

THIRTY-SEVENTH DAY

St. Paul, Minnesota, Thursday, April 7, 2005

The Senate met at 11:30 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rabbi Nachman Wilhelm.

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

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

MEMBERS EXCUSED

Senator Vickerman was excused from the Session of today.

REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 617, and the report pertaining to the appointment. The motion prevailed.

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

S.F. No. 1884: A bill for an act relating to state government; repealing references in the State

Building Code to the International Mechanical Code and replacing them with references to the 1991 Uniform Mechanical Code with Minnesota amendments; repealing Minnesota Rules, parts 1346.0050; 1346.0060; 1346.0101; 1346.0102; 1346.0103; 1346.0104; 1346.0105; 1346.0106; 1346.0107; 1346.0108; 1346.0109; 1346.0110; 1346.0201; 1346.0202; 1346.0301; 1346.0306; 1346.0309; 1346.0401; 1346.0403; 1346.0404; 1346.0501; 1346.0505; 1346.0506; 1346.0507; 1346.0508; 1346.0510; 1346.0603; 1346.0604; 1346.0701; 1346.0703; 1346.0709; 1346.0801; 1346.0803; 1346.0901; 1346.1001; 1346.1003; 1346.1004; 1346.1006; 1346.1007; 1346.1011; 1346.1204; 1346.1601; 1346.1602; 1346.1603; 1346.1604; 1346.1605; 1346.1606; 1346.5050; 1346.5201; 1346.5202; 1346.5301; 1346.5303; 1346.5304; 1346.5306; 1346.5401; 1346.5402; 1346.5403; 1346.5404; 1346.5406; 1346.5407; 1346.5408; 1346.5409; 1346.5410; 1346.5501; 1346.5503; 1346.5504; 1346.5602; 1346.5620; 1346.5629; 1346.5630; 1346.5801; 1346.5802; 1346.5803; 1346.5804; 1346.5805; 1346.5806; 1346.5807; 1346.5900.

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

Page 1, after line 23, insert:

"Section 1. Minnesota Statutes 2004, section 16B.61, subdivision 1, is amended to read:

Subdivision 1. [ADOPTION OF CODE.] Subject to sections 16B.59 to ~~16B.75~~ 16B.77, the commissioner shall by rule establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control. The code must also include duties and responsibilities for code administration, including procedures for administrative action, penalties, and suspension and revocation of certification. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States, including a code for building conservation. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgment. To the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code must encourage the use of new methods and new materials. Except as otherwise provided in sections 16B.59 to ~~16B.75~~ 16B.77, the commissioner shall administer and enforce the provisions of those sections.

The commissioner shall develop rules addressing the plan review fee assessed to similar buildings without significant modifications including provisions for use of building systems as specified in the industrial/modular program specified in section 16B.75. Additional plan review fees associated with similar plans must be based on costs commensurate with the direct and indirect costs of the service.

Sec. 2. Minnesota Statutes 2004, section 16B.70, subdivision 2, is amended to read:

Subd. 2. [COLLECTION AND REPORTS.] All permit surcharges must be collected by each municipality and a portion of them remitted to the state. Each municipality having a population greater than 20,000 people shall prepare and submit to the commissioner once a month a report of fees and surcharges on fees collected during the previous month but shall retain the greater of two percent or that amount collected up to \$25 to apply against the administrative expenses the municipality incurs in collecting the surcharges. All other municipalities shall submit the report and surcharges on fees once a quarter but shall retain the greater of four percent or that amount collected up to \$25 to apply against the administrative expenses the municipalities incur in collecting the surcharges. The report, which must be in a form prescribed by the commissioner, must be submitted together with a remittance covering the surcharges collected by the 15th day following the month or quarter in which the surcharges are collected. All money collected by the commissioner under subdivision 1 for mechanical systems permits is appropriated to the Board of Mechanical Systems for the purposes of section 16B.77. \$..... of the money collected by the commissioner through surcharges and other fees prescribed by sections 16B.59 to ~~16B.75~~ 16B.77 shall be deposited in the state government special revenue fund and is appropriated to the Board of

Mechanical Systems for the purposes of section 16B.77. The remainder is appropriated to the commissioner for the purpose of administering and enforcing the remaining portions of the State Building Code under sections 16B.59 to ~~16B.75~~ 16B.77.

Sec. 3. Minnesota Statutes 2004, section 16B.70, subdivision 3, is amended to read:

Subd. 3. [REVENUE TO EQUAL COSTS.] Revenue received from the surcharge imposed in subdivision 1 should approximately equal the cost, including the overhead cost, of administering sections 16B.59 to ~~16B.75~~ 16B.77. By November 30 each year, the commissioner must report to the commissioner of finance and to the legislature on changes in the surcharge imposed in subdivision 1 needed to comply with this policy. In making this report, the commissioner must assume that the services associated with administering sections 16B.59 to ~~16B.75~~ 16B.77 will continue to be provided at the same level provided during the fiscal year in which the report is made.

Sec. 4. [16B.77] [BOARD OF MECHANICAL SYSTEMS.]

Subdivision 1. [MEMBERSHIP.] (a) The Board of Mechanical Systems consists of the following members appointed by the governor as provided under section 15.0575:

- (1) two journeymen and two contractors in the fuel systems discipline;
- (2) two journeymen and two contractors in the sheet metal and ventilation systems discipline;
- (3) two journeymen and two contractors in the refrigeration systems discipline;
- (4) two journeymen, two contractors, and two representatives of utilities in the piping systems discipline;
- (5) two journeymen and two contractors in the medical and nonmedical gas systems discipline;
- (6) one mechanical engineer; and
- (7) two members of the public, as defined in section 214.02.

(b) For purposes of this section, "journeyman" means a person with at least five years of verifiable experience in the relevant discipline, and "contractor" means a person with at least five years of experience operating a business that is primarily engaged in the discipline who remains active in the discipline during their term on the board.

(c) The board must adopt a new mechanical code no later than four months after convening.

(d) Section 15.0575, subdivision 3, does not apply to the board.

Subd. 2. [ORGANIZATION AND MEETINGS.] (a) The board must meet at least once in each quarter of the calendar year.

(b) The board must establish subcommittees in each of the disciplines listed in subdivision 1. No member who is a contractor or journeyman may serve on more than one subcommittee, and the engineer appointed under subdivision 1, clause (6), must serve on all of the subcommittees. Each subcommittee must elect a chairperson. The subcommittee must meet at the call of the chairperson.

Subd. 3. [POWERS OF THE BOARD; MECHANICAL CODE.] The board has the powers of the commissioner under sections 16B.59 to 16B.77 regarding all mechanical code issues, including, but not limited to, rulemaking, interpretation, administration, and enforcement, including appeals from local units of government. No appeal from a decision of the board may be made to the commissioner.

Subd. 4. [SUPPORT.] The board may use the funds appropriated to it to hire the staff necessary to conduct its functions."

Page 1, line 25, delete "July" and insert "November"

Page 2, line 15, delete "July" and insert "November"

Page 2, line 17, delete "1" and insert "5"

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "establishing the Board of Mechanical Systems; transferring certain powers and duties from the commissioner of administration to the Board of Mechanical Systems; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2004, sections 16B.61, subdivision 1; 16B.70, subdivisions 2, 3; proposing coding for new law in Minnesota Statutes, chapter 16B;"

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

Senator Vickerman from the Committee on Agriculture, Veterans and Gaming, to which was referred

S.F. No. 2066: A bill for an act relating to animals; providing criminal penalties for activities related to cockfighting, dogfighting, and fighting of other domestic animals; creating procedures for disposition and care of the animals; providing for hearings; clarifying admissibility of certain evidence; amending Minnesota Statutes 2004, section 343.31.

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

Page 2, line 7, delete "It is conclusive" and insert "There is a rebuttable presumption"

Page 2, delete lines 14 to 21

Page 2, line 22, delete "4" and insert "3"

Page 2, line 25, delete "It is conclusive" and insert "There is a rebuttable presumption"

Page 2, delete lines 32 to 36

Page 3, delete lines 1 to 3

Page 3, line 4, delete "6" and insert "4"

Page 3, lines 5 and 9, delete "4" and insert "3"

Page 3, line 11, after "officer" insert "or animal control authority"

Page 3, lines 12, 20, and 21, delete "7" and insert "5"

Page 3, lines 22, 27, and 33, delete "6" and insert "4"

Page 3, line 31, after the period, insert "If, however, a hearing is scheduled within ten days of the seizure, the security amount must be posted prior to the hearing."

Page 4, line 4, delete "the location, address," and insert "a contact person and"

Page 4, line 5, delete ", and contact person where the animal is kept"

Page 5, line 7, delete "8" and insert "6"

Page 5, line 15, before "signature" insert "name, address, organization, and"

Page 5, line 17, delete "9" and insert "7"

Page 5, line 26, before "signature" insert "name, address, veterinary clinic, and"

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

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

S.F. No. 2068: A bill for an act relating to public safety; adopting certain recommendations of the Minnesota Sentencing Guidelines Commission and rejecting others.

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

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2004, section 244.09, subdivision 11, is amended to read:

Subd. 11. [MODIFICATION.] The commission shall meet as necessary for the purpose of modifying and improving the guidelines. Any modification which amends the Sentencing Guidelines grid, including severity levels and criminal history scores, or which would result in the reduction of any sentence or in the early release of any inmate, with the exception of a modification mandated or authorized by the legislature or relating to a crime created or amended by the legislature in the preceding session, shall be submitted to the legislature by January 15 of any year in which the commission wishes to make the change and shall be effective on August 1 of that year, unless the legislature by law provides otherwise. All other modifications shall take effect according to the procedural rules of the commission. On or before January 15 of each year, the commission shall submit a written report to the committees of the senate and the house of representatives with jurisdiction over criminal justice policy that identifies and explains all modifications made during the preceding 12 months and all proposed modifications that are being submitted to the legislature that year.

[EFFECTIVE DATE.] This section is effective August 1, 2005.

Sec. 2. Minnesota Statutes 2004, section 244.10, is amended by adding a subdivision to read:

Subd. 4. [PROOF OF AGGRAVATING FACTORS.] The court shall allow a prosecutor seeking to prove the existence of an aggravating factor justifying an upward departure under the Sentencing Guidelines the opportunity to prove this to the fact finder. The prosecutor shall provide reasonable notice to the defendant and the court of the prosecutor's intent to seek an upward departure and the aggravating factor on which the prosecutor intends to rely. Upon reasonable notice, the court shall allow the prosecutor the opportunity to prove the aggravating factor either in a unitary or bifurcated trial.

[EFFECTIVE DATE.] This section is effective the day following final enactment and applies to sentencing departures sought on or after that date."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, before the period, insert "; changing a reporting date; addressing how aggravating factors may be established in a criminal trial; amending Minnesota Statutes 2004, sections 244.09, subdivision 11; 244.10, by adding a subdivision"

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

Senator Vickerman from the Committee on Agriculture, Veterans and Gaming, to which was referred

S.F. No. 1629: A bill for an act relating to agriculture; changing certain loan provisions; establishing a loan program; changing certain livestock zoning regulations; paying for town road repairs; appropriating money; amending Minnesota Statutes 2004, sections 41B.046, subdivision 5; 41B.049, subdivision 2; 174.52, subdivisions 4, 5; 394.25, subdivision 3c; 462.355, subdivision 4; 462.358, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 41B; repealing Minnesota Statutes 2004, section 41B.046, subdivision 3.

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

Page 5, line 27, strike "Township Officers Association" and insert "Association of Townships"

Page 6, line 16, before "county" insert "member of the"

Page 6, line 18, after "recommendations" insert "on the environmental and agricultural effects from specific provisions in the ordinance"

Page 6, line 22, after the first comma, insert "social,"

Page 6, line 24, delete "any member" and insert "a majority"

Page 8, line 34, delete "462.358" and insert "462.357"

Page 8, line 36, delete "Subd. 2d." and insert "Subd. 1g."

Page 9, line 8, before "municipality" insert "member of the governing body of a"

Page 9, line 10, after "recommendations" insert "on the environmental and agricultural effects from specific provisions in the ordinance"

Page 9, line 14, after the first comma, insert "social,"

Page 9, line 16, delete "any member" and insert "a majority"

Page 9, after line 28, insert:

"(e) A local ordinance that contains a setback for new feedlots from existing residences must also provide for a new residence setback from existing feedlots located in areas zoned agricultural at the same distances and conditions specified in the setback for new feedlots, unless the new residence is built to replace an existing residence. A municipality may grant a variance from this requirement under section 462.358, subdivision 6."

Amend the title as follows:

Page 1, line 9, delete "462.358" and insert "462.357"

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

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

S.F. No. 1485: A bill for an act relating to labor; requiring the certification and regulation of crane operators; authorizing civil penalties; proposing coding for new law as Minnesota Statutes, chapter 184C.

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

Delete everything after the enacting clause and insert:

"Section 1. [182.6525] [CRANE OPERATION.]

Subdivision 1. [CERTIFICATION REQUIRED.] An individual may not operate a crane with a

lifting capacity of five tons or more on a construction site unless the individual has a valid crane operator certificate received from a nationally recognized and accredited certification program. No employer, and no person who is under a contract to construct an improvement to land, may permit any employee, agent, or independent contractor to perform work in violation of this section. A crane operator certification required under this subdivision must be renewed by an accredited certification program every five years.

Subd. 2. [EXCEPTIONS.] The requirements of subdivision 1 do not apply to:

(1) a crane operator trainee or apprentice, if the individual is under the direct supervision of a crane operator who holds a valid crane operator certificate as required in subdivision 1;

(2) a person directly employed by a class 1 or 2 railroad who is qualified by the employing railroad as a crane operator or boom truck operator while performing work on property owned, leased, or controlled by the employing railroad;

(3) a person who is employed by or performing work for a public utility, rural electric cooperative, municipality, telephone company, or industrial manufacturing plant;

(4) a person who is subject to inspection and regulation under the Mine Safety and Health Act, United States Code, title 30, sections 801 through 962;

(5) a person engaged in boating, fishing, agriculture, or arboriculture;

(6) a person who is a member of and performing work for a uniformed service or who is a member of and performing work for the United States Merchant Marines;

(7) a person who is operating a crane for personal use on premises owned or leased by that person; and

(8) a person who is operating a crane in an emergency situation.

Subd. 3. [PENALTIES.] An employer or general contractor may be cited by the commissioner for a violation of the certification requirements in this section. A citation is punishable as a serious violation under section 182.666.

Sec. 2. Minnesota Statutes 2004, section 182.659, is amended by adding a subdivision to read:

Subd. 1a. [PROOF OF CRANE OPERATOR CERTIFICATION.] An individual who is operating a crane on a worksite shall provide proof of certification required under section 182.6525 upon request by an investigator.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective July 1, 2007."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "amending Minnesota Statutes 2004, section 182.659, by adding a subdivision;" and delete "as" and insert "in"

Page 1, line 5, delete "184C" and insert "182"

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

Senator Scheid from the Committee on Commerce, to which was referred

S.F. No. 1274: A bill for an act relating to insurance; permitting flexible benefits plans for small employer group health coverage; proposing coding for new law in Minnesota Statutes, chapter 62L.

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

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

S.F. No. 789: A bill for an act relating to natural resources; modifying game and fish law provisions; modifying authority to take animals causing damage; modifying the use of scopes by visually impaired hunters; modifying certain license requirements; providing for fishing restrictions on residents from certain states; establishing a boat access fee for residents of certain states; providing for trapper education requirements; providing preference for military members who were on active service; prohibiting computer-assisted remote hunting; eliminating the permit requirement to take lynx, bobcat, and fox with a snare; modifying certain seasons; modifying restrictions on taking waterfowl; authorizing rulemaking; modifying requirements for field training hunting dogs; modifying trapping provisions; modifying restrictions on decoys; modifying disposition of state hatchery products; modifying fishing and commercial fishing provisions; repealing authority for the Mississippi River Fish Refuge; repealing authority to issue certain orders; amending Minnesota Statutes 2004, sections 84.027, subdivision 13; 97A.015, subdivisions 29, 49; 97A.045, subdivision 1; 97A.401, subdivision 5; 97A.405, subdivision 4, by adding a subdivision; 97A.411, subdivision 1; 97A.435, subdivision 2; 97A.441, subdivision 7; 97A.451, subdivision 3; 97A.465, by adding a subdivision; 97A.475, subdivision 7, by adding a subdivision; 97B.005, subdivision 3; 97B.025; 97B.031, subdivisions 1, 5; 97B.111, subdivision 2; 97B.625, subdivision 2; 97B.631, subdivision 2; 97B.655, subdivision 2; 97B.711, subdivision 1; 97B.803; 97B.805, subdivision 1; 97B.811, subdivision 4a; 97C.203; 97C.327; 97C.345, subdivision 2; 97C.395, subdivision 1; 97C.401, subdivision 2; 97C.825, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2004, sections 88.27; 97B.005, subdivision 4; 97B.935; 97C.015; 97C.403; 97C.825, subdivisions 6, 7, 8, 9; Minnesota Rules, part 6234.2300, subparts 2, 3.

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

Pages 11 and 12, delete section 18

Page 15, after line 33, insert:

"Sec. 28. Minnesota Statutes 2004, section 97B.931, subdivision 2, is amended to read:

Subd. 2. ~~[BODY GRIPPING TRAPS FREQUENCY.]~~ ~~A body-gripping, conibear-type trap or snare~~ need not be tended more frequently than once every third calendar day."

Page 18, line 30, after "sections" insert "28," and after "30" insert a comma

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 30, delete "subdivisions 1, 5" and insert "subdivision 5"

Page 1, line 34, after the first semicolon, insert "97B.931, subdivision 2;"

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

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

S.F. No. 1943: A bill for an act relating to corrections; creating discipline procedures for local correctional officers; proposing coding for new law in Minnesota Statutes, chapter 241.

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

Page 1, line 6, delete "LOCAL"

Page 1, line 7, delete "ACT"

Page 1, line 8, before "For" insert "(a)"

Page 1, delete lines 11 to 16 and insert:

"(b) "Correctional officer" and "officer" mean a person employed by the state, a state correctional facility, or a local correctional or detention facility in a security capacity."

Page 1, line 22, before "local" insert "state and"

Page 1, delete line 25 and insert "subdivision 4."

Page 2, delete lines 5 to 36

Page 3, delete lines 1 to 14

Page 3, line 15, delete "10" and insert "5"

Page 3, line 20, delete "11" and insert "6"

Page 3, line 24, delete "12" and insert "7" and before "local" insert "state or"

Page 3, line 30, delete "13" and insert "8"

Page 3, line 34, delete "14" and insert "9"

Page 4, line 2, delete "15" and insert "10"

Page 4, delete lines 7 to 14

Amend the title as follows:

Page 1, line 3, delete "local"

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

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

S.F. No. 1551: A bill for an act relating to elections; facilitating registering to vote and voting; facilitating voter registration by college students; clarifying voting rights of persons under guardianship; extending the deadline for submitting voter registration applications; clarifying documents acceptable to prove residence; specifying form of voter registration application; authorizing registered voters to withhold their name from the public information list; requiring polling place officials to wear identification badges; requiring translation of voting materials; regulating conduct and requiring training of polling place challengers; adding to the Voter's Bill of Rights; allowing ex-felons to leave a polling place and return; requiring notice to ex-felons that their civil rights have been restored; providing voting assistance to prisoners; amending Minnesota Statutes 2004, sections 135A.17, subdivision 2; 201.014, subdivision 2; 201.061, subdivisions 1, 3, by adding a subdivision; 201.071, subdivision 1; 201.091, subdivision 4; 201.15; 203B.16, by adding a subdivision; 204B.10, subdivision 6; 204B.24; 204B.27, subdivision 11; 204C.06, subdivision 2; 204C.07, subdivision 4, by adding a subdivision; 204C.08, subdivision 1a; 204C.10; 204C.12, subdivisions 2, 4; 243.05, subdivision 3; 524.5-310; proposing coding for new law in Minnesota Statutes, chapters 244; 641; 642.

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

Page 7, line 16, delete "I" and insert "either my sentence has expired or been discharged"

Page 7, line 17, delete the new language

Page 14, lines 16 and 17, delete the new language and insert "your sentence has expired or been discharged"

Pages 16 and 17, delete sections 20 and 21

Page 18, line 6, delete "PRISONERS" and insert "INMATES"

Page 18, line 7, before "The" insert "(a) Upon an inmate's admission to a county jail, workhouse, or other correctional facility under the control of the county, in addition to other information required to be provided by law or rule, the county sheriff or jailer shall provide to the inmate information on how to vote.

(b) When requested by an inmate incarcerated in a county jail, workhouse, or other correctional facility under the control of the county,"

Page 18, line 8, delete "number of prisoners" and insert "inmate's eligibility"

Page 18, delete lines 9 and 10

Page 18, line 11, delete "eligible to vote and who desire"

Page 18, line 12, delete everything after "election"

Page 18, delete line 13

Page 18, line 14, delete "incarceration" and after the period, insert "When requested by an inmate incarcerated in a county jail, workhouse, or other correctional facility under the control of the county,"

Page 18, line 16, delete "prisoners" and insert "inmates"

Page 18, delete section 24

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete line 16

Page 1, line 17, delete "have been restored;"

Page 1, line 26, delete "243.05,"

Page 1, line 27, delete "subdivision 3;"

Page 1, line 28, delete "chapters 244; 641; 642" and insert "chapter 641"

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

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

S.F. No. 1877: A bill for an act relating to public safety; making it a crime to loiter with intent to participate in prostitution; appropriating money for pilot projects to reduce homelessness; repealing the vagrancy crime; amending Minnesota Statutes 2004, section 609.321, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 2004, section 609.725.

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

Page 2, line 6, delete "13-county" and insert "seven-county"

Page 2, line 14, delete "trained and"

Page 2, line 15, after "with" insert "serious"

Page 2, line 29, delete "and" and before the semicolon, insert ", and long-term support programs for those with serious mental illness"

Page 2, line 32, before "and" insert "mental health crisis providers,"

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

Senator Scheid from the Committee on Commerce, to which was referred

S.F. No. 1360: A bill for an act relating to commerce; regulating unclaimed property held by cooperatives and the right to receive or recover unclaimed property; modifying public notice requirements; amending Minnesota Statutes 2004, section 308A.711, subdivision 3; 345.42, subdivision 1; 345.46; repealing Minnesota Statutes 2004, sections 308A.711, subdivisions 1, 2; 345.39, subdivision 2; 345.42, subdivisions 2, 3, 4.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 308A.711, subdivision 1, is amended to read:

Subdivision 1. [ALTERNATE PROCEDURE TO DISBURSE PROPERTY.] Notwithstanding the provisions of section 345.43, a cooperative may, in lieu of paying or delivering to the commissioner of commerce the unclaimed property specified in its report of unclaimed property, distribute the unclaimed property to a corporation or organization that is exempt from taxation under section 290.05, subdivision 1, paragraph (b), or 2. ~~A cooperative making the election to distribute unclaimed property shall, within 85 days following the publication of lists of abandoned property, file with the commissioner of commerce:~~

~~(1) a verified written explanation of the proof of claim of an owner establishing a right to receive the abandoned property;~~

~~(2) any errors in the presumption of abandonment;~~

~~(3) the name, address, and exemption number of the corporation or organization to which the property was or is to be distributed; and~~

~~(4) the approximate date of distribution.~~

Sec. 2. Minnesota Statutes 2004, section 308A.711, subdivision 3, is amended to read:

Subd. 3. [OWNER'S RIGHT EXTINGUISHED ON DISBURSEMENT.] The right of an owner to unclaimed property held by a cooperative is extinguished when the property is disbursed by the cooperative to a tax-exempt organization ~~in accordance with this section. if: (1) notice that the payment is available has been mailed to the last known address of the person shown by the records to be entitled to the property; or (2) the address is unknown, notice is published in an official publication of the cooperative.~~

Sec. 3. Minnesota Statutes 2004, section 308B.735, subdivision 1, is amended to read:

Subdivision 1. [ALTERNATE PROCEDURE TO DISBURSE PROPERTY.] A cooperative may, in lieu of paying or delivering to the state the unclaimed property specified in its report of unclaimed property, distribute the unclaimed property to a business entity or organization that is exempt from taxation. ~~A cooperative making the election to distribute unclaimed property shall file with the Department of Commerce:~~

~~(1) a verified written explanation of the proof of claim of an owner establishing a right to receive the abandoned property;~~

~~(2) any error in the presumption of abandonment;~~

~~(3) the name, address, and exemption number of the business entity or organization to which the property was or is to be distributed; and~~

~~(4) the approximate date of distribution.~~

Sec. 4. Minnesota Statutes 2004, section 308B.735, subdivision 3, is amended to read:

Subd. 3. [OWNER'S RIGHT EXTINGUISHED ON DISBURSEMENT.] The right of an owner to unclaimed property held by a cooperative is extinguished when the property is disbursed by the cooperative to a tax exempt organization ~~in accordance with this section.~~ if: (1) notice that the payment is available has been mailed to the last known address of the person shown by the records to be entitled to the property; or (2) the address is unknown, notice is published in an official publication of the cooperative.

Sec. 5. Minnesota Statutes 2004, section 345.42, subdivision 1, is amended to read:

Subdivision 1. [COMMISSIONER'S DUTY TO PUBLISH.] ~~Within the calendar year next following the year in which abandoned property has been paid or delivered to the commissioner, the commissioner shall cause notice to be published at least once but not more than twice in an English language newspaper of general circulation in the county in this state in which is located the last known address of any person to be named in the notice. If no address is listed or if the address is outside this state, the notice shall be published in the county in which the holder of the abandoned property has a principal place of business within this state provide public notice of the abandoned property in the manner and frequency the commissioner determines to be most effective and efficient in communicating to the persons appearing to be owners of this property. Public notice may include the use of print, broadcast, or electronic media.~~

Sec. 6. Minnesota Statutes 2004, section 345.46, is amended to read:

345.46 [PERIOD OF LIMITATION NOT A BAR.]

~~(a) The expiration of any a period of time specified by statute or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property, shall not prevent the money or property from being presumed abandoned property, nor affect any duty to file a report required by sections 345.31 to 345.60 or to pay or deliver abandoned property to the commissioner. limitation on the owner's right to receive or recover property, whether specified by contract, statute, or court order, does not preclude the property from being presumed abandoned or affect a duty to file a report or to pay or deliver or transfer property to the administrator as required by sections 345.31 to 345.60. This paragraph applies to any expiration of a period of limitations that occurs whether before or after the effective date of sections 345.31 to 345.60.~~

~~(b) An action or proceeding may not be maintained by the administrator to enforce sections 345.31 to 345.60 in regard to the reporting, delivery, or payment of property more than ten years after the holder specifically identified the property in a report filed with the administrator or gave express notice to the administrator of a dispute regarding the property. In the absence of such a report or other express notice, the period of limitation is tolled. The period of limitation is also tolled by the filing of a report that is fraudulent.~~

Sec. 7. [REPEALER.]

Minnesota Statutes 2004, sections 308A.711, subdivision 2; 308B.735, subdivision 2; and 345.42, subdivisions 2, 3, and 4, are repealed."

Delete the title and insert:

"A bill for an act relating to commerce; regulating unclaimed property held by cooperatives and the right to receive or recover unclaimed property; modifying public notice requirements; amending Minnesota Statutes 2004, sections 308A.711, subdivisions 1, 3; 308B.735, subdivisions 1, 3; 345.42, subdivision 1; 345.46; repealing Minnesota Statutes 2004, sections 308A.711, subdivision 2; 308B.735, subdivision 2; 345.42, subdivisions 2, 3, 4."

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

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

S.F. No. 1624: A bill for an act relating to the military; clarifying statutes pertaining to the accumulation of vacation and sick leave by public officers and employees while on military leave and upon reinstatement in public office or employment; authorizing payment for some or all of the accumulated leave; amending Minnesota Statutes 2004, sections 192.261, subdivision 2; 471.975.

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

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

S.F. No. 663: A bill for an act relating to local government; adding an exception to the ban on public officers having an interest in a contract; amending Minnesota Statutes 2004, section 471.88, by adding a subdivision.

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

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

S.F. No. 617: A bill for an act relating to counties; providing for the costs of certain actions relating to children; proposing coding for new law in Minnesota Statutes, chapter 393.

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

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

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

S.F. No. 764: A bill for an act relating to education; authorizing a task force to study the delivery and funding of special education.

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

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

S.F. No. 1016: A bill for an act relating to local government; permitting delegation of duties to board of adjustment; amending Minnesota Statutes 2004, section 18.83, subdivision 3.

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

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

S.F. No. 361: A bill for an act relating to government data practices; making technical, conforming, and clarifying changes to the Minnesota Government Data Practices Act; amending Minnesota Statutes 2004, sections 13.01, subdivisions 1, 3; 13.02, subdivision 7; 13.03, subdivisions 1, 2, 3, 4, 5, 6, 8; 13.04, subdivisions 2, 4; 13.05, subdivisions 1, 4, 6, 7, 8, 9; 13.06,

subdivisions 1, 2, 3, 4; 13.07; 13.072, subdivision 4; 13.073, subdivision 3; 13.08, subdivisions 1, 2, 5; 13.32, by adding a subdivision; 13.82, subdivision 16; repealing Minnesota Statutes 2004, section 13.04, subdivision 5.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 3.978, subdivision 2, is amended to read:

Subd. 2. [INQUIRY AND INSPECTION POWER; DUTY TO AID LEGISLATIVE AUDITOR.] All public officials and their deputies and employees, and all corporations, firms, and individuals having business involving the receipt, disbursement, or custody of public funds shall at all times afford reasonable facilities for examinations by the legislative auditor, make returns and reports required by the legislative auditor, attend and answer under oath the legislative auditor's lawful inquiries, produce and exhibit all books, accounts, documents, data of any classification, and property that the legislative auditor may desire need to inspect, and in all things aid the legislative auditor in the performance of duties.

Sec. 2. Minnesota Statutes 2004, section 13.01, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY.] All ~~state agencies, political subdivisions and statewide systems~~ government entities shall be governed by this chapter.

Sec. 3. Minnesota Statutes 2004, section 13.01, subdivision 3, is amended to read:

Subd. 3. [SCOPE.] This chapter regulates the collection, creation, storage, maintenance, dissemination, and access to government data in ~~state agencies, statewide systems, and political subdivisions~~ government entities. It establishes a presumption that government data are public and are accessible by the public for both inspection and copying unless there is federal law, a state statute, or a temporary classification of data that provides that certain data are not public.

Sec. 4. Minnesota Statutes 2004, section 13.02, subdivision 7, is amended to read:

Subd. 7. [GOVERNMENT DATA.] "Government data" means all data collected, created, received, maintained or disseminated by any ~~state agency, political subdivision, or statewide system~~ government entity regardless of its physical form, storage media or conditions of use.

Sec. 5. Minnesota Statutes 2004, section 13.03, subdivision 1, is amended to read:

Subdivision 1. [PUBLIC DATA.] All government data collected, created, received, maintained or disseminated by a ~~state agency, political subdivision, or statewide system~~ government entity shall be public unless classified by statute, or temporary classification pursuant to section 13.06, or federal law, as nonpublic or protected nonpublic, or with respect to data on individuals, as private or confidential. The responsible authority in every ~~state agency, political subdivision and statewide system~~ government entity shall keep records containing government data in such an arrangement and condition as to make them easily accessible for convenient use. Photographic, photostatic, microphotographic, or microfilmed records shall be considered as accessible for convenient use regardless of the size of such records.

Sec. 6. Minnesota Statutes 2004, section 13.03, subdivision 2, is amended to read:

Subd. 2. [PROCEDURES.] (a) The responsible authority in every ~~state agency, political subdivision, and statewide system~~ government entity shall establish procedures, consistent with this chapter, to insure that requests for government data are received and complied with in an appropriate and prompt manner.

(b) The responsible authority shall prepare public access procedures in written form and update them no later than August 1 of each year as necessary to reflect any changes in personnel or circumstances that might affect public access to government data. The responsible authority shall make copies of the written public access procedures easily available to the public by distributing

free copies of the procedures to the public or by posting a copy of the procedures in a conspicuous place within the government entity that is easily accessible to the public.

(c) Full convenience and comprehensive accessibility shall be allowed to researchers including historians, genealogists and other scholars to carry out extensive research and complete copying of all records containing government data except as otherwise expressly provided by law.

A responsible authority may designate one or more designees.

Sec. 7. Minnesota Statutes 2004, section 13.03, subdivision 4, is amended to read:

Subd. 4. [CHANGE IN CLASSIFICATION OF DATA; EFFECT OF DISSEMINATION AMONG AGENCIES.] (a) The classification of data in the possession of an agency entity shall change if it is required to do so to comply with either judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency entity.

(b) If data on individuals is classified as both private and confidential by this chapter, or any other statute or federal law, the data is private.

(c) To the extent that government data is disseminated to ~~state agencies, political subdivisions, or statewide systems~~ a government entity by another ~~state agency, political subdivision, or statewide system~~ government entity, the data disseminated shall have the same classification in the hands of the agency entity receiving it as it had in the hands of the entity providing it.

(d) If a ~~state agency, statewide system, or political subdivision~~ government entity disseminates data to another ~~state agency, statewide system, or political subdivision~~ government entity, a classification provided for by law in the hands of the entity receiving the data does not affect the classification of the data in the hands of the entity that disseminates the data.

Sec. 8. Minnesota Statutes 2004, section 13.03, subdivision 5, is amended to read:

Subd. 5. [COPYRIGHT OR PATENT OF GOVERNMENT DATA.] A ~~state agency, statewide system, or political subdivision~~ government entity may enforce a copyright or acquire a patent for a computer software program or components of a program created by that ~~government agency~~ entity without statutory authority. In the event that a ~~government agency~~ entity acquires a patent to a computer software program or component of a program, the data shall be treated as trade secret information pursuant to section 13.37.

Sec. 9. Minnesota Statutes 2004, section 13.03, subdivision 6, is amended to read:

Subd. 6. [DISCOVERABILITY OF NOT PUBLIC DATA.] If a ~~state agency, political subdivision, or statewide system~~ government entity opposes discovery of government data or release of data pursuant to court order on the grounds that the data are classified as not public, the party that seeks access to the data may bring before the appropriate presiding judicial officer, arbitrator, or administrative law judge an action to compel discovery or an action in the nature of an action to compel discovery.

The presiding officer shall first decide whether the data are discoverable or releasable pursuant to the rules of evidence and of criminal, civil, or administrative procedure appropriate to the action.

If the data are discoverable the presiding officer shall decide whether the benefit to the party seeking access to the data outweighs any harm to the confidentiality interests of the agency entity maintaining the data, or of any person who has provided the data or who is the subject of the data, or to the privacy interest of an individual identified in the data. In making the decision, the presiding officer shall consider whether notice to the subject of the data is warranted and, if warranted, what type of notice must be given. The presiding officer may fashion and issue any protective orders necessary to assure proper handling of the data by the parties. If the data are a videotape of a child victim or alleged victim alleging, explaining, denying, or describing an act of physical or sexual abuse, the presiding officer shall consider the provisions of section 611A.90, subdivision 2, paragraph (b).

Sec. 10. Minnesota Statutes 2004, section 13.03, subdivision 8, is amended to read:

Subd. 8. [CHANGE TO CLASSIFICATION OF DATA NOT ON INDIVIDUALS.] Except for security information, nonpublic and protected nonpublic data shall become public either ten years after the creation of the data by the government agency entity or ten years after the data was received or collected by any governmental agency entity unless the responsible authority for the originating or custodial agency entity for the data reasonably determines that, if the data were made available to the public or to the data subject, the harm to the public or to a data subject would outweigh the benefit to the public or to the data subject. If the responsible authority denies access to the data, the person denied access may challenge the denial by bringing an action in district court seeking release of the data. The action shall be brought in the district court located in the county where the data are being maintained, or, in the case of data maintained by a state agency, in any county. The data in dispute shall be examined by the court in camera. In deciding whether or not to release the data, the court shall consider the benefits and harms in the same manner as set forth above. The court shall make a written statement of findings in support of its decision.

Sec. 11. Minnesota Statutes 2004, section 13.04, subdivision 2, is amended to read:

Subd. 2. [INFORMATION REQUIRED TO BE GIVEN INDIVIDUAL.] An individual asked to supply private or confidential data concerning the individual shall be informed of: (a) the purpose and intended use of the requested data within the collecting ~~state agency, political subdivision, or statewide system~~ government entity; (b) whether the individual may refuse or is legally required to supply the requested data; (c) any known consequence arising from supplying or refusing to supply private or confidential data; and (d) the identity of other persons or entities authorized by state or federal law to receive the data. This requirement shall not apply when an individual is asked to supply investigative data, pursuant to section 13.82, subdivision 7, to a law enforcement officer.

Sec. 12. Minnesota Statutes 2004, section 13.04, subdivision 4, is amended to read:

Subd. 4. [PROCEDURE WHEN DATA IS NOT ACCURATE OR COMPLETE.] (a) An individual subject of the data may contest the accuracy or completeness of public or private data. To exercise this right, an individual shall notify in writing the responsible authority describing the nature of the disagreement. The responsible authority shall within 30 days either: (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or (2) notify the individual that the authority believes the data to be correct. Data in dispute shall be disclosed only if the individual's statement of disagreement is included with the disclosed data.

The determination of the responsible authority may be appealed pursuant to the provisions of the Administrative Procedure Act relating to contested cases. Upon receipt of an appeal by an individual, the commissioner shall, before issuing the order and notice of a contested case hearing required by chapter 14, try to resolve the dispute through education, conference, conciliation, or persuasion. If the parties consent, the commissioner may refer the matter to mediation. Following these efforts, the commissioner shall dismiss the appeal or issue the order and notice of hearing.

(b) Data on individuals that have been successfully challenged by an individual must be completed, corrected, or destroyed by a state agency, political subdivision, or statewide system without regard to the requirements of section 138.17.

After completing, correcting, or destroying successfully challenged data, a ~~state agency, political subdivision, or statewide system~~ government entity may retain a copy of the commissioner of administration's order issued under chapter 14 or, if no order were issued, a summary of the dispute between the parties that does not contain any particulars of the successfully challenged data.

Sec. 13. Minnesota Statutes 2004, section 13.05, subdivision 1, is amended to read:

Subdivision 1. [PUBLIC DOCUMENT OF DATA CATEGORIES.] The responsible authority

shall prepare a public document containing the authority's name, title and address, and a description of each category of record, file, or process relating to private or confidential data on individuals maintained by the authority's ~~state agency, statewide system, or political subdivision~~ government entity. Forms used to collect private and confidential data shall be included in the public document. Beginning August 1, 1977 and annually thereafter, the responsible authority shall update the public document and make any changes necessary to maintain the accuracy of the document. The document shall be available from the responsible authority to the public in accordance with the provisions of sections 13.03 and 15.17.

Sec. 14. Minnesota Statutes 2004, section 13.05, subdivision 4, is amended to read:

Subd. 4. [LIMITATIONS ON COLLECTION AND USE OF DATA.] Private or confidential data on an individual shall not be collected, stored, used, or disseminated by ~~political subdivisions, statewide systems, or state agencies~~ government entities for any purposes other than those stated to the individual at the time of collection in accordance with section 13.04, except as provided in this subdivision.

(a) Data collected prior to August 1, 1975, and which have not been treated as public data, may be used, stored, and disseminated for the purposes for which the data was originally collected or for purposes which are specifically approved by the commissioner as necessary to public health, safety, or welfare.

(b) Private or confidential data may be used and disseminated to individuals or ~~agencies~~ entities specifically authorized access to that data by state, local, or federal law enacted or promulgated after the collection of the data.

(c) Private or confidential data may be used and disseminated to individuals or ~~agencies~~ entities subsequent to the collection of the data when the responsible authority maintaining the data has requested approval for a new or different use or dissemination of the data and that request has been specifically approved by the commissioner as necessary to carry out a function assigned by law.

(d) Private data may be used by and disseminated to any person or ~~agency~~ entity if the individual subject or subjects of the data have given their informed consent. Whether a data subject has given informed consent shall be determined by rules of the commissioner. The format for informed consent is as follows, unless otherwise prescribed by the HIPAA, Standards for Privacy of Individually Identifiable Health Information, 65 Fed. Reg. 82, 461 (2000) (to be codified as Code of Federal Regulations, title 45, section 164): informed consent shall not be deemed to have been given by an individual subject of the data by the signing of any statement authorizing any person or ~~agency~~ entity to disclose information about the individual to an insurer or its authorized representative, unless the statement is:

- (1) in plain language;
- (2) dated;
- (3) specific in designating the particular persons or agencies the data subject is authorizing to disclose information about the data subject;
- (4) specific as to the nature of the information the subject is authorizing to be disclosed;
- (5) specific as to the persons or ~~agencies~~ entities to whom the subject is authorizing information to be disclosed;
- (6) specific as to the purpose or purposes for which the information may be used by any of the parties named in clause (5), both at the time of the disclosure and at any time in the future;
- (7) specific as to its expiration date which should be within a reasonable period of time, not to exceed one year except in the case of authorizations given in connection with applications for (i) life insurance or noncancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy or (ii) medical assistance under chapter 256B or

MinnesotaCare under chapter 256L, which shall be ongoing during all terms of eligibility, for individual education plan health-related services provided by a school district under section 125A.21, subdivision 2.

The responsible authority may require a person requesting copies of data under this paragraph to pay the actual costs of making, certifying, and compiling the copies.

(e) Private or confidential data on an individual may be discussed at a meeting open to the public to the extent provided in section 13D.05.

Sec. 15. Minnesota Statutes 2004, section 13.05, subdivision 6, is amended to read:

Subd. 6. [CONTRACTS.] Except as provided in section 13.46, subdivision 5, in any contract between a ~~governmental unit~~ government entity subject to this chapter and any person, when the contract requires that data on individuals be made available to the contracting parties by the ~~governmental unit~~ government entity, that data shall be administered consistent with this chapter. A contracting party shall maintain the data on individuals which it received according to the statutory provisions applicable to the data.

Sec. 16. Minnesota Statutes 2004, section 13.05, subdivision 7, is amended to read:

Subd. 7. [PREPARATION OF SUMMARY DATA.] The use of summary data derived from private or confidential data on individuals under the jurisdiction of one or more responsible authorities is permitted. Unless classified pursuant to section 13.06, another statute, or federal law, summary data is public. The responsible authority shall prepare summary data from private or confidential data on individuals upon the request of any person if the request is in writing and the cost of preparing the summary data is borne by the requesting person. The responsible authority may delegate the power to prepare summary data (1) to the administrative officer responsible for any central repository of summary data; or (2) to a person outside of its ~~agency~~ the entity if the person's purpose is set forth, in writing, and the person agrees not to disclose, and the ~~agency~~ entity reasonably determines that the access will not compromise private or confidential data on individuals.

Sec. 17. Minnesota Statutes 2004, section 13.05, subdivision 8, is amended to read:

Subd. 8. [PUBLICATION OF ACCESS PROCEDURES.] The responsible authority shall prepare a public document setting forth in writing the rights of the data subject pursuant to section 13.04 and the specific procedures in effect in the ~~state agency, statewide system or political subdivision~~ government entity for access by the data subject to public or private data on individuals.

Sec. 18. Minnesota Statutes 2004, section 13.05, subdivision 9, is amended to read:

Subd. 9. [INTERGOVERNMENTAL ACCESS OF DATA.] A responsible authority shall allow another responsible authority access to data classified as not public only when the access is authorized or required by statute or federal law. An ~~agency~~ entity that supplies government data under this subdivision may require the requesting ~~agency~~ entity to pay the actual cost of supplying the data.

Sec. 19. Minnesota Statutes 2004, section 13.06, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION TO COMMISSIONER.] Notwithstanding the provisions of section 13.03, the responsible authority of a ~~state agency, political subdivision, or statewide system~~ government entity may apply to the commissioner for permission to classify data or types of data on individuals as private or confidential, or data not on individuals as nonpublic or protected nonpublic, for its own use and for the use of other similar ~~agencies, political subdivisions, or statewide systems~~ government entities on a temporary basis until a proposed statute can be acted upon by the legislature. The application for temporary classification is public.

Upon the filing of an application for temporary classification, the data which is the subject of the application shall be deemed to be classified as set forth in the application for a period of 45

days, or until the application is disapproved, rejected, or granted by the commissioner, whichever is earlier.

If the commissioner determines that an application has been submitted for purposes not consistent with this section, the commissioner may immediately reject the application, give notice of that rejection to the applicant, and return the application. When the applicant receives the notice of rejection from the commissioner, the data which was the subject of the application shall have the classification it had before the application was submitted to the commissioner.

Sec. 20. Minnesota Statutes 2004, section 13.06, subdivision 2, is amended to read:

Subd. 2. [CONTENTS OF APPLICATION FOR PRIVATE OR CONFIDENTIAL DATA.] An application for temporary classification of data on individuals shall include and the applicant shall have the burden of clearly establishing that no statute currently exists which either allows or forbids classification as private or confidential; and either

(a) that data similar to that for which the temporary classification is sought has been treated as either private or confidential by other ~~state agencies or political subdivisions~~ government entities, and by the public; or

(b) that a compelling need exists for immediate temporary classification, which if not granted could adversely affect the public interest or the health, safety, well being or reputation of the data subject.

Sec. 21. Minnesota Statutes 2004, section 13.06, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF APPLICATION FOR NONPUBLIC OR NONPUBLIC PROTECTED DATA.] An application for temporary classification of government data not on individuals shall include and the applicant shall have the burden of clearly establishing that no statute currently exists which either allows or forbids classification as nonpublic or protected nonpublic; and either

(a) that data similar to that for which the temporary classification is sought has been treated as nonpublic or protected nonpublic by other ~~state agencies or political subdivisions~~ government entities, and by the public; or

(b) public access to the data would render unworkable a program authorized by law; or

(c) that a compelling need exists for immediate temporary classification, which if not granted could adversely affect the health, safety or welfare of the public.

Sec. 22. Minnesota Statutes 2004, section 13.06, subdivision 4, is amended to read:

Subd. 4. [PROCEDURE WHEN CLASSIFICATION AFFECTS OTHERS.] If the commissioner determines that an application for temporary classification involves data which would reasonably be classified in the same manner by all ~~agencies, political subdivisions, or statewide systems~~ government entities similar to the one which made the application, the commissioner may approve or disapprove the classification for data of the kind which is the subject of the application for the use of all ~~agencies, political subdivisions, or statewide systems~~ government entities similar to the applicant. On deeming this approach advisable, the commissioner shall provide notice of the proposed action by publication in the State Register within ten days of receiving the application. Within 30 days after publication in the State Register an affected ~~agency, political subdivision, government entity or the public, or statewide system~~ may submit comments on the commissioner's proposal. The commissioner shall consider any comments received when granting or denying a classification for data of the kind which is the subject of the application, for the use of all ~~agencies, political subdivisions, or statewide systems~~ government entities similar to the applicant. Within 45 days after the close of the period for submitting comment, the commissioner shall grant or disapprove the application. Applications processed under this subdivision shall be either approved or disapproved by the commissioner within 90 days of the receipt of the application. For purposes of subdivision 1, the data which is the subject of the classification shall be deemed to be classified as set forth in the application for a

period of 90 days, or until the application is disapproved or granted by the commissioner, whichever is earlier. If requested in the application, or determined to be necessary by the commissioner, the data in the application shall be so classified for all ~~agencies, political subdivisions, or statewide systems~~ government entities similar to the applicant until the application is disapproved or granted by the commissioner, whichever is earlier. Proceedings after the grant or disapproval shall be governed by the provisions of subdivision 5.

Sec. 23. Minnesota Statutes 2004, section 13.07, is amended to read:

13.07 [DUTIES OF THE COMMISSIONER.]

The commissioner shall promulgate rules, in accordance with the rulemaking procedures in the Administrative Procedure Act which shall apply to ~~state agencies, statewide systems and political subdivisions~~ government entities to implement the enforcement and administration of this chapter. The rules shall not affect section 13.04, relating to rights of subjects of data. Prior to the adoption of rules authorized by this section the commissioner shall give notice to all state agencies and political subdivisions in the same manner and in addition to other parties as required by section 14.06 of the date and place of hearing, enclosing a copy of the rules to be adopted.

Sec. 24. Minnesota Statutes 2004, section 13.072, subdivision 4, is amended to read:

Subd. 4. [DATA SUBMITTED TO COMMISSIONER.] A ~~state agency, statewide system, or political subdivision~~ government entity may submit not public data to the commissioner for the purpose of requesting or responding to a person's request for an opinion. Government data submitted to the commissioner by a ~~state agency, statewide system, or political subdivision~~ government entity or copies of government data submitted by other persons have the same classification as the data have when held by the ~~state agency, statewide system, or political subdivision~~ government entity. If the nature of the opinion is such that the release of the opinion would reveal not public data, the commissioner may issue an opinion using pseudonyms for individuals. Data maintained by the commissioner, in the record of an opinion issued using pseudonyms that would reveal the identities of individuals protected by the use of the pseudonyms, are private data on individuals.

Sec. 25. Minnesota Statutes 2004, section 13.073, subdivision 3, is amended to read:

Subd. 3. [BASIC TRAINING.] The basic training component should be designed to meet the basic information policy needs of all government employees and public officials with a focus on key data practices laws and procedures that apply to all government entities. The commissioner should design the basic training component in a manner that minimizes duplication of the effort and cost for government entities to provide basic training. The commissioner may develop general programs and materials for basic training such as video presentations, data practices booklets, and training guides. The commissioner may assist state and local government ~~agencies~~ entities in developing training expertise within their own ~~agencies~~ entities and offer assistance for periodic training sessions for this purpose.

Sec. 26. Minnesota Statutes 2004, section 13.08, subdivision 1, is amended to read:

Subdivision 1. [ACTION FOR DAMAGES.] Notwithstanding section 466.03, a ~~political subdivision, responsible authority, statewide system, or state agency~~ government entity which violates any provision of this chapter is liable to a person or representative of a decedent who suffers any damage as a result of the violation, and the person damaged or a representative in the case of private data on decedents or confidential data on decedents may bring an action against the ~~political subdivision, responsible authority, statewide system or state agency~~ government entity to cover any damages sustained, plus costs and reasonable attorney fees. In the case of a willful violation, the ~~political subdivision, statewide system or state agency~~ government entity shall, in addition, be liable to exemplary damages of not less than \$100, nor more than \$10,000 for each violation. The state is deemed to have waived any immunity to a cause of action brought under this chapter.

Sec. 27. Minnesota Statutes 2004, section 13.08, subdivision 2, is amended to read:

Subd. 2. [INJUNCTION.] A ~~political subdivision, responsible authority, statewide system or state agency~~ government entity which violates or proposes to violate this chapter may be enjoined by the district court. The court may make any order or judgment as may be necessary to prevent the use or employment by any person of any practices which violate this chapter.

Sec. 28. Minnesota Statutes 2004, section 13.08, subdivision 5, is amended to read:

Subd. 5. [IMMUNITY FROM LIABILITY.] A ~~state agency, statewide system, political subdivision,~~ government entity or person that releases not public data pursuant to an order under section 13.03, subdivision 6 is immune from civil and criminal liability.

Sec. 29. Minnesota Statutes 2004, section 13.203, is amended to read:

13.203 [SERVICE COOPERATIVE CLAIMS DATA.]

(a) Claims experience and all related information received from carriers and claims administrators participating in a group health or dental plan, including any long-term disability plan, offered through the Minnesota service cooperatives to Minnesota school districts and other political subdivisions, and survey information collected from employees and employers participating in these plans and programs, except when the executive director of a Minnesota service cooperative determines that release of the data will not be detrimental to the plan or program, are classified as nonpublic data not on individuals.

(b) Any data classified by this section must, upon request, be disclosed to the following:

(1) a company bidding to provide insurance coverage to a public entity that is provided insurance by the service cooperative;

(2) a government entity participating in the service cooperative;

(3) an exclusive bargaining representative that represents employees who receive insurance through the service cooperative; and

(4) the Minnesota commissioners of employee relations and finance.

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

Sec. 30. Minnesota Statutes 2004, section 13.32, is amended by adding a subdivision to read:

Subd. 10. [EDUCATION RECORDS; CHILD WITH DISABILITY.] Nothing in this chapter shall be construed as limiting the frequency of inspection of the educational records of a child with a disability by the child's parent or guardian or by the child upon the child reaching the age of majority. An agency or institution may not charge a fee to search for or to retrieve the educational records. An agency or institution that receives a request for copies of the educational records of a child with a disability may charge a fee that reflects the costs of reproducing the records except when to do so would impair the ability of the child's parent or guardian, or the child who has reached the age of majority, to exercise their right to inspect and review those records.

Sec. 31. Minnesota Statutes 2004, section 13.3805, is amended by adding a subdivision to read:

Subd. 3. [OFFICE OF HEALTH FACILITY COMPLAINTS; INVESTIGATIVE DATA.] Except for investigative data under section 626.556, all investigative data maintained by the Department of Health's Office of Health Facility Complaints are subject to provisions of and classified pursuant to section 626.557, subdivision 12b, paragraphs (b) to (d). Notwithstanding sections 626.556, subdivision 11, and 626.557, subdivision 12b, paragraph (b), data identifying an individual substantiated as the perpetrator are public data. For purposes of this subdivision, an individual is substantiated as the perpetrator if the commissioner of health determines that the individual is the perpetrator and the determination of the commissioner is upheld after the individual either exercises applicable administrative appeal rights or fails to exercise these rights within the time allowed by law.

Sec. 32. Minnesota Statutes 2004, section 13.43, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] As used in this section, "personnel data" means data on individuals collected because the individual is or was an employee of or an applicant for employment by, performs services on a voluntary basis for, or acts as an independent contractor with a state agency, statewide system or political subdivision or is a member of or an applicant for an advisory board or commission government entity. Personnel data includes data submitted by an employee to a government entity as part of an organized self-evaluation effort by the government entity to request suggestions from all employees on ways to cut costs, make government more efficient, or improve the operation of government. An employee who is identified in a suggestion shall have access to all data in the suggestion except the identity of the employee making the suggestion.

Sec. 33. Minnesota Statutes 2004, section 13.43, subdivision 2, is amended to read:

Subd. 2. [PUBLIC DATA.] (a) Except for employees described in subdivision 5 and subject to the limitations described in subdivision 5a, the following personnel data on current and former employees, volunteers, and independent contractors of a state agency, statewide system, or political subdivision and members of advisory boards or commissions government entity is public:

(1) name; employee identification number, which must not be the employee's Social Security number; actual gross salary; salary range; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; and the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;

(2) job title and bargaining unit; job description; education and training background; and previous work experience;

(3) date of first and last employment;

(4) the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;

(5) the final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body;

(6) the terms of any agreement settling any dispute arising out of an employment relationship, including a buyout agreement as defined in section 123B.143, subdivision 2, paragraph (a); except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money;

(7) work location; a work telephone number; badge number; and honors and awards received; and

(8) payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.

(b) For purposes of this subdivision, a final disposition occurs when the state agency, statewide system, or political subdivision makes its final decision about the disciplinary action, regardless of the possibility of any later proceedings or court proceedings. In the case of arbitration proceedings arising under collective bargaining agreements, a final disposition occurs at the conclusion of the arbitration proceedings, or upon the failure of the employee to elect arbitration within the time provided by the collective bargaining agreement. Final disposition includes a resignation by an individual when the resignation occurs after the final decision of the state agency, statewide system, political subdivision, or arbitrator.

(c) The state agency, statewide system, or political subdivision may display a photograph of a current or former employee to a prospective witness as part of the state agency's, statewide system's, or political subdivision's investigation of any complaint or charge against the employee.

(d) A complainant has access to a statement provided by the complainant to a state agency,

statewide system, or political subdivision in connection with a complaint or charge against an employee.

(e) Notwithstanding paragraph (a), clause (5), upon completion of an investigation of a complaint or charge against a public official, or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources. For purposes of this paragraph, "public official" means:

- (1) the head of a state agency and deputy and assistant state agency heads;
- (2) members of boards or commissions required by law to be appointed by the governor or other elective officers; and
- (3) executive or administrative heads of departments, bureaus, divisions, or institutions.

Sec. 34. Minnesota Statutes 2004, section 13.43, subdivision 3, is amended to read:

Subd. 3. [APPLICANT DATA.] Except for applicants described in subdivision 5, the following personnel data on current and former applicants for employment by a ~~state agency, statewide system or political subdivision or appointment to an advisory board or commission~~ government entity is public: veteran status; relevant test scores; rank on eligible list; job history; education and training; and work availability. Names of applicants shall be private data except when certified as eligible for appointment to a vacancy or when applicants are considered by the appointing authority to be finalists for a position in public employment. For purposes of this subdivision, "finalist" means an individual who is selected to be interviewed by the appointing authority prior to selection. ~~Names and home addresses of applicants for appointment to and members of an advisory board or commission are public.~~

Sec. 35. Minnesota Statutes 2004, section 13.46, subdivision 4, is amended to read:

Subd. 4. [LICENSING DATA.] (a) As used in this subdivision:

(1) "licensing data" means all data collected, maintained, used, or disseminated by the welfare system pertaining to persons licensed or registered or who apply for licensure or registration or who formerly were licensed or registered under the authority of the commissioner of human services;

(2) "client" means a person who is receiving services from a licensee or from an applicant for licensure; and

(3) "personal and personal financial data" means Social Security numbers, identity of and letters of reference, insurance information, reports from the Bureau of Criminal Apprehension, health examination reports, and social/home studies.

(b)(1) Except as provided in paragraph (c), the following data on current and former licensees are public: name, address, telephone number of licensees, date of receipt of a completed application, dates of licensure, licensed capacity, type of client preferred, variances granted, record of training and education in child care and child development, type of dwelling, name and relationship of other family members, previous license history, class of license, and the existence and status of complaints, and the number of serious injuries to or deaths of individuals in the licensed program as reported to the commissioner of human services, the local social services agency, or any other county welfare agency. For purposes of this clause, a serious injury is one that is treated by a physician. When a correction order or fine has been issued, a license is suspended, immediately suspended, revoked, denied, or made conditional, or a complaint is resolved, the following data on current and former licensees are public: the substance and investigative findings of the licensing or maltreatment complaint, licensing violation, or substantiated maltreatment; the record of informal resolution of a licensing violation; orders of hearing; findings of fact; conclusions of law; specifications of the final correction order, fine, suspension, immediate suspension, revocation, denial, or conditional license contained in the record of licensing action; and the status of any appeal of these actions. ~~When an individual~~

~~licensee is a substantiated perpetrator of maltreatment, and the substantiated maltreatment is a reason for the licensing action, the identity of the licensee as a perpetrator is public data. For purposes of this clause, a person is a substantiated perpetrator if the maltreatment determination has been upheld under section 626.556, subdivision 10i, 626.557, subdivision 9d, or 256.045, or an individual or facility has not timely exercised appeal rights under these sections.~~

(2) Notwithstanding sections 626.556, subdivision 11, and 626.557, subdivision 12b, when any person subject to disqualification under section 245C.14 in connection with a license to provide family day care for children, child care center services, foster care for children in the provider's home, or foster care or day care services for adults in the provider's home is a substantiated perpetrator of maltreatment, and the substantiated maltreatment is a reason for a licensing action, the identity of the substantiated perpetrator of maltreatment is public data. For purposes of this clause, a person is a substantiated perpetrator if the maltreatment determination has been upheld under section 256.045; 626.556, subdivision 10i; 626.557, subdivision 9d; or chapter 14, or if an individual or facility has not timely exercised appeal rights under these sections.

~~(2)~~ (3) For applicants who withdraw their application prior to licensure or denial of a license, the following data are public: the name of the applicant, the city and county in which the applicant was seeking licensure, the dates of the commissioner's receipt of the initial application and completed application, the type of license sought, and the date of withdrawal of the application.

~~(3)~~ (4) For applicants who are denied a license, the following data are public: the name of the applicant, the city and county in which the applicant was seeking licensure, the dates of the commissioner's receipt of the initial application and completed application, the type of license sought, the date of denial of the application, the nature of the basis for the denial, and the status of any appeal of the denial.

~~(4)~~ (5) The following data on persons subject to disqualification under section 245C.14 in connection with a license to provide family day care for children, child care center services, foster care for children in the provider's home, or foster care or day care services for adults in the provider's home, are public: the nature of any disqualification set aside under section 245C.22, subdivisions 2 and 4, and the reasons for setting aside the disqualification; the nature of any disqualification for which a variance was granted under sections 245A.04, subdivision 9; and 245C.30, and the reasons for granting any variance under section 245A.04, subdivision 9; and, if applicable, the disclosure that any person subject to a background study under section 245C.03, subdivision 1, has successfully passed a background study.

~~(5)~~ (6) When maltreatment is substantiated under section 626.556 or 626.557 and the victim and the substantiated perpetrator are affiliated with a program licensed under chapter 245A, the commissioner of human services, local social services agency, or county welfare agency may inform the license holder where the maltreatment occurred of the identity of the substantiated perpetrator and the victim.

(c) The following are private data on individuals under section 13.02, subdivision 12, or nonpublic data under section 13.02, subdivision 9: personal and personal financial data on family day care program and family foster care program applicants and licensees and their family members who provide services under the license.

(d) The following are private data on individuals: the identity of persons who have made reports concerning licensees or applicants that appear in inactive investigative data, and the records of clients or employees of the licensee or applicant for licensure whose records are received by the licensing agency for purposes of review or in anticipation of a contested matter. The names of reporters under sections 626.556 and 626.557 may be disclosed only as provided in section 626.556, subdivision 11, or 626.557, subdivision 12b.

(e) Data classified as private, confidential, nonpublic, or protected nonpublic under this subdivision become public data if submitted to a court or administrative law judge as part of a disciplinary proceeding in which there is a public hearing concerning a license which has been suspended, immediately suspended, revoked, or denied.

(f) Data generated in the course of licensing investigations that relate to an alleged violation of law are investigative data under subdivision 3.

(g) Data that are not public data collected, maintained, used, or disseminated under this subdivision that relate to or are derived from a report as defined in section 626.556, subdivision 2, or 626.5572, subdivision 18, are subject to the destruction provisions of sections 626.556, subdivision 11c, and 626.557, subdivision 12b.

(h) Upon request, not public data collected, maintained, used, or disseminated under this subdivision that relate to or are derived from a report of substantiated maltreatment as defined in section 626.556 or 626.557 may be exchanged with the Department of Health for purposes of completing background studies pursuant to section 144.057 and with the Department of Corrections for purposes of completing background studies pursuant to section 241.021.

(i) Data on individuals collected according to licensing activities under chapters 245A and 245C, and data on individuals collected by the commissioner of human services according to maltreatment investigations under sections 626.556 and 626.557, may be shared with the Department of Human Rights, the Department of Health, the Department of Corrections, the Ombudsman for Mental Health and Retardation, and the individual's professional regulatory board when there is reason to believe that laws or standards under the jurisdiction of those agencies may have been violated.

(j) In addition to the notice of determinations required under section 626.556, subdivision 10f, if the commissioner or the local social services agency has determined that an individual is a substantiated perpetrator of maltreatment of a child based on sexual abuse, as defined in section 626.556, subdivision 2, and the commissioner or local social services agency knows that the individual is a person responsible for a child's care in another facility, the commissioner or local social services agency shall notify the head of that facility of this determination. The notification must include an explanation of the individual's available appeal rights and the status of any appeal. If a notice is given under this paragraph, the government entity making the notification shall provide a copy of the notice to the individual who is the subject of the notice.

Sec. 36. Minnesota Statutes 2004, section 13.601, is amended by adding a subdivision to read:

Subd. 3. [APPLICANTS FOR ELECTION OR APPOINTMENT.] All data about applicants for election or appointment to a public body, including those public bodies subject to chapter 13D, are public.

Sec. 37. Minnesota Statutes 2004, section 13.82, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION.] This section shall apply to agencies which carry on a law enforcement function, including but not limited to municipal police departments, county sheriff departments, fire departments, the Bureau of Criminal Apprehension, the Minnesota State Patrol, the Board of Peace Officer Standards and Training, ~~the Division of Insurance Fraud Prevention in~~ the Department of Commerce, and the program integrity section of, and county human service agency client and provider fraud prevention and control units operated or supervised by the Department of Human Services.

Sec. 38. Minnesota Statutes 2004, section 13.82, subdivision 16, is amended to read:

Subd. 16. [PUBLIC ACCESS.] When data is classified as public under this section, a law enforcement agency shall not be required to make the actual physical data available to the public if it is not administratively feasible to segregate the public data from the ~~confidential~~ not public. However, the agency must make the information described as public data available to the public in a reasonable manner. When investigative data becomes inactive, as described in subdivision 7, the actual physical data associated with that investigation, including the public data, shall be available for public access.

Sec. 39. [41A.0235] [BOARD MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS.]

(a) If compliance with section 13D.02 is impractical, the Minnesota Agricultural and Economic Development Board may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

(1) all members of the board participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the board can hear clearly and understand all discussion and testimony and all votes of members of the board;

(3) at least one member of the board is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(b) Each member of the board participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(c) If telephone or other electronic means is used to conduct a meeting, the board, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The board may require the person making such a connection to pay for documented marginal costs that the board incurs as a result of the additional connection.

(d) If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the board shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of the provisions of paragraph (c). The timing and method of providing notice is governed by section 13D.04.

Sec. 40. Minnesota Statutes 2004, section 116J.68, is amended by adding a subdivision to read:

Subd. 5. [ADVISORY BOARD MEETINGS.] (a) If compliance with section 13D.02 is impractical, the Small Business Development Center Advisory Board, created pursuant to United State Code, title 15, section 648, may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

(1) all members of the board participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the board can hear clearly and understand all discussion and testimony and all votes of members of the board;

(3) at least one member of the board is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(b) Each member of the board participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(c) If telephone or other electronic means is used to conduct a meeting, the board, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The board may require the person making such a connection to pay for documented marginal costs that the board incurs as a result of the additional connection.

(d) If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the board shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of the provisions of paragraph (c). The timing and method of providing notice is governed by section 13D.04.

Sec. 41. Minnesota Statutes 2004, section 116L.03, is amended by adding a subdivision to read:

Subd. 8. [BOARD MEETINGS.] (a) If compliance with section 13D.02 is impractical, the Minnesota Job Skills Partnership Board may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

(1) all members of the board participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the board can hear clearly and understand all discussion and testimony and all votes of members of the board;

(3) at least one member of the board is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(b) Each member of the board participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(c) If telephone or other electronic means is used to conduct a meeting, the board, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The board may require the person making such a connection to pay for documented marginal costs that the board incurs as a result of the additional connection.

(d) If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the board shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of the provisions of paragraph (c). The timing and method of providing notice is governed by section 13D.04.

Sec. 42. Minnesota Statutes 2004, section 116L.665, is amended by adding a subdivision to read:

Subd. 2a. [COUNCIL MEETINGS.] (a) If compliance with section 13D.02 is impractical, the Governor's Workforce Development Council may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

(1) all members of the council participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the council can hear clearly and understand all discussion and testimony and all votes of members of the council;

(3) at least one member of the council is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(b) Each member of the council participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(c) If telephone or other electronic means is used to conduct a meeting, the council, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The council may require the person making such a connection to pay for documented marginal costs that the council incurs as a result of the additional connection.

(d) If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the council shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of the provisions of paragraph (c). The timing and method of providing notice is governed by section 13D.04.

Sec. 43. Minnesota Statutes 2004, section 116M.15, is amended by adding a subdivision to read:

Subd. 5. [BOARD MEETING.] (a) If compliance with section 13D.02 is impractical, the Urban Initiative Board may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

(1) all members of the board participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the board can hear clearly and understand all discussion and testimony and all votes of members of the board;

(3) at least one member of the board is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(b) Each member of the board participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(c) If telephone or other electronic means is used to conduct a meeting, the board, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The board may require the person making such a connection to pay for documented marginal costs that the board incurs as a result of the additional connection.

(d) If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the board shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of the provisions of paragraph (c). The timing and method of providing notice is governed by section 13D.04.

Sec. 44. Minnesota Statutes 2004, section 116U.25, is amended to read:

116U.25 [EXPLORE MINNESOTA TOURISM COUNCIL.]

(a) The director shall be advised by the Explore Minnesota Tourism Council consisting of up to 28 voting members appointed by the governor for four-year terms, including:

(1) the director of Explore Minnesota Tourism who serves as the chair;

(2) eleven representatives of statewide associations representing bed and breakfast establishments, golf, festivals and events, counties, convention and visitor bureaus, lodging, resorts, trails, campgrounds, restaurants, and chambers of commerce;

(3) one representative from each of the four tourism marketing regions of the state as designated by the office;

(4) six representatives of the tourism business representing transportation, retail, travel agencies, tour operators, travel media, and convention facilities;

(5) one or more ex-officio nonvoting members including at least one from the University of Minnesota Tourism Center;

(6) four legislators, two from each house, one each from the two largest political party caucuses in each house, appointed according to the rules of the respective houses; and

(7) other persons, if any, as designated from time to time by the governor.

(b) The council shall act to serve the broader interests of tourism in Minnesota by promoting activities that support, maintain, and expand the state's domestic and international travel market, thereby generating increased visitor expenditures, tax revenue, and employment.

(c) Filling of membership vacancies is as provided in section 15.059. The terms of one-half of the members shall be coterminous with the governor and the terms of the remaining one-half of

the members shall end on the first Monday in January one year after the terms of the other members. Members may serve until their successors are appointed and qualify. Members are not compensated. A member may be reappointed.

(d) The council shall meet at least four times per year and at other times determined by the council. Notwithstanding section 15.059, the council does not expire.

(e) If compliance with section 13D.02 is impractical, the Explore Minnesota Tourism Council may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

(1) all members of the council participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the council can hear clearly and understand all discussion and testimony and all votes of members of the council;

(3) at least one member of the council is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(f) Each member of the council participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(g) If telephone or other electronic means is used to conduct a meeting, the council, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The council may require the person making such a connection to pay for documented marginal costs that the council incurs as a result of the additional connection.

(h) If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the council shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of the provisions of paragraph (g). The timing and method of providing notice is governed by section 13D.04.

Sec. 45. Minnesota Statutes 2004, section 270B.01, subdivision 5, is amended to read:

Subd. 5. [TAXPAYER IDENTITY.] "Taxpayer identity" means the name of a person with respect to whom a return is filed, or the person's mailing address, or the person's taxpayer identifying number. "Taxpayer identity" does not include the state taxpayer identifying number of a business entity, which is classified as public data.

Sec. 46. Minnesota Statutes 2004, section 270B.03, subdivision 1, is amended to read:

Subdivision 1. [WHO MAY INSPECT.] Returns and return information must, on request, be made open to inspection by or disclosure to the data subject. The request must be made in writing or in accordance with written procedures of the chief disclosure officer of the department that have been approved by the commissioner to establish the identification of the person making the request as the data subject. For purposes of this chapter, the following are the data subject:

(1) in the case of an individual return, that individual;

(2) in the case of an income tax return filed jointly, either of the individuals with respect to whom the return is filed;

~~(3) in the case of a partnership return, any person who was a member of the partnership during any part of the period covered by the return;~~

~~(4) in the case of the return of a corporation or its subsidiary:~~

~~(i) any person designated by resolution of the board of directors or other similar governing body;~~

~~(ii) any officer or employee of the corporation upon written request signed by any officer and attested to by the secretary or another officer;~~

~~(iii) any bona fide shareholder of record owning one percent or more of the outstanding stock of the corporation;~~

~~(iv) if the corporation is a corporation that has made an election under section 1362 of the Internal Revenue Code of 1986, as amended through December 31, 1988, any person who was a shareholder during any part of the period covered by the return during which an election was in effect; or~~

~~(v) if the corporation has been dissolved, any person authorized by state law to act for the corporation or any person who would have been authorized if the corporation had not been dissolved in the case of a return filed by a business entity, an officer of a corporation, a shareholder owning more than one percent of the stock, or any shareholder of an S corporation; a general partner in a partnership; the owner of a sole proprietorship; a member or manager of a limited liability company; a participant in a joint venture; the individual who signed the return on behalf of the business entity; or an employee who is responsible for handling the tax matters of the business entity, such as the tax manager, bookkeeper, or managing agent;~~

~~(5)~~ (4) in the case of an estate return:

(i) the personal representative or trustee of the estate; and

(ii) any beneficiary of the estate as shown on the federal estate tax return;

~~(6)~~ (5) in the case of a trust return:

(i) the trustee or trustees, jointly or separately; and

(ii) any beneficiary of the trust as shown in the trust instrument;

~~(7)~~ (6) if liability has been assessed to a transferee under section 289A.31, subdivision 3, the transferee is the data subject with regard to the returns and return information relating to the assessed liability;

~~(8)~~ (7) in the case of an Indian tribal government or an Indian tribal government-owned entity,

(i) the chair of the tribal government, or

(ii) any person authorized by the tribal government; and

~~(9)~~ (8) in the case of a successor as defined in section 270.102, subdivision 1, paragraph (b), the successor is the data subject and information may be disclosed as provided by section 270.102, subdivision 4.

Sec. 47. [299C.40] [COMPREHENSIVE INCIDENT-BASED REPORTING SYSTEM.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

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

(c) "Law enforcement agency" means a Minnesota municipal police department, a Minnesota county sheriff's department, the Bureau of Criminal Apprehension, or the Minnesota State Patrol.

Subd. 2. [PURPOSE.] CIBRS is a statewide system containing data from law enforcement agencies. Data in CIBRS must be made available to law enforcement agencies only for purposes of criminal investigations being conducted in order to prepare a case against a person, whether known or unknown, for the commission of a crime or other offense, or for purposes of background investigations required by state statute.

Subd. 3. [DATA CLASSIFICATION; GENERAL RULE; CHANGES IN CLASSIFICATION; AUDIT TRAIL.] (a) The classification of data in the law enforcement agency does not change after the data is submitted to CIBRS.

(b) Data on individuals created, collected, received, maintained, or disseminated by CIBRS is classified as confidential data on individuals as defined in section 13.02, subdivision 3, and becomes private data on individuals as defined in section 13.02, subdivision 12, as provided by this section.

(c) Data not on individuals created, collected, received, maintained, or disseminated by CIBRS is classified as protected nonpublic data as defined in section 13.02, subdivision 13, and becomes nonpublic data as defined in section 13.02, subdivision 9, as provided by this section.

(d) Confidential or protected nonpublic data created, collected, received, maintained, or disseminated by CIBRS must automatically change classification from confidential data to private data or from protected nonpublic data to nonpublic data on the earlier of the following dates:

(1) upon receipt by CIBRS of notice from a law enforcement agency that an investigation has become inactive; or

(2) when the data has not been updated by the law enforcement agency that submitted it for a period of 120 days.

(e) For the purposes of this section, an investigation becomes inactive upon the occurrence of any of the events listed in section 13.82, subdivision 7, clauses (a) to (c).

(f) Ten days before making a data classification change because data has not been updated, CIBRS must notify the law enforcement agency that submitted the data that a classification change will be made on the 120th day. The notification must inform the law enforcement agency that the data will retain its classification as confidential or protected nonpublic data if the law enforcement agency updates the data or notifies CIBRS that the investigation is still active before the 120th day. A new 120-day period begins if the data is updated or if a law enforcement agency notifies CIBRS that an active investigation is continuing.

(g) A law enforcement agency that submits data to CIBRS must notify CIBRS if an investigation has become inactive so that the data is classified as private data or nonpublic data. The law enforcement agency must provide this notice to CIBRS within ten days after an investigation becomes inactive.

(h) All queries and responses and all actions in which data is submitted to CIBRS, changes classification, or is disseminated by CIBRS to any law enforcement agency must be recorded in the CIBRS audit trail.

Subd. 4. [ACCESS TO CIBRS DATA BY LAW ENFORCEMENT AGENCY PERSONNEL.] Only law enforcement agency personnel with certification from the Bureau of Criminal Apprehension may access CIBRS data. The bureau shall by rule under chapter 14 provide procedures for certification of law enforcement agency personnel allowed access to CIBRS data. Access to CIBRS data by particular law enforcement agency personnel may be limited through the use of purpose codes that correspond to the official duties and training level of the personnel. The bureau may designate persons who may have access to CIBRS data only as necessary to operate or maintain CIBRS.

Subd. 5. [ACCESS TO CIBRS DATA BY DATA SUBJECT.] Upon request to the Bureau of Criminal Apprehension or to a law enforcement agency participating in CIBRS, an individual shall be informed whether the individual is the subject of private or confidential data held by CIBRS. An individual who is the subject of private data held by CIBRS may obtain access to the data by making a request to the Bureau of Criminal Apprehension or to a participating law enforcement agency. Private data provided to the subject under this subdivision must also include the name of the law enforcement agency that submitted the data to CIBRS and the name, telephone number, and address of the responsible authority of that law enforcement agency.

Subd. 6. [CHALLENGE TO COMPLETENESS AND ACCURACY OF DATA.] An individual who is the subject of public or private data held by CIBRS and who wants to challenge the completeness or accuracy of the data under section 13.04, subdivision 4, must notify in writing the responsible authority of the participating law enforcement agency. A law enforcement agency must notify the Bureau of Criminal Apprehension when data held by CIBRS is challenged. The notification must identify the data that was challenged and the subject of the data. CIBRS must include any notification received under this paragraph whenever disseminating data about which no determination has been made. When the responsible authority of a law enforcement agency completes, corrects, or destroys successfully challenged data, the corrected data must be submitted to CIBRS and any future dissemination must be of the corrected data.

Sec. 48. [REPEALER.]

Minnesota Statutes 2004, section 13.04, subdivision 5, is repealed.

Delete the title and insert:

"A bill for an act relating to data practices; providing for the collection and dissemination of data; proposing and modifying classifications of data; providing for sharing and release of certain public data; allowing certain boards to conduct meetings by telephone or other electronic means; amending Minnesota Statutes 2004, sections 3.978, subdivision 2; 13.01, subdivisions 1, 3; 13.02, subdivision 7; 13.03, subdivisions 1, 2, 4, 5, 6, 8; 13.04, subdivisions 2, 4; 13.05, subdivisions 1, 4, 6, 7, 8, 9; 13.06, subdivisions 1, 2, 3, 4; 13.07; 13.072, subdivision 4; 13.073, subdivision 3; 13.08, subdivisions 1, 2, 5; 13.203; 13.32, by adding a subdivision; 13.3805, by adding a subdivision; 13.43, subdivisions 1, 2, 3; 13.46, subdivision 4; 13.601, by adding a subdivision; 13.82, subdivisions 1, 16; 116J.68, by adding a subdivision; 116L.03, by adding a subdivision; 116L.665, by adding a subdivision; 116M.15, by adding a subdivision; 116U.25; 270B.01, subdivision 5; 270B.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 41A; 299C; repealing Minnesota Statutes 2004, section 13.04, subdivision 5."

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

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

S.F. No. 1307: A bill for an act relating to consumer protection; requiring disclosure to consumers of a breach in security by businesses maintaining personal information in electronic form; proposing coding for new law in Minnesota Statutes, chapter 325G.

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

Page 2, line 26, delete "computerized"

Page 2, line 27, delete "that the person or business"

Page 2, line 28, delete "does not own"

Page 2, line 29, after "data" insert ", including the nature of the personal information taken,"

Page 2, line 34, after "delayed" insert "to a date certain" and after "agency" insert "affirmatively"

Page 2, line 36, delete everything after the period

Page 3, delete lines 1 and 2

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

Page 3, line 5, after "notice" insert "to the last known address or addresses"

Page 3, line 12, after "not" insert ", after a good-faith effort to acquire it,"

Page 3, line 22, delete "its own"

Page 3, line 23, after "procedures" insert "in accordance with state and federal law"

Page 3, line 24, after "information" insert "in accordance with state and federal law"

Page 3, after line 29, insert:

"Subd. 7. [COORDINATION WITH CONSUMER REPORTING AGENCIES.] In the event that a person or business discovers circumstances requiring notification pursuant to this section of more than 100 persons at one time, the person or business shall also notify, within 48 hours, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined by United States Code, title 15, section 1681A, of the timing, distribution, and content of the notices.

Subd. 8. [ENFORCEMENT.] This section may be enforced pursuant to section 8.31, subdivisions 1 and 3a.

Sec. 2. [EFFECTIVE DATE.]

This act takes effect January 1, 2006."

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

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

S.F. No. 610: A bill for an act relating to natural resources; modifying disposition of the snowmobile trails and enforcement account; amending Minnesota Statutes 2004, section 84.83, subdivision 3.

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

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

S.F. No. 1542: A bill for an act relating to motor carriers; regulating maximum axle weights allowed on highways; abolishing certain rules relating to motor carriers; amending Minnesota Statutes 2004, section 169.8261; repealing Minnesota Rules, parts 7800.0600; 7800.3200; 7805.0700; 8850.6900, subpart 20; 8855.0500, subpart 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 169.01, subdivision 78, is amended to read:

Subd. 78. [RECREATIONAL VEHICLE COMBINATION.] "Recreational vehicle combination" means a combination of vehicles consisting of a pickup truck as defined in section 168.011, subdivision 29, attached by means of a fifth-wheel coupling to a camper-semitrailer which has hitched to it a trailer carrying a watercraft as defined in section 86B.005, subdivision 18; off-highway motorcycle as defined in section 84.787, subdivision 7; motorcycle; motorized bicycle; snowmobile as defined in section 84.81, subdivision 3; ~~or~~ all-terrain vehicle as defined in section 84.92, subdivision 8; or equestrian equipment and supplies. For purposes of this subdivision:

(a) A "fifth-wheel coupling" is a coupling between a camper-semitrailer and a towing pickup truck in which a portion of the weight of the camper-semitrailer is carried over or forward of the rear axle of the towing pickup.

(b) A "camper-semitrailer" is a trailer, other than a manufactured home as defined in section 327B.01, subdivision 13, designed for human habitation and used for vacation or recreational purposes for limited periods.

Sec. 2. Minnesota Statutes 2004, section 169.81, subdivision 3c, is amended to read:

Subd. 3c. [RECREATIONAL VEHICLE COMBINATION.] Notwithstanding subdivision 3, a recreational vehicle combination may be operated without a permit if:

(1) the combination does not consist of more than three vehicles, and the towing rating of the pickup truck is equal to or greater than the total weight of all vehicles being towed;

(2) the combination does not exceed 60 feet in length;

(3) the camper-semitrailer in the combination does not exceed 28 feet in length;

(4) the operator of the combination is at least 18 years of age;

(5) the trailer carrying a watercraft, motorcycle, motorized bicycle, off-highway motorcycle, snowmobile, or all-terrain vehicle, or equestrian equipment and supplies meets all requirements of law;

(6) the trailers in the combination are connected to the pickup truck and each other in conformity with section 169.82; and

(7) the combination is not operated within the seven-county metropolitan area, as defined in section 473.121, subdivision 2, during the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m. on Mondays through Fridays.

Sec. 3. Minnesota Statutes 2004, section 169.8261, is amended to read:

169.8261 [GROSS WEIGHT LIMITATIONS; FOREST PRODUCTS.]

(a) A vehicle or combination of vehicles hauling raw or unfinished forest products, including wood chips, by the most direct route to the nearest highway that has been designated under section 169.832, subdivision 11, may be operated on any highway with gross weights permitted under sections 169.822 to 169.829 without regard to load restrictions imposed on that highway, except that ~~such~~ the vehicles must:

(1) comply with seasonal load restrictions in effect between the dates set by the commissioner under section 169.87, subdivision 2;

(2) comply with bridge load limits posted under section 169.84;

(3) be equipped and operated with six axles and brakes;

(4) not exceed 90,000 pounds gross weight, or 98,000 pounds gross weight during the time when seasonal increases are authorized under section 169.826;

(5) not be operated on interstate and defense highways;

(6) obtain an annual permit from the commissioner of transportation; ~~and~~

(7) obey all road postings; and

(8) not exceed 20,000 pounds gross weight on any single axle.

(b) A vehicle operated under this section may exceed the legal axle weight limits listed in section 169.824 by not more than 12.5 percent; except that, the weight limits may be exceeded by not more than 22.5 percent during the time when seasonal increases are authorized under section 169.826, subdivision 1.

Sec. 4. Minnesota Statutes 2004, section 169.851, subdivision 5, is amended to read:

Subd. 5. [EXCEPTION FOR FARM AND FOREST PRODUCTS.] ~~The maximum weight provisions of this section do~~ Subdivision 4 of this section does not apply to the first haul of unprocessed or raw farm products and the transportation of raw and unfinished forest products,

including wood chips, when the prescribed maximum weight limitation is limitations permitted under sections 169.822 to 169.829 are not exceeded by more than ten percent.

Sec. 5. Minnesota Statutes 2004, section 169.86, subdivision 5, is amended to read:

Subd. 5. [FEE; PROCEEDS DEPOSITED; APPROPRIATION.] The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

(a) \$15 for each single trip permit.

(b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight, and dimension.

(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

(2) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;

(3) motor vehicles operating with gross weights authorized under section 169.826, subdivision 1a;

(4) special pulpwood vehicles described in section 169.863;

(5) motor vehicles bearing snowplow blades not exceeding ten feet in width; and

(6) noncommercial transportation of a boat by the owner or user of the boat.

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) mobile cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes and manufactured storage buildings;

(4) implements of husbandry when the movement is not made according to the provisions of paragraph (i);

(5) double-deck buses;

(6) commercial boat hauling; and

(7) three-vehicle combinations consisting of two empty, newly manufactured trailers for cargo, horses, or livestock, not to exceed 28-1/2 feet per trailer; provided, however, the permit allows the vehicles to be moved from a trailer manufacturer to a trailer dealer only while operating on twin-trailer routes designated under section 169.81, subdivision 3, paragraph (c).

(e) For vehicles which have axle weights exceeding the weight limitations of sections 169.822 to 169.829, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

Overweight Axle Group Cost Factors

Weight (pounds) exceeding weight limitations on axles	Cost Per Mile For Each Group Of:		
	Two consec- utive axles spaced within 8 feet or less	Three consec- utive axles spaced within 9 feet or less	Four consec- utive axles spaced within 14 feet or less
0-2,000	.12	.05	.04
2,001-4,000	.14	.06	.05
4,001-6,000	.18	.07	.06
6,001-8,000	.21	.09	.07
8,001-10,000	.26	.10	.08
10,001-12,000	.30	.12	.09
12,001-14,000	Not permitted	.14	.11
14,001-16,000	Not permitted	.17	.12
16,001-18,000	Not permitted	.19	.15
18,001-20,000	Not permitted	Not permitted	.16
20,001-22,000	Not permitted	Not permitted	.20

The amounts added are rounded to the nearest cent for each axle or axle group. The additional cost does not apply to paragraph (c), clauses (1) and (3).

For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed in addition to the normal permit fee. Miles must be calculated based on the distance already traveled in the state plus the distance from the point of detection to a transportation loading site or unloading site within the state or to the point of exit from the state.

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, construction equipment, machinery, and supplies. The fees for the permit are as follows:

Gross Weight (pounds) of Vehicle	Annual Permit Fee
90,000 or less	\$200
90,001 - 100,000	\$300
100,001 - 110,000	\$400
110,001 - 120,000	\$500
120,001 - 130,000	\$600
130,001 - 140,000	\$700
140,001 - 145,000	\$800

If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined under paragraph (e).

(g) For vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for refuse-compactor vehicles that carry a gross weight of not more than: 22,000 pounds on a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.828, subdivision 2, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

(i) For vehicles exclusively transporting implements of husbandry, an annual permit fee of \$24. A vehicle operated under a permit authorized by this paragraph may be moved at the discretion of the permit holder without prior route approval by the commissioner if:

- (1) the total width of the transporting vehicle, including load, does not exceed 14 feet;

(2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is not operated at any time after 12:00 noon on Sundays or holidays;

(3) the vehicle is not operated when visibility is impaired by weather, fog, or other conditions that render persons and other vehicles not clearly visible at 500 feet;

(4) the vehicle displays at the front and rear of the load or vehicle a pair of flashing amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of the vehicle exceeds 126 inches; and

(5) the vehicle is not operated on a trunk highway with a surfaced roadway width of less than 24 feet unless such operation is authorized by the permit.

A permit under this paragraph authorizes movements of the permitted vehicle on an interstate highway, and movements of 75 miles or more on other highways.

(j) \$300 for a motor vehicle described in section 169.8261. The fee under this paragraph must be deposited as follows:

(1) in fiscal years 2005 through 2010:

(i) the first \$50,000 in each fiscal year must be deposited in the trunk highway fund for costs related to administering the permit program and inspecting and posting bridges;

(ii) all remaining money in each fiscal year must be deposited in a bridge inspection and signing account in the special revenue fund. Money in the account is appropriated to the commissioner for:

(A) inspection of local bridges and identification of local bridges to be posted, including contracting with a consultant for some or all of these functions; and

(B) erection of weight-posting signs on local bridges; and

(2) in fiscal year 2011 and subsequent years must be deposited in the trunk highway fund.

Sec. 6. [169.864] [SPECIAL PAPER PRODUCTS VEHICLE PERMIT.]

Subdivision 1. [THREE-UNIT VEHICLE.] The commissioner may issue a permit for a vehicle that meets the following requirements:

(1) is a combination of vehicles, including a truck-tractor and a semitrailer drawing one additional semitrailer, which may be equipped with an auxiliary dolly. No semitrailer used in a three-vehicle combination may have an overall length in excess of 28-1/2 feet;

(2) has a maximum gross vehicle weight of 108,000 pounds;

(3) complies with the axle weight limits in section 169.824 or with the federal bridge formula for axle groups not described in that section;

(4) complies with the tire weight limits in section 169.823 or the tire manufacturers' recommended load, whichever is less;

(5) is operated only in this state on Trunk Highway marked 2 between Grand Rapids and the port of Duluth; on Trunk Highway marked 169 between Grand Rapids and its junction with Trunk Highway marked 53; and on Trunk Highway marked 53 between Virginia and the port of Duluth; and

(6) the seasonal weight increases authorized under section 169.826, subdivision 1, do not apply.

Subd. 2. [TWO-UNIT VEHICLE.] The commissioner may issue a permit for a vehicle that meets the following requirements:

(1) is a combination of vehicles consisting of a truck-tractor and a single semitrailer that may

exceed 48 feet, but not 53 feet if the distance from the kingpin to the centerline of the rear axle group of the semitrailer does not exceed 43 feet;

(2) has a maximum gross vehicle weight of 90,000 pounds;

(3) has a maximum gross vehicle weight of 98,000 pounds during the time when seasonal weight increases authorized under section 169.826, subdivision 1, are in effect;

(4) complies with the axle weight limits in section 169.824 or with the federal bridge formula for axle groups not described in that section; and

(5) complies with the tire weight limits in section 169.823 or the tire manufacturers' recommended load, whichever is less.

Subd. 3. [RESTRICTIONS.] Vehicles issued permits under subdivisions 1 and 2 must comply with the following restrictions:

(1) the vehicle must be operated in compliance with seasonal load restrictions under section 169.87;

(2) the vehicle may not be operated on the interstate highway system; and

(3) the vehicle may be operated on streets or highways under the control of local authorities only upon the approval of the local authority; however, vehicles may have reasonable access to terminals and facilities for food, fuel, repairs, and rest and for continuity of route within one mile of the national network as provided by section 169.81, subdivision 3, and by Code of Federal Regulations, title 23, part 658.19.

Subd. 4. [PERMIT FEE.] Vehicle permits issued under subdivision 1, clause (1), must be annual permits. The fee is \$850 for each vehicle and must be deposited in the trunk highway fund. An amount sufficient to administer the permit program is appropriated to the commissioner for the costs of administering the permit program.

[EFFECTIVE DATE.] This section is effective the later of August 1, 2006, or the date on which the commissioner determines that building permits have been issued for the construction of a new pulp and paper manufacturing facility at Grand Rapids.

Sec. 7. [REPEALER.]

Minnesota Rules, parts 7800.0600; 7800.3200, subpart 1; 7805.0700; 8850.6900, subpart 20; and 8855.0500, subpart 1, are repealed."

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "allowing transportation of equestrian equipment in recreational vehicle combination;"

Page 1, line 3, after the semicolon, insert "establishing oversize permit fee for manufactured storage buildings; authorizing issuance of permits for certain three-unit and two-unit vehicles between Grand Rapids and Duluth;"

Page 1, line 5, delete "section" and insert "sections 169.01, subdivision 78; 169.81, subdivision 3c;" and before the semicolon, insert "; 169.851, subdivision 5; 169.86, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 169"

Page 1, line 6, after "7800.3200" insert ", subpart 1"

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

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

S.F. No. 1925: A bill for an act relating to metropolitan transit; allowing municipalities to contract with the Metropolitan Council to join the metropolitan transit district; authorizing a property tax levy; amending Minnesota Statutes 2004, sections 473.446, subdivision 3; 473.4461.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 473.446, subdivision 3, is amended to read:

Subd. 3. [CERTIFICATION AND COLLECTION.] Each county treasurer shall collect and make settlement of the taxes levied under subdivisions 1 and 1a and section 473.4461, subdivision 2, with the treasurer of the council. The levy of transit taxes pursuant to this section shall not affect the amount or rate of taxes which may be levied by any county or municipality or by the council for other purposes authorized by law and shall be in addition to any other property tax authorized by law.

[EFFECTIVE DATE.] This section is effective for taxes payable in 2006 and thereafter.

Sec. 2. Minnesota Statutes 2004, section 473.4461, is amended to read:

473.4461 [ADDITIONS TO TRANSIT TAXING DISTRICT.]

Subdivision 1. [SERVICE EXPANSION PLAN REQUIRED.] Notwithstanding any provision of section 473.446 or any other law, the Metropolitan Council may not levy a tax under section 473.446, subdivision 1, in any city or town not included in the transit taxing district as it existed on January 1, 2001, unless the council and the governing body of that city or town have agreed on a service expansion plan.

Subd. 2. [CONTRACTUAL AGREEMENT; PROPERTY TAX LEVY.] Notwithstanding section 473.446, subdivision 2, the Metropolitan Council may enter into an agreement with a city or a town to join the transit taxing district. The agreement shall describe the types and levels of transit services to be provided within the area comprising the city or town. The agreement must provide that the area comprising the city or town shall be subject to the levy under section 473.446, subdivision 1. If a city or town enters into an agreement to join the transit taxing district, a copy of that portion of the agreement must be filed with the auditor or auditors of the county or counties containing the city or town.

Subd. 3. [PROPERTY TAX LEVY ALLOWED FOR OPERATIONS.] A tax levied in a city or town pursuant to an agreement under subdivision 2 may be used to fund transit operations or to pay the costs of principal and interest for transit-related bonded debt for a period of time not to exceed four years. After the four-year period, the tax levied in the city or town may be used only as provided under section 473.446, subdivision 1.

[EFFECTIVE DATE.] This section is effective the day following final enactment, for taxes payable in 2006 and thereafter."

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

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

H.F. No. 915 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS

H.F. No. 915
S.F. No. 1037

CONSENT CALENDAR

H.F. No. S.F. No.

CALENDAR

H.F. No. S.F. No.

and that the above 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. Report adopted.

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

H.F. No. 466 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
466	1250				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 466 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 466 and insert the language after the enacting clause of S.F. No. 1250, the first engrossment; further, delete the title of H.F. No. 466 and insert the title of S.F. No. 1250, the first engrossment.

And when so amended H.F. No. 466 will be identical to S.F. No. 1250, and further recommends that H.F. No. 466 be given its second reading and substituted for S.F. No. 1250, 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 Marty from the Committee on Environment and Natural Resources, to which was referred the following appointment:

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Brenda Elmer

Reports the same back with the recommendation that the appointment be confirmed.

Senator Johnson, D.E. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 1485, 1943, 1624, 663, 764, 1016, 361 and 1307 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 915 and 466 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Bachmann moved that her name be stricken as chief author, shown as a co-author, and the name of Senator Anderson be added as chief author to S.F. No. 1029. The motion prevailed.

Senator McGinn moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Kiscaden be added as chief author to S.F. No. 1388. The motion prevailed.

Senator Bachmann moved that the name of Senator Wergin be added as a co-author to S.F. No. 1532. The motion prevailed.

Senator Betzold moved that his name be stricken as a co-author to S.F. No. 1603. The motion prevailed.

Senator Betzold moved that his name be stricken as a co-author to S.F. No. 1606. The motion prevailed.

Senator Koering introduced--

Senate Resolution No. 75: A Senate resolution recognizing Jason Houle for his perfect ACT score.

Referred to the Committee on Rules and Administration.

Senator Sparks introduced--

Senate Resolution No. 76: A Senate resolution congratulating Joshua Wayne Baumann for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Pursuant to Rule 5.1, Senator Bachmann, chief author, moved that H.F. No. 6 be withdrawn from the Committee on Judiciary, given a second reading, and placed on General Orders.

CALL OF THE SENATE

Senator Bachmann imposed a call of the Senate for the balance of the proceedings on H.F. No. 6. The Sergeant at Arms was instructed to bring in the absent members.

Senator Betzold moved the previous question.

The question was taken on "Shall the main question now be put?"

The roll was called, and there were yeas 36 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Lourey	Ranum	Sparks
Bakk	Hottinger	Marko	Rest	Stumpf
Berglin	Johnson, D.E.	Marty	Sams	Tomassoni
Betzold	Kelley	Metzen	Saxhaug	Wiger
Chaudhary	Kiscaden	Moua	Scheid	
Cohen	Koering	Murphy	Skoe	
Dibble	Kubly	Pappas	Skoglund	
Foley	Langseth	Pogemiller	Solon	

Those who voted in the negative were:

Bachmann	Gaither	Kleis	Neuville	Reiter
Belanger	Gerlach	Larson	Nienow	Robling
Day	Hann	LeClair	Olson	Rosen
Dille	Johnson, D.J.	Limmer	Ortman	Ruud
Fischbach	Jungbauer	McGinn	Ourada	Senjem
Frederickson	Kierlin	Michel	Pariseau	Wergin

The motion prevailed.

The question was taken on the adoption of the Bachmann motion.

The roll was called, and there were yeas 30 and nays 36, as follows:

Those who voted in the affirmative were:

Bachmann	Gaither	Kleis	Neuvillie	Reiter
Belanger	Gerlach	Larson	Nienow	Robling
Day	Hann	LeClair	Olson	Rosen
Dille	Johnson, D.J.	Limmer	Ortman	Ruud
Fischbach	Jungbauer	McGinn	Ourada	Senjem
Frederickson	Kierlin	Michel	Pariseau	Wergin

Those who voted in the negative were:

Anderson	Higgins	Lourey	Ranum	Sparks
Bakk	Hottinger	Marko	Rest	Stumpf
Berglin	Johnson, D.E.	Marty	Sams	Tomassoni
Betzold	Kelley	Metzen	Saxhaug	Wiger
Chaudhary	Kiscaden	Moua	Scheid	
Cohen	Koering	Murphy	Skoe	
Dibble	Kubly	Pappas	Skoglund	
Foley	Langseth	Pogemiller	Solon	

The motion did not prevail.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator McGinn introduced--

S.F. No. 2158: A bill for an act relating to taxation; modifying a definition used in levy and debt limitations; amending Minnesota Statutes 2004, section 273.032.

Referred to the Committee on Taxes.

Senator Higgins introduced--

S.F. No. 2159: A bill for an act relating to children; providing that husband of mother by assisted reproduction or artificial insemination is treated as biological father of resulting child in certain instances; amending Minnesota Statutes 2004, section 257.56, subdivision 1.

Referred to the Committee on Judiciary.

Senators Skoglund, Reiter and Chaudhary introduced--

S.F. No. 2160: A bill for an act relating to claims against the state; providing for settlement of various claims; increasing amount of allowable reimbursement for certain damage by inmates; appropriating money; amending Minnesota Statutes 2004, section 3.755.

Referred to the Committee on Finance.

Senators Fischbach, Wergin and Stumpf introduced--

S.F. No. 2161: A bill for an act relating to education finance; allowing school districts flexibility to transfer unused debt service revenue for general purposes; amending Minnesota Statutes 2004, section 475.61, subdivision 4.

Referred to the Committee on Finance.

Senators Frederickson, Bakk, Belanger and Johnson, D.E. introduced--

S.F. No. 2162: A bill for an act relating to taxation; providing for a sales tax exemption for certain aircraft and aerial surveying equipment used in a job opportunity building zone; amending Minnesota Statutes 2004, section 297A.68, subdivision 37.

Referred to the Committee on Taxes.

Senator Pogemiller introduced--

S.F. No. 2163: A bill for an act relating to taxation; providing a personal property tax exemption and a sales tax exemption for construction materials used for an electric generating facility; amending Minnesota Statutes 2004, sections 272.02, subdivision 53; 297A.71, by adding a subdivision.

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

Senators Rosen, Anderson, Sparks and Senjem introduced--

S.F. No. 2164: A bill for an act relating to appropriations; appropriating money for small business development.

Referred to the Committee on Finance.

Senator Kelley introduced--

S.F. No. 2165: A bill for an act relating to education finance; providing for telecommunications/Internet access equity aid; appropriating money; amending Minnesota Statutes 2004, section 127A.45, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 125B.

Referred to the Committee on Finance.

Senators Anderson and Belanger introduced--

S.F. No. 2166: A bill for an act relating to taxation; property; clarifying the market value exclusion for electric power generation efficiency; amending Minnesota Statutes 2004, section 272.0211, subdivisions 1, 2.

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

Senators Dibble, Higgins, Anderson, Bakk and Tomassoni introduced--

S.F. No. 2167: A bill for an act relating to the Metropolitan Airports Commission; requiring certain labor-related provisions in contracts with concession operators; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Transportation.

Senators Jungbauer, Betzold and Wergin introduced--

S.F. No. 2168: A bill for an act relating to transportation; appropriating money for commuter bus service between Elk River and Minneapolis.

Referred to the Committee on Finance.

Senator Bachmann introduced--

S.F. No. 2169: A bill for an act relating to consumer protection; extending the expiration date for consumer protections for wireless telecommunications customers; amending Minnesota Statutes 2004, section 325F.695, subdivision 5.

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

Senators Scheid and Foley introduced--

S.F. No. 2170: A bill for an act relating to education finance; authorizing planning grants for school readiness projects; appropriating money.

Referred to the Committee on Finance.

Senator Sams introduced--

S.F. No. 2171: A bill for an act relating to commerce; regulating the compensation of licensees; requiring disclosures; amending Minnesota Statutes 2004, section 72A.20, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 60K.

Referred to the Committee on Commerce.

Senators Ruud, Ourada, Senjem, Jungbauer and Gaither introduced--

S.F. No. 2172: A bill for an act relating to crime; authorizing a local correctional agency to create a schedule of local confinement fees to defray the costs associated with confinement; creating a claim and lien in favor of the local correctional agency against an offender's future windfall; amending Minnesota Statutes 2004, section 270A.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 244.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Johnson, D.J.; Jungbauer; Bachmann; Reiter and Gaither introduced--

S.F. No. 2173: A bill for an act relating to natural resources; proposing an amendment to the Minnesota Constitution, article XI; dedicating the sales tax receipts equal to a percentage of the sales tax on taxable sales for game and fish purposes; creating a heritage enhancement fund; establishing a Heritage Enhancement Council; providing for appointments; amending Minnesota Statutes 2004, section 297A.94; proposing coding for new law in Minnesota Statutes, chapter 97A.

Referred to the Committee on Environment and Natural Resources.

Senators Tomassoni, Anderson and Bakk introduced--

S.F. No. 2174: A bill for an act relating to economic development; providing for state involvement in trade policies.

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

Senator Kleis introduced--

S.F. No. 2175: A bill for an act relating to campaign finance; broadening the definition of "corporation"; amending Minnesota Statutes 2004, section 211B.15, subdivision 1.

Referred to the Committee on Elections.

Senator Lourey introduced--

S.F. No. 2176: A bill for an act relating to education finance; including seasonal recreational property in the definition of referendum tax base; adjusting operating referendum equalization factors; excluding seasonal recreational property from the state general levy tax base; amending Minnesota Statutes 2004, sections 126C.01, subdivision 3; 126C.17, subdivision 6, by adding a subdivision; 275.025, subdivisions 1, 4; repealing Minnesota Statutes 2004, section 275.025, subdivision 3.

Referred to the Committee on Finance.

Senator Kiscaden introduced--

S.F. No. 2177: A bill for an act relating to state government; providing for revenue from legislative public information publications and from legislative media productions; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on State and Local Government Operations.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 11:00 a.m., Monday, April 11, 2005. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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