section 609.377.

(b) In any license revocation proceeding, there is a rebuttable presumption that a licensed person who is convicted in a court of competent jurisdiction of committing a crime against a minor is unfit to practice the profession or occupation for which that person is licensed.

Sec. 20. Minnesota Statutes 2002, section 609.341, subdivision 17, is amended to read:

Subd. 17. "Psychotherapist" means a person who is or purports to be a physician, psychologist, nurse, chemical dependency counselor, social worker, marriage and family therapist, licensed professional counselor, or other mental health service provider; or any other person, whether or not licensed by the state, who performs or purports to perform psychotherapy.

Sec. 21. [INITIAL BOARD.]

Notwithstanding Minnesota Statutes, section 148B.51, members of the first board appointed under that section need not be licensed, but must meet all qualifications, other than payment of fees, to be eligible for licensure under Minnesota Statutes, sections 148B.50 to 148B.593.

Sec. 22. [INTERAGENCY AGREEMENT.]

The board of behavioral health and therapy and the board of psychology may enter into an interagency agreement for shared administrative services.

Sec. 23. [RECOMMENDATIONS FOR MERGING THERAPY-RELATED BOARDS.]

The boards of behavioral health and therapy and marriage and family therapy shall develop recommendations on merging the two boards into one inclusive board that would encompass the regulatory authority for all behavioral therapy licensed occupations. The recommendations shall include a timeline for accomplishing the merger, the possibility of including other occupational-related boards, and all necessary legislative changes. These recommendations shall be submitted to the legislature by January 15, 2004.

Sec. 24. [TRANSFER OF POWERS AND DUTIES.]

Effective July 1, 2005, the powers and duties of the commissioner of health under Minnesota Statutes, chapter 148C, are transferred to the board of behavioral health and therapy created under Minnesota Statutes, section 148B.51, pursuant to Minnesota Statutes, section 15.039.

Sec. 25. [APPROPRIATION.]

\$175,000 in fiscal year 2004 and \$145,000 in fiscal year 2005 are appropriated from the state government special revenue fund to the board of behavioral health and therapy for the purposes of Minnesota Statutes, sections 148B.50 to 148B.593, to be available until July 1, 2005.

Sec. 26. [REVISOR INSTRUCTION.]

(a) The revisor of statutes shall insert the "board of behavioral health and therapy" or "board" wherever "commissioner of health" or "commissioner" appears in Minnesota Statutes, chapter 148C, and Minnesota Rules, chapter 4747.

**[EFFECTIVE DATE.]** This paragraph is effective July 1, 2005.

(b) The revisor of statutes shall strike the terms "unlicensed mental health practitioner" and "the office of unlicensed mental health practitioner" from Minnesota Statutes and Minnesota Rules.

**[EFFECTIVE DATE.]** This paragraph is effective July 1, 2004.

Sec. 27. [REPEALER.]

(a) Minnesota Statutes 2002, sections 148B.60; 148B.61; 148B.63; 148B.64; 148B.65; 148B.66; 148B.67; 148B.68; 148B.69; 148B.70; and 148B.71, are repealed.

**[EFFECTIVE DATE.]** This paragraph is effective July 1, 2004.

(b) Minnesota Statutes 2002, section 148C.01, subdivision 6, is repealed.

**[EFFECTIVE DATE.]** This paragraph is effective July 1, 2005.

Sec. 28. [EFFECTIVE DATE.]

This act is effective July 1, 2003."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Nienow moved to amend H.F. No. 692 as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2002, section 121A.15, subdivision 3a, is amended to read:

Subd. 3a. [DISCLOSURES REQUIRED.] (a) This paragraph applies to any written information about immunization requirements for enrollment in a school or child care facility that:

(1) is provided to a person to be immunized or enrolling or enrolled in a school or child care facility, or to the person's parent or guardian if the person is under 18 years of age and not emancipated; and

(2) is provided by the department of health; the department of children, families, and learning; the department of human services; an immunization provider; or a school or child care facility.

Such written information must describe the exemptions from immunizations permitted under subdivision 3, paragraphs (c) and (d). The information on exemptions from immunizations provided according to this paragraph must be in a font size at least equal to the font size of the immunization requirements, in the same font style as the immunization requirements, and on the same page of the written document as the immunization requirements.

(b) Before immunizing a person, an immunization provider must provide the person, or the person's parent or guardian if the person is under 18 years of age and not emancipated, with the following information in writing:

(1) a list of the immunizations required for enrollment in a school or child care facility;

(2) a description of the exemptions from immunizations permitted under subdivision 3, paragraphs (c) and (d);

(3) a list of additional immunizations currently recommended by the commissioner; and

(4) in accordance with federal law, a copy of the vaccine information sheet from the federal Department of Health and Human Services that lists possible adverse reactions to the immunization to be provided.

(c) The commissioner shall continue the educational campaign to providers and hospitals on vaccine safety, including, but not limited to, information on the vaccine adverse events reporting system (VAERS), the federal vaccine information statements (VIS), and medical precautions and contraindications to immunizations.

(d) The commissioner shall encourage providers to provide the vaccine information statements at multiple visits and in anticipation of subsequent immunizations.

(e) The commissioner shall encourage providers to use existing screening for immunization precautions and contraindication materials and make proper use of the vaccine adverse events reporting system (VAERS).

(f) In consultation with groups and people identified in subdivision 12, paragraph (a), clause (1), the commissioner shall continue to develop and make available patient education materials on immunizations, including, but not limited to, contraindications and precautions regarding vaccines, and provider education materials on vaccine content.

(g) The commissioner shall encourage health care providers to use thimerosal-free vaccines when available.

Sec. 2. Minnesota Statutes 2002, section 121A.15, subdivision 12, is amended to read:

Subd. 12. [MODIFICATIONS TO SCHEDULE.] (a) The commissioner of health may adopt modifications to the immunization requirements of this section. A proposed modification made under this subdivision must be part of the current immunization recommendations of each of the following organizations: the United States Public Health Service's Advisory Committee on Immunization Practices, the American Academy of Family Physicians, and the American Academy of Pediatrics. In proposing a modification to the immunization schedule, the commissioner must:

(1) consult with (i) the commissioner of children, families, and learning; the commissioner of human services; the chancellor of the Minnesota state colleges and universities; and the president of the University of Minnesota; and (ii) the Minnesota Natural Health Coalition; Vaccine Awareness Minnesota; Biological Education for Autism Treatment (BEAT); the Minnesota Academy of Family Physicians; the American Academy of Pediatrics-Minnesota Chapter; and the Minnesota Nurses Association; and

(2) consider the following criteria: the epidemiology of the disease, the morbidity and mortality rates for the disease, the safety and efficacy of the vaccine, the cost of a vaccination program, the cost of enforcing vaccination requirements, and a cost-benefit analysis of the vaccination.

(b) Before a proposed modification may be adopted, the commissioner must notify the chairs of the house and senate committees with jurisdiction over health policy issues. If the chairs of the relevant standing committees determine a public hearing regarding the proposed modifications is in order, the hearing must be scheduled within 60 days of receiving notice from the commissioner. If a hearing is scheduled, the commissioner may not adopt any proposed modifications until after the hearing is held.

(c) The commissioner shall comply with the requirements of chapter 14 regarding the adoption of any proposed modifications to the immunization schedule.

(d) In addition to the publication requirements of chapter 14, the commissioner of health must inform all immunization providers of any adopted modifications to the immunization schedule in a timely manner."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Berglin questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Lourey moved to amend H.F. No. 692 as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 1a. [ACCREDITING ASSOCIATION.] "Accrediting association" means an organization recognized by the commissioner that evaluates schools and education programs of alcohol and drug counseling or is listed in Nationally Recognized Accrediting Agencies and Associations, Criteria and Procedures for Listing by the U.S. Secretary of Education and Current List (1996), which is incorporated by reference.

Sec. 2. Minnesota Statutes 2002, section 148C.01, subdivision 2, is amended to read:

Subd. 2. [ALCOHOL AND DRUG COUNSELOR.] "Alcohol and drug counselor" or "counselor" means a person who:



(1) uses, as a representation to the public, any title, initials, or description of services incorporating the words "alcohol and drug counselor";

(2) offers to render professional alcohol and drug counseling services relative to the abuse of or the dependency on alcohol or other drugs to the general public or groups, organizations, corporations, institutions, or government agencies for compensation, implying that the person is licensed and trained, experienced or expert in alcohol and drug counseling;

(3) holds a valid license issued under ~~sections 148C.01 to 148C.11~~ this chapter to engage in the practice of alcohol and drug counseling; or

(4) is an applicant for an alcohol and drug counseling license.

Sec. 3. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 2a. [ALCOHOL AND DRUG COUNSELOR ACADEMIC COURSE WORK.] "Alcohol and drug counselor academic course work" means classroom education, which is directly related to alcohol and drug counseling and meets the requirements of section 148C.04, subdivision 5a, and is taken through an accredited school or educational program.

Sec. 4. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 2b. [ALCOHOL AND DRUG COUNSELOR CONTINUING EDUCATION ACTIVITY.] "Alcohol and drug counselor continuing education activity" means clock hours that meet the requirements of section 148C.075 and Minnesota Rules, part 4747.1100, and are obtained by a licensee at educational programs of annual conferences, lectures, panel discussions, workshops, seminars, symposiums, employer-sponsored inservices, or courses taken through accredited schools or education programs, including home study courses. A home study course need not be provided by an accredited school or education program to meet continuing education requirements.

Sec. 5. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 2c. [ALCOHOL AND DRUG COUNSELOR TECHNICIAN.] "Alcohol and drug counselor technician" means a person not licensed as an alcohol and drug counselor who is performing acts authorized under section 148C.045.

Sec. 6. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 2d. [ALCOHOL AND DRUG COUNSELOR TRAINING.] "Alcohol and drug counselor training" means clock hours obtained by an applicant at educational programs of annual conferences, lectures, panel discussions, workshops, seminars, symposiums, employer-sponsored inservices, or courses taken through accredited schools or education programs, including home study courses. Clock hours obtained from accredited schools or education programs must be measured under Minnesota Rules, part 4747.1100, subpart 5.

Sec. 7. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 2f. [CLOCK HOUR.] "Clock hour" means an instructional session of 50 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and social activities.

Sec. 8. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 2g. [CREDENTIAL.] "Credential" means a license, permit, certification, registration, or other evidence of qualification or authorization to engage in the practice of an occupation.

Sec. 9. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 4a. [LICENSEE.] "Licensee" means a person who holds a valid license under this chapter.

Sec. 10. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 11a. [STUDENT.] "Student" means a person enrolled in an alcohol and drug counselor education program at an accredited school or educational program and earning a minimum of nine semester credits per calendar year towards completion of an associate's, bachelor's, master's, or doctorate degree requirements that include an additional 18 semester credits or 270 clock hours of alcohol and drug counseling specific course work and 440 clock hours of practicum.

Sec. 11. Minnesota Statutes 2002, section 148C.01, subdivision 12, is amended to read:

Subd. 12. [SUPERVISED ALCOHOL AND DRUG COUNSELING EXPERIENCE COUNSELOR.] ~~Except during the transition period, "Supervised alcohol and drug counseling experience counselor" means practical experience gained by a student, volunteer, or either before, during, or after the student completes a program from an accredited school or educational program of alcohol and drug counseling, an intern, and or a person issued a temporary permit under section 148C.04, subdivision 4, and who is supervised by a person either licensed under this chapter or exempt under its provisions; either before, during, or after the student completes a program from an accredited school or educational program of alcohol and drug counseling.~~

Sec. 12. Minnesota Statutes 2002, section 148C.01, is amended by adding a subdivision to read:

Subd. 12a. [SUPERVISOR.] "Supervisor" means a licensed alcohol and drug counselor licensed under this chapter or other licensed professional practicing alcohol and drug counseling under section 148C.11 who monitors activities of and accepts legal liability for the person practicing under supervision. A supervisor shall supervise no more than three trainees practicing under section 148C.04, subdivision 6.

Sec. 13. Minnesota Statutes 2002, section 148C.03, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] The commissioner shall, after consultation with the advisory council or a committee established by rule:

(a) adopt and enforce rules for licensure of alcohol and drug counselors, including establishing standards and methods of determining whether applicants and licensees are qualified under section 148C.04. The rules must provide for examinations and establish standards for the regulation of professional conduct. The rules must be designed to protect the public;

(b) develop and, at least twice a year, administer an examination to assess applicants' knowledge and skills. The commissioner may contract for the administration of an examination with an entity designated by the commissioner. The examinations must be psychometrically valid and reliable; must be written and oral, with the oral examination based on a written case presentation; must minimize cultural bias; and must be balanced in various theories relative to the practice of alcohol and drug counseling;

(c) issue licenses to individuals qualified under sections 148C.01 to 148C.11;

(d) issue copies of the rules for licensure to all applicants;

(e) adopt rules to establish and implement procedures, including a standard disciplinary process and rules of professional conduct;

(f) carry out disciplinary actions against licensees;

(g) establish, with the advice and recommendations of the advisory council, written internal operating procedures for receiving and investigating complaints and for taking disciplinary actions as appropriate;

(h) educate the public about the existence and content of the rules for alcohol and drug counselor licensing to enable consumers to file complaints against licensees who may have violated the rules;

(i) evaluate the rules in order to refine and improve the methods used to enforce the commissioner's standards; and

~~(j) set, collect, and adjust license fees for alcohol and drug counselors so that the total fees collected will as closely as possible equal anticipated expenditures during the biennium, as provided in section 16A.1285; fees for initial and renewal application and examinations; late fees for counselors who submit license renewal applications after the renewal deadline; and a surcharge fee. The surcharge fee must include an amount necessary to recover, over a five-year period, the commissioner's direct expenditures for the adoption of the rules providing for the licensure of alcohol and drug counselors. All fees received shall be deposited in the state treasury and credited to the special revenue fund.~~

Sec. 14. Minnesota Statutes 2002, section 148C.0351, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION FORMS.] Unless exempted under section 148C.11, a person who practices alcohol and drug counseling in Minnesota must:

(1) apply to the commissioner for a license to practice alcohol and drug counseling on forms provided by the commissioner;

(2) include with the application a statement that the statements in the application are true and correct to the best of the applicant's knowledge and belief;

(3) include with the application a nonrefundable application fee specified by the commissioner in section 148C.12;

(4) include with the application information describing the applicant's experience, including the number of years and months the applicant has practiced alcohol and drug counseling as defined in section 148C.01;

(5) include with the application the applicant's business address and telephone number, or home address and telephone number if the applicant conducts business out of the home, and if applicable, the name of the applicant's supervisor, manager, and employer;

(6) include with the application a written and signed authorization for the commissioner to make inquiries to appropriate state regulatory agencies and private credentialing organizations in this or any other state where the applicant has practiced alcohol and drug counseling; and

(7) complete the application in sufficient detail for the commissioner to determine whether the applicant meets the requirements for filing. The commissioner may ask the applicant to provide additional information necessary to clarify incomplete or ambiguous information submitted in the application.

Sec. 15. Minnesota Statutes 2002, section 148C.0351, is amended by adding a subdivision to read:

Subd. 4. [INITIAL LICENSE; TERM.] (a) An initial license is effective on the date the commissioner indicates on the license certificate, with the license number, sent to the applicant upon approval of the application.

(b) An initial license is valid for a period beginning with the effective date in paragraph (a) and ending on the date specified by the commissioner on the license certificate placing the applicant in an existing two-year renewal cycle, as established under section 148C.05, subdivision 1.

Sec. 16. [148C.0355] [COMMISSIONER ACTION ON APPLICATIONS FOR LICENSURE.]

The commissioner shall act on each application for licensure within 90 days from the date the completed application and all required information is received by the commissioner. The commissioner shall determine if the applicant meets the requirements for licensure and whether there are grounds for denial of licensure under this chapter. If the commissioner denies an application on grounds other than the applicant's failure of an examination, the commissioner shall:

(1) notify the applicant, in writing, of the denial and the reason for the denial and provide the applicant 30 days from the date of the letter informing the applicant of the denial in which the applicant may provide additional information to address the reasons for the denial. If the applicant does not respond in writing to the commissioner within the 30-day period, the denial is final. If the commissioner receives additional information, the commissioner shall review it and make a final determination thereafter;

(2) notify the applicant that an application submitted following denial is a new application and must be accompanied by the appropriate fee as specified in section 148C.12; and

(3) notify the applicant of the right to request a hearing under chapter 14.

Sec. 17. Minnesota Statutes 2002, section 148C.04, is amended to read:

148C.04 [REQUIREMENTS FOR LICENSURE.]

Subdivision 1. [GENERAL REQUIREMENTS.] The commissioner shall issue licenses to the individuals qualified under ~~sections 148C.01 to 148C.11~~ this chapter to practice alcohol and drug counseling.

Subd. 2. [FEE.] Each applicant shall pay a nonrefundable fee ~~set by the commissioner pursuant to section 148C.03~~ as specified in section 148C.12. Fees paid to the commissioner shall be deposited in the special revenue fund.

Subd. 3. [~~LICENSING REQUIREMENTS FOR THE FIRST FIVE YEARS LICENSURE BEFORE JULY 1, 2008.~~] ~~For five years after the effective date of the rules authorized in section 148C.03, the~~ An applicant, unless qualified under section 148C.06 during the 25-month period authorized therein, under section 148C.07, or under subdivision 4, for a license must furnish evidence satisfactory to the commissioner that the applicant has met all the requirements in clauses (1) to (3). The applicant must have:

(1) received an associate degree, or an equivalent number of credit hours, and a certificate in alcohol and drug counseling, including 18 semester credits or 270 clock hours of alcohol and drug counseling classroom education academic course work in accordance with subdivision 5a, paragraph (a), from an accredited school or educational program and 880 clock hours of supervised alcohol and drug counseling practicum;

(2) completed a written case presentation and satisfactorily passed an oral examination established by the commissioner that demonstrates competence in the core functions; and

(3) satisfactorily passed a written examination as established by the commissioner.

Subd. 4. [~~LICENSING REQUIREMENTS AFTER FIVE YEARS FOR LICENSURE AFTER JULY 1, 2008.~~] ~~Beginning five years after the effective date of the rules authorized in section 148C.03, subdivision 1,~~ An applicant for licensure a license must submit evidence to the commissioner that the applicant has met one of the following requirements:

(1) the applicant must have:

(i) received a bachelor's degree from an accredited school or educational program, including 480 18 semester credits or 270 clock hours of alcohol and drug counseling education academic course work in accordance with subdivision 5a, paragraph (a), from an accredited school or educational program and 880 clock hours of supervised alcohol and drug counseling practicum;

(ii) completed a written case presentation and satisfactorily passed an oral examination established by the commissioner that demonstrates competence in the core functions; and

(iii) satisfactorily passed a written examination as established by the commissioner; or

(2) the applicant must meet the requirements of section 148C.07.

Subd. 5a. [ACADEMIC COURSE WORK.] (a) Minimum academic course work requirements

for licensure as referred to under subdivision 3, clause (1), and subdivision 4, clause (1), item (i), must be in the following areas:

(1) overview of alcohol and drug counseling focusing on the transdisciplinary foundations of alcohol and drug counseling and providing an understanding of theories of chemical dependency, the continuum of care, and the process of change;

(2) pharmacology of substance abuse disorders and the dynamics of addiction;

(3) screening, intake, assessment, and treatment planning;

(4) counseling theory and practice, crisis intervention, orientation, and client education;

(5) case management, consultation, referral, treatment planning, reporting, recordkeeping, and professional and ethical responsibilities; and

(6) multicultural aspects of chemical dependency to include awareness of learning outcomes described in Minnesota Rules, part 4747.1100, subpart 2, and the ability to know when consultation is needed.

(b) Advanced academic course work includes, at a minimum, the course work required in paragraph (a) and additional course work in the following areas:

(1) advanced study in the areas listed in paragraph (a);

(2) chemical dependency and the family;

(3) treating substance abuse disorders in culturally diverse and identified populations;

(4) dual diagnoses/co-occurring disorders with substance abuse disorders; and

(5) ethics and chemical dependency.

Subd. 6. [TEMPORARY PRACTICE PERMIT REQUIREMENTS.] ~~(a) A person may temporarily~~ The commissioner shall issue a temporary permit to practice alcohol and drug counseling prior to being licensed under this chapter if the person:

(1) either:

~~(i) meets the associate degree education and practicum requirements of subdivision 3, clause (1);~~

~~(ii) meets the bachelor's degree education and practicum requirements of subdivision 4, clause (1), item (i); or~~

~~(iii) submits verification of a current and unrestricted credential for the practice of alcohol and drug counseling from a national certification body or a certification or licensing body from another state, United States territory, or federally recognized tribal authority;~~

(ii) submits verification of the completion of at least 64 semester credits, including 270 clock hours or 18 semester credits of formal classroom education in alcohol and drug counseling and at least 880 clock hours of alcohol and drug counseling practicum from an accredited school or educational program; or

(iii) meets the requirements of section 148C.11, subdivision 6, clauses (1), (2), and (5);

(2) requests applies, in writing, temporary practice status with the commissioner on an application form according to section 148C.0351 provided by the commissioner, which includes the nonrefundable license temporary permit fee as specified in section 148C.12 and an affirmation by the person's supervisor, as defined in paragraph (b) (c), clause (1), and which is signed and dated by the person and the person's supervisor; and

(3) has not been disqualified to practice temporarily on the basis of a background investigation under section 148C.09, subdivision 1a; and.

~~(4) has been notified (b) The commissioner must notify the person in writing within 90 days from the date the completed application and all required information is received by the commissioner that whether the person is qualified to practice under this subdivision.~~

~~(b)~~ (c) A person practicing under this subdivision:

~~(1) may practice only in a program licensed by the department of human services and under tribal jurisdiction or under the direct, on-site supervision of a person who is licensed under this chapter and employed in that licensed program;~~

(2) is subject to the rules of professional conduct set by rule; and

(3) is not subject to the continuing education requirements of section 148C.05 148C.075.

~~(c) A person practicing under this subdivision may not must use with the public any the title or description stating or implying that the person is licensed to engage a trainee engaged in the practice of alcohol and drug counseling.~~

~~(d) The temporary status of A person applying for temporary practice practicing under this subdivision expires on the date the commissioner grants or denies licensing must annually submit a renewal application on forms provided by the commissioner with the renewal fee required in section 148C.12, subdivision 3, and the commissioner may renew the temporary permit if the trainee meets the requirements of this subdivision. A trainee may renew a practice permit no more than five times.~~

~~(e) A temporary permit expires if not renewed, upon a change of employment of the trainee or upon a change in supervision, or upon the granting or denial by the commissioner of a license.~~

Subd. 7. [EFFECT AND SUSPENSION OF TEMPORARY PRACTICE PERMIT.] Approval of a person's application for temporary practice permit creates no rights to or expectation of approval from the commissioner for licensure as an alcohol and drug counselor. The commissioner may suspend or restrict a person's temporary practice permit status according to section 148C.09.

**[EFFECTIVE DATE.]** Subdivisions 1, 2, 3, 4, and 5 are effective January 28, 2003. Subdivision 6 is effective July 1, 2003.

Sec. 18. [148C.045] [ALCOHOL AND DRUG COUNSELOR TECHNICIAN.]

An alcohol and drug counselor technician may perform the services described in section 148C.01, subdivision 9, paragraphs (1), (2), and (3), while under the direct supervision of a licensed alcohol and drug counselor.

Sec. 19. Minnesota Statutes 2002, section 148C.05, subdivision 1, is amended to read:

Subdivision 1. [BIENNIAL RENEWAL REQUIREMENTS.] ~~To renew a license, an applicant must:~~

~~(1) complete a renewal application every two years on a form provided by the commissioner and submit the biennial renewal fee by the deadline; and~~

~~(2) submit additional information if requested by the commissioner to clarify information presented in the renewal application. This information must be submitted within 30 days of the commissioner's request. A license must be renewed every two years.~~

Sec. 20. Minnesota Statutes 2002, section 148C.05, is amended by adding a subdivision to read:

Subd. 1a. [RENEWAL REQUIREMENTS.] To renew a license, an applicant must submit to the commissioner:

(1) a completed and signed application for license renewal, including a signed consent authorizing the commissioner to obtain information about the applicant from third parties, including, but not limited to, employers, former employers, and law enforcement agencies;

(2) the renewal fee required under section 148C.12; and

(3) additional information as requested by the commissioner to clarify information presented in the renewal application. The licensee must submit information within 30 days of the date of the commissioner's request.

Sec. 21. Minnesota Statutes 2002, section 148C.05, is amended by adding a subdivision to read:

Subd. 5. [LICENSE RENEWAL NOTICE.] At least 60 calendar days before the renewal deadline date in subdivision 6, the commissioner shall mail a renewal notice to the licensee's last known address on file with the commissioner. The notice must include an application for license renewal, the renewal deadline, and notice of fees required for renewal. The licensee's failure to receive notice does not relieve the licensee of the obligation to meet the renewal deadline and other requirements for license renewal.

Sec. 22. Minnesota Statutes 2002, section 148C.05, is amended by adding a subdivision to read:

Subd. 6. [RENEWAL DEADLINE AND LAPSE OF LICENSURE.] (a) Licensees must comply with paragraphs (b) to (d).

(b) Each license certificate must state an expiration date. An application for license renewal must be received by the commissioner or postmarked at least 30 calendar days before the expiration date. If the postmark is illegible, the application must be considered timely if received at least 21 calendar days before the expiration date.

(c) An application for license renewal not received within the time required under paragraph (b) must be accompanied by a late fee in addition to the renewal fee required in section 148C.12.

(d) A licensee's license lapses if the licensee fails to submit to the commissioner a license renewal application by the licensure expiration date. A licensee shall not engage in the practice of alcohol and drug counseling while the license is lapsed. A licensee whose license has lapsed may renew the license by complying with section 148C.055.

Sec. 23. [148C.055] [INACTIVE OR LAPSED LICENSE.]

Subdivision 1. [INACTIVE LICENSE STATUS.] Unless a complaint is pending against the licensee, a licensee whose license is in good standing may request, in writing, that the license be placed on the inactive list. If a complaint is pending against a licensee, a license may not be placed on the inactive list until action relating to the complaint is concluded. The commissioner must receive the request for inactive status before expiration of the license. A request for inactive status received after the license expiration date must be denied. A licensee may renew a license that is inactive under this subdivision by meeting the renewal requirements of subdivision 2, except that payment of a late renewal fee is not required. A licensee must not practice alcohol and drug counseling while the license is inactive.

Subd. 2. [RENEWAL OF INACTIVE LICENSE.] A licensee whose license is inactive shall renew the inactive status by the inactive status expiration date determined by the commissioner or the license will lapse. An application for renewal of inactive status must include evidence satisfactory to the commissioner that the licensee has completed 40 clock hours of continuing professional education required in section 148C.075, and be received by the commissioner at least 30 calendar days before the expiration date. If the postmark is illegible, the application must be considered timely if received at least 21 calendar days before the expiration date. Late renewal of inactive status must be accompanied by a late fee as required in section 148C.12.

Subd. 3. [RENEWAL OF LAPSED LICENSE.] An individual whose license has lapsed for less than two years may renew the license by submitting:

(1) a completed and signed license renewal application;

(2) the inactive license renewal fee or the renewal fee and the late fee as required under section 148C.12; and

(3) proof of having met the continuing education requirements in section 148C.075 since the individual's initial licensure or last license renewal. The license issued is then effective for the remainder of the next two-year license cycle.

Subd. 4. [LICENSE RENEWAL FOR TWO YEARS OR MORE AFTER LICENSE EXPIRATION DATE.] An individual who submitted a license renewal two years or more after the license expiration date must submit the following:

- (1) a completed and signed application for licensure, as required by section 148C.0351;
- (2) the initial license fee as required in section 148C.12; and
- (3) verified documentation of having achieved a passing score within the past year on an examination required by the commissioner.

Sec. 24. Minnesota Statutes 2002, section 148C.07, is amended to read:

148C.07 [RECIPROCITY.]

~~The commissioner shall issue an appropriate license to~~ (a) An individual who holds a current license or other credential to engage in alcohol and drug counseling national certification as an alcohol and drug counselor from another jurisdiction if the commissioner finds that the requirements for that credential are substantially similar to the requirements in sections 148C.01 to 148C.11 must file with the commissioner a completed application for licensure by reciprocity containing the information required under this section.

(b) The applicant must request the credentialing authority of the jurisdiction in which the credential is held to send directly to the commissioner a statement that the credential is current and in good standing, the applicant's qualifications that entitled the applicant to the credential, and a copy of the jurisdiction's credentialing laws and rules that were in effect at the time the applicant obtained the credential.

(c) The commissioner shall issue a license if the commissioner finds that the requirements, which the applicant had to meet to obtain the credential from the other jurisdiction were substantially similar to the current requirements for licensure in this chapter, and the applicant is not otherwise disqualified under section 148C.09.

Sec. 25. [148C.075] [CONTINUING EDUCATION REQUIREMENTS.]

Subdivision 1. [GENERAL REQUIREMENTS.] The commissioner shall establish a two-year continuing education reporting schedule requiring licensees to report completion of the requirements of this section. Licensees must document completion of a minimum of 40 clock hours of continuing education activities each reporting period. A licensee may be given credit only for activities that directly relate to the practice of alcohol and drug counseling, the core functions, or the rules of professional conduct in Minnesota Rules, part 4747.1400. The continuing education reporting form must require reporting of the following information:

- (1) the continuing education activity title;
- (2) a brief description of the continuing education activity;
- (3) the sponsor, presenter, or author;
- (4) the location and attendance dates;
- (5) the number of clock hours; and
- (6) a statement that the information is true and correct to the best knowledge of the licensee.

Only continuing education obtained during the previous two-year reporting period may be considered at the time of reporting. Clock hours must be earned and reported in increments of one-half clock hour with a minimum of one clock hour for each continuing education activity.



Subd. 2. [CONTINUING EDUCATION REQUIREMENTS FOR LICENSEE'S FIRST FOUR YEARS.] A licensee must, as part of meeting the clock hour requirement of this section, obtain and document 18 hours of cultural diversity training within the first four years after the licensee's initial license effective date according to the commissioner's reporting schedule.

Subd. 3. [CONTINUING EDUCATION REQUIREMENTS AFTER LICENSEE'S INITIAL FOUR YEARS.] Beginning four years following a licensee's initial license effective date and according to the board's reporting schedule, a licensee must document completion of a minimum of six clock hours each reporting period of cultural diversity training. Licensees must also document completion of six clock hours in courses directly related to the rules of professional conduct in Minnesota Rules, part 4747.1400.

Subd. 4. [STANDARDS FOR APPROVAL.] In order to obtain clock hour credit for a continuing education activity, the activity must:

- (1) constitute an organized program of learning;
- (2) reasonably be expected to advance the knowledge and skills of the alcohol and drug counselor;
- (3) pertain to subjects that directly relate to the practice of alcohol and drug counseling and the core functions of an alcohol and drug counselor, or the rules of professional conduct in Minnesota Rules, part 4747.1400;
- (4) be conducted by individuals who have education, training, and experience and are knowledgeable about the subject matter; and
- (5) be presented by a sponsor who has a system to verify participation and maintains attendance records for three years, unless the sponsor provides dated evidence to each participant with the number of clock hours awarded.

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

Subdivision 1. [PRACTICE.] After the commissioner adopts rules, No individual person, other than those individuals exempted under section 148C.11, or 148C.045, shall engage in alcohol and drug counseling practice unless that individual holds a valid license without first being licensed under this chapter as an alcohol and drug counselor. For purposes of this chapter, an individual engages in the practice of alcohol and drug counseling if the individual performs or offers to perform alcohol and drug counseling services as defined in section 148C.01, subdivision 10, or if the individual is held out as able to perform those services.

Sec. 27. Minnesota Statutes 2002, section 148C.10, subdivision 2, is amended to read:

Subd. 2. [USE OF TITLES.] After the commissioner adopts rules, No individual person shall present themselves or any other individual to the public by any title incorporating the words "licensed alcohol and drug counselor" or otherwise hold themselves out to the public by any title or description stating or implying that they are licensed or otherwise qualified to practice alcohol and drug counseling unless that individual holds a valid license. City, county, and state agency alcohol and drug counselors who are not licensed under sections 148C.01 to 148C.11 may use the title "city agency alcohol and drug counselor," "county agency alcohol and drug counselor," or "state agency alcohol and drug counselor." Hospital alcohol and drug counselors who are not licensed under sections 148C.01 to 148C.11 may use the title "hospital alcohol and drug counselor" while acting within the scope of their employment. Persons issued a temporary permit must use titles consistent with section 148C.04, subdivision 6, paragraph (c).

Sec. 28. Minnesota Statutes 2002, section 148C.11, is amended to read:

148C.11 [EXCEPTIONS TO LICENSE REQUIREMENT.]

Subdivision 1. [OTHER PROFESSIONALS.] (a) Nothing in sections 148C.01 to 148C.10 shall prevent this chapter prevents members of other professions or occupations from performing

functions for which they are qualified or licensed. This exception includes, but is not limited to, licensed physicians, registered nurses, licensed practical nurses, licensed psychological practitioners, members of the clergy, American Indian medicine men and women, licensed attorneys, probation officers, licensed marriage and family therapists, licensed social workers, licensed professional counselors, licensed school counselors, and registered occupational therapists or occupational therapy assistants.

(b) Nothing in this chapter prohibits technicians and resident managers in programs licensed by the department of human services from discharging their duties as provided in Minnesota Rules, chapter 9530.

(c) Any person who is exempt under this section but who elects to obtain a license under this chapter is subject to this chapter to the same extent as other licensees.

(d) These persons must not, however, use a title incorporating the words "alcohol and drug counselor" or "licensed alcohol and drug counselor" or otherwise hold themselves out to the public by any title or description stating or implying that they are engaged in the practice of alcohol and drug counseling, or that they are licensed to engage in the practice of alcohol and drug counseling. Persons engaged in the practice of alcohol and drug counseling are not exempt from the commissioner's jurisdiction solely by the use of one of the above titles.

Subd. 2. [STUDENTS.] Nothing in sections 148C.01 to 148C.10 shall prevent students enrolled in an accredited school of alcohol and drug counseling from engaging in the practice of alcohol and drug counseling while under qualified supervision in an accredited school of alcohol and drug counseling.

Subd. 3. [FEDERALLY RECOGNIZED TRIBES; ETHNIC MINORITIES.] (a) Alcohol and drug counselors ~~licensed to practice~~ practicing alcohol and drug counseling according to standards established by federally recognized tribes, while practicing under tribal jurisdiction, are exempt from the requirements of this chapter. In practicing alcohol and drug counseling under tribal jurisdiction, individuals ~~licensed practicing~~ under that authority shall be afforded the same rights, responsibilities, and recognition as persons licensed pursuant to this chapter.

(b) The commissioner shall develop special licensing criteria for issuance of a license to alcohol and drug counselors who: (1) practice alcohol and drug counseling with a member of an ethnic minority population or with a person with a disability as defined by rule; or (2) are employed by agencies whose primary agency service focus addresses ethnic minority populations or persons with a disability as defined by rule. These licensing criteria may differ from the licensing ~~criteria requirements~~ specified in section 148C.04. To develop, implement, and evaluate the effect of these criteria, the commissioner shall establish a committee comprised of, but not limited to, representatives from the Minnesota commission serving deaf and hard-of-hearing people, the council on affairs of Chicano/Latino people, the council on Asian-Pacific Minnesotans, the council on Black Minnesotans, the council on disability, and the Indian affairs council. The committee does not expire.

(c) The commissioner shall issue a license to an applicant who (1) is an alcohol and drug counselor who is exempt under paragraph (a) from the requirements of this chapter; (2) has at least 2,000 hours of alcohol and drug counselor experience as defined by the core functions; and (3) meets the licensing requirements that are in effect on the date of application under section 148C.04, subdivision 3 or 4, except the written case presentation and oral examination component under section 148C.04, subdivision 3, clause (2), or 4, clause (1), item (ii). When applying for a license under this paragraph, an applicant must follow the procedures for admission to licensure specified under section 148C.0351. A person who receives a license under this paragraph must complete the written case presentation and satisfactorily pass the oral examination component under section 148C.04, subdivision 3, clause (2), or 4, clause (1), item (ii), at the earliest available opportunity after the commissioner begins administering oral examinations. The commissioner may suspend or restrict a person's license according to section 148C.09 if the person fails to complete the written case presentation and satisfactorily pass the oral examination. This paragraph expires July 1, 2004.

Subd. 4. [HOSPITAL ALCOHOL AND DRUG COUNSELORS.] The licensing of hospital alcohol and drug counselors shall be voluntary, while the counselor is employed by the hospital. Effective January 1, 2006, hospitals employing alcohol and drug counselors shall not be required to employ licensed alcohol and drug counselors, nor shall they require their alcohol and drug counselors to be licensed, however, nothing in this chapter will prohibit hospitals from requiring their counselors to be eligible for licensure. An alcohol or drug counselor employed by a hospital must be licensed as an alcohol and drug counselor in accordance with this chapter.

Subd. 5. [CITY, COUNTY, AND STATE AGENCY ALCOHOL AND DRUG COUNSELORS.] The licensing of city, county, and state agency alcohol and drug counselors shall be voluntary, while the counselor is employed by the city, county, or state agency. Effective January 1, 2006, city, county, and state agencies employing alcohol and drug counselors shall not be required to employ licensed alcohol and drug counselors, nor shall they require their drug and alcohol counselors to be licensed. An alcohol and drug counselor employed by a city, county, or state agency must be licensed as an alcohol and drug counselor in accordance with this chapter.

Subd. 6. [TRANSITION PERIOD FOR HOSPITAL AND CITY, COUNTY, AND STATE AGENCY ALCOHOL AND DRUG COUNSELORS.] For the period between July 1, 2003, and January 1, 2006, the commissioner shall grant a license to an individual who is employed as an alcohol and drug counselor at a Minnesota hospital or a city, county, or state agency in Minnesota if the individual:

(1) was employed as an alcohol and drug counselor at a hospital or a city, county, or state agency before August 1, 2002;

(2) has 8,000 hours of alcohol and drug counselor work experience;

(3) has completed a written case presentation and satisfactorily passed an oral examination established by the commissioner;

(4) has satisfactorily passed a written examination as established by the commissioner; and

(5) meets the requirements in section 148C.0351.

Sec. 29. [148C.12] [FEES.]

Subdivision 1. [APPLICATION FEE.] The application fee is \$295.

Subd. 2. [BIENNIAL RENEWAL FEE.] The license renewal fee is \$295. If the commissioner changes the renewal schedule and the expiration date is less than two years, the fee must be prorated.

Subd. 3. [TEMPORARY PERMIT FEE.] The initial fee for applicants under section 148C.04, subdivision 6, paragraph (a), is \$100. The fee for annual renewal of a temporary permit is \$100.

Subd. 4. [EXAMINATION FEE.] The examination fee for the written examination is \$95 and for the oral examination is \$200.

Subd. 5. [INACTIVE RENEWAL FEE.] The inactive renewal fee is \$150.

Subd. 6. [LATE FEE.] The late fee is 25 percent of the biennial renewal fee, the inactive renewal fee, or the annual fee for renewal of temporary practice status.

Subd. 7. [FEE TO RENEW AFTER EXPIRATION OF LICENSE.] The fee for renewal of a license that has expired for less than two years is the total of the biennial renewal fee, the late fee, and a fee of \$100 for review and approval of the continuing education report.

Subd. 8. [FEE FOR LICENSE VERIFICATIONS.] The fee for license verification to institutions and other jurisdictions is \$25.

Subd. 9. [SURCHARGE FEE.] Notwithstanding section 16A.1285, subdivision 2, a surcharge of \$99 shall be paid at the time of initial application for or renewal of an alcohol and drug counselor license until June 30, 2013.

Subd. 10. [NONREFUNDABLE FEES.] All fees are nonrefundable.

Sec. 30. [REPEALER.]

(a) Minnesota Statutes 2002, sections 148C.0351, subdivision 2; 148C.05, subdivisions 2, 3, and 4; 148C.06; and 148C.10, subdivision 1a, are repealed.

(b) Minnesota Rules, parts 4747.0030, subparts 25, 28, and 30; 4747.0040, subpart 3, item A; 4747.0060, subpart 1, items A, B, and D; 4747.0070, subparts 4 and 5; 4747.0080; 4747.0090; 4747.0100; 4747.0300; 4747.0400, subparts 2 and 3; 4747.0500; 4747.0600; 4747.1000; 4747.1100, subparts 2 and 3; and 4747.1600, are repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Kleis questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

H.F. No. 692 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

## 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:

H.F. No. 326: Senators Lourey, Higgins and Kiscaden.

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

## MEMBERS EXCUSED

Senator Chaudhary was excused from the Session of today from 10:00 to 11:30 a.m. Senator

Olson was excused from the Session of today from 10:30 to 11:35 a.m. and at 4:30 p.m. Senator Rest was excused from the Session of today from 10:40 to 11:20 a.m. Senator Gaither was excused from the Session of today from 11:00 to 11:15 a.m. Senator Berglin was excused from the Session of today from 11:00 to 11:50 a.m. Senator Ruud was excused from the Session of today from 11:10 to 11:30 a.m. and at 3:15 p.m. Senator Larson was excused from the Session of today from 3:15 to 3:40 p.m. Senator Bachmann was excused from the Session of today from 3:15 to 4:30 p.m. Senator Dibble was excused from the Session of today from 3:30 to 3:40 p.m. Senator Fischbach was excused from the Session of today from 3:30 to 4:00 p.m. Senator Ranum was excused from the Session of today from 3:30 to 4:15 p.m. Senator Wergin was excused from the Session of today from 3:55 to 4:05 p.m. Senator Ortman was excused from the Session of today from 5:20 to 5:40 p.m.

### **ADJOURNMENT**

Senator Rest moved that the Senate do now adjourn until 10:00 a.m., Monday, May 19, 2003. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



# INDEX TO DAILY JOURNAL

Friday, May 16, 2003

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 2167 to 2168

## CHAPTER LAWS

S.F. Nos.	H.F. Nos.	Session Laws Chapter No.	Page
	317	43	2168
	335	44	2168
	1268	45	2168
	710	46	2168
	1026	47	2168
	1234	48	2168
	314	49	2168

## MESSAGES FROM THE HOUSE AND FIRST READINGS OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
28	2168	259	2189	
39	2206	326	2189	
231	2168	376	2170	2170
328	2169	592	2170	2170
333	2175	677	2173	
388	2173	1064	2170	2170
484	2190	1119	2169	
552	2189			
575	2169			
693	2168			
770	2206			
857	2189			
926	2189			
1019	2206			
1158	2206			
1180	2207			
1260	2168			

## CONCURRENCE AND REPASSAGE

S.F. Nos.	Page	H.F. Nos.	Page
256	2172		
333	2175		
484	2191		

**REPORTS OF COMMITTEES AND SECOND READINGS**

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
1221 .....	2191		768 .....	2191	2192
			810 .....	2171	2171
			831 .....	2171	2171

**MOTIONS AND RESOLUTIONS**

S.F. Nos.	Page	H.F. Nos.	Page
58 .....	2192	480 .....	2172
256 .....	2172	673 .....	2204
958 .....	2173	741 .....	2180
980 .....	2192		
990 .....	2193		
Sen. Res. No . 79 .....	2172		
Sen. Res. No . 80 .....	2172		

**APPOINTMENTS TO CONFERENCE COMMITTEES**

S.F. Nos.	Page	H.F. Nos.	Page
388 .....	2190	326 .....	2242
		1119 .....	2190

**SPECIAL ORDERS**

S.F. Nos.	Page	H.F. Nos.	Page
343 .....	2178	151 .....	2211
394 .....	2210	279 .....	2210
805 .....	2177	293 .....	2179
960 .....	2213	624 .....	2208
		671 .....	2208
		673 .....	2178
		692 .....	2216
		723 .....	2178
		754 .....	2211
		894 .....	2177
		923 .....	2209
		943 .....	2213
		988 .....	2212
		1140 .....	2212

**CONFERENCE COMMITTEE REPORTS AND THIRD READINGS**

S.F. Nos.	Page	H.F. Nos.	Page
980 .....	2192	677 .....	2173
990 .....	2193		



**RECONSIDERATION**

S.F. Nos.	Page	H.F. Nos.	Page
343	.....2179	1244	..... 2180
		1244	..... 2181

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

S.F. Nos. 1554 to 1556 ..... Pages 2175 to 2176

