

STATE OF MINNESOTA

# Journal of the Senate

EIGHTIETH LEGISLATURE

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SEVENTEENTH DAY

St. Paul, Minnesota, Thursday, February 27, 1997

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

## CALL OF THE SENATE

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

Prayer was offered by Senator Dean E. Johnson.

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

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

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

Ms. Lesewski and Mr. Murphy were excused from the Session of today.

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

February 10, 1997

The Honorable Allan H. Spear  
President of the Senate

Dear Sir:

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

**WORKERS' COMPENSATION COURT OF APPEALS**

Steven D. Wheeler, 101 Norman Ridge Dr., Bloomington, Hennepin County, effective February 15, 1997, for a term expiring on the first Monday in January, 2003.

Debra A. Wilson, 2153 Highland Pkwy., St. Paul, Ramsey County, effective February 15, 1997, for a term expiring on the first Monday in January, 2003.

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

Warmest regards,  
Arne H. Carlson, Governor

February 25, 1997

The Honorable Allan H. Spear  
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 264.

Warmest regards,  
Arne H. Carlson, Governor

February 25, 1997

The Honorable Phil Carruthers  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1997 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1997	Date Filed 1997
	121	3	2:35 p.m. February 25	February 25
264		4	2:30 p.m. February 25	February 25

Sincerely,  
Joan Anderson Growe  
Secretary of State

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 108, 447, 293, 243, 280, 453 and 512.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 24, 1997

**FIRST READING OF HOUSE BILLS**

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

**H.F. No. 108:** A bill for an act relating to employment; providing for the protection of health insurance benefits for certain Range technical college employees.

Referred to the Committee on Governmental Operations and Veterans.

**H.F. No. 447:** A bill for an act relating to insurance; requiring health plan companies to provide direct access to obstetric and gynecologic services; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 398, now on General Orders.

**H.F. No. 293:** A bill for an act relating to taxation; making technical and administrative changes and corrections; amending Minnesota Statutes 1996, sections 60A.15, subdivision 2a; 60E.04, subdivision 4; 69.021, subdivision 2; 270.07, subdivision 3; 272.02, subdivision 4; 272.04, subdivision 1; 273.032; 273.124, subdivisions 1 and 13; 273.1392; 273.1398, subdivision 1; 275.011, subdivision 1; 275.065, subdivision 3; 275.295, subdivision 3; 276A.01, subdivision 7; 277.21, subdivision 3; 287.22; 289A.01; 289A.08, subdivision 11; 289A.09, subdivision 2; 289A.10, subdivision 1; 289A.11, subdivision 1; 289A.18, subdivision 2; 289A.19, subdivisions 1, 2, 3, and 4; 289A.35; 289A.38, subdivision 7; 289A.65, subdivision 1; 290.01, subdivisions 2 and 4a; 290.06, subdivision 22; 290.17, subdivision 2; 290.92, subdivision 24; 290A.04, subdivision 6; 295.50, subdivisions 3, 4, 7, 13, and by adding a subdivision; 295.51, subdivision 1; 295.52, subdivision 1b; 295.53, subdivisions 1, 3, and 5; 295.54, subdivision 1; 295.582; 297A.01, subdivision 1; 297A.09; 297A.12; 297A.14, subdivision 4; 297A.22; 297A.23; 297A.25, subdivisions 1, 2, 3, 6, 8, 9, 11, 16, 17, 18, 19, 20, 21, 23, 26, 27, 28, 29, 30, 34, 35, 38, 39, 40, 41, 42, 43, 46, 49, 51, 52, 53, 57, and 61; 297A.256, subdivision 1; 297A.44, subdivision 1; 297B.03; 297B.035, subdivision 3; 297B.11; 299F.21, subdivision 2; 414.033, subdivisions 7 and 12; 469.177, subdivision 9; 473.388, subdivision 7; and 473F.02, subdivision 7.

Referred to the Committee on Taxes.

**H.F. No. 243:** A bill for an act relating to traffic regulations; requiring wheel flaps on truck tractors; regulating weight restrictions on vehicle axles; making technical changes; amending Minnesota Statutes 1996, sections 169.733, subdivision 1; 169.825, subdivision 8; and 299D.06.

Referred to the Committee on Transportation.

**H.F. No. 280:** A bill for an act relating to children; establishing recognition of American sign language; proposing coding for new law in Minnesota Statutes, chapters 126; and 135A.

Referred to the Committee on Children, Families and Learning.

**H.F. No. 453:** A bill for an act relating to the military; changing certain military requirements, procedures, and duties; clarifying certain language; changing armory provisions; amending Minnesota Statutes 1996, sections 190.02; 190.05, by adding subdivisions; 190.07; 190.16, subdivision 2; 190.25, subdivision 1; 192.19; 192.20; 192.23; 192.37; 192.38, subdivision 1; 192.40; 192.49, subdivisions 1 and 2; 193.142, subdivisions 1, 2, and 3; 193.143; 193.144, subdivisions 1, 2, and 6; 193.145, subdivisions 2, 4, and 5; 193.148; and 193.29, subdivision 4; repealing Minnesota Statutes 1996, sections 190.13; 190.29; 192.36; 192.435; 192.44; 192.45; 192.46; 192.47; and 192.51, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 99.

**H.F. No. 512:** A bill for an act relating to municipalities; authorizing bankruptcy filing; proposing coding for new law in Minnesota Statutes, chapter 471.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 388.

**REPORTS OF COMMITTEES**

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

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

**S.F. No. 354:** A bill for an act relating to state agencies; changing the membership of the environmental quality board; amending Minnesota Statutes 1996, section 116C.03, subdivision 2.

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

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

**S.F. No. 301:** A bill for an act relating to state government; adding authority for the board of water and soil resources to accept and administer federal grants, donations, gifts, and other contributions to achieve authorized objectives of the agency; amending Minnesota Statutes 1996, sections 103B.101, subdivision 9; and 103C.401, subdivision 1.

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

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "appropriating money;"

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

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

**S.F. No. 413:** A bill for an act relating to water; authorizing a state general permit for water appropriation; amending Minnesota Statutes 1996, section 103G.271, subdivision 1.

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

Page 1, line 16, after "permit" insert "for temporary appropriation of water"

Page 1, after line 25, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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

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

**S.F. No. 127:** A bill for an act relating to the environment; modifying requirements relating to certain environmental advisory councils; amending Minnesota Statutes 1996, sections 115A.12; and 473.803, subdivision 4; repealing Minnesota Statutes 1996, section 473.149, subdivision 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 1996, section 115A.12, is amended to read:

115A.12 [ADVISORY COUNCILS.]

(a) ~~The director shall establish a solid waste management advisory council, a hazardous waste management planning council, and a market development coordinating council, prevention, reduction, and recycling advisory council~~ that are broadly representative of the geographic areas and interests of the state.

(b) The solid waste council shall have not less than nine nor more than 21 members. The membership of the solid waste council shall consist of one-third citizen representatives, one-third representatives from local government units, and one-third representatives from private solid waste management firms. The solid waste council shall contain at least three members experienced in the private recycling industry and at least one member experienced in each of the following areas: state and municipal finance; solid waste collection, processing, and disposal; and solid waste reduction and resource recovery.

~~(c) The hazardous waste council shall have not less than nine nor more than 18 members. The membership of the hazardous waste advisory council shall consist of one-third citizen representatives, one-third representatives from local government units, and one-third representatives of hazardous waste generators and private hazardous waste management firms. The prevention, reduction, and recycling advisory council shall have not less than nine nor more than 24 members. The membership shall consist of one-third citizen representatives, one-third representatives of government, and one-third representatives of business and industry. The director may appoint ex officio nonvoting members from other environmental and business assistance providers in the state.~~

~~(d) The market development coordinating council shall have not less than nine nor more than 18 members and shall consist of one representative from the department of trade and economic development, the department of administration, the pollution control agency, Minnesota Technology, Inc., and the legislative commission on waste management. The other members shall represent local government units, private recycling markets, and private recycling collectors. The market development coordinating council expires June 30, 1997.~~

(e) The chairs of the advisory councils shall be appointed by the director. The director shall provide administrative and staff services for the advisory councils. The advisory councils shall have such duties as are assigned by law or the director. The solid waste advisory council shall make recommendations to the office on its solid waste management activities. ~~The hazardous waste prevention, reduction, and recycling advisory council shall make recommendations to the office on its activities under sections 115A.08, 115A.09, 115A.10, 115A.11, 115A.20, 115A.21, and 115A.24 policy, programs, and legislation in pollution prevention, waste reduction, reuse and recycling, and resource conservation. Members of the advisory councils shall serve without compensation but shall be reimbursed for their reasonable expenses as determined by the director. The solid waste management advisory council and the hazardous waste management planning prevention, reduction, and recycling advisory council expire June 30, 1997 2001.~~

Sec. 2. Minnesota Statutes 1996, section 473.803, subdivision 4, is amended to read:

Subd. 4. [ADVISORY COMMITTEE.] Each county shall establish a solid waste management advisory committee to aid in the preparation of the county master plan, any revisions thereof, and such additional matters as the county deems appropriate. The committee must consist of citizen representatives, representatives from towns and cities within the county, and representatives from private waste management firms. The committee must include residents of towns or cities within the county containing solid waste disposal facilities. ~~Members of the solid waste advisory committee established under section 473.149, subdivision 4, who reside in the county are ex officio members of the county advisory committee. The director or the director's appointee is an ex officio member of the committee.~~

Sec. 3. [REPEALER.]

Minnesota Statutes 1996, section 473.149, subdivision 4, is repealed.

Sec. 4. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1997."

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

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

**S.F. No. 347:** A bill for an act relating to agriculture; setting expiration dates for certain advisory committees and commissions; adding a member to the food safety advisory committee; making technical changes; amending Minnesota Statutes 1996, sections 17.136; 17.49, subdivision 1; and 28A.20, subdivision 2, and by adding a subdivision.

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

Page 3, after line 4, insert:

"Sec. 3. Minnesota Statutes 1996, section 21.112, subdivision 2, is amended to read:

Subd. 2. [ADVISORY SEED POTATO CERTIFICATION TASK FORCE.] The commissioner may appoint an advisory seed potato certification task force. If the task force is appointed each member shall be a grower in Minnesota of certified seed potatoes. ~~The task force shall expire, and the terms, compensation and removal of members shall be as provided in section 15.059. The task force shall expire June 30, 2001.~~"

Page 3, after line 14, insert:

"(5) a representative of the agricultural utilization research institute;"

Page 3, line 15, strike "(5)" and insert "(6)"

Page 3, line 17, strike "(6)" and before "nine" insert "(7)"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, before "and" insert "21.112, subdivision 2;"

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

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

**S.F. No. 543:** A bill for an act relating to agriculture; changing grain bank license requirements; repealing the interstate compact on agricultural grain marketing; amending Minnesota Statutes 1996, section 236.02, subdivisions 1 and 2; repealing Minnesota Statutes 1996, sections 236A.01; and 236A.02.

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

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1996, section 17A.04, subdivision 1, is amended to read:

Subdivision 1. [LICENSING PROVISIONS.] Licenses shall be issued to livestock market agencies and public stockyards annually and shall expire on December 31 each year, renewable

annually thereafter. A separate license must be obtained for each separate geographical location even though operated under the same management or same person, partnership, firm, corporation, or livestock market. The license issued to a livestock market agency and public stockyard shall be conspicuously posted at the licensee's place of business. Licenses shall be required for livestock dealers and their agents for the period beginning July 1 each year and ending June 30. The license issued to a livestock dealer or the agent of a livestock dealer shall be carried by the person so licensed. The livestock dealer shall be responsible for the acts of the dealer's agents. Licensed livestock market agencies, public stockyards, and livestock dealers shall be responsible for the faithful performance of duty of the public livestock weighers at their places of business. The license issued to a livestock market agency, public stockyard or livestock dealer or agent of a livestock dealer is not transferable. The operation of livestock market agencies, livestock dealers, agents and packers at a public stockyard are exempt from sections 17A.01 to 17A.091, and 17A.12 to 17A.17.

Sec. 2. Minnesota Statutes 1996, section 231.01, subdivision 5, is amended to read:

Subd. 5. [WAREHOUSE OPERATOR.] The term "warehouse operator," as used in this chapter, means and includes every corporation, company, association, joint stock company or association, firm, partnership, or individual, their trustees, assignees, or receivers appointed by any court, controlling, operating, or managing within this state directly or indirectly, any building or structure, or any part thereof, or any buildings or structures, or any other property, and using the same for the storage or warehousing of goods, wares, or merchandise for compensation, or who shall hold itself out as being in the storage or warehouse business, or as offering storage or warehouse facilities, or advertise for, solicit or accept goods, wares, or merchandise for storage for compensation, but shall not include persons, corporations, or other parties operating ~~open-air~~ storage facilities containing minerals, ores, steel, or rock products such as, but not limited to, aggregates, clays, railroad ballast, iron ore, copper ore, nickel ore, limestone, coal, and salt or operating grain or cold storage warehouses, or storing on a seasonal basis boats, boating accessories, recreational vehicles or recreational equipment or facilities in which the party storing goods rents and occupies space as a tenant and the entire risk of loss is with the tenant pursuant to written contract between the landlord and tenant.

Sec. 3. Minnesota Statutes 1996, section 236.01, subdivision 3, is amended to read:

Subd. 3. [GRAIN BANK.] "Grain bank" means a feed-processing plant that receives and stores grain, the equivalent of which, except as is otherwise permitted by section 236.04, it processes and returns to the grain's owner in amounts, at intervals, and with added ingredients that are mutually agreeable to the grain's owner and the person operating the plant. "Grain bank" does not include a seed cleaning plant."

Page 2, after line 6, insert:

"Sec. 7. [EFFECTIVE DATE.]

Section 2 is effective the day following final enactment."

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "grain bank" and insert "certain"

Page 1, line 5, delete "section" and insert "sections 17A.04, subdivision 1; 231.01, subdivision 5; 236.01, subdivision 3; and"

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

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

**S.F. No. 431:** A bill for an act relating to the city of Minneapolis; clarifying the procedure for utility charge assessments.

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

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

**S.F. No. 362:** A bill for an act relating to taxation; providing for the service of certain real estate tax redemption notices; amending Minnesota Statutes 1996, sections 281.13; 281.23, subdivision 6; 281.273; and 281.276.

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

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

**S.F. No. 216:** A bill for an act relating to taxation; making technical and administrative changes and corrections; amending Minnesota Statutes 1996, sections 13.51, subdivision 3; 60A.15, subdivision 2a; 60E.04, subdivision 4; 69.021, subdivision 2; 270.07, subdivision 3; 272.02, subdivision 4; 272.04, subdivision 1; 272.16, by adding a subdivision; 272.161; 273.032; 273.124, subdivision 1; 273.1392; 273.1398, subdivision 1; 275.011, subdivision 1; 275.065, subdivisions 3 and 6; 275.295, subdivision 3; 276A.01, subdivision 7; 277.21, subdivision 3; 287.05, subdivisions 2 and 3; 287.22; 289A.01; 289A.08, subdivision 11; 289A.09, subdivision 2; 289A.10, subdivision 1; 289A.11, subdivision 1; 289A.18, subdivision 2; 289A.19, subdivisions 1, 3, and 4; 289A.35; 289A.38, subdivision 7; 289A.65, subdivision 1; 290.01, subdivisions 2 and 4a; 290.06, subdivision 22; 290.17, subdivision 2; 290.92, subdivision 24; 290A.04, subdivision 6; 295.50, subdivisions 3, 4, 7, 13, and by adding a subdivision; 295.51, subdivision 1; 295.52, subdivision 1b; 295.53, subdivisions 1, 3, and 5; 295.54, subdivision 1; 295.582; 297A.01, subdivision 1; 297A.09; 297A.12; 297A.14, subdivision 4; 297A.22; 297A.23; 297A.25, subdivisions 1, 2, 3, 6, 8, 9, 11, 16, 17, 18, 19, 20, 21, 23, 26, 27, 28, 29, 30, 34, 35, 38, 39, 40, 41, 42, 43, 46, 49, 51, 52, 53, 56, 57, and 61; 297A.256, subdivision 1; 297A.44, subdivision 1; 297B.03; 297B.035, subdivision 3; 297B.11; 299F.21, subdivision 2; 414.033, subdivisions 7 and 12; 469.177, subdivision 9; 473.388, subdivision 7; and 473F.02, subdivision 7; repealing Minnesota Statutes 1996, section 297A.21, subdivision 4.

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

Page 3, line 19, delete "federally" and after "telefile" insert "the federal return"

Page 5, line 1, delete "In the event" and insert "If" and delete "their" and insert "the employer's"

Page 5, line 5, delete "their" and insert "its"

Page 6, after line 26, insert:

"Sec. 8. Minnesota Statutes 1996, section 289A.19, subdivision 2, is amended to read:

Subd. 2. [CORPORATE FRANCHISE AND MINING COMPANY TAXES.] ~~The commissioner may grant~~ Corporations or mining companies shall receive an extension of up to seven months for filing the return of a corporation subject to tax under chapter 290 or a ~~mining company for filing the return of a mining company~~ subject to tax under sections 298.01 and 298.015 if:

(1) ~~the corporation or mining company files a tentative return when the regularly required return is due;~~



~~(2) the corporation or mining company pays the tax on the basis of the tentative return and at least 90 percent of the amount of tax, determined without regard to any prepayment of tax, shown on the tentative return, or the amount of tax paid on or before the regular due date of the return, is at least 90 percent of the amount shown on the corporation's or mining company's regularly required return;~~

~~(3) (2) the balance due shown on the regularly required return is paid on or before the extended due date of the return; and~~

~~(4) (3) interest on any balance due is paid at the rate specified in section 270.75 from the regular due date of the return until the tax is paid."~~

Page 8, line 22, before the period, insert "  , or a federal savings bank holding company"

Page 8, lines 23 and 24, delete the new language

Page 12, lines 18 to 28, delete the new language and reinstate the stricken language

Page 12, line 36, reinstate the stricken language

Page 13, lines 1 to 10, delete the new language and reinstate the stricken language

Page 15, line 31, delete "  9" and insert "  10"

Page 15, line 34, delete "  8" and insert "  9"

Page 15, line 35, delete "  10" and insert "  11"

Page 15, line 36, delete "  11" and insert "  12"

Page 16, line 1, delete "  12" and insert "  13"

Page 16, line 2, delete "  15" and insert "  16"

Page 16, line 3, delete "  16" and insert "  17"

Page 16, line 4, delete "  17" and insert "  18"

Page 31, line 22, delete "(a) or"

Page 34, delete section 44

Page 41, delete section 53

Page 41, line 18, delete "  53" and insert "  51"

Page 41, delete section 1

Pages 43 and 44, delete sections 4 and 5

Page 46, line 10, delete "  6" and insert "  9"

Page 48, after line 15, insert:

"Sec. 5. Minnesota Statutes 1996, section 273.124, subdivision 13, is amended to read:

Subd. 13. [HOMESTEAD APPLICATION.] (a) A person who meets the homestead requirements under subdivision 1 must file a homestead application with the county assessor to initially obtain homestead classification.

(b) On or before January 2, 1993, each county assessor shall mail a homestead application to the owner of each parcel of property within the county which was classified as homestead for the 1992 assessment year. The format and contents of a uniform homestead application shall be prescribed by the commissioner of revenue. The commissioner shall consult with the chairs of the

house and senate tax committees on the contents of the homestead application form. The application must clearly inform the taxpayer that this application must be signed by all owners who occupy the property or by the qualifying relative and returned to the county assessor in order for the property to continue receiving homestead treatment. The envelope containing the homestead application shall clearly identify its contents and alert the taxpayer of its necessary immediate response.

(c) Every property owner applying for homestead classification must furnish to the county assessor the social security number of each occupant who is listed as an owner of the property on the deed of record, the name and address of each owner who does not occupy the property, and the name and social security number of each owner's spouse who occupies the property. The application must be signed by each owner who occupies the property and by each owner's spouse who occupies the property, or, in the case of property that qualifies as a homestead under subdivision 1, paragraph (c), by the qualifying relative.

If a property owner occupies a homestead, the property owner's spouse may not claim another property as a homestead unless the property owner and the property owner's spouse file with the assessor an affidavit or other proof required by the assessor stating that the property qualifies as a homestead under subdivision 1, paragraph (e).

Owners or spouses occupying residences owned by their spouses and previously occupied with the other spouse, either of whom fail to include the other spouse's name and social security number on the homestead application or provide the affidavits or other proof requested, will be deemed to have elected to receive only partial homestead treatment of their residence. The remainder of the residence will be classified as nonhomestead residential. When an owner or spouse's name and social security number appear on homestead applications for two separate residences and only one application is signed, the owner or spouse will be deemed to have elected to homestead the residence for which the application was signed.

The social security numbers or affidavits or other proofs of the property owners and spouses are private data on individuals as defined by section 13.02, subdivision 12, but, notwithstanding that section, the private data may be disclosed to the commissioner of revenue, or, for purposes of proceeding under the revenue recapture act to recover personal property taxes owing, to the county treasurer.

(d) If residential real estate is occupied and used for purposes of a homestead by a relative of the owner and qualifies for a homestead under subdivision 1, paragraph (c), in order for the property to receive homestead status, a homestead application must be filed with the assessor. The social security number of each relative occupying the property and the social security number of each owner who is related to an occupant of the property shall be required on the homestead application filed under this subdivision. If a different relative of the owner subsequently occupies the property, the owner of the property must notify the assessor within 30 days of the change in occupancy. The social security number of a relative occupying the property is private data on individuals as defined by section 13.02, subdivision 12, but may be disclosed to the commissioner of revenue.

(e) The homestead application shall also notify the property owners that the application filed under this section will not be mailed annually and that if the property is granted homestead status for the 1993 assessment, or any assessment year thereafter, that same property shall remain classified as homestead until the property is sold or transferred to another person, or the owners, the spouse of the owner, or the relatives no longer use the property as their homestead. Upon the sale or transfer of the homestead property, a certificate of value must be timely filed with the county auditor as provided under section 272.115. Failure to notify the assessor within 30 days that the property has been sold, transferred, or that the owner, the spouse of the owner, or the relative is no longer occupying the property as a homestead, shall result in the penalty provided under this subdivision and the property will lose its current homestead status.

(f) If the homestead application is not returned within 30 days, the county will send a second application to the present owners of record. The notice of proposed property taxes prepared under section 275.065, subdivision 3, shall reflect the property's classification. Beginning with

assessment year 1993 for all properties, if a homestead application has not been filed with the county by December 15, the assessor shall classify the property as nonhomestead for the current assessment year for taxes payable in the following year, provided that the owner may be entitled to receive the homestead classification by proper application under section 375.192.

(g) At the request of the commissioner, each county must give the commissioner a list that includes the name and social security number of each property owner and the property owner's spouse occupying the property, or relative of a property owner, applying for homestead classification under this subdivision. The commissioner shall use the information provided on the lists as appropriate under the law, including for the detection of improper claims by owners, or relatives of owners, under chapter 290A.

(h) If the commissioner finds that a property owner may be claiming a fraudulent homestead, the commissioner shall notify the appropriate counties. Within 90 days of the notification, the county assessor shall investigate to determine if the homestead classification was properly claimed. If the property owner does not qualify, the county assessor shall notify the county auditor who will determine the amount of homestead benefits that had been improperly allowed. For the purpose of this section, "homestead benefits" means the tax reduction resulting from the classification as a homestead under section 273.13, the taconite homestead credit under section 273.135, and the supplemental homestead credit under section 273.1391.

The county auditor shall send a notice to the person who owned the affected property at the time the homestead application related to the improper homestead was filed, demanding reimbursement of the homestead benefits plus a penalty equal to 100 percent of the homestead benefits. The person notified may appeal the county's determination by serving copies of a petition for review with county officials as provided in section 278.01 and filing proof of service as provided in section 278.01 with the Minnesota tax court within 60 days of the date of the notice from the county. Procedurally, the appeal is governed by the provisions in chapter 271 which apply to the appeal of a property tax assessment or levy, but without requiring any prepayment of the amount in controversy. If the amount of homestead benefits and penalty is not paid within 60 days, and if no appeal has been filed, the county auditor shall certify the amount of taxes and penalty to the county treasurer. The county treasurer will add interest to the unpaid homestead benefits and penalty amounts at the rate provided for delinquent personal property taxes in section 279.03 for real property taxes becoming delinquent in the calendar year during which the amount remains unpaid. Interest may be assessed for the period beginning 60 days after demand for payment was made until payment.

If the person notified is the current owner of the property, the treasurer may add the total amount of benefits, penalty, interest, and costs to the real estate ad valorem taxes otherwise payable on the property in the following year by including the amounts on the property tax statements under section 276.04, subdivision 3. The amounts added under this paragraph to the ad valorem taxes shall include interest accrued through December 31 of the year preceding the taxes payable year for which the amounts are first added. These amounts, when added to the property tax statement, become subject to all the laws for the enforcement of real or personal property taxes for that year, and for any subsequent year.

If the person notified is not the current owner of the property, the treasurer may collect the amounts due under the revenue recapture act in chapter 270A, or use any of the powers granted in sections 277.20 and 277.21 without exclusion, to enforce payment of the benefits, penalty, interest, and costs, as if those amounts were delinquent tax obligations of the person who owned the property at the time the application related to the improperly allowed homestead was filed. The treasurer may relieve a prior owner of personal liability for the benefits, penalty, interest, and costs, and instead extend those amounts on the tax lists against the property for taxes payable in the following year as provided in this paragraph to the extent that the current owner agrees in writing.

(i) Any amount of homestead benefits recovered by the county from the property owner shall be distributed to the county, city or town, and school district where the property is located in the same proportion that each taxing district's levy was to the total of the three taxing districts' levy

for the current year. Any amount recovered attributable to taconite homestead credit shall be transmitted to the St. Louis county auditor to be deposited in the taconite property tax relief account. Any amount recovered that is attributable to supplemental homestead credit is to be transmitted to the commissioner of revenue for deposit in the general fund of the state treasury. The total amount of penalty collected must be deposited in the county general fund.

(j) If a property owner has applied for more than one homestead and the county assessors cannot determine which property should be classified as homestead, the county assessors will refer the information to the commissioner. The commissioner shall make the determination and notify the counties within 60 days.

(k) In addition to lists of homestead properties, the commissioner may ask the counties to furnish lists of all properties and the record owners."

Pages 56 to 59, delete section 12

Pages 61 and 62, delete sections 16 and 17

Page 68, delete line 24 and insert:

"Sections 1, 2, 4 to 7, 9 to 13, and 16 to 18 are"

Page 68, line 25, delete everything after the period

Page 68, line 26, delete everything before "Sections" and delete "6 and 10" and insert "3 and 8"

Page 68, line 28, delete "19 and 20" and insert "14 and 15"

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 4 and 5, delete "13.51, subdivision 3;"

Page 1, lines 7 and 8, delete "272.16, by adding a subdivision; 272.161;"

Page 1, line 9, delete the first "subdivision 1" and insert "subdivisions 1 and 13"

Page 1, line 10, delete "subdivisions 3 and 6" and insert "subdivision 3"

Page 1, line 12, delete "287.05, subdivisions 2 and 3;"

Page 1, line 16, after "1," insert "2,"

Page 1, line 28, delete "56,"

Page 1, line 32, delete "; repealing Minnesota"

Page 1, line 33, delete everything before the period

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

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

**S.F. No. 456:** A bill for an act relating to taxation; making policy changes to property taxes; amending Minnesota Statutes 1996, sections 275.075; 287.08; 287.28; 287.37; 290A.04, subdivision 2h; 477A.05, subdivisions 1, 2, and 5; and 515B.1-105; Laws 1996, chapter 471, article 3, section 49.

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

Page 2, line 22, strike "the district" and insert "tax" and strike "of" and insert "in"

Page 2, line 25, delete "such" and insert "the"

Page 2, line 26, delete "Such an" and insert "The"

Page 2, line 34, delete "forthwith" and insert "immediately"

Page 3, line 11, delete "such" and insert "the"

Page 4, line 9, delete "such" and insert "the"

Page 4, line 10, delete "the district" and insert "tax" and delete "of" and insert "in"

Page 4, line 11, delete "Such an" and insert "The"

Page 5, line 20, strike "for taxes"

Page 5, line 21, strike "payable in 1996 and 1997" and delete "and thereafter"

Page 5, line 25, strike "for taxes payable in 1996 and 1997" and delete "and thereafter"

Page 9, line 25, delete "taxes"

Page 9, line 26, delete "which become due and payable" and insert "mortgages submitted for recording and deeds executed and delivered"

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

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

**S.F. No. 500:** A bill for an act relating to family support enforcement; adopting changes to the uniform interstate family support act; amending Minnesota Statutes 1996, sections 518C.101; 518C.205; 518C.207; 518C.304; 518C.305; 518C.306; 518C.307; 518C.501; 518C.605; 518C.606; 518C.611; 518C.612; and 518C.701; proposing coding for new law in Minnesota Statutes, chapter 518C.

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.

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

**S.F. No. 624:** A bill for an act relating to professional firms; modernizing and standardizing the law regulating professional business organizations; amending Minnesota Statutes 1996, sections 13.99, subdivision 92e; 144A.43, subdivision 4; 322B.12, subdivision 1; 322B.92; 323.44, by adding a subdivision; and 323.49, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 303; proposing coding for new law as Minnesota Statutes, chapter 319B; repealing Minnesota Statutes 1996, sections 319A.01; 319A.02; 319A.03; 319A.04; 319A.05; 319A.06; 319A.07; 319A.08; 319A.09; 319A.10; 319A.11; 319A.12; 319A.13; 319A.14; 319A.15; 319A.16; 319A.17; 319A.18; 319A.19; 319A.20; 319A.21; and 319A.22.

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

Page 10, after line 11, insert:

"(e) A professional firm may not adopt, implement, or follow a policy, procedure, or practice that would give a board grounds for disciplinary action against a professional who follows, agrees to, or acquiesces in the policy, procedure, or practice."

Page 22, line 26, before "due" insert "to impose restrictions or conditions on that election or to reprimand the professional firm"

Page 22, line 35, delete "both" and insert "reprimands, restrictions, conditions, involuntary" and after "rescission" insert a comma

Page 22, line 36, delete ", as alternative relief"

Page 23, line 1, after the period, insert "After a court enters a decree imposing rescission, dissolution, or revocation upon a professional firm, a board shall cause a certified copy of the decree to be filed with the secretary of state. The secretary of state shall not charge a fee for filing the decree."

Page 23, line 6, after "obtain" insert "reprimands, restrictions, conditions, or involuntary" and delete "involuntarily"

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

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

**S.F. No. 324:** A bill for an act relating to human rights; reclassifying certain investigative data; amending Minnesota Statutes 1996, section 363.061, subdivisions 2 and 3.

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 1996, section 363.061, subdivision 2, is amended to read:

Subd. 2. [ACCESS TO OPEN FILES.] (a) ~~Except as otherwise provided in this subdivision, human rights investigative data on an individual, with the exception of the name and address of the charging party and respondent, factual basis of the allegations, and the statute under which the action is brought, contained in an open case file is classified as are confidential data on individuals or protected nonpublic data. The name and address of the charging party and respondent, factual basis of the allegations, and the statute under which the action is brought are classified as private data until seven working days after the commissioner has mailed a copy of the charge to the respondent, at which time the data become public, unless the commissioner determines that release of the data would be detrimental to the investigative and enforcement process private data on individuals or nonpublic data but are accessible to the charging party and the respondent.~~

~~(b) Human rights investigative data not on an individual contained in an open case file is classified as protected nonpublic data.~~

~~(c) Notwithstanding this subdivision, The commissioner may make human rights investigative data contained in an open case file accessible to a person, government agency, or the public if access will aid the investigative and enforcement process.~~

Sec. 2. Minnesota Statutes 1996, section 363.061, subdivision 3, is amended to read:

Subd. 3. [ACCESS TO CLOSED FILES.] (a) ~~Except as otherwise provided in this subdivision, human rights investigative data on an individual contained in a closed case file is classified as are private, with the exception of the following documents: data on individuals or nonpublic data. The name and address of the charging party and respondent, factual basis of the allegations, and the statute under which the action is brought, the part of the summary of the investigation that does not contain identifying data on an individual a person other than the complainant or respondent, and the commissioner's memorandum determining whether probable cause has been shown are public data.~~

~~(b) Human rights investigative data not on an individual contained in a closed case file is classified as nonpublic.~~

~~(c) Notwithstanding this subdivision, The commissioner may make human rights investigative data contained in a closed case file inaccessible to the charging party or the respondent in order to protect medical or other security interests of the parties or third persons."~~

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

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

**H.F. No. 35:** A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1996, sections 3.873, subdivisions 5 and 7; 9.041, subdivision 2; 10A.323; 13.99, subdivision 38b; 14.62, subdivision 3; 15.0591, subdivision 2; 15.441, subdivision 1; 15.471, subdivision 1; 16A.276; 16A.672, subdivisions 2 and 5; 17.138, subdivision 2; 17.451, subdivision 1; 18.023, subdivision 3; 18B.33, subdivision 1; 18C.121, subdivision 1; 18C.575, subdivision 1; 18E.03, subdivision 4; 19.51, subdivision 1; 25.31; 25.32; 25.33; 25.34; 25.36; 25.37; 25.39; 25.40; 25.41; 25.42; 25.43; 25.47, subdivision 2; 27.13; 27.14; 27.19; 27.20; 31.874; 32.078; 32.481, subdivision 1; 32.532; 32.71, subdivision 1; 41.53, subdivision 2; 41A.09, subdivision 4; 45.027, subdivision 1; 60A.15; 62N.05, subdivision 1; 62N.24; 65A.16; 65A.17; 65A.18; 65A.19; 65A.22; 65A.23; 65A.24; 84.027, subdivision 13; 92.46, subdivision 1; 103I.341, subdivision 1; 103L.535, subdivision 9; 115A.10; 115A.11, subdivision 1b; 115A.12; 115A.9651, subdivision 1; 115B.20, subdivisions 1 and 2; 115B.39, subdivision 2; 115B.412, subdivision 5; 115B.42, subdivision 2; 116.07, subdivisions 4b and 10; 116C.91, subdivision 1; 116J.75, subdivision 1; 119A.04, subdivision 5; 119A.13, subdivisions 3 and 4; 119A.26, subdivision 2; 119B.17, subdivision 3; 120.062, subdivision 12; 120.075, subdivision 5; 120.0751, subdivision 6; 120.0752, subdivision 4; 121.15, subdivision 1; 121.1601, subdivision 3; 121.912, subdivision 1; 124.155, subdivision 2; 124.248, subdivision 3; 124.2725, subdivision 11; 124.3201, subdivisions 1 and 2b; 124.321, subdivisions 1 and 2; 124.322, subdivisions 1a and 5; 124.323, subdivision 1; 124.574, subdivision 7; 124.91, subdivision 1; 124.918, subdivision 8; 124A.036, subdivision 5; 124A.225, subdivision 2; 124A.26, subdivision 1; 124A.711, subdivision 2; 124C.60, subdivisions 1 and 3; 126.22, subdivision 7; 126.51, subdivision 1; 126.72, subdivision 2; 136A.172; 136A.173; 136A.174; 136A.175; 136A.176; 136A.177; 136A.178; 136D.94; 144.056; 144.062; 144.092; 144A.073, subdivision 3; 144A.33, subdivision 5; 144A.53, subdivision 1; 144A.54, subdivisions 1 and 2; 145.894; 147A.13, subdivision 1; 148.235, subdivision 4; 148B.23, subdivision 3; 148C.11, subdivision 3; 152.02, subdivision 13; 152.21, subdivision 3; 153A.19, subdivision 2; 161.10; 161.1419, subdivision 7; 168.129, subdivision 1; 169.145; 176.081, subdivision 1; 176.108; 176.1351, subdivisions 5 and 6; 176.1812, subdivision 7; 176.83, subdivision 5; 179A.03, subdivisions 7 and 14; 179A.06, subdivision 2; 179A.09, subdivision 3; 181.14; 181.15; 181.16; 182.676; 183.57, subdivision 2; 192.551; 197.133; 197.447; 214.01, subdivision 2; 214.07, subdivision 1; 214.13, subdivision 5; 216C.35; 223.19; 237.70, subdivision 7; 237.711; 241.01, subdivision 3a; 242.56, subdivision 3; 244.09, subdivisions 7 and 13; 244.13, subdivision 3; 244.17, subdivision 2; 245.462, subdivision 16; 245.4881, subdivision 2; 245.4886, subdivision 2; 245.62, subdivisions 2 and 4; 245.69, subdivision 2; 245.697, subdivisions 2 and 3; 246.06; 246.64, subdivision 3; 252.035; 252.275, subdivision 6; 252.291, subdivisions 3 and 5; 252.40; 252.41, subdivision 1; 252.43; 252.46, subdivision 1; 252.50, subdivision 6; 254A.16, subdivision 2; 256.01, subdivision 2; 256.016; 256.736, subdivisions 3a and 7; 256.7365, subdivision 7; 256.82, subdivision 4; 256.9742, subdivision 1; 256B.04, subdivision 2; 256B.092, subdivision 6; 256B.49, subdivision 2; 256D.03, subdivision 7; 256D.04; 256E.04, subdivision 1; 256F.04, subdivision 3; 257.072, subdivision 5; 257.0755, subdivision 1; 257.0768, subdivision 1; 257.0769; 257.41; 259.71, subdivision 5; 260.152, subdivisions 2, 3, and 6; 260.161, subdivision 3; 260.181, subdivision 3a; 268.0122, subdivision 5; 268.0124; 268.03; 268.15, subdivision 3; 268.361, subdivision 1; 268.90, subdivision 3; 270A.09, subdivision 3; 272.12; 273.1398, subdivision 1; 279.01, subdivision 3; 280.05; 280.28, subdivision 2; 280.33; 280.35; 281.16; 281.32; 282.07; 284.04; 290.091, subdivision 6; 290.171; 297A.259; 299C.11; 299F.051, subdivision 3; 299F.46, subdivision 1; 299L.02, subdivision 1; 325F.84, subdivision 1; 326.2421, subdivision 2; 327A.08; 345.48, subdivision 1; 349.19, subdivision 2a; 353.64, subdivision 2; 353C.02; 354.66, subdivision 4; 360.013, subdivision 20; 360.015, subdivision 17; 363.05, subdivision 1; 383A.43, subdivision 6; 383B.78, subdivision 3; 383D.35; 390.35; 412.191, subdivision 1; 412.581; 412.631; 422A.01, subdivision 18; 427.02; 435.27; 458.40; 458A.08; 462A.03, subdivision 10; 462A.07, subdivision 7; 463.01; 465.15; 465.20; 466.03, subdivision 6d; 469.078, subdivision 1; 469.141, subdivision 3; 469.173, subdivision 7; 469.183, subdivision 4; 471.9981, subdivision 1; 473.1623, subdivisions 3, 4, and 5; 473.206; 473.208; 473.3994,

subdivision 9; 473.598, subdivision 3; 473.638, subdivision 2; 473.859, subdivision 2; 475.51, subdivision 9; 475.53, subdivision 1; 475.57; 475.61, subdivision 2; 480.242, subdivision 2; 500.24, subdivision 3; 508A.01, subdivision 3; 524.2-402; 525.152, subdivisions 1, 2, and 3; 609.101, subdivision 4; 611.216, subdivision 3; 611.25, subdivision 3; 611A.56, subdivision 1; 626.843; 626.845; 626.846; 626.847; 626.851; and 626.88; Laws 1995 chapter 220, section 7, subdivision 3; and Laws 1996, chapter 310, section 1; proposing coding for new law in Minnesota Statutes, chapter 35; repealing Minnesota Statutes 1996, sections 3.922, subdivision 9; 13.99, subdivisions 21d and 24a; 15.475; 16B.87, subdivision 4; 17.452, subdivision 3; 115A.03, subdivision 16; 116D.11, subdivision 4; 116J.975; 124.2442; 124.245; 124.3202; 126.78, subdivision 5; 144.95, subdivision 9; 145A.12, subdivision 6; 148.578; 174.23, subdivision 5; 196.22, subdivision 4; 216C.06, subdivisions 10 and 11; 246.57, subdivision 2; 254B.03, subdivision 8; 256B.04, subdivision 11; 256B.0629, subdivision 3; 256F.11, subdivision 3; 256F.12, subdivision 5; 260.152, subdivision 7; 325F.98; 388.24, subdivision 5; 466.01, subdivisions 4 and 5; 471A.02, subdivisions 2 and 15; 473.638, subdivision 1; 473.639; 494.05, subdivision 3; 611.27, subdivision 14; and 611A.75; Laws 1988, chapter 495, section 1; Laws 1989, chapters 209, article 2, section 42; and 282, article 3, section 28; Laws 1991, chapter 292, article 2, section 2; Laws 1993, chapter 286, section 1; Laws 1994, chapters 411, section 4; and 416, article 1, sections 47, 51, and 56; Laws 1995, chapters 171, sections 54 and 56; and 186, section 26; Laws 1995, First Special Session chapter 3, article 13, section 2; and Laws 1996, chapters 414, article 1, section 30; and 471, article 11, section 1.

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

Pages 3 and 4, delete section 1

Pages 51 and 52, delete sections 79 and 80

Page 64, lines 5 to 7, delete the new language and strike the old language

Page 186, delete section 70

Page 186, line 31, delete "72" and insert "71"

Page 1 of the memorandum of explanation, delete section 1

Page 11 of the memorandum of explanation, delete sections 79 and 80

Renumber the sections in sequence

Correct the internal references in the memorandum of explanation

Amend the title as follows:

Page 1, line 8, delete "10A.323;"

Page 1, line 12, delete "17.451, subdivision 1;"

Page 2, line 5, delete "153A.19,"

Page 2, line 6, delete "subdivision 2;"

Page 3, line 11, delete "Laws 1988, chapter 495,"

Page 3, line 12, delete "section 1;"

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

**Mr. Solon from the Committee on Commerce, to which was re-referred**

**S.F. No. 302:** A bill for an act relating to health; allowing certain community health clinics to offer health care services on a prepaid basis; proposing coding for new law in Minnesota Statutes, chapter 62Q.



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

Page 2, line 9, after the period, insert "A clinic may associate with a hospital to provide hospital services to an individual or family who is enrolled in the prepaid option so long as these services are not offered as part of the prepaid option."

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

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

**S.F. No. 129:** A bill for an act relating to drivers' licenses; providing for Under-21 Minnesota identification cards; amending Minnesota Statutes 1996, sections 171.06, subdivision 2; and 171.07, subdivisions 3 and 4.

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

Page 2, line 12, delete the new language

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

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

**S.F. No. 218:** A bill for an act relating to crime prevention; creating a criminal gang council and strike force to develop and implement a strategy to investigate and prosecute crimes committed by criminal gangs throughout the state; authorizing the council to make various grants; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A.

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

Delete everything after the enacting clause and insert:

"Section 1. [299A.625] [CRIMINAL GANG COUNCIL AND STRIKE FORCE; GRANTS AUTHORIZED.]

Subdivision 1. [COUNCIL AND STRIKE FORCE ESTABLISHED.] (a) A criminal gang oversight council is established. The council shall consist of the following individuals or their designees: the commissioner of public safety; the superintendent of the bureau of criminal apprehension; the attorney general; the Hennepin, Ramsey, St. Louis, and Olmsted county attorneys; the chief law enforcement officers for Minneapolis, St. Paul, and Duluth; the head of the Minnesota chiefs of police association; the head of the Minnesota sheriffs association; and the Hennepin, Ramsey, St. Louis, and Olmsted county sheriffs. The attorney general and the commissioner of public safety shall serve as the cochairs of the council. Within the council, a law enforcement working group and a prosecutorial working group are established. The law enforcement working group consists of the commissioner of public safety, the superintendent of the bureau of criminal apprehension, the chief law enforcement officers for Minneapolis, St. Paul, and Duluth, the head of the Minnesota chiefs of police association, the head of the Minnesota sheriffs association, and the Hennepin, Ramsey, St. Louis, and Olmsted county sheriffs. The commissioner of public safety shall serve as its chair. The prosecution working group consists of the attorney general and the Hennepin, Ramsey, St. Louis, and Olmsted county attorneys. The council may invite the following to serve as ex officio members of the prosecution working group: the United States attorney for the district of Minnesota, a sheriff serving on the law enforcement working group, and a chief law enforcement officer serving on the law enforcement working group. The attorney general shall serve as its chair. The law enforcement working group, in consultation with the prosecution working group, shall develop a protocol for the investigation of criminal gangs and crimes committed by those gangs throughout the state of Minnesota. The prosecution working group, in consultation with the law enforcement working group, shall develop a protocol for the prosecution of gang cases investigated by the law enforcement officers assigned to the criminal gang strike force described in paragraph (b). The protocol developed by the prosecution working group shall be submitted to the council for review. The protocol developed by the law enforcement working group shall become effective upon approval by the

council. The council shall coordinate the efforts of the law enforcement working group and the prosecution working group, and shall develop an overall strategy for the reduction of the harm caused to the public by criminal gangs and their illegal activities within the state of Minnesota. In developing the strategy, the council shall consult with representatives from the community services division of the Minnesota department of corrections and federal probation officers employed by the United States district court of Minnesota. As far as practicable, this strategy must address all criminal gangs operating in the state regardless of location or the motivation or ethnicity of the gangs' members. The strategy must address criminal gangs in greater Minnesota. The council shall consult with and take into account the needs of law enforcement agencies and prosecutorial offices in greater Minnesota in developing the strategy. The strategy must target individuals or groups based on their criminal behavior, not their physical appearance. The strategy must take into account the rights of groups and individuals that the strike force may target and protect against abuses of these rights.

(b) The council, in consultation with the law enforcement working group and the prosecution working group, shall oversee the creation and deployment of a statewide criminal gang strike force. The strike force shall consist of law enforcement officers, bureau of criminal apprehension agents, a prosecutorial unit, and a communications and intelligence network. The strike force shall implement the strategy developed by the council and is responsible for tactical decisions regarding the implementation of the strategy. In addition and upon request, the strike force shall assist and train local governmental units, law enforcement agencies, and prosecutor's offices in methods to identify criminal gangs and gang members and in ways to successfully prosecute crimes committed by these individuals. To the greatest extent possible, the strike force shall operate as a cohesive unit exclusively for the purposes listed in this section. If regional units are created under paragraph (f), the council shall ensure that the existence and operation of these units do not impair the overall goal of a uniform statewide strategy to combat crimes committed by gangs.

(c) The law enforcement working group shall nominate law enforcement officers eligible to join the strike force, and the prosecution working group shall nominate prosecutors eligible to join the strike force. The law enforcement working group shall ensure that all law enforcement officers nominated to join the strike force are licensed peace officers or federal law enforcement agents found by the Minnesota board of peace officer standards and training to have equivalent qualifications. In nominating prosecutors eligible to join the strike force, the prosecution working group shall consult with county attorneys and other interested parties. In nominating law enforcement officers eligible to join the strike force, the law enforcement working group shall consult with chiefs of local law enforcement agencies, sheriffs, and other interested parties. The working groups shall request these individuals to recommend willing and experienced persons under their jurisdiction who would help the strike force and to permit those persons to join it. The council shall invite individuals from among those nominated to join the strike force, determine the number of members who will make up the strike force, and the composition of the force. To the greatest extent possible, entities contributing members to the strike force are encouraged to also contribute equipment and other support. The council shall attempt to ensure that these entities do so.

(d) To the greatest extent possible, members of the strike force shall serve on the force for the entirety of its existence. Members shall continue to be employed by the same organization they were employed by prior to joining the strike force. However, a member shall be under the exclusive command of the strike force as described in paragraph (e). A member who desires to be transferred back to the position the member held prior to joining the strike force may request a transfer from the council. The person in charge of the organization from which the member came also may request that a member be transferred back. The council shall approve and arrange for the transfer as soon as is practicable. If a member is transferred from the strike force, the person in charge of the organization from which the member came shall arrange for an experienced individual, acceptable to the council, to replace the transferred person on the strike force. If this arrangement cannot be made, any grant received under subdivision 5 must be repaid on a prorated basis.

(e) The law enforcement working group may designate a law enforcement officer who is a member of the strike force to be the commander of law enforcement officers assigned to the strike

force and may appoint a law enforcement officer assigned to a regional unit created under paragraph (f) to be the commander of the law enforcement officers assigned to the regional unit. The prosecution working group may designate a prosecutor who is a member of the strike force to be the supervisor of the prosecutors assigned to the strike force and may appoint a prosecutor assigned to a regional unit created under paragraph (f) to be the supervisor of the prosecutors assigned to the regional unit. Prosecutors on the strike force serve at the pleasure of the prosecutorial working group. Law enforcement officers assigned to the strike force serve at the pleasure of the law enforcement working group.

(f) If the council decides that it would be more effective and efficient to have distinct regional units concentrating on specific areas of the state within the strike force, it may do so either by initially creating various regional units within the strike force and selecting members accordingly or by doing so at a later date. If the council chooses to do this, the other provisions of this section shall still apply to the individual units and the council shall still have the duty and authority to develop necessary protocols for and to oversee the operation of each individual unit. The council may continue to alter the structure of the strike force and any units composing it in any way designed to further its effectiveness and to carry out the intent of this section.

(g) The prosecutorial unit described in paragraph (b), in consultation with the prosecution working group, shall develop a policy delineating the role of the attorneys in the strike force and specifying how criminal cases developed by the strike force will be prosecuted. To the greatest extent possible, this policy must utilize the expertise of county and city attorneys throughout the state, the attorney general's office, and the United States Attorney's Office; and must maximize cooperation with these prosecutors. It must also address the role of the prosecutorial unit in other matters, including, but not limited to, training local prosecutors in prosecuting cases involving criminal gangs, interviewing witnesses and victims, and cooperating with other strike force members in developing and building strong cases. The policy must specifically address the role of the attorneys in creating and maintaining up to the time of trial a relationship with witnesses and victims in an attempt to meet their needs and to ensure that they testify at the trial. The policy must be approved by the council before it becomes effective.

(h) In cases investigated by law enforcement officers assigned to the strike force in which a member or members of the prosecutorial unit are going to have prosecutorial jurisdiction, decisions concerning the criminal prosecution, including whether to commence a prosecution, are to be made exclusively by the prosecutorial unit, in consultation with the prosecution working group.

(i) The assistant attorney general assigned to the strike force, in addition to helping develop the policy described in paragraph (g) and in carrying out the individual tasks specified in the policy after it is approved by the council, shall generally advise the council on any matters that the council deems appropriate. The council may seek advice from other attorneys and, if the council decides it would be appropriate, may retain outside counsel.

Subd. 2. [STATEWIDE JURISDICTION.] Law enforcement officers who are members of the strike force shall have statewide jurisdiction to conduct criminal investigations and shall possess the same powers of arrest as those possessed by a sheriff. Prosecutors who are members of the strike force shall have all the powers of county attorneys and city attorneys to prosecute gang crimes investigated by the law enforcement officers assigned to the strike force throughout the state.

Subd. 3. [LIABILITY AND WORKERS' COMPENSATION.] While operating under the scope of this section, members of the strike force are "employees of the state" as defined in section 3.736 and are considered employees of the department of public safety for purposes of chapter 176.

Subd. 4. [REQUIRED REPORT.] By February 1 of each year, the council shall report to the chairs of the senate and house of representatives committees or divisions having jurisdiction over criminal justice policy and funding on the activities of the council and strike force.

Subd. 5. [REIMBURSEMENT GRANTS AUTHORIZED.] The council may award grants to

local law enforcement agencies, county attorney's and sheriff's offices, and other organizations that have contributed members to the strike force to hire new persons to replace those who have joined the force. A grant may cover a two-year period and reimburse the recipient for up to 100 percent of the salary of the departed person. A recipient of a grant under this subdivision shall use the money to hire a new person to replace the person who has joined the strike force, thus keeping its complement of employees at the same level. The money may not be used to pay for equipment or uniforms.

Subd. 6. [GRANTS TO EXPAND LOCAL CAPACITY TO COMBAT CRIMINAL GANGS.]

(a) The council may award grants to local law enforcement agencies and city and county attorneys' offices to expand the agency's or office's capacity to successfully investigate and prosecute crimes committed by criminal gangs.

(b) Grant applicants under this subdivision shall submit to the council a detailed plan describing the uses for which the money will be put. The council shall evaluate grant applications and award grants in a manner that will best ensure positive results. The council may award grants to purchase necessary equipment and to develop or upgrade computer systems if the council determines that this will best aid the recipient's attempts to combat criminal gangs. The council may require recipients of grants to provide follow-up reports to the council detailing the success of the recipient in combating criminal gangs.

(c) The council shall condition grants made under this subdivision to require that recipients agree to cooperate with the council and the bureau of criminal apprehension in creating and expanding a comprehensive criminal gang information system and in implementing the strategy developed by the council to combat criminal gangs. Grant recipients shall agree to provide the council and bureau with any requested information regarding the activities and characteristics of criminal gangs and gang members operating within its jurisdiction.

Sec. 2. [ASSIGNMENT OF BUREAU OF CRIMINAL APPREHENSION AGENTS TO STRIKE FORCE.]

The superintendent of the bureau of criminal apprehension shall assign experienced agents to the strike force described in section 1. These agents shall operate exclusively for the purposes listed in section 1 under the protocol approved by the criminal gang oversight council.

Sec. 3. [ASSIGNMENT OF ASSISTANT ATTORNEY GENERAL TO STRIKE FORCE.]

The attorney general shall assign an assistant attorney general experienced in the prosecution of crimes committed by criminal gangs to the strike force described in section 1. This attorney shall operate exclusively for the purposes listed in section 1 under the protocol approved by the criminal gang oversight council.

Sec. 4. [APPROPRIATIONS.]

Subdivision 1. [PUBLIC SAFETY.] \$..... is appropriated from the general fund to the commissioner of public safety for the biennium ending June 30, 1999, for a grant to the criminal gang oversight council to be used by the council for the grants authorized in section 1, subdivisions 5 and 6, and to fund the organization and operation of the strike force described in section 1. The council may use part of this appropriation to procure necessary equipment and pay other expenses deemed necessary by the council. However, the council shall seek to minimize expenses related to equipment by encouraging local entities to contribute equipment and other support to the strike force.

Subd. 2. [BUREAU OF CRIMINAL APPREHENSION.] (a) \$..... is appropriated from the general fund to the superintendent of the bureau of criminal apprehension for the biennium ending June 30, 1999, to hire new agents to replace those assigned to the criminal gang strike force.

(b) \$..... is appropriated from the general fund to the superintendent of the bureau of criminal apprehension for the biennium ending June 30, 1999, to develop a comprehensive database of information regarding the activities and characteristics of criminal gangs and gang members throughout the state.

Subd. 3. [ATTORNEY GENERAL.] \$..... is appropriated from the general fund to the attorney general for the biennium ending June 30, 1999, to hire an assistant attorney general to replace the one assigned to the criminal gang strike force."

Delete the title and insert:

"A bill for an act relating to crime prevention; creating a criminal gang council and strike force to develop and implement a strategy to investigate and prosecute crimes committed by criminal gangs throughout the state; authorizing the council to make various grants; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A."

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

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

**S.F. No. 114:** A bill for an act relating to local and state government; providing for emergency expenditures related to the continuing severe weather conditions and their aftermath; appropriating money.

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

Delete everything after the enacting clause and insert:

"Section 1. [APPROPRIATION FOR 1997 SEVERE WEATHER AFFECTING PUBLIC SAFETY.]

A special 1997 severe weather contingent appropriation is authorized. Reimbursement to counties, cities, and towns under this section must be coordinated in so far as possible, and subject to immediate public safety concerns, with emergency federal funding for the same or similar purposes. The commissioner of public safety, through the division of emergency management, in cooperation with the commissioner of transportation, shall devise a formula or criteria for distribution of funds for 1996 snowplowing, which will compare snowplowing expenditures of the local unit of government for 1993, 1994, and 1995 against 1996 snowplowing expenditures. To receive reimbursement of 1996 snowplowing expenditures or to match federal disaster assistance, a county, city, or town must request the aid and provide relevant information to the division of emergency management which shall review the request, determine the appropriate amount of the reimbursement or match, and distribute funds accordingly.

Sec. 2. [APPROPRIATIONS.]

Subdivision 1. [SEVERE WEATHER COSTS.] \$20,000,000 in fiscal year 1997 is appropriated from the general fund to the commissioner of public safety to be spent as provided in section 1, except that the commissioner may use necessary funds for administration of this program. Of the \$20,000,000, up to \$5,000,000 shall be available as needed to match federal disaster assistance related to 1997 snowfall, \$2,000,000 shall be held in reserve until needed to match federal disaster assistance associated with 1997 flooding or related emergencies which affect public safety, and the remainder shall be used for reimbursement of 1996 snowplowing expenses incurred by any county, city, or town in the state that complies with section 1 and meets the distribution criteria devised by the commissioners of transportation and public safety. On June 30, 1997, any unexpended portion of the \$5,000,000 available to match federal disaster assistance related to 1997 snowfall shall revert to the general fund.

Subd. 2. [HIGHWAY SNOW AND ICE CONTROL; SPRING MAINTENANCE.] \$16,000,000 in fiscal year 1997 is appropriated from the trunk highway fund to the commissioner of transportation for highway snow and ice control and spring maintenance.

Subd. 3. [STATE PATROL OVERTIME COSTS.] \$95,000 in fiscal year 1997 is appropriated from the trunk highway fund to the commissioner of public safety to offset extraordinary expenditures for overtime costs for the state patrol during winter storms.

Sec. 3. [EFFECTIVE DATE.]

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

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

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

**S.F. No. 158:** A bill for an act relating to public safety; regulating school bus safety, equipment, and drivers; regulating disbursement of student transportation safety reserved revenue; changing school bus safety week requirements; requiring school districts to develop requirements for student conduct on school buses; providing for selective reporting by school districts of school bus accidents and incidents; making technical changes; imposing penalties; amending Minnesota Statutes 1996, sections 123.799, subdivision 1; 123.7991, subdivisions 1, 2, and by adding a subdivision; 169.01, subdivision 6; 169.1211, subdivision 1; 169.435, subdivision 2; 169.443, subdivision 3; 169.447, subdivision 6, and by adding a subdivision; 169.4501, subdivisions 1 and 2; 169.4502, subdivisions 2, 7, 11, and by adding subdivisions; 169.4503, subdivisions 1, 2, 10, 13, 14, 17, 19, 23, 24, and by adding a subdivision; 169.4504, subdivision 1, and by adding a subdivision; 169.451, subdivision 4; 169.452; 171.321, subdivision 5, and by adding a subdivision; and 171.3215, subdivision 4; repealing Minnesota Statutes 1996, sections 169.4502, subdivisions 6 and 9; 169.4503, subdivisions 3, 8, 9, 11, 12, and 22; and 169.454, subdivision 11.

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

Page 6, delete section 6

Pages 8 and 9, delete section 10

Pages 14 and 15, delete section 31

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 10, delete "imposing penalties;"

Page 1, line 13, delete "169.1211, subdivision 1;"

Page 1, line 15, delete ", and by adding a subdivision"

Page 1, line 20, delete "169.451, subdivision 4;"

And when so amended the bill be re-referred to the Committee on Children, Families and Learning without recommendation. Amendments adopted. Report adopted.

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

**S.F. No. 173:** A bill for an act relating to commerce; providing for the use, validity, and security of electronic signatures and messages transmitted in commerce; prescribing penalties; proposing coding for new law as Minnesota Statutes, chapter 325K.

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

Delete everything after the enacting clause and insert:

"Section 1. [SHORT TITLE.]

This chapter may be cited as the Minnesota Electronic Authentication Act.

Sec. 2. [325K.01] [DEFINITIONS.]

Subdivision 1. [SCOPE.] Unless the context clearly requires otherwise, the terms used in this chapter have the meanings given them in this section.

Subd. 2. [ACCEPT A CERTIFICATE.] "Accept a certificate" means either:

- (1) to manifest approval of a certificate, while knowing or having notice of its contents; or
- (2) to apply to a licensed certification authority for a certificate, without canceling or revoking the application by delivering notice of the cancellation or revocation to the certification authority and obtaining a signed, written receipt from the certification authority, if the certification authority subsequently issues a certificate based on the application.

Subd. 3. [ASYMMETRIC CRYPTOSYSTEM.] "Asymmetric cryptosystem" means an algorithm or series of algorithms that provide a secure key pair.

Subd. 4. [CERTIFICATE.] "Certificate" means a computer-based record that:

- (1) identifies the certification authority issuing it;
- (2) names or identifies its subscriber;
- (3) contains the subscriber's public key; and
- (4) is digitally signed by the certification authority issuing it.

Subd. 5. [CERTIFICATION AUTHORITY.] "Certification authority" means a person who issues a certificate.

Subd. 6. [CERTIFICATION AUTHORITY DISCLOSURE RECORD.] "Certification authority disclosure record" means an on-line, publicly accessible record that concerns a licensed certification authority and is kept by the secretary. A certification authority disclosure record has the contents specified by rule by the secretary under section 325K.03.

Subd. 7. [CERTIFICATION PRACTICE STATEMENT.] "Certification practice statement" means a declaration of the practices that a certification authority employs in issuing certificates generally, or employed in issuing a material certificate.

Subd. 8. [CERTIFY.] "Certify" means to declare with reference to a certificate, with ample opportunity to reflect, and with a duty to apprise oneself of all material facts.

Subd. 9. [CONFIRM.] "Confirm" means to ascertain through appropriate inquiry and investigation.

Subd. 10. [CORRESPOND.] "Correspond," with reference to keys, means to belong to the same key pair.

Subd. 11. [DIGITAL SIGNATURE.] "Digital signature" means a transformation of a message using an asymmetric cryptosystem such that a person having the initial message and the signer's public key can accurately determine:

- (1) whether the transformation was created using the private key that corresponds to the signer's public key; and
- (2) whether the initial message has been altered since the transformation was made.

Subd. 12. [FINANCIAL INSTITUTION.] "Financial institution" means a national or state-chartered commercial bank or trust company, savings bank, savings association, or credit union authorized to do business in the state of Minnesota and the deposits of which are federally insured.

Subd. 13. [FORGE A DIGITAL SIGNATURE.] "Forge a digital signature" means either:

- (1) to create a digital signature without the authorization of the rightful holder of the private key; or

(2) to create a digital signature verifiable by a certificate listing as subscriber a person who either:

(i) does not exist; or

(ii) does not hold the private key corresponding to the public key listed in the certificate.

Subd. 14. [HOLD A PRIVATE KEY.] "Hold a private key" means to be authorized to utilize a private key.

Subd. 15. [INCORPORATE BY REFERENCE.] "Incorporate by reference" means to make one message a part of another message by identifying the message to be incorporated and expressing the intention that it be incorporated.

Subd. 16. [ISSUE A CERTIFICATE.] "Issue a certificate" means the acts of a certification authority in creating a certificate and notifying the subscriber listed in the certificate of the contents of the certificate.

Subd. 17. [KEY PAIR.] "Key pair" means a private key and its corresponding public key in an asymmetric cryptosystem, keys which have the property that the public key can verify a digital signature that the private key creates.

Subd. 18. [LICENSED CERTIFICATION AUTHORITY.] "Licensed certification authority" means a certification authority to whom a license has been issued by the secretary and whose license is in effect.

Subd. 19. [MESSAGE.] "Message" means a digital representation of information.

Subd. 20. [NOTIFY.] "Notify" means to communicate a fact to another person in a manner reasonably likely under the circumstances to impart knowledge of the information to the other person.

Subd. 21. [OPERATIVE PERSONNEL.] "Operative personnel" means one or more natural persons acting as a certification authority or its agent, or in the employment of, or under contract with, a certification authority, and who have:

(1) managerial or policymaking responsibilities for the certification authority; or

(2) duties directly involving the issuance of certificates, creation of private keys, or administration of a certification authority's computing facilities.

Subd. 22. [PERSON.] "Person" means a human being or an organization capable of signing a document, either legally or as a matter of fact.

Subd. 23. [PRIVATE KEY.] "Private key" means the key of a key pair used to create a digital signature.

Subd. 24. [PUBLIC KEY.] "Public key" means the key of a key pair used to verify a digital signature.

Subd. 25. [PUBLISH.] "Publish" means to record or file in a repository.

Subd. 26. [QUALIFIED RIGHT TO PAYMENT.] "Qualified right to payment" means an award of damages against a licensed certification authority by a court having jurisdiction over the certification authority in a civil action for violation of this chapter.

Subd. 27. [RECIPIENT.] "Recipient" means a person who receives or has a digital signature and is in a position to rely on it.

Subd. 28. [RECOGNIZED REPOSITORY.] "Recognized repository" means a repository recognized by the secretary under section 325K.25.

Subd. 29. [RECOMMENDED RELIANCE LIMIT.] "Recommended reliance limit" means the monetary amount recommended for reliance on a certificate under section 325K.17.



Subd. 30. [REPOSITORY.] "Repository" means a system for storing and retrieving certificates and other information relevant to digital signatures.

Subd. 31. [REVOKE A CERTIFICATE.] "Revoke a certificate" means to make a certificate ineffective permanently from a specified time forward. Revocation is effected by notation or inclusion in a set of revoked certificates, and does not imply that a revoked certificate is destroyed or made illegible.

Subd. 32. [RIGHTFULLY HOLD A PRIVATE KEY.] "Rightfully hold a private key" means the authority to utilize a private key:

(1) that the holder or the holder's agents have not disclosed to a person in violation of section 325K.13, subdivision 1; and

(2) that the holder has not obtained through theft, deceit, eavesdropping, or other unlawful means.

Subd. 33. [SECRETARY.] "Secretary" means the Minnesota secretary of state.

Subd. 34. [SUBSCRIBER.] "Subscriber" means a person who:

(1) is the subject listed in a certificate;

(2) accepts the certificate; and

(3) holds a private key that corresponds to a public key listed in that certificate.

Subd. 35. [SUITABLE GUARANTY.] "Suitable guaranty" means either a surety bond executed by a surety authorized by the commissioner of commerce to do business in this state, or an irrevocable letter of credit issued by a financial institution authorized to do business in this state, that:

(1) is issued payable to the secretary for the benefit of persons holding qualified rights of payment against the licensed certification authority named as the principal of the bond or customer of the letter of credit;

(2) is in an amount specified by rule by the secretary under section 325K.03;

(3) states that it is issued for filing under this chapter;

(4) specifies a term of effectiveness extending at least as long as the term of the license to be issued to the certification authority; and

(5) is in a form prescribed or approved by rule by the secretary.

A suitable guaranty may also provide that the total annual liability on the guaranty to all persons making claims based on it may not exceed the face amount of the guaranty.

Subd. 36. [SUSPEND A CERTIFICATE.] "Suspend a certificate" means to make a certificate ineffective temporarily for a specified time forward.

Subd. 37. [TIME STAMP.] "Time stamp" means either:

(1) to append or attach to a message, digital signature, or certificate a digitally signed notation indicating at least the date, time, and identity of the person appending or attaching the notation; or

(2) the notation thus appended or attached.

Subd. 38. [TRANSACTIONAL CERTIFICATE.] "Transactional certificate" means a valid certificate incorporating by reference one or more of the digital signatures.

Subd. 39. [TRUSTWORTHY SYSTEM.] "Trustworthy system" means a computer hardware and software that:

- (1) are reasonably secure from intrusion and misuse;
- (2) provide a reasonable level of availability, reliability, and correct operation; and
- (3) are reasonably suited to performing their intended functions.

Subd. 40. [VALID CERTIFICATE.] "Valid certificate" means a certificate that:

- (1) a licensed certification authority has issued;
- (2) the subscriber listed in it has accepted;
- (3) has not been revoked or suspended; and
- (4) has not expired.

However, a transactional certificate is a valid certificate only in relation to the digital signature incorporated in it by reference.

Subd. 41. [VERIFY A DIGITAL SIGNATURE.] "Verify a digital signature" means, in relation to a given digital signature, message, and public key, to determine accurately that:

- (1) the digital signature was created by the private key corresponding to the public key; and
- (2) the message has not been altered since its digital signature was created.

Sec. 3. [325K.02] [PURPOSES AND CONSTRUCTION.]

This chapter shall be construed consistently with what is commercially reasonable under the circumstances and to effectuate the following purposes:

- (1) to facilitate commerce by means of reliable electronic messages;
- (2) to minimize the incidence of forged digital signatures and fraud in electronic commerce;
- (3) to implement legally the general import of relevant standards, such as X.509 of the International Telecommunication Union, formerly known as the international telegraph and telephone consultative committee; and
- (4) to establish, in coordination with multiple states, uniform rules regarding the authentication and reliability of electronic messages.

Sec. 4. [325K.03] [ROLE OF THE SECRETARY.]

Subdivision 1. [TRANSITIONAL DUTY.] If six months elapse during which time no certification authority is licensed in this state, then the secretary shall be a certification authority, and may issue, suspend, and revoke certificates in the manner prescribed for licensed certification authorities. Except for licensing requirements, this chapter applies to the secretary with respect to certificates the secretary issues. The secretary must discontinue acting as a certification authority if another certification authority is licensed, in a manner allowing reasonable transition to private enterprise.

Subd. 2. [RECORD.] The secretary must maintain a publicly accessible database containing a certification authority disclosure record for each licensed certification authority. The secretary must publish the contents of the database in at least one recognized repository.

Subd. 3. [RULES.] The secretary must adopt rules consistent with this chapter and in furtherance of its purposes:

- (1) to govern licensed certification authorities, their practice, and the termination of a certification authority's practice;
- (2) to determine an amount reasonably appropriate for a suitable guaranty, in light of the

burden a suitable guaranty places upon licensed certification authorities and the assurance of quality and financial responsibility it provides to persons who rely on certificates issued by licensed certification authorities;

(3) to specify reasonable requirements for the form of certificates issued by licensed certification authorities, in accordance with generally accepted standards for digital signature certificates;

(4) to specify reasonable requirements for recordkeeping by licensed certification authorities;

(5) to specify reasonable requirements for the content, form, and sources of information in certification authority disclosure records, the updating and timeliness of the information, and other practices and policies relating to certification authority disclosure records;

(6) to specify the form of the certification practice statements; and

(7) otherwise to give effect to and implement this chapter.

Sec. 5. [325K.04] [FEES.]

The secretary may adopt rules establishing reasonable fees for all services rendered under this chapter, in amounts sufficient to compensate for the costs of all services under this chapter. All fees recovered by the secretary must be deposited in the state general fund.

Sec. 6. [325K.05] [LICENSURE AND QUALIFICATIONS OF CERTIFICATION AUTHORITIES.]

Subdivision 1. [LICENSE CONDITIONS.] To obtain or retain a license, a certification authority must:

(1) be the subscriber of a certificate published in a recognized repository;

(2) employ as operative personnel only persons who have not been convicted within the past 15 years of a felony or a crime involving fraud, false statement, or deception;

(3) employ as operative personnel only persons who have demonstrated knowledge and proficiency in following the requirements of this chapter;

(4) file with the secretary a suitable guaranty, unless the certification authority is a department, office, or official of a state, city, or county governmental entity, provided that:

(i) each of these public entities act through designated officials authorized by rule or ordinance to perform certification authority functions; or

(ii) one of these public entities is the subscriber of all certificates issued by the certification authority;

(5) have the right to use a trustworthy system, including a secure means for limiting access to its private key;

(6) present proof to the secretary of having working capital reasonably sufficient, according to rules adopted by the secretary, to enable the applicant to conduct business as a certification authority;

(7) maintain an office in this state or have established a registered agent for service of process in this state; and

(8) comply with all further licensing requirements established by rule by the secretary.

Subd. 2. [LICENSE PROCEDURES.] The secretary must issue a license to a certification authority that:

(1) is qualified under subdivision 1;

(2) applies in writing to the secretary for a license; and

(3) pays a filing fee adopted by rule by the secretary.

Subd. 3. [RULES.] The secretary may by rule classify licenses according to specified limitations, such as a maximum number of outstanding certificates, cumulative maximum of recommended reliance limits in certificates issued by the certification authority, or issuance only within a single firm or organization, and the secretary may issue licenses restricted according to the limits of each classification. A certification authority acts as an unlicensed certification authority in issuing a certificate exceeding the restrictions of the certification authority's license.

Subd. 4. [REVOCATION OR SUSPENSION.] The secretary may revoke or suspend a certification authority's license, in accordance with the administrative procedure act, chapter 14, for failure to comply with this chapter or for failure to remain qualified under subdivision 1.

Subd. 5. [LOCAL AUTHORITIES.] The secretary may recognize by rule the licensing or authorization of certification authorities by local, metropolitan, or regional governmental entities, provided that those licensing or authorization requirements are substantially similar to those of this state. If licensing by another governmental entity is so recognized:

(1) sections 325K.19 to 325K.24 apply to certificates issued by the certification authorities licensed or authorized by that governmental entity in the same manner as it applies to licensed certification authorities of this state; and

(2) the liability limits of section 325K.17 apply to the certification authorities licensed or authorized by that governmental entity in the same manner as they apply to licensed certification authorities of this state.

Subd. 6. [APPLICABILITY TO DIGITAL SIGNATURES.] Unless the parties provide otherwise by contract between themselves, the licensing requirements in this section do not affect the effectiveness, enforceability, or validity of any digital signature, except that sections 325K.19 to 325K.24 do not apply in relation to a digital signature that cannot be verified by a certificate issued by an unlicensed certification authority.

Subd. 7. [NONAPPLICABILITY.] A certification authority that has not obtained a license is not subject to the provision of this chapter.

#### Sec. 7. [325K.06] [PERFORMANCE AUDITS.]

Subdivision 1. [ANNUAL AUDIT; AUDITOR QUALIFICATIONS; RULES.] A certified public accountant having expertise in computer security must audit the operations of each licensed certification authority at least once each year to evaluate compliance with this chapter. The secretary may by rule specify the qualifications of auditors.

Subd. 2. [COMPLIANCE CATEGORIES.] Based on information gathered in the audit, the auditor must categorize the licensed certification authority's compliance as one of the following:

(a) [FULL COMPLIANCE.] The certification authority appears to conform to all applicable statutory and regulatory requirements.

(b) [SUBSTANTIAL COMPLIANCE.] The certification authority appears generally to conform to applicable statutory and regulatory requirements. However, one or more instances of noncompliance or of inability to demonstrate compliance were found in an audited sample, but were likely to be inconsequential.

(c) [PARTIAL COMPLIANCE.] The certification authority appears to comply with some statutory and regulatory requirements, but was found not to have complied or not be able to demonstrate compliance with one or more important safeguards.

(d) [NONCOMPLIANCE.] The certification authority complies with few or none of the statutory and regulatory requirements, fails to keep adequate records to demonstrate compliance with more than a few requirements, or refused to submit to an audit.

The secretary shall publish in the certification authority disclosure record it maintains for the certification authority the date of the audit and the resulting categorization of the certification authority.

Subd. 3. [EXEMPTION FROM AUDIT.] The secretary may exempt a licensed certification authority from the requirements of subdivision 1, if:

- (1) the certification authority to be exempted requests exemption in writing;
- (2) the most recent performance audit, if any, of the certification authority resulted in a finding of full or substantial compliance; and
- (3) the certification authority declares under oath, affirmation, or penalty of perjury that one or more of the following is true with respect to the certification authority:
  - (i) the certification authority has issued fewer than six certificates during the past year and the recommended reliance limits of all of the certificates do not exceed \$10,000;
  - (ii) the aggregate lifetime of all certificates issued by the certification authority during the past year is less than 30 days and the recommended reliance limits of all of the certificates do not exceed \$10,000; or
  - (iii) the recommended reliance limits of all certificates outstanding and issued by the certification authority total less than \$1,000.

Subd. 4. [FALSE DECLARATION.] If the certification authority's declaration under subdivision 3 falsely states a material fact, the certification authority has failed to comply with the performance audit requirements of this section.

Subd. 5. [RECORD OF EXEMPTION.] If a licensed certification authority is exempt under subdivision 3, the secretary must publish in the certification authority disclosure record it maintains for the certification authority that the certification authority is exempt from the performance audit requirement.

**Sec. 8. [325K.07] [ENFORCEMENT OF REQUIREMENTS FOR LICENSED CERTIFICATION AUTHORITIES.]**

Subdivision 1. [INVESTIGATION.] The secretary may investigate the activities of a licensed certification authority material to its compliance with this chapter and issue orders to a certification authority to further its investigation and secure compliance with this chapter.

Subd. 2. [SUSPENSION OR REVOCATION.] The secretary may suspend or revoke the license of a certification authority for its failure to comply with an order of the secretary.

Subd. 3. [CIVIL PENALTY.] The secretary may by order impose and collect a civil monetary penalty for a violation of this chapter in an amount not to exceed \$5,000 per incident, or 90 percent of the recommended reliance limit of a material certificate, whichever is less. In case of a violation continuing for more than one day, each day is considered a separate incident.

Subd. 4. [PAYMENT OF COSTS.] The secretary may order a certification authority, which it has found to be in violation of this chapter, to pay the costs incurred by the secretary in prosecuting and adjudicating proceedings relative to the order, and enforcing it.

Subd. 5. [ADMINISTRATIVE PROCEDURES; INJUNCTIVE RELIEF.] (a) The secretary must exercise authority under this section in accordance with the administrative procedure act, chapter 14, and a licensed certification authority may obtain judicial review of the secretary's actions as prescribed by chapter 14.

(b) The secretary may also seek injunctive relief to compel compliance with an order.

**Sec. 9. [325K.08] [DANGEROUS ACTIVITIES BY CERTIFICATION AUTHORITY PROHIBITED.]**

Subdivision 1. [PROHIBITION GENERALLY.] No certification authority, whether licensed or not, may conduct its business in a manner that creates an unreasonable risk of loss to subscribers of the certification authority, to persons relying on certificates issued by the certification authority, or to a repository.

Subd. 2. [NOTICE AUTHORIZED; PROTEST, HEARING, AND SUBSEQUENT ACTION.] The secretary may publish in the repository it provides, or elsewhere, brief statements advising subscribers, persons relying on digital signatures, or other repositories about activities of a certification authority, whether licensed or not, that create a risk prohibited by subdivision 1. The certification authority named in a statement as creating or causing such a risk may protest the publication of the statement by filing a written defense of 10,000 bytes or less. Upon receipt of a protest, the secretary shall publish the protest along with the secretary's statement, and shall promptly give the protesting certification authority notice and an opportunity to be heard. Following the hearing, the secretary shall rescind the advisory statement if its publication was unwarranted under this section, cancel it if its publication is no longer warranted, continue or amend it if it remains warranted, or take further legal action to eliminate or reduce a risk prohibited by subdivision 1. The secretary shall publish its decision in the repository it provides.

Subd. 3. [ORDERS AND CIVIL ACTIONS.] In the manner provided by the administrative procedure act, chapter 14, the secretary may issue orders and obtain injunctions or other civil relief to prevent or restrain a certification authority from violating this section, regardless of whether the certification authority is licensed. This section does not create a right of action in a person other than the secretary.

Sec. 10. [325K.09] [GENERAL REQUIREMENTS FOR CERTIFICATION AUTHORITIES.]

Subdivision 1. [USE OF TRUSTWORTHY SYSTEM.] A licensed certification authority or subscriber may use only a trustworthy system:

- (1) to issue, suspend, or revoke a certificate;
- (2) to publish or give notice of the issuance, suspension, or revocation of a certificate; or
- (3) to create a private key.

Subd. 2. [DISCLOSURE REQUIRED.] A licensed certification authority shall disclose any material certification practice statement and disclose any fact material to either the reliability of a certificate that it has issued or its ability to perform its services. A certification authority may require a signed, written, and reasonably specific inquiry from an identified person and payment of reasonable compensation as conditions precedent to effecting a disclosure required in this subdivision.

Sec. 11. [325K.10] [ISSUANCE OF CERTIFICATE.]

Subdivision 1. [CONDITIONS.] A licensed certification authority may issue a certificate to a subscriber only after all of the following conditions are satisfied:

- (1) the certification authority has received a request for issuance signed by the prospective subscriber; and
- (2) the certification authority has confirmed that:
  - (i) the prospective subscriber is the person to be listed in the certificate to be issued;
  - (ii) if the prospective subscriber is acting through one or more agents, the subscriber duly authorized each agent to have custody of the subscriber's private key and to request issuance of a certificate listing the corresponding public key;
  - (iii) the information in the certificate to be issued is accurate;
  - (iv) the prospective subscriber rightfully holds the private key corresponding to the public key to be listed in the certificate;

- (v) the prospective subscriber holds a private key capable of creating a digital signature; and
- (vi) the public key to be listed in the certificate can be used to verify a digital signature affixed by the private key held by the prospective subscriber.

The requirements of this subdivision may not be waived or disclaimed by either the licensed certification authority, the subscriber, or both.

Subd. 2. [PUBLICATION.] If the subscriber accepts the issued certificate, the certification authority shall publish a signed copy of the certificate in a recognized repository, as the certification authority and the subscriber named in the certificate may agree, unless a contract between the certification authority and the subscriber provides otherwise. If the subscriber does not accept the certificate, a licensed certification authority shall not publish it, or shall cancel its publication if the certificate has already been published.

Subd. 3. [APPLICATION OF OTHER STANDARDS.] Nothing in this section precludes a licensed certification authority from conforming to standards, certification practice statements, security plans, or contractual requirements more rigorous than, but nevertheless consistent with, this chapter.

Subd. 4. [SUSPENSION OR REVOCATION.] After issuing a certificate, a licensed certification authority shall revoke it immediately upon confirming that it was not issued as required by this section. A licensed certification authority may also suspend a certificate that it has issued for a reasonable period not exceeding 48 hours as needed for an investigation to confirm grounds for revocation under this subdivision. The certification authority shall give notice to the subscriber as soon as practicable after a decision to revoke or suspend under this subdivision.

Subd. 5. [ORDER OF SUSPENSION OR REVOCATION.] The secretary may order the licensed certification authority to suspend or revoke a certificate that the certification authority issued if, after giving any required notice and opportunity for the certification authority and subscriber to be heard in accordance with the administrative procedure act, chapter 14, the secretary determines that:

- (1) the certificate was issued without substantial compliance with this section; and
- (2) the noncompliance poses a significant risk to persons reasonably relying on the certificate.

Upon determining that an emergency requires an immediate remedy, and in accordance with the administrative procedure act, chapter 14, the secretary may issue an order suspending a certificate for a period not to exceed 48 hours.

Sec. 12. [325K.11] [WARRANTIES AND OBLIGATIONS UPON ISSUANCE OF CERTIFICATE.]

Subdivision 1. [ABSOLUTE WARRANTIES TO SUBSCRIBERS.] By issuing a certificate, a licensed certification authority warrants to the subscriber named in the certificate that:

- (1) the certificate contains no information known to the certification authority to be false;
- (2) the certificate satisfies all material requirements of this chapter; and
- (3) the certification authority has not exceeded any limits of its license in issuing the certificate.

The certification authority may not disclaim or limit the warranties of this subdivision.

Subd. 2. [NEGOTIABLE WARRANTIES TO SUBSCRIBERS.] Unless the subscriber and certification authority otherwise agree, a certification authority, by issuing a certificate, promises to the subscriber:

- (1) to act promptly to suspend or revoke a certificate in accordance with section 325K.14 or 325K.15; and

(2) to notify the subscriber within a reasonable time of any facts known to the certification authority that significantly affect the validity or reliability of the certificate once it is issued.

Subd. 3. [WARRANTIES TO THOSE WHO REASONABLY RELY.] By issuing a certificate, a licensed certification authority certifies to all who reasonably rely on the information contained in the certificate that:

(1) the information in the certificate and listed as confirmed by the certification authority is accurate;

(2) all information foreseeably material to the reliability of the certificate is stated or incorporated by reference within the certificate;

(3) the subscriber has accepted the certificate; and

(4) the licensed certification authority has complied with all applicable laws of this state governing issuance of the certificate.

Subd. 4. [WARRANTIES FOLLOWING PUBLICATION.] By publishing a certificate, a licensed certification authority certifies to the repository in which the certificate is published and to all who reasonably rely on the information contained in the certificate that the certification authority has issued the certificate to the subscriber.

Sec. 13. [325K.12] [REPRESENTATIONS AND DUTIES UPON ACCEPTING CERTIFICATE.]

Subdivision 1. [SUBSCRIBER WARRANTIES.] By accepting a certificate issued by a licensed certification authority, the subscriber listed in the certificate certifies to all who reasonably rely on the information contained in the certificate that:

(1) the subscriber rightfully holds the private key corresponding to the public key listed in the certificate;

(2) all representations made by the subscriber to the certification authority and material to the information listed in the certificate are true; and

(3) all material representations made by the subscriber to a certification authority or made in the certificate and not confirmed by the certification authority in issuing the certificate are true.

Subd. 2. [AGENT WARRANTIES.] By requesting on behalf of a principal the issuance of a certificate naming the principal as subscriber, the requesting person certifies in that person's own right to all who reasonably rely on the information contained in the certificate that the requesting person:

(1) holds all authority legally required to apply for issuance of a certificate naming the principal as subscriber; and

(2) has authority to sign digitally on behalf of the principal, and, if that authority is limited in any way, adequate safeguards exist to prevent a digital signature exceeding the bounds of the person's authority.

Subd. 3. [DISCLAIMER LIMITATIONS.] No person may disclaim or contractually limit the application of this section, nor obtain indemnity for its effects, if the disclaimer, limitation, or indemnity restricts liability for misrepresentation as against persons reasonably relying on the certificate.

Subd. 4. [INDEMNIFICATION BY SUBSCRIBER OR AGENT.] By accepting a certificate, a subscriber undertakes to indemnify the issuing certification authority for loss or damage caused by issuance or publication of a certificate in reliance on:

(1) a false and material representation of fact by the subscriber; or



(2) the failure by the subscriber to disclose a material fact if the representation or failure to disclose was made either with intent to deceive the certification authority or a person relying on the certificate, or with negligence. If the certification authority issued the certificate at the request of one or more agents of the subscriber, the agent or agents personally undertake to indemnify the certification authority under this subdivision, as if they were accepting subscribers in their own right. The indemnity provided in this section may not be disclaimed or contractually limited in scope. However, a contract may provide consistent, additional terms regarding the indemnification.

Subd. 5. [CERTIFIED ACCURACY.] In obtaining information of the subscriber material to issuance of a certificate, the certification authority may require the subscriber to certify the accuracy of relevant information under oath or affirmation of truthfulness and under penalty of perjury.

Sec. 14. [325K.13] [CONTROL OF PRIVATE KEY.]

Subdivision 1. [DUTY.] By accepting a certificate issued by a licensed certification authority, the subscriber identified in the certificate assumes a duty to exercise reasonable care to retain control of the private key and prevent its disclosure to a person not authorized to create the subscriber's digital signature.

Subd. 2. [PRIVATE PROPERTY.] A private key is the personal property of the subscriber who rightfully holds it.

Subd. 3. [AUTHORITY AS FIDUCIARY.] If a certification authority holds the private key corresponding to a public key listed in a certificate that it has issued, the certification authority holds the private key as a fiduciary of the subscriber named in the certificate, and may use that private key only with the subscriber's prior written approval, unless the subscriber expressly grants the private key to the certification authority and expressly permits the certification authority to hold the private key according to other terms.

Sec. 15. [325K.14] [SUSPENSION OF CERTIFICATE.]

Subdivision 1. [SUSPENSION FOR 48 HOURS.] Unless the certification authority and the subscriber agree otherwise, the licensed certification authority that issued a certificate that is not a transactional certificate must suspend the certificate for a period not to exceed 48 hours:

(1) upon request by a person identifying himself or herself as the subscriber named in the certificate, or as a person in a position likely to know of a compromise of the security of a subscriber's private key, such as an agent, business associate, employee, or member of the immediate family of the subscriber; or

(2) by order of the secretary under section 325K.10.

The certification authority need not confirm the identity or agency of the person requesting suspension.

Subd. 2. [SUSPENSION FOR 48 HOURS; OTHER CAUSES.] (a) Unless the certificate provides otherwise or the certificate is a transactional certificate, the secretary or a county clerk may suspend a certificate issued by a licensed certification authority for a period of 48 hours, if:

(1) a person identifying himself or herself as the subscriber named in the certificate or as an agent, business associate, employee, or member of the immediate family of the subscriber requests suspension; and

(2) the requester represents that the certification authority that issued the certificate is unavailable.

(b) The secretary or county clerk may require the person requesting suspension to provide evidence, including a statement under oath or affirmation, regarding the requester's identity, authorization, or the unavailability of the issuing certification authority, and may decline to

suspend the certificate in its discretion. The secretary or law enforcement agencies may investigate suspensions by the secretary or county clerk for possible wrongdoing by persons requesting suspension.

Subd. 3. [NOTICE OF SUSPENSION.] Immediately upon suspension of a certificate by a licensed certification authority, the licensed certification authority shall give notice of the suspension according to the specification in the certificate. If one or more repositories are specified, then the licensed certification authority must publish a signed notice of the suspension in all the repositories. If a repository no longer exists or refuses to accept publication, or if no repository is recognized under section 325K.25, the licensed certification authority must also publish the notice in a recognized repository. If a certificate is suspended by the secretary or county clerk, the secretary or clerk must give notice as required in this subdivision for a licensed certification authority, provided that the person requesting suspension pays in advance any fee required by a repository for publication of the notice of suspension.

Subd. 4. [TERMINATING SUSPENSION.] A certification authority must terminate a suspension initiated by request only:

(1) if the subscriber named in the suspended certificate requests termination of the suspension and the certification authority has confirmed that the person requesting suspension is the subscriber or an agent of the subscriber authorized to terminate the suspension; or

(2) when the certification authority discovers and confirms that the request for the suspension was made without authorization by the subscriber. However, this clause does not require the certification authority to confirm a request for suspension.

Subd. 5. [CONTRACT LIMITATION OR PRECLUSION.] The contract between a subscriber and a licensed certification authority may limit or preclude requested suspension by the certification authority, or may provide otherwise for termination of a requested suspension. However, if the contract limits or precludes suspension by the secretary or county clerk when the issuing certification authority is unavailable, the limitation or preclusion is effective only if notice of it is published in the certificate.

Subd. 6. [MISREPRESENTATION.] No person may knowingly or intentionally misrepresent to a certification authority the person's identity or authorization in requesting suspension of a certificate. Violation of this subdivision is a misdemeanor.

Subd. 7. [EFFECT ON SUBSCRIBER.] The subscriber is released from the duty to keep the private key secure under section 325K.13, subdivision 1, while the certificate is suspended.

Sec. 16. [325K.15] [CERTIFICATE REVOCATION.]

Subdivision 1. [AFTER REQUEST.] A licensed certification authority must revoke a certificate that it issued but which is not a transactional certificate, after:

(1) receiving a request for revocation by the subscriber named in the certificate; and

(2) confirming that the person requesting revocation is the subscriber, or is an agent of the subscriber with authority to request the revocation.

Subd. 2. [AFTER IDENTITY CONFIRMED.] A licensed certification authority must confirm a request for revocation and revoke a certificate within one business day after receiving both a subscriber's written request and evidence reasonably sufficient to confirm the identity and any agency of the person requesting the suspension.

Subd. 3. [AFTER DEATH OR DISSOLUTION.] A licensed certification authority must revoke a certificate that it issued:

(1) upon receiving a certified copy of the subscriber's death certificate, or upon confirming by other evidence that the subscriber is dead; or

(2) upon presentation of documents effecting a dissolution of the subscriber, or upon confirming by other evidence that the subscriber has been dissolved or has ceased to exist.

Subd. 4. [UNRELIABLE CERTIFICATE.] A licensed certification authority may revoke one or more certificates that it issued if the certificates are or become unreliable, regardless of whether the subscriber consents to the revocation and notwithstanding a provision to the contrary in a contract between the subscriber and certification authority.

Subd. 5. [NOTICE OF REVOCATION.] Immediately upon revocation of a certificate by a licensed certification authority, the licensed certification authority must give notice of the revocation according to the specification in the certificate. If one or more repositories are specified, then the licensed certification authority must publish a signed notice of the revocation in all repositories. If a repository no longer exists or refuses to accept publication, or if no repository is recognized under section 325K.13, then the licensed certification authority must also publish the notice in a recognized repository.

Subd. 6. [WHEN CERTIFICATION BY SUBSCRIBER CEASES.] A subscriber ceases to certify, as provided in section 325K.12, and has no further duty to keep the private key secure, as required by section 325K.13, in relation to the certificate whose revocation the subscriber has requested, beginning at the earlier of either:

(1) when notice of the revocation is published as required in subdivision 5; or

(2) one business day after the subscriber requests revocation in writing, supplies to the issuing certification authority information reasonably sufficient to confirm the request, and pays any contractually required fee.

Subd. 7. [WARRANTIES DISCHARGED.] Upon notification as required by subdivision 5, a licensed certification authority is discharged of its warranties based on issuance of the revoked certificate and ceases to certify as provided in section 325K.11, subdivisions 2 and 3, in relation to the revoked certificate.

Sec. 17. [325K.16] [CERTIFICATE EXPIRATION.]

Subdivision 1. [EXPIRATION DATE.] A certificate must indicate the date on which it expires.

Subd. 2. [EFFECT OF EXPIRATION.] When a certificate expires, the subscriber and certification authority cease to certify as provided in this chapter and the certification authority is discharged of its duties based on issuance, in relation to the expired certificate.

Sec. 18. [325K.17] [RECOMMENDED RELIANCE LIMITS.]

By specifying a recommended reliance limit in a certificate, the issuing certification authority and accepting subscriber recommend that persons rely on the certificate only to the extent that the total amount at risk does not exceed the recommended reliance limit.

Sec. 19. [325K.18] [COLLECTION BASED ON SUITABLE GUARANTY.]

Subdivision 1. [BOND OR LETTER OF CREDIT.] (a) If the suitable guaranty is a surety bond, a person may recover from the surety the full amount of a qualified right to payment against the principal named in the bond, or, if there is more than one such qualified right to payment during the term of the bond, a ratable share, up to a maximum total liability of the surety equal to the amount of the bond.

(b) If the suitable guaranty is a letter of credit, a person may recover from the issuing financial institution only in accordance with the terms of the letter of credit.

(c) Claimants may recover successively on the same suitable guaranty, provided that the total liability on the suitable guaranty to all persons making qualified rights of payment during its term must not exceed the amount of the suitable guaranty.

Subd. 2. [ATTORNEY FEES AND COURT COSTS.] (a) Subject to paragraph (b), in addition to recovering the amount of a qualified right to payment, a claimant may recover:

- (1) from the proceeds of the guaranty, until depleted;
- (2) the attorneys' fees, reasonable in amount; and
- (3) court costs incurred by the claimant in collecting the claim.

(b) However, the total liability on the suitable guaranty to all persons making qualified rights of payment or recovering attorneys' fees during its term must not exceed the amount of the suitable guaranty.

Subd. 3. [QUALIFIED RIGHT TO PAYMENT.] (a) To recover a qualified right to payment against a surety or issuer of a suitable guaranty, the claimant must:

- (1) file written notice of the claim with the secretary stating the name and address of the claimant, the amount claimed, and the grounds for the qualified right to payment, and any other information required by rule by the secretary; and
- (2) append to the notice a certified copy of the judgment on which the qualified right to payment is based.

(b) Recovery of a qualified right to payment from the proceeds of the suitable guaranty is barred unless the claimant substantially complies with this subdivision.

Subd. 4. [STATUTE OF LIMITATIONS.] Recovery of a qualified right to payment from the proceeds of a suitable guaranty are forever barred unless notice of the claim is filed as required in subdivision 3, paragraph (a), clause (1), within three years after the occurrence of the violation of this chapter that is the basis for the claim. Notice under this subdivision need not include the requirement imposed by subdivision 3, paragraph (a), clause (2).

Sec. 20. [325K.19] [SATISFACTION OF SIGNATURE REQUIREMENTS.]

(a) Where a rule of law requires a signature, or provides for certain consequences in the absence of a signature, that rule is satisfied by a digital signature, if:

- (1) no party affected by a digital signature objects to the use of digital signatures in lieu of a signature, and the objection may be evidenced by refusal to provide or accept a digital signature;
- (2) that digital signature is verified by reference to the public key listed in a valid certificate issued by a licensed certification authority;
- (3) that digital signature was affixed by the signer with the intention of signing the message and after the signer has had an opportunity to review items being signed; and
- (4) the recipient has no knowledge or notice that the signer either:

- (i) breached a duty as a subscriber; or
- (ii) does not rightfully hold the private key used to affix the digital signature.

(b) However, nothing in this chapter precludes a mark from being valid as a signature under other applicable law.

Sec. 21. [325K.20] [UNRELIABLE DIGITAL SIGNATURES.]

Unless otherwise provided by law or contract, the recipient of a digital signature assumes the risk that a digital signature is forged, if reliance on the digital signature is not reasonable under the circumstances. If the recipient determines not to rely on a digital signature under this section, the recipient must promptly notify the signer of any determination not to rely on a digital signature and the grounds for that determination. Nothing in this chapter shall be construed to obligate a person to accept a digital signature or to respond to an electronic message containing a digital signature.

Sec. 22. [325K.21] [DIGITALLY SIGNED DOCUMENT IS WRITTEN.]

(a) A message is as valid, enforceable, and effective as if it had been written on paper, if it:

(1) bears in its entirety a digital signature; and

(2) that digital signature is verified by the public key listed in a certificate that:

(i) was issued by a licensed certification authority; and

(ii) was valid at the time the digital signature was created.

(b) Nothing in this chapter shall be construed to eliminate, modify, or condition any other requirements for a contract to be valid, enforceable, and effective. No digital message shall be deemed to be an instrument under the provisions of section 336.3-104 unless all parties to the transaction agree.

Sec. 23. [325K.22] [DIGITALLY SIGNED ORIGINALS.]

A copy of a digitally signed message is as effective, valid, and enforceable as the original of the message, unless it is evident that the signer designated an instance of the digitally signed message to be a unique original, in which case only that instance constitutes the valid, effective, and enforceable message.

Sec. 24. [325K.23] [CERTIFICATE AS ACKNOWLEDGMENT.]

Unless otherwise provided by law or contract, a certificate issued by a licensed certification authority is an acknowledgment of a digital signature verified by reference to the public key listed in the certificate, regardless of whether words of an express acknowledgment appear with the digital signature and regardless of whether the signer physically appeared before the certification authority when the digital signature was created, if that digital signature is:

(1) verifiable by that certificate; and

(2) affixed when that certificate was valid.

Sec. 25. [325K.24] [PRESUMPTIONS IN ADJUDICATING DISPUTES; LIABILITY ALLOCATION.]

Subdivision 1. [PRESUMPTIONS.] In adjudicating a dispute involving a digital signature, a court of this state presumes that:

(a) A certificate digitally signed by a licensed certification authority and either published in a recognized repository, or made available by the issuing certification authority or by the subscriber listed in the certificate is issued by the certification authority that digitally signed it and is accepted by the subscriber listed in it.

(b) The information listed in a valid certificate and confirmed by a licensed certification authority issuing the certificate is accurate.

(c) If a digital signature is verified by the public key listed in a valid certificate issued by a licensed certification authority:

(1) that digital signature is the digital signature of the subscriber listed in that certificate;

(2) that digital signature was affixed by that subscriber with the intention of signing the message; and

(3) the recipient of that digital signature has no knowledge or notice that the signer:

(i) breached a duty as a subscriber; or

(ii) does not rightfully hold the private key used to affix the digital signature.

(d) A digital signature was created before it was time stamped by a disinterested person utilizing a trustworthy system.

Subd. 2. [LIABILITY ALLOCATION.] A court of this state shall give effect to liability allocations between the parties provided by contract to the extent not inconsistent with the requirements of this chapter.

Sec. 26. [325K.25] [RECOGNITION OF REPOSITORIES.]

Subdivision 1. [CONDITIONS.] The secretary must recognize one or more repositories, after finding that a repository to be recognized:

- (1) is operated under the direction of a licensed certification authority;
- (2) includes a database containing:
  - (i) certificates published in the repository;
  - (ii) notices of suspended or revoked certificates published by licensed certification authorities or other persons suspending or revoking certificates;
  - (iii) certification authority disclosure records for licensed certification authorities;
  - (iv) all orders or advisory statements published by the secretary in regulating certification authorities; and
  - (v) other information adopted by rule by the secretary;
- (3) operates by means of a trustworthy system;
- (4) contains no significant amount of information that is known or likely to be untrue, inaccurate, or not reasonably reliable;
- (5) contains certificates published by certification authorities that conform to legally binding requirements that the secretary finds to be substantially similar to, or more stringent toward the certification authorities, than those of this state;
- (6) keeps an archive of certificates that have been suspended or revoked, or that have expired, within at least the past three years; and
- (7) complies with other reasonable requirements adopted by rule by the secretary.

Subd. 2. [APPLICATION.] A repository may apply to the secretary for recognition by filing a written request and providing evidence to the secretary sufficient for the secretary to find that the conditions for recognition are satisfied.

Subd. 3. [RECOGNITION DISCONTINUED.] A repository may discontinue its recognition by filing 30 days' written notice with the secretary. In addition, the secretary may discontinue recognition of a repository in accordance with the administrative procedure act, chapter 14, if it concludes that the repository no longer satisfies the conditions for recognition listed in this section or in rules adopted by the secretary.

Sec. 27. [325K.26] [RULEMAKING.]

The secretary may adopt rules effective July 1, 1998, to implement this chapter.

Sec. 28. [EFFECTIVE DATE.]

Sections 1 to 26 are effective January 1, 1999. Section 27 is effective the day following final enactment."

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

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

**S.F. No. 417:** A bill for an act relating to Becker county; authorizing an economic development authority.

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

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

**S.F. No. 546:** A bill for an act relating to excavation notification; requiring notice of underground facilities in drawings for bid specifications or plans; providing a penalty; amending Minnesota Statutes 1996, sections 216D.04, by adding a subdivision; and 216D.08, subdivision 1.

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

Page 1, line 11, delete "requiring" and insert "prior to soliciting bids for"

Page 1, line 12, after the second comma, insert "and"

Page 1, line 13, delete ", and, if known, elevation"

Page 1, delete lines 14 to 16

Page 1, line 17, delete "underground facilities."

Page 1, line 18, delete "requiring" and insert "accepting bids for"

Page 1, line 20, before "location" insert "and" and delete ", and, if known,"

Page 1, line 21, delete "elevation"

Pages 1 and 2, delete section 2 and insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment and applies to bid specifications and engineering drawings prepared on and after that date."

Amend the title as follows:

Page 1, line 4, delete "providing a penalty;"

Page 1, line 5, delete "sections" and insert "section"

Page 1, line 6, delete "; and 216D.08, subdivision 1"

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

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

**H.F. No. 473** 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.

473

197

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 473 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 473 and insert the language after the enacting clause of S.F. No. 197, the first engrossment; further, delete the title of H.F. No. 473 and insert the title of S.F. No. 197, the first engrossment.

And when so amended H.F. No. 473 will be identical to S.F. No. 197, and further recommends that H.F. No. 473 be given its second reading and substituted for S.F. No. 197, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 125** 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:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		125	160		

and that the above Senate File be indefinitely postponed.

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

**SECOND READING OF SENATE BILLS**

S.F. Nos. 413, 543, 624, 324, 302, 129, 417 and 546 were read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 35, 473 and 125 were read the second time.

**MOTIONS AND RESOLUTIONS**

Mr. Neuville moved that the name of Mr. Terwilliger be added as a co-author to S.F. No. 300. The motion prevailed.

Mr. Metzen moved that the name of Mr. Price be added as a co-author to S.F. No. 327. The motion prevailed.

Ms. Junge moved that the name of Mr. Terwilliger be added as a co-author to S.F. No. 372. The motion prevailed.

Mr. Metzen moved that the names of Messrs. Cohen, Sams and Day be added as co-authors to S.F. No. 405. The motion prevailed.

Ms. Berglin moved that the name of Mr. Morse be added as a co-author to S.F. No. 430. The motion prevailed.

Mr. Day moved that the name of Mrs. Robling be added as a co-author to S.F. No. 492. The motion prevailed.

Mr. Stevens moved that the name of Mr. Ourada be added as a co-author to S.F. No. 515. The motion prevailed.

Mr. Vickerman moved that the names of Messrs. Kelley, S.P. and Wiger be added as co-authors to S.F. No. 646. The motion prevailed.



Mr. Vickerman moved that the name of Mrs. Pariseau be added as a co-author to S.F. No. 648. The motion prevailed.

Mr. Johnson, D.E. moved that his name be stricken as a co-author to S.F. No. 763. The motion prevailed.

Ms. Krentz moved that the name of Mr. Ourada be added as a co-author to S.F. No. 786. The motion prevailed.

Mr. Johnson, D.E. moved that the name of Ms. Olson be added as a co-author to S.F. No. 811. The motion prevailed.

Mr. Morse moved that the name of Mr. Solon be added as a co-author to S.F. No. 819. The motion prevailed.

Mr. Knutson moved that the name of Mr. Dille be added as a co-author to S.F. No. 727. The motion prevailed.

Mr. Wiger moved that H.F. No. 282, No. 12 on General Orders, be stricken and re-referred to the Committee on Crime Prevention. The motion prevailed.

**Ms. Olson and Mr. Oliver introduced--**

**Senate Resolution No. 24:** A Senate resolution congratulating Lyman Lumber Company on its 100th Anniversary.

Referred to the Committee on Rules and Administration.

**Mr. Johnson, D.E.; Ms. Olson, Messrs. Larson, Oliver and Knutson introduced--**

**Senate Concurrent Resolution No. 5:** A Senate concurrent resolution providing procedures for the election of University of Minnesota regents; amending temporary joint rules numbers 4.01 and 4.02.

Referred to the Committee on Rules and Administration.

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

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

**Mr. Hottinger, Ms. Flynn, Mr. Dille, Mses. Pappas and Wiener introduced--**

**S.F. No. 820:** A bill for an act relating to land use planning; providing for mandatory comprehensive planning; appropriating money; amending Minnesota Statutes 1996, sections 116C.04, by adding a subdivision; 394.22, by adding subdivisions; 394.23; 394.24, subdivision 1; 394.32, by adding subdivisions; 462.351; 462.352, by adding a subdivision; 462.355, subdivision 1a; and 462.357, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 394; and 462; proposing coding for new law as Minnesota Statutes, chapter 462D.

Referred to the Committee on Local and Metropolitan Government.

**Messrs. Hottinger; Johnson, D.J.; Ms. Pappas, Mr. Murphy and Mrs. Scheid introduced--**

**S.F. No. 821:** A bill for an act relating to taxation; providing property tax reform; providing for a state takeover of K-12 education costs; setting state property tax rates; providing that school

operating referenda will be levied as an income tax surtax; modifying class rates for local property taxation; reforming the property tax treatment of low-income housing; expanding the property tax refund program; providing the truth-in-budgeting program; modifying state property tax aid programs; imposing and changing civil penalties; appropriating money; amending Minnesota Statutes 1996, sections 122.247, subdivision 3; 122.45, subdivision 3a; 122.531, subdivisions 4a and 9; 122.533; 122.535, subdivision 6; 124.239, subdivision 5; 124.2601, subdivisions 2 and 3; 124.2711, subdivisions 1 and 5; 124.2713, subdivision 1; 124.2714; 124.2715, subdivision 1; 124.2716, subdivision 2; 124.2725, subdivisions 2, 6, 13, and 14; 124.2726, subdivisions 1 and 3; 124.2727, subdivision 6a; 124.312, subdivision 5; 124.313; 124.3201, subdivision 1; 124.4945; 124.574, subdivision 2c; 124.83, subdivision 3; 124.91, subdivisions 1, 2, 5, and 7; 124.912, subdivisions 1, 3, 6, and 7; 124.914, subdivisions 1, 2, 3, and 4; 124.916, subdivisions 1, 2, 3, and 4; 124.918, subdivision 8, and by adding a subdivision; 124A.22, subdivision 1; 124A.292, subdivision 2; 271.01, subdivision 5; 273.11, subdivision 1a; 273.121; 273.124, subdivisions 13, 14, and by adding a subdivision; 273.13, subdivisions 1, 21b, 22, 23, 24, 25, and by adding subdivisions; 273.135, subdivision 2; 273.1391, subdivision 2; 273.1398, subdivision 6; 274.01; 274.13, by adding subdivisions; 275.065, subdivisions 3, 5a, 6, and by adding a subdivision; 275.08, subdivision 1b; 276.04, subdivision 2; 276A.01, subdivisions 4, 5, and 16; 276A.04; 276A.05, subdivisions 1 and 5; 276A.06, subdivisions 2, 3, 5, and 7; 290.06, by adding a subdivision; 290A.03, subdivisions 6, 11, and 13; 290A.04, subdivisions 1, 2, 2h, and 6; 290A.07, subdivision 1; 290A.19; 298.24, subdivision 1; 298.28, subdivisions 2, 3, 4, 5, and by adding subdivisions; 473F.02, subdivisions 4, 5, and 24; 473F.06; 473F.07, subdivisions 1 and 5; 473F.08, subdivisions 2, 3, 5, and 6; 477A.011, subdivisions 20, 35, 37, and by adding subdivisions; 477A.013, subdivisions 1, 8, and 9; and 477A.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 124A; 273; 290; 462A; and 477A; repealing Minnesota Statutes 1996, sections 124.2134; 124.225, subdivisions 1, 3a, 7a, 7b, 7d, 7e, 7f, 8a, 8k, 8l, 8m, 9, 10, 13, 14, 15, 16, and 17; 124.226; 124.2442; 124.2601, subdivisions 4, 5, and 6; 124.2711, subdivisions 2a and 3; 124.2713, subdivisions 6, 6a, 6b, and 7; 124.2715, subdivisions 2 and 3; 124.2716, subdivisions 3 and 4; 124.2725, subdivisions 3, 4, 5, and 7; 124.2727, subdivisions 6b, 6c, and 9; 124.314, subdivision 2; 124.321; 124.91, subdivision 4; 124.912, subdivision 2; 124A.029; 124A.03, subdivisions 1b, 1c, 1d, 1e, 1f, 1g, 1h, 1i, 2, 2a, 2b, 3b, and 3c; 124A.0311; 124A.22, subdivisions 4a, 4b, 8a, 8b, 13d, and 13e; 124A.23, subdivisions 1, 2, 3, and 4; 124A.26, subdivisions 2 and 3; 124A.292, subdivisions 3 and 4; 124A.697; 124A.698; 124A.70, subdivisions 1, 2, 3a, and 5; 124A.71; 124A.711; 124A.72; 124A.73; 270B.12, subdivision 11; 273.13, subdivisions 21a, 31, and 32; 273.1315; 273.1317; 273.1318; 273.1398, subdivisions 2, 2c, 2d, 3, and 3a; 273.1399; 273.166; 275.02; 275.08, subdivisions 1c and 1d; 275.61; 276.012; 276A.06, subdivision 9; 290A.03, subdivisions 12a and 14; 290A.04, subdivision 2h; 290A.055; 290A.07, subdivisions 2a and 3; 290A.26; and 473F.08, subdivision 8a; Laws 1992, chapter 499, article 7, section 31; and Laws 1995, chapter 264, article 4, as amended.

Referred to the Committee on Local and Metropolitan Government.

**Ms. Kiscaden, Messrs. Morse and Beckman introduced--**

**S.F. No. 822:** A bill for an act relating to health; authorizing the emergency medical services regulatory board to adopt rules to establish a registration program for first responders; amending Minnesota Statutes 1996, section 144.801, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Family Security.

**Mses. Pappas, Ranum, Messrs. Kelly, R.C.; Hottinger and Vickerman introduced--**

**S.F. No. 823:** A bill for an act relating to the metropolitan council; establishing a moratorium on extension of the metropolitan urban service area until the legislature approves a 2040 metropolitan area transportation budget.

Referred to the Committee on Local and Metropolitan Government.

**Mr. Knutson, Mses. Ranum, Olson and Kiscaden introduced--**

**S.F. No. 824:** A bill for an act relating to information; creating the governor's council on information policy reform to review information policy law and make recommendations on updating these laws; sunseting the data practices law; appropriating money; repealing Minnesota Statutes 1996, chapter 13.

Referred to the Committee on Governmental Operations and Veterans.

**Ms. Piper and Mr. Beckman introduced--**

**S.F. No. 825:** A bill for an act relating to education; further examining a year-round school/extended week or day pilot program; requiring an evaluation; appropriating money.

Referred to the Committee on Children, Families and Learning.

**Messrs. Foley, Knutson, Marty, Mmes. Scheid and Robling introduced--**

**S.F. No. 826:** A bill for an act relating to crime; requiring court-ordered restitution to be paid before payment of fines; amending Minnesota Statutes 1996, sections 609.10; 609.125; and 611A.04, by adding a subdivision.

Referred to the Committee on Crime Prevention.

**Messrs. Foley; Kelly, R.C.; Knutson; Novak and Mrs. Robling introduced--**

**S.F. No. 827:** A bill for an act relating to crime; expanding the welfare fraud law to include the failure to report a material change in circumstances while continuing to receive assistance greater than lawfully allowed; prescribing criminal penalties; amending Minnesota Statutes 1996, section 256.98, subdivision 1.

Referred to the Committee on Crime Prevention.

**Messrs. Cohen, Beckman, Novak and Ms. Runbeck introduced--**

**S.F. No. 828:** A bill for an act relating to economic development; providing incentives to produce films in Minnesota; appropriating money.

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

**Messrs. Belanger, Metzen, Hottinger, Terwilliger and Stevens introduced--**

**S.F. No. 829:** A bill for an act relating to state government; appointments of members of administrative boards and agencies; clarifying procedures and requirements; amending Minnesota Statutes 1996, section 15.0575, subdivision 4.

Referred to the Committee on Governmental Operations and Veterans.

**Messrs. Cohen, Betzold, Foley, Knutson and Ms. Ranum introduced--**

**S.F. No. 830:** A bill for an act relating to family law; child support; classifying data on certain obligors; reducing the time period for remitting amounts withheld to the public authority; requiring a report on independent contractors; amending Minnesota Statutes 1996, sections 171.12, by adding a subdivision; and 518.611, subdivision 4.

Referred to the Committee on Judiciary.

**Ms. Runbeck, Mr. Frederickson, Mrs. Scheid and Ms. Wiener introduced--**

**S.F. No. 831:** A bill for an act relating to financial institutions; permitting state-chartered financial institutions to act as trustees of federally-qualified medical savings accounts; amending Minnesota Statutes 1996, sections 47.75, subdivision 1; and 48.15, subdivision 4.

Referred to the Committee on Commerce.

**Messrs. Kelly, R.C.; Foley; Ms. Junge, Messrs. Kleis and Belanger introduced--**

**S.F. No. 832:** A bill for an act relating to crime prevention; specifying that the prosecution may reply in rebuttal to the closing argument of the defense; amending Minnesota Statutes 1996, section 631.07.

Referred to the Committee on Crime Prevention.

**Mr. Larson, Mses. Wiener, Kiscaden, Messrs. Kleis and Murphy introduced--**

**S.F. No. 833:** A bill for an act relating to education; requiring audits of student associations; requiring campus associations to make certain student fees voluntary; proposing coding for new law in Minnesota Statutes, chapter 135A.

Referred to the Committee on Children, Families and Learning.

**Messrs. Kelly, R.C.; Cohen; Mses. Pappas, Anderson and Mr. Wiger introduced--**

**S.F. No. 834:** A bill for an act relating to capital improvements; appropriating money for St. Paul Civic Center; authorizing state bonds.

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

**Mrs. Lourey, Ms. Kiscaden, Messrs. Samuelson, Stevens and Betzold introduced--**

**S.F. No. 835:** A bill for an act relating to health; exempting audiologists and speech-language pathologists from certification and certain other requirements for hearing instrument dispensers; amending Minnesota Statutes 1996, sections 148.5195, subdivision 3, and by adding subdivisions; and 153A.18; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1996, section 153A.14, subdivision 2a.

Referred to the Committee on Health and Family Security.

**Mr. Stumpf introduced--**

**S.F. No. 836:** A bill for an act relating to agriculture; providing continuing support for turf grass research and development in northern Minnesota; appropriating money.

Referred to the Committee on Agriculture and Rural Development.

**Mr. Stumpf introduced--**

**S.F. No. 837:** A bill for an act relating to human services; adding Kittson, Lake of the Woods, Marshall, and Roseau to those counties that receive geographic group III nursing facility reimbursement rates.

Referred to the Committee on Health and Family Security.

**Mr. Belanger introduced--**

**S.F. No. 838:** A bill for an act relating to taxation; allowing cities, towns, and counties to abate property taxes on certain improvements made to commercial property; proposing coding for new law in Minnesota Statutes, chapter 469.

Referred to the Committee on Local and Metropolitan Government.

**Mr. Belanger introduced--**

**S.F. No. 839:** A bill for an act relating to employment; modifying bond requirements for certain search firms; amending Minnesota Statutes 1996, section 184.30, subdivision 1.

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

**Mses. Krentz and Runbeck introduced--**

**S.F. No. 840:** A bill for an act relating to education; establishing a class size project in independent school district No. 12, Centennial; appropriating money.

Referred to the Committee on Children, Families and Learning.

**Messrs. Knutson, Ten Eyck and Betzold introduced--**

**S.F. No. 841:** A bill for an act relating to family law; requiring appointment of guardians ad litem in certain cases; clarifying liability of a spouse for debt incurred by the other spouse; amending Minnesota Statutes 1996, sections 518.179, subdivision 1; and 519.05.

Referred to the Committee on Judiciary.

**Mr. Price introduced--**

**S.F. No. 842:** A bill for an act relating to tax increment financing; requiring fiscal disparities contributions to be made from the increment district; amending Minnesota Statutes 1996, sections 469.175, subdivision 5; and 469.177, subdivision 3.

Referred to the Committee on Local and Metropolitan Government.

**Messrs. Hottinger, Morse, Murphy, Frederickson and Ms. Anderson introduced--**

**S.F. No. 843:** A bill for an act relating to the environment; reactivating and reorganizing the nuclear waste council; modifying provisions relating to dry cask storage of nuclear waste; appropriating money; amending Minnesota Statutes 1996, sections 116C.711, subdivisions 1 and 2; 116C.712, subdivisions 1, 2, and 5; and 116C.771; repealing Minnesota Statutes 1996, section 116C.80.

Referred to the Committee on Environment and Natural Resources.

**Mr. Betzold introduced--**

**S.F. No. 844:** A bill for an act relating to state agencies; codifying reorganization orders relating to the department of administration, the office of environmental assistance, the public service department, the state archaeologist, and the transportation regulation board; amending Minnesota Statutes 1996, sections 15A.081, subdivision 1; 16B.42; 115D.08; 138.31, by adding a subdivision; 138.35; 174.02, subdivisions 4 and 5; 174.10, subdivisions 1, 3, and 4; 174A.02, subdivisions 1, 2, and 4; 174A.04; 174A.06; 216C.41, subdivision 2; 218.041, subdivisions 6 and 7; 219.074, subdivisions 1 and 2; 219.402; and 221.031, subdivision 1; repealing Minnesota Statutes 1996, sections 174A.01; 174A.02, subdivision 5; 174A.03; 174A.05; and 218.011, subdivision 7; Minnesota Rules, part 8850.6900.

Referred to the Committee on Governmental Operations and Veterans.

**Messrs. Hottinger, Murphy, Belanger and Ms. Olson introduced--**

**S.F. No. 845:** A bill for an act relating to taxation; providing that certain sales of copies of transcripts produced by court reporters are exempt from the sales tax; amending Minnesota Statutes 1996, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes.

**Mr. Sams introduced--**

**S.F. No. 846:** A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Becker county.

Referred to the Committee on Environment and Natural Resources.

**Mr. Day introduced--**

**S.F. No. 847:** A bill for an act relating to taxation; tax increment financing; allowing additional districts to elect a local contribution in lieu of the state aid reduction; amending Minnesota Statutes 1996, section 273.1399, by adding a subdivision.

Referred to the Committee on Local and Metropolitan Government.

**Ms. Flynn introduced--**

**S.F. No. 848:** A bill for an act relating to civil actions; creating a state court action for relief for damages caused by a federal court action that affects public participation by the plaintiff; proposing coding for new law in Minnesota Statutes, chapter 554.

Referred to the Committee on Judiciary.

**Mr. Kelly, R.C.; Mses. Flynn; Johnson, J.B.; Messrs. Langseth and Ourada introduced--**

**S.F. No. 849:** A bill for an act relating to transportation; creating a major transportation projects fund; prescribing eligibility of projects for the fund; proposing coding for new law in Minnesota Statutes, chapter 161.

Referred to the Committee on Transportation.

**Ms. Junge, Messrs. Vickerman, Knutson, Price and Scheevel introduced--**

**S.F. No. 850:** A bill for an act relating to taxation; sales and use; making the exemption for used farm machinery permanent; exempting repair and replacement parts for capital equipment; exempting materials used in providing taxable services; amending Minnesota Statutes 1996, sections 297A.01, subdivision 16; and 297A.25, subdivision 59, and by adding a subdivision; repealing Minnesota Statutes 1996, sections 297A.01, subdivision 20; 297A.02, subdivision 5; and 297A.15, subdivision 5.

Referred to the Committee on Agriculture and Rural Development.

**Messrs. Foley, Vickerman, Samuelson, Ms. Piper and Mr. Johnson, D.J. introduced--**

**S.F. No. 851:** A bill for an act relating to occupations and professions; providing for the licensure of opticians by the commissioner of health; requiring rulemaking; proposing coding for new law as Minnesota Statutes, chapter 148D.

Referred to the Committee on Health and Family Security.

**Messrs. Johnson, D.H.; Ten Eyck; Foley; Belanger and Ms. Ranum introduced--**

**S.F. No. 852:** A bill for an act relating to public safety; indexing maximum soft body armor reimbursement amount; amending Minnesota Statutes 1996, section 299A.38, subdivision 2, and by adding a subdivision.

Referred to the Committee on Crime Prevention.

**Messrs. Johnson, D.H.; Foley; Belanger; Ms. Ranum and Mr. Kelly, R.C. introduced--**

**S.F. No. 853:** A bill for an act relating to crime; increasing criminal penalties for assaulting and inflicting demonstrable bodily harm on the driver of a school bus or a public transit vehicle; amending Minnesota Statutes 1996, section 609.2231, by adding a subdivision.

Referred to the Committee on Crime Prevention.

**Ms. Higgins, Messrs. Metzen and Janezich introduced--**

**S.F. No. 854:** A bill for an act relating to public employment; providing rights and procedures for certain public employees of local government units who are displaced as a result of a transfer of the provision of services from one local government unit to another local government unit; proposing coding for new law in Minnesota Statutes, chapter 465.

Referred to the Committee on Governmental Operations and Veterans.

**Mr. Knutson, Mrs. Scheid and Mr. Cohen introduced--**

**S.F. No. 855:** A bill for an act relating to courts; providing for open juvenile court hearings and records in proceedings involving children in need of protection or services; amending Minnesota Statutes 1996, section 260.155, subdivision 1.

Referred to the Committee on Judiciary.

**Mr. Knutson, Mrs. Scheid and Mr. Cohen introduced--**

**S.F. No. 856:** A bill for an act relating to courts; juvenile court hearings; providing for open hearings and records in proceedings involving a child in need of protection or services and in delinquency and certain other juvenile offenses; amending Minnesota Statutes 1996, sections 260.155, subdivision 1; and 260.161, subdivision 2.

Referred to the Committee on Judiciary.

**Mr. Knutson, Mrs. Scheid and Mr. Cohen introduced--**

**S.F. No. 857:** A bill for an act relating to courts; juvenile court hearings; providing for open hearings and records in delinquency and certain other juvenile offenses; amending Minnesota Statutes 1996, sections 260.155, subdivision 1; and 260.161, subdivision 2.

Referred to the Committee on Judiciary.

**Ms. Runbeck, Messrs. Terwilliger, Limmer and Ms. Kiscaden introduced--**

**S.F. No. 858:** A bill for an act relating to insurance; permitting health maintenance organizations to provide coverage supplemental to medical savings accounts on the same basis as other insurers; amending Minnesota Statutes 1996, section 62D.02, subdivision 8.

Referred to the Committee on Health and Family Security.

**Messrs. Novak, Foley, Ms. Anderson and Mrs. Scheid introduced--**

**S.F. No. 859:** A bill for an act relating to property taxation; including certain homestead property value in the metropolitan areawide tax base; subjecting certain homestead property value to the areawide tax rate; amending Minnesota Statutes 1996, sections 473F.02, subdivision 8, and by adding subdivisions; 473F.05; 473F.07, subdivision 1; and 473F.08, subdivisions 2, 6, 8a, and by adding a subdivision.

Referred to the Committee on Local and Metropolitan Government.

**Messrs. Oliver, Solon, Mses. Runbeck, Wiener and Mr. Larson introduced--**

**S.F. No. 860:** A bill for an act relating to commerce; regulating securities; authorizing small corporate offering registrations; proposing coding for new law in Minnesota Statutes, chapter 80A.

Referred to the Committee on Commerce.

**Mses. Flynn; Johnson, J.B.; Messrs. Langseth, Belanger and Laidig introduced--**

**S.F. No. 861:** A bill for an act relating to transportation; changing county state-aid highway apportionment formula; changing gasoline and special fuels excise tax rates; indexing rate of taxation on gasoline and special fuels; reducing rate of taxation on vehicle registration; providing for an elected metropolitan council; allowing metropolitan council to impose a metropolitan area sales tax; limiting metropolitan council transit taxing authority; making technical changes; amending Minnesota Statutes 1996, sections 15.0597, subdivision 1; 162.07, subdivision 1; 168.013, subdivision 1a; 204B.09, subdivisions 1 and 1a; 204B.135, subdivision 2; 204B.32, subdivision 2; 296.02, subdivision 1b, and by adding a subdivision; 296.025, subdivision 1b; 353D.01, subdivision 2; 473.123, subdivisions 1, 2a, 3a, 4, 7, and by adding subdivisions; 473.384, subdivision 6; and 473.446, subdivisions 1 and 8; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1996, sections 473.39, subdivisions 1a and 1b; and 473.446, subdivisions 1a and 3.

Referred to the Committee on Transportation.

**Messrs. Ten Eyck, Samuelson, Laidig and Neuville introduced--**

**S.F. No. 862:** A bill for an act relating to crime; providing for mandatory testing for HIV or hepatitis B when a correctional guard experiences a significant exposure while engaged in official duties; providing for consecutive sentencing when a prison inmate commits an assault while in prison; clarifying that the crime of fourth degree assault includes assaults involving the transfer of an infectious agent for a communicable disease; amending Minnesota Statutes 1996, sections 144.761, subdivision 5; 609.15, subdivision 1; and 609.2231, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Crime Prevention.

**Messrs. Novak; Moe, R.D.; Lessard; Johnson, D.E. and Stevens introduced--**

**S.F. No. 863:** A bill for an act relating to energy; creating a task force to conduct a study of aboveground storage tank secondary containment methods.

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

**Messrs. Langseth; Moe, R.D. and Stumpf introduced--**

**S.F. No. 864:** A bill for an act relating to the environment; providing a grant to the Red river basin board; appropriating money.

Referred to the Committee on Environment and Natural Resources.



**Ms. Wiener, Messrs. Solon, Belanger and Price introduced--**

**S.F. No. 865:** A bill for an act relating to commerce; regulating rental-purchase agreements; modifying the definitions of certain terms; providing evidence of the cash price of property; limiting charges for cost-of-lease services; amending Minnesota Statutes 1996, sections 325F.84, subdivision 3, and by adding a subdivision; 325F.85; and 325F.91, by adding subdivisions.

Referred to the Committee on Commerce.

**Mr. Solon introduced--**

**S.F. No. 866:** A bill for an act relating to health insurance; clarifying the coverage for Lyme disease; amending Minnesota Statutes 1996, section 62A.265, subdivision 1.

Referred to the Committee on Commerce.

**Mr. Hottinger introduced--**

**S.F. No. 867:** A bill for an act relating to state lands; authorizing the conveyance of tax-forfeited land to the city of Mankato.

Referred to the Committee on Environment and Natural Resources.

**Ms. Higgins, Mr. Spear and Ms. Ranum introduced--**

**S.F. No. 868:** A bill for an act relating to occupations; removing the sunset relating to state licensing of Minneapolis building contractors; amending Minnesota Statutes 1996, section 326.991, subdivision 1.

Referred to the Committee on Commerce.

**Mr. Vickerman, Mrs. Robling, Mr. Scheevel, Mrs. Pariseau and Mr. Samuelson introduced--**

**S.F. No. 869:** A bill for an act relating to local government; authorizing boundary commissions; amending Minnesota Statutes 1996, section 465.79.

Referred to the Committee on Local and Metropolitan Government.

**Ms. Pappas, Mrs. Lourey, Messrs. Marty, Wiger and Solon introduced--**

**S.F. No. 870:** A bill for an act relating to child care; providing for the establishment of demonstration projects; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 119B.

Referred to the Committee on Children, Families and Learning.

**Ms. Pappas, Mr. Hottinger and Ms. Flynn introduced--**

**S.F. No. 871:** A bill for an act relating to taxation; permitting local governments to adjust truth-in-taxation notices and final levies in relation to proposed mergers of services; amending Minnesota Statutes 1996, section 275.065, subdivisions 3 and 6.

Referred to the Committee on Local and Metropolitan Government.

**Messrs. Ourada and Solon introduced--**

**S.F. No. 872:** A bill for an act relating to the town of Hassan; authorizing the establishment of a detached facility.

Referred to the Committee on Commerce.

**Mr. Cohen introduced--**

**S.F. No. 873:** A bill for an act relating to legal immigrants in Ramsey county; appropriating money.

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

**Messrs. Stumpf and Moe, R.D. introduced--**

**S.F. No. 874:** A bill for an act relating to education; permitting use of revenue for independent school district Nos. 561, Goodridge; and 600, Fisher.

Referred to the Committee on Children, Families and Learning.

**Messrs. Price, Frederickson, Laidig and Ms. Johnson, J.B. introduced--**

**S.F. No. 875:** A bill for an act relating to game and fish; modifying aquatic farm fees and requirements; modifying terms of crop protection assistance; modifying game license fees; modifying commercial fishing fees and requirements; requiring special season Canada goose license; modifying commercial netting provisions; amending Minnesota Statutes 1996, sections 17.4988; 97A.028, subdivisions 1 and 3; 97A.075, subdivision 1; 97A.475; 97A.485, subdivision 6; 97C.501, subdivision 2; 97C.801, subdivision 2; and 97C.835, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 1996, sections 97A.475, subdivisions 14, 25, 31, 32, 33, 34, 35, 36, and 37; and 97C.801, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

**Ms. Lesewski, Messrs. Berg; Frederickson; Johnson, D.E. and Vickerman introduced--**

**S.F. No. 876:** A bill for an act relating to water; appropriating money for the LQP-25/Lazarus Creek floodwater retention project.

Referred to the Committee on Environment and Natural Resources.

**Mr. Foley, Mses. Ranum, Junge, Messrs. Knutson and Ten Eyck introduced--**

**S.F. No. 877:** A bill for an act relating to civil actions; clarifying admissibility of evidence regarding seat belts and child passenger restraint systems in certain actions; amending Minnesota Statutes 1996, section 169.685, subdivision 4.

Referred to the Committee on Judiciary.

**Mr. Johnson, D.H.; Mses. Higgins, Junge, Messrs. Ten Eyck and Belanger introduced--**

**S.F. No. 878:** A bill for an act relating to crime prevention; conforming the laws involving the sale and possession of heroin to those involving cocaine; amending Minnesota Statutes 1996, sections 152.021, subdivisions 1 and 2; 152.022, subdivisions 1 and 2; and 152.023, subdivision 2.

Referred to the Committee on Crime Prevention.

**Mrs. Pariseau, Messrs. Hottinger, Kleis, Mrs. Robling and Ms. Pappas introduced--**

**S.F. No. 879:** A bill for an act relating to local government; authorizing the consolidation of cities and towns; proposing coding for new law in Minnesota Statutes, chapter 414.

Referred to the Committee on Local and Metropolitan Government.

**Messrs. Morse, Hottinger, Ms. Lesewski and Mr. Ten Eyck introduced--**

**S.F. No. 880:** A bill for an act relating to state government; permitting use of state time, property, or equipment for certain electronic communication; amending Minnesota Statutes 1996, section 43A.38, subdivision 4.

Referred to the Committee on Governmental Operations and Veterans.

**Mr. Kelly, R.C. introduced--**

**S.F. No. 881:** A bill for an act relating to public safety; requiring the commissioner of corrections to collaborate with the federal Bureau of Prisons to develop a community notification plan for certain federal prisoners who will reside in Minnesota upon release; requiring a report to the legislature.

Referred to the Committee on Crime Prevention.

**Mr. Kelly, R.C. introduced--**

**S.F. No. 882:** A bill for an act relating to wages; raising the minimum wage; amending Minnesota Statutes 1996, section 177.24, subdivision 1.

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

**Mr. Kelly, R.C. introduced--**

**S.F. No. 883:** A bill for an act relating to taxation; individual income; providing a tax credit for mentoring; amending Minnesota Statutes 1996, section 290.06, by adding a subdivision.

Referred to the Committee on Taxes.

**Mr. Wiger, Ms. Pappas, Anderson, Messrs. Cohen and Kelly, R.C. introduced--**

**S.F. No. 884:** A bill for an act relating to local government; defining the department's classified service under a merged Saint Paul and Ramsey county department of public health; amending Minnesota Statutes 1996, section 383A.288, subdivision 4.

Referred to the Committee on Local and Metropolitan Government.

**Ms. Johnson, J.B.; Mr. Frederickson, Ms. Krentz, Messrs. Laidig and Vickerman introduced--**

**S.F. No. 885:** A bill for an act relating to the environment; making manufacturers of electric relays or other electrical devices responsible for the waste management costs of these devices; amending Minnesota Statutes 1996, sections 115A.932, subdivision 1; and 116.92, subdivision 3, and by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

**Messrs. Moe, R.D. and Langseth introduced--**

**S.F. No. 886:** A bill for an act relating to natural resources; extending the wild rice watershed district levy; amending Laws 1992, chapter 511, article 2, section 52.

Referred to the Committee on Environment and Natural Resources.

**Messrs. Ten Eyck; Morse; Moe, R.D. and Stumpf introduced--**

**S.F. No. 887:** A bill for an act relating to historic preservation; appropriating money to the Minnesota historical society for a grant to the city of Bemidji for purchase of a historic railroad depot and its conversion to a historical museum and facility.

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

**Mr. Moe, R.D.; Mrs. Robling, Messrs. Ten Eyck, Vickerman and Murphy introduced--**

**S.F. No. 888:** A bill for an act relating to health; establishing an American Indian diabetes prevention advisory task force; appropriating money.

Referred to the Committee on Children, Families and Learning.

**Messrs. Ten Eyck, Morse, Larson, Stumpf and Kelley, S.P. introduced--**

**S.F. No. 889:** A bill for an act relating to education; changing the selection of the board of regents and the board of trustees of the Minnesota state colleges and universities; changing the board of regents and the board of trustees candidate advisory councils; specifying duties for the advisory councils; requiring training and evaluation for the board of regents and Minnesota state colleges and universities board; amending Minnesota Statutes 1996, sections 136F.02, subdivision 1; 136F.03, subdivisions 2, 3, and 4; 136F.04, subdivisions 1 and 4; 137.024; and 137.0245, subdivisions 2, 3, and 4; proposing coding for new law in Minnesota Statutes, chapters 136F; and 137.

Referred to the Committee on Children, Families and Learning.

**Mrs. Scheid, Ms. Wiener, Messrs. Kleis, Spear and Hottinger introduced--**

**S.F. No. 890:** A bill for an act relating to motor vehicles; new motor vehicle dealers; requiring persons to obtain a license to engage in certain business practices; amending Minnesota Statutes 1996, section 168.27, subdivision 2.

Referred to the Committee on Commerce.

**Messrs. Johnson, D.H.; Ten Eyck; Limmer; Knutson and Ms. Wiener introduced--**

**S.F. No. 891:** A bill for an act relating to health; regulating professional health services under the professional corporation act; amending Minnesota Statutes 1996, sections 319A.02, by adding a subdivision; 319A.04; and 319A.11, subdivision 1.

Referred to the Committee on Health and Family Security.

**Messrs. Lessard, Stumpf, Dille, Berg and Mrs. Pariseau introduced--**

**S.F. No. 892:** A bill for an act relating to game and fish; establishing shooting hours for migratory game birds; amending Minnesota Statutes 1996, section 97B.075.

Referred to the Committee on Environment and Natural Resources.

**Mrs. Scheid, Messrs. Solon, Hottinger, Metzen and Belanger introduced--**

**S.F. No. 893:** A bill for an act relating to insurance; regulating exclusive agencies; increasing civil penalties for violation of agent rights; prohibiting enforcement of certain agreements against terminated agents; requiring notice to policy owners prior to transfer of an agent's book of business; amending Minnesota Statutes 1996, sections 45.027, subdivision 6; 60A.172; and 72A.502, by adding a subdivision.

Referred to the Committee on Commerce.

**Mr. Metzen introduced--**

**S.F. No. 894:** A bill for an act relating to human services; providing a licensure exception for six-bed service sites in some circumstances; amending Minnesota Statutes 1996, section 252.28, by adding a subdivision.

Referred to the Committee on Health and Family Security.

**Mr. Metzen introduced--**

**S.F. No. 895:** A bill for an act relating to motor vehicles; eliminating the financial responsibility of court administrators for deputy registrars who are not public officials and who issue drivers' licenses; amending Minnesota Statutes 1996, section 171.06, subdivision 4.

Referred to the Committee on Transportation.

**Messrs. Janezich, Terwilliger, Ms. Piper, Mrs. Robling and Ms. Higgins introduced--**

**S.F. No. 896:** A bill for an act relating to children; clarifying certain program accounts in the Head Start program; appropriating money; amending Minnesota Statutes 1996, sections 268.912; 268.913, subdivisions 2 and 4; and 268.914, subdivision 1; repealing Minnesota Statutes 1996, section 268.913, subdivision 5.

Referred to the Committee on Governmental Operations and Veterans.

**Ms. Berglin and Mr. Samuelson introduced--**

**S.F. No. 897:** A bill for an act relating to human services; authorizing an increase in reimbursement rates; including home modification to the alternative care program and the waived programs without prior authorization; requiring rate consolidation for the waived programs for certain services; exempting certain individuals from preadmission screening; requiring the monthly cap for elderly waiver conversion clients to be the higher of either the statewide average or the actual nursing home cost; extending the alternative care pilot projects; amending Minnesota Statutes 1996, sections 256B.0911, subdivision 2; 256B.0912, by adding a subdivision; 256B.0913, subdivision 5; and 256B.0915, subdivision 3; Laws 1995, chapter 207, article 6, section 115; repealing Minnesota Statutes 1996, sections 144.0721, subdivision 3; and 256B.0913, subdivision 15.

Referred to the Committee on Health and Family Security.

**Mrs. Lourey, Mr. Larson, Mses. Berglin, Kiscaden and Piper introduced--**

**S.F. No. 898:** A bill for an act relating to health; modifying provisions relating to nursing; amending Minnesota Statutes 1996, sections 148.181, subdivision 1; 148.212; 148.231, subdivision 5; 148.235, by adding subdivisions; 148.261, subdivision 1; 148.262, subdivision 2; 148.281, subdivision 1; and 364.09; proposing coding for new law in Minnesota Statutes, chapter 148.

Referred to the Committee on Health and Family Security.

**Messrs. Wiger; Kelly, R.C.; Mses. Pappas; Johnson, J.B. and Mrs. Lourey introduced--**

**S.F. No. 899:** A bill for an act relating to crime; restricting the ability of judges to reduce mandatory minimum fines, surcharges, and penalty assessments; amending Minnesota Statutes 1996, section 609.101, subdivision 5.

Referred to the Committee on Crime Prevention.

**Mses. Johnson, J.B.; Anderson; Messrs. Price, Frederickson and Stevens introduced--**

**S.F. No. 900:** A bill for an act relating to environment; amending provisions regulating toxics in packaging; amending Minnesota Statutes 1996, section 115A.965, subdivisions 3, 7, and by adding a subdivision; repealing Minnesota Statutes 1996, section 115A.965, subdivision 6.

Referred to the Committee on Environment and Natural Resources.

**Mr. Limmer introduced--**

**S.F. No. 901:** A bill for an act relating to traffic regulations; authorizing peace officers to arrest persons within four hours of a violation for failure to yield to an emergency vehicle; amending Minnesota Statutes 1996, section 169.20, subdivision 5.

Referred to the Committee on Transportation.

**Ms. Junge, Mr. Wiger, Mrs. Scheid, Messrs. Limmer and Langseth introduced--**

**S.F. No. 902:** A bill for an act relating to crime prevention; creating a criminal gang council and strike force to develop and implement a strategy to investigate and prosecute crimes committed by criminal gangs throughout the state; authorizing the council to make various grants; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A.

Referred to the Committee on Crime Prevention.

**Ms. Hanson, Messrs. Sams and Kelly, R.C. introduced--**

**S.F. No. 903:** A bill for an act relating to workers' compensation; adding correctional officers to the presumption of occupational disease; amending Minnesota Statutes 1996, section 176.011, subdivision 15.

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

**Messrs. Murphy, Morse, Ms. Johnson, J.B.; Messrs. Frederickson and Sams introduced--**

**S.F. No. 904:** A bill for an act relating to the environment; providing for a program to replace mercury manometers on dairy farms; appropriating money; amending Minnesota Statutes 1996, sections 115A.932, subdivision 1; and 116.92, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 17.

Referred to the Committee on Agriculture and Rural Development.

**Messrs. Cohen; Kelly, R.C. and Terwilliger introduced--**

**S.F. No. 905:** A bill for an act relating to the University of Minnesota; providing for the selection of candidates for the board of regents; providing for associate regents; amending Minnesota Statutes 1996, section 137.0245, subdivisions 3, 4, and by adding a subdivision.

Referred to the Committee on Children, Families and Learning.

**Messrs. Price, Frederickson, Laidig and Sams introduced--**

**S.F. No. 906:** A bill for an act relating to health; modifying licensing provisions for plumbers and water conditioning contractors; amending Minnesota Statutes 1996, sections 326.41; 326.42; and 326.62; repealing Minnesota Statutes 1996, sections 326.40, subdivision 5; and 326.601, subdivision 4.

Referred to the Committee on Health and Family Security.

**Messrs. Samuelson and Vickerman introduced--**

**S.F. No. 907:** A bill for an act relating to state finance; creating a permanent disaster relief account; proposing coding for new law in Minnesota Statutes, chapter 16A.

Referred to the Committee on Crime Prevention.

**Messrs. Oliver, Metzen, Mrs. Scheid, Mr. Day and Ms. Runbeck introduced--**

**S.F. No. 908:** A bill for an act relating to financial institutions; trust companies; providing for the organization, powers, and duties of trust companies; providing fiduciary provisions for trust companies and banks exercising trust powers; regulating interstate trust offices; making conforming changes; amending Minnesota Statutes 1996, sections 16A.6701, subdivision 1; 48.01, subdivisions 1 and 2; 48.36, subdivision 1; 48.37; 48.39; 48.41; 48.42; 48.43; 48.44; 48.45; 48.46; 48.47; 50.085, subdivision 14; 303.25, subdivision 3; 525.551, subdivision 6; and 525.56, subdivision 4; proposing coding for new law as Minnesota Statutes, chapter 48A; repealing Minnesota Statutes 1996, sections 46.045, subdivision 2a; 48.38; 48.475; 48.65; 48.66; 48.67; 48.68; 48.69; 48.70; 48.71; 48.72; 48.73; 48.75; 48.76; 48.77; 48.78; 48.79; 48.80; 48.81; 48.82; 48.83; 48.84; 48.841; 48.845; 48.846; 48.85; and 48.86.

Referred to the Committee on Commerce.

**Mr. Stevens introduced--**

**S.F. No. 909:** A bill for an act relating to education; authorizing a capital grant to independent school district No. 473, Isle; appropriating money.

Referred to the Committee on Children, Families and Learning.

**Ms. Johnson, J.B.; Messrs. Vickerman, Novak, Ms. Lesewski and Mr. Johnson, D.E. introduced--**

**S.F. No. 910:** A bill for an act relating to taxation; reenacting the sales and use tax exemptions for photovoltaic devices and wind energy systems; amending Minnesota Statutes 1996, section 297A.25, by adding subdivisions.

Referred to the Committee on Taxes.

**Mr. Johnson, D.H.; Ms. Robertson and Mrs. Robling introduced--**

**S.F. No. 911:** A bill for an act relating to employment; modifying provisions governing payment of wages; including the state in the definition of employer for certain purposes; amending Minnesota Statutes 1996, sections 181.02; 181.03; 181.063; 181.10; 181.13; and 181.171, by adding a subdivision.

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

**Mrs. Lourey, Mr. Cohen, Mses. Krentz, Piper and Mr. Knutson introduced--**

**S.F. No. 912:** A bill for an act relating to marriage dissolution; providing for parent education and cooperation for the children program pilot projects; changing certain visitation dispute resolution procedures; changing certain terminology; requiring a notice; appropriating money; amending Minnesota Statutes 1996, sections 518.157; 518.175, subdivision 6; 518.1751; 518.18; 518.68, subdivision 2; and 626.556, subdivision 2.

Referred to the Committee on Judiciary.

**Mr. Cohen, Mrs. Lourey, Mses. Krentz and Piper introduced--**

**S.F. No. 913:** A bill for an act relating to child support enforcement; authorizing disclosure of certain data to the attorney general; providing for certain financial data matches; changing provisions for driver's license suspension, motor vehicle liens, payment agreements, and child support judgments; providing for publication of a "Most Wanted" list; providing for case reviewers; providing for a child support lien; requiring mandatory jail time for certain offenders; requiring a study; appropriating money; specifying penalties; amending Minnesota Statutes 1996, sections 13.46, subdivision 2; 518.551, subdivisions 13 and 14; 518.553; 518.575; 548.091, subdivisions 1a, 2a, 3a, and by adding subdivisions; and 609.375, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 13B; 518; and 548; repealing Minnesota Statutes 1996, section 609.375, subdivisions 3, 4, and 6.

Referred to the Committee on Judiciary.

**Messrs. Wiger, Metzen, Mrs. Fischbach, Messrs. Stevens and Betzold introduced--**

**S.F. No. 914:** A bill for an act relating to public safety; modifying fire protection industry regulations; providing for a civil penalty; amending Minnesota Statutes 1996, sections 299M.01, subdivision 2; 299M.03, subdivision 2; 299M.04; and 299M.06; repealing Minnesota Statutes 1996, sections 299M.05; and 299M.11, subdivision 3.

Referred to the Committee on Crime Prevention.

**Ms. Berglin introduced--**

**S.F. No. 915:** A bill for an act relating to medical assistance; providing a nursing facility rate exception; amending Minnesota Statutes 1996, section 256B.431, subdivision 25.

Referred to the Committee on Health and Family Security.

**Mr. Wiger, Mses. Robertson, Krentz, Hanson and Mr. Janezich introduced--**

**S.F. No. 916:** A bill for an act relating to education; modifying the Pupil Fair Dismissal Act; amending Minnesota Statutes 1996, sections 127.26; 127.27, subdivisions 5, 6, 7, 8, 10, and by adding a subdivision; 127.281; 127.29; 127.30, subdivisions 1, 2, 3, and by adding a subdivision; 127.31, subdivisions 2, 7, 8, 13, 14, and 15; 127.311; 127.32; 127.33; 127.36; 127.37; and 127.38; repealing Minnesota Statutes 1996, section 127.31, subdivision 6.

Referred to the Committee on Children, Families and Learning.

**Messrs. Metzen, Knutson, Belanger, Ms. Wiener and Mr. Neuville introduced--**

**S.F. No. 917:** A bill for an act relating to corrections; establishing a pilot project in Dakota county to assist counties, school districts, and cities to establish family group conferencing programs; diverting alleged offenders; providing for grants to be used in programs in the first judicial district; appropriating money.

Referred to the Committee on Crime Prevention.

**Messrs. Beckman, Ten Eyck, Laidig and Ms. Ranum introduced--**

**S.F. No. 918:** A bill for an act relating to corrections; placing conditions on and limiting contracts for services between a state agency and private vendors for the delivery of services at or for a correctional facility; outlining terms of contract review and status of public data in private vendor's possession; barring placement of inmates under the custody of the commissioner in a facility that violates these limitations; setting standards for allowing inmates to work in correctional industries or private employment; proposing coding for new law in Minnesota Statutes, chapter 241.



Referred to the Committee on Crime Prevention.

**Messrs. Pogemiller; Moe, R.D. and Stumpf introduced--**

**S.F. No. 919:** A bill for an act relating to education; appropriating money for education and related purposes to the board of regents of the University of Minnesota.

Referred to the Committee on Children, Families and Learning.

**Messrs. Morse; Moe, R.D.; Sams; Ms. Kiscaden and Mr. Stevens introduced--**

**S.F. No. 920:** A bill for an act relating to health; regulating health plans; providing for certain disclosures; amending Minnesota Statutes 1996, sections 62J.04, subdivisions 1, 1a, and 3; 62J.041; and 62J.042, subdivisions 2, 3, and 4.

Referred to the Committee on Health and Family Security.

**Mr. Morse, Meses. Kiscaden, Piper and Mr. Stevens introduced--**

**S.F. No. 921:** A bill for an act relating to human services; establishing an alternative quality assurance pilot project in southeastern Minnesota for persons with developmental disabilities; establishing a regional quality assurance commission; prescribing commission duties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256B.

Referred to the Committee on Health and Family Security.

**Messrs. Morse, Stumpf, Metzen, Terwilliger and Ms. Wiener introduced--**

**S.F. No. 922:** A bill for an act relating to retirement; various individual retirement account plans; making various administrative changes; amending Minnesota Statutes 1996, sections 354D.02, subdivision 2; 354D.06; and 354D.08, subdivisions 1, 2, 3, and 5.

Referred to the Committee on Governmental Operations and Veterans.

**Mr. Sams, Ms. Hanson, Messrs. Day; Johnson, D.E. and Langseth introduced--**

**S.F. No. 923:** A bill for an act relating to agriculture; exempting vehicles carrying milk from seasonal weight restrictions on local roads under certain circumstances; amending Minnesota Statutes 1996, section 169.87, by adding a subdivision.

Referred to the Committee on Transportation.

**Messrs. Knutson, Day, Ms. Anderson and Mrs. Pariseau introduced--**

**S.F. No. 924:** A bill for an act relating to taxation; property; providing relative homestead treatment in the case of certain involuntary absences; amending Minnesota Statutes 1996, section 273.124, subdivision 1.

Referred to the Committee on Local and Metropolitan Government.

**Messrs. Kelley, S.P.; Solon and Terwilliger introduced--**

**S.F. No. 925:** A bill for an act relating to occupations and professions; establishing the board of licensed professional counseling; requiring professional counselors to be licensed; requiring rulemaking; providing penalties; appropriating money; amending Minnesota Statutes 1996, sections 116J.70, subdivision 2a; 148A.01, subdivision 5; 148B.60, subdivision 3; 214.01, subdivision 2; 214.04, subdivision 3; and 609.341, subdivision 17; proposing coding for new law in Minnesota Statutes, chapter 148B.

Referred to the Committee on Health and Family Security.

**Mr. Kelley, S.P.; Ms. Robertson and Mr. Oliver introduced--**

**S.F. No. 926:** A bill for an act relating to the city of Minnetonka; authorizing expenditures for certain housing activities upon early decertification of a housing tax increment financing district; authorizing a housing development account.

Referred to the Committee on Local and Metropolitan Government.

**Ms. Berglin introduced--**

**S.F. No. 927:** A bill for an act relating to human services; authorizing the commissioner of human services to develop a pilot project in assisted living services for senior citizens; appropriating money.

Referred to the Committee on Health and Family Security.

**Messrs. Frederickson and Johnson, D.E. introduced--**

**S.F. No. 928:** A bill for an act relating to the organization and operation of state government; appropriating money; appropriating money for economic development and certain agencies of state government; establishing and modifying certain programs; providing for regulation of certain activities and practices; standardizing certain licensing service fees; establishing and modifying certain fees; providing for the privatization of the state fund mutual insurance company; amending Minnesota Statutes 1996, sections 60A.23, subdivision 8; 60A.71, by adding a subdivision; 60K.06, subdivision 2; 65B.48, subdivision 3; 72B.04, subdivision 10; 79.253, subdivision 1; 79.255, by adding a subdivision; 82.21, subdivision 1; 82B.09, subdivision 1; 116L.04, subdivision 1; 155A.045, subdivision 1; 176.181, subdivision 2a; 176A.02, subdivision 2; 268.022, by adding a subdivision; 268.38, subdivision 7; 326.86, subdivision 1; 462A.05, subdivision 30; 462A.201, subdivision 2; and 462A.21, subdivision 12a; proposing coding for new law in Minnesota Statutes, chapter 45; repealing Minnesota Statutes 1996, sections 268.39; 462A.05, subdivision 20; 462A.2091; 462A.21, subdivisions 4k, 12, and 14; and 462A.28.

Referred to the Committee on Governmental Operations and Veterans.

**Ms. Anderson, Messrs. Knutson, Foley, Ten Eyck and Ms. Krentz introduced--**

**S.F. No. 929:** A bill for an act relating to health; requiring background studies on individuals who provide transportation services to patients and residents of health care facilities licensed by the departments of health and human services; requiring criminal background checks on individuals who provide transportation services to elderly, handicapped, and other individuals with special transportation needs through contracts with the metropolitan council; amending Minnesota Statutes 1996, sections 144.057, subdivision 1; 245A.04, subdivision 3; and 473.386, subdivision 2.

Referred to the Committee on Crime Prevention.

**Ms. Junge, Messrs. Samuelson, Marty and Ms. Ranum introduced--**

**S.F. No. 930:** A bill for an act relating to domestic abuse; providing requirements for family visitation centers; requiring dissolution petitions to include information on orders for protection; creating a presumption of supervised visitation when an order for protection exists; imposing standards for individuals who supervise visitation; raising the penalties for first-time violators and repeat violators of domestic abuse orders; providing increased penalties when offense is committed while possessing a dangerous weapon; making a finding of domestic abuse binding on a subsequent custody proceeding; funding a pilot project for a combined jurisdiction family court; providing criminal penalties; appropriating money; amending Minnesota Statutes 1996, sections

256F.09, subdivisions 2 and 3; 518.10; 518.131, subdivision 8; 518.175, subdivision 5, and by adding a subdivision; and 518B.01, subdivisions 4, 6, 8, 14, 17, and 18.

Referred to the Committee on Judiciary.

**Mr. Stumpf introduced--**

**S.F. No. 931:** A bill for an act relating to natural resources; appropriating money for construction of an interpretive display in the Thief Lake wildlife management area.

Referred to the Committee on Environment and Natural Resources.

**Messrs. Dille, Cohen and Johnson, D.E. introduced--**

**S.F. No. 932:** A bill for an act relating to community development; providing funding for the planning of a Hubert H. Humphrey museum at Waverly, Minnesota; appropriating money.

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

**Mr. Spear, Mses. Krentz, Ranum, Piper and Mr. Terwilliger introduced--**

**S.F. No. 933:** A bill for an act relating to education; establishing a grant program to increase graduation rates and decrease juvenile crime; appropriating money.

Referred to the Committee on Crime Prevention.

**RECESS**

Mr. Moe, R.D. moved that the Senate do now recess until immediately after the conclusion of the Joint Convention. The motion prevailed.

The Senate reconvened at the appropriate time.

**CALL OF THE SENATE**

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar. The motion prevailed.

**CONSENT CALENDAR**

**H.F. No. 631:** A bill for an act relating to public administration; clarifying the terms and conditions of a state appropriation; amending Laws 1994, chapter 643, section 2, subdivision 12.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 0, as follows:

Those who voted in the affirmative were:

Beckman	Higgins	Larson	Piper	Spear
Belanger	Janezich	Lourey	Pogemiller	Stevens
Berg	Johnson, D.E.	Marty	Price	Stumpf
Berglin	Johnson, D.H.	Metzen	Ranum	Ten Eyck
Betzold	Johnson, D.J.	Moe, R.D.	Robertson	Vickerman
Dille	Johnson, J.B.	Morse	Robling	Wiener
Fischbach	Junge	Novak	Sams	Wiger
Flynn	Kelley, S.P.	Oliver	Samuelson	
Foley	Knutson	Olson	Scheevel	
Frederickson	Krentz	Ourada	Scheid	
Hanson	Laidig	Pariseau	Solon	

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

**Messrs. Moe, R.D. and Johnson, D.E., for the Committee on Rules and Administration, introduced--**

**Senate Resolution No. 25:** A Senate resolution adopting permanent rules of the Senate.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Permanent Rules of the Senate for the 80th Legislature shall read as follows:

#### PERMANENT RULES OF THE SENATE

##### PARLIAMENTARY REFERENCE

1. The rules of parliamentary practice comprised in Mason's Manual of Legislative Procedure shall govern the Senate in all cases in which they are applicable, and in which they are not inconsistent with these rules and orders of the Senate and the joint rules and orders of the Senate and House of Representatives.

##### HOUR OF CONVENING

2. The Senate shall convene on days of meeting at 8:30 a.m. unless the Senate directs otherwise.

##### PRESIDENT

3. The President shall take the chair at the hour to which the Senate adjourned. The President shall immediately call the members to order and, on the appearance of a quorum, shall proceed with the regular order of business. The President shall preserve order and decorum, may speak on points of order in preference to members, and shall also decide all questions of order, subject to an appeal to the Senate by a member. An appeal is decided by a majority vote of those present and voting. Upon an appeal from the decision of the President, the question is, "Shall the decision of the President be the judgment of the Senate?"

##### SUBSTITUTES FOR THE PRESIDENT

4. The President may call a member to preside. In the absence of the President the Chair of the Committee on Rules and Administration, or the Chair's designee, shall preside over the Senate. In the absence of the President and the Chair, a member may be selected by the Senate to perform the duties of the President. Substitutions do not extend beyond adjournment.

### ABSENCE OF MEMBERS

5. No member or officer of the Senate shall be absent from a session of the Senate unless excused by the Senate.

### DECORUM DURING BUSINESS

6. When the President puts a question, or addresses the Senate, no one shall walk out of or cross the Chamber. When a member is speaking, no one shall pass between the member speaking and the President. No member, or other person, shall proceed to or remain by the Secretary's desk while the yeas and nays are being called or counted. No member may speak without using a microphone. All remarks during debate shall be addressed to the Presiding Officer; however, a member may turn toward other members when speaking, rather than facing the Presiding Officer.

### ORDER OF BUSINESS

7. The order of business is as follows:

1. Petitions, letters, remonstrances.
2. Executive and official communications.
3. Messages from the House of Representatives.
4. First reading of House bills.
5. Reports of committees.
  - (a) From standing committees.
  - (b) From select committees.
6. Second reading of Senate bills.
7. Second reading of House bills.
8. Motions and Resolutions.
9. Calendar.
10. Consent Calendar.
11. General Orders.
12. Introduction and first reading of Senate bills.
13. Announcements of Senate interest.

Under the order of business of Motions and Resolutions the Senate may by a majority vote of the whole Senate temporarily revert or proceed to any other order of business.

A message from the House of Representatives that a Senate bill has been amended, and the amendment, must be printed and placed on the members' desks before a member may move to concur in the House amendment. If the amendment has been printed in the House Journal for a preceding day and is available to the members, the Journal copy may serve as the printed copy.

### CALENDAR

8. The Secretary shall make a Calendar of all bills, resolutions and other matters coming before the Senate for final action. The Secretary shall place them on the Calendar in the order in which they have been acted upon in Committee of the Whole. The Calendar shall be printed and placed upon the members' desks at least one calendar day before the matters on it are considered.

### CONSENT CALENDAR

9. If a committee determines that a bill it recommends to pass is of a routine nature or otherwise of a nature which likely will not be opposed, it may in its report recommend that the bill be placed

on the Consent Calendar. If the report is adopted, the bill shall be printed and placed on the Consent Calendar after its second reading. On the question of adoption of the report the question of accepting the recommendation that the bill be placed on the Consent Calendar may be divided from the question of adopting the report in other respects.

A majority of the whole Senate, or the Chair of the Committee on Rules and Administration, may order a bill on General Orders to be placed on the Consent Calendar.

The Consent Calendar consists of bills placed on it. Senate bills shall be positioned ahead of House bills. The Consent Calendar shall be printed and placed on the members' desks at least one calendar day before the matters on it are considered.

If a member objects to consideration of a bill on the Consent Calendar at any time during its consideration in the Senate before the question on final passage is put, and that objection is supported by at least two other members, the bill shall be referred to the Committee of the Whole, and shall be placed at the bottom of General Orders subject to Rule 11, except that it need not lie over one calendar day before consideration in the Committee of the Whole.

### **SPECIAL ORDER**

10. The Chair of the Committee on Rules and Administration or the Chair's designee may designate a special order for a bill that has been given its second reading.

A special order shall provide that the bill be considered immediately, at a time certain, or after specific other business is completed.

During consideration of a special order, Rule 20 is suspended. As nearly as applicable, debate on the bill and all proceedings including amendments and substitutions shall be that of the Committee of the Whole.

On any question a member may call for the yeas and nays which shall be entered in the Journal.

Unless it is otherwise disposed of, after consideration a bill on Special Orders of the Senate shall immediately proceed to its third reading and final passage.

A bill may not be made a special order if the chief author has declined on three previous occasions to take the bill up after it was designated a special order.

### **GENERAL ORDERS**

11. The Secretary shall make a list of all bills, resolutions, reports of committees, and other proceedings of the Senate, which are referred to the Committee of the Whole, and which are not made the order of the day, for a particular day, and number them. The lists are called the "General Orders". They shall be taken up in the order in which they are numbered unless otherwise ordered by a majority of the committee.

General Orders, together with all bills included on it required to be printed under the rules or orders of the Senate, shall be printed and placed upon the members' desks at least one calendar day before being considered in Committee of the Whole.

### **MOTIONS <IN>**

12. When a motion is made it shall be stated by the President. If it is in writing it shall be handed to the Secretary and read to the members.

13. A motion or amendment shall be written if the President or a member requests. In that case it must identify the member or committee offering it.

14. After a motion is stated by the President, or read by the Secretary, it is in possession of the Senate, but may be withdrawn by the author at any time before decision or amendment.

### PRECEDENCE OF MOTIONS

15. When a question is under debate no motion shall be received, except:

1. To adjourn.
2. To recess.
3. To reconsider.
4. To lay on the table.
5. For the previous question.

(Motions numbered 1, 2, 4 and 5 above shall be decided without debate.)

6. To refer.
7. To postpone to a day certain.
8. To amend.
9. To postpone indefinitely.

These several motions have precedence in the foregoing order; but when a motion for the previous question has been seconded, or the main question ordered, a motion to lay on the table is not in order.

A motion to postpone to a day certain, to refer, to postpone indefinitely, or to amend, having been decided, shall not again be put on the same day, nor at the same stage of the bill or proposition.

### MOTION TO ADJOURN

16. A motion to adjourn is always in order, and also a motion to adjourn to a time certain. The latter motion is debatable solely as to the time. When either motion is rejected it shall not be renewed until further business has been transacted.

### AMENDMENTS TO RULES AND SUSPENSION OF RULES

17. Every proposition to amend a rule of the Senate shall be referred to the Committee on Rules and Administration. The proposition shall not be acted upon until the report of the committee is received by the Senate. A rule shall not be suspended except by at least two-thirds vote of the whole Senate. A motion to suspend the rules for the purpose of advancing a bill shall be made only under the order of business, "Motions and Resolutions".

### ORDER IN DEBATE

18. When a member is about to speak in debate, or deliver a matter to the Senate, the member shall rise and respectfully address "Mr. (or Madam) President". The member shall not proceed to speak further until recognized by the President. The member shall speak only to the question under debate and avoid personality. The member may inform the Senate of the Governor's position on a bill and on its status in the House of Representatives. In discussing a resolution, each member is limited to ten minutes.

19. When a member is called to order, the member shall be silent until it is determined whether or not the member is in order. If a member is called to order for words spoken in debate, the words excepted to shall be taken down in writing by the Secretary immediately.

20. No member shall speak more than twice on the same question on the same day without leave of the Senate.

**COMMITTEES NOT TO BE ABSENT**

21. Committees shall not be absent from the Senate without permission of the Senate. The names of the members excused shall be printed in the Journal.

**MEMBERS TO VOTE UNLESS EXCUSED**

22. Every member who is in the Senate Chamber during a roll call shall vote upon the request of another member unless, for special reasons, excused by the Senate.

A motion by a member to be excused from voting shall be made before the question is put. A member wishing to be excused from voting may make a brief statement of the reason for making the request and the question on the motion shall be taken without further debate.

When members have had an opportunity to vote and fail to do so, a majority of all the members of the Senate may, by motion, direct the President to close the roll. The vote on a motion to close the roll shall be taken without debate and no member is required to vote on the motion.

**CALL OF THE SENATE**

23. A member may impose a call of the Senate requiring the attendance of all members before any further proceedings occur except a motion to adjourn. Upon the imposition of a call, a record of those present shall be obtained upon the request of any member, and the Sergeant at Arms instructed to bring in the absent members. When the Senate has been placed under call, a member may demand that the doors be closed and no member permitted to leave the Chamber until the matter or question, if any, under consideration at the time of the call is disposed of, or until the call is lifted by a majority vote of all the members of the Senate, or until the Senate adjourns. A majority vote of all the members of the Senate may excuse from attendance members not answering the call.

A call cannot be made after voting has commenced.

**QUESTIONS--HOW STATED AND DECIDED**

24. Questions shall be distinctly put. The President shall declare all votes but if a member rises to question a vote, the President shall order a division.

**ONLY MEMBERS PRESENT TO VOTE**

25. Upon a division and count of the Senate on a question, only members present in the Senate Chamber shall be counted. No member may vote on a question except at the member's own seat in the Chamber.

**ANY MEMBER MAY DEMAND YEAS AND NAYS**

26. At any time prior to the start of voting on a question, a member may call for the yeas and nays which shall be entered in the Journal. A call for the yeas and nays cannot be interrupted except as provided in Rule 22.

**AUTHORIZED ELECTRICAL VOTING DEVICE**

27. Unless otherwise ordered, a vote, except upon elections, may be taken by means of the electrical voting system which is under the control of the President.



### **CERTIFICATE FOR MONEY**

28. No certificate authorizing the payment of money appropriated by the Legislature shall be issued by the Secretary by virtue of a motion or resolution, unless the motion or resolution is voted for by a majority of all members of the Senate upon a call of the yeas and nays.

### **THE PREVIOUS QUESTION**

29. Unless the motion for the previous question is made specifically applicable to a subsidiary motion, the previous question shall be in this form:

"Shall the main question now be put?" It shall only be admitted when demanded by a majority of the members present, and its effect is to put an end to all debate, and bring the Senate to a direct vote upon amendments reported by a committee, if any, then upon all pending amendments in their order and then upon the main question.

On a motion for the previous question a call of the Senate is in order before the President submits the question to the Senate.

On a previous question there is no debate. All incidental questions of order, arising after a motion is made for the previous question, and pending the motion, shall be decided, whether on appeal or otherwise, without debate.

### **DIVISION OF QUESTION**

30. A member may call for a division of the question when the question will admit of it. A motion to strike out and insert is indivisible. A motion to strike out being lost does not preclude an amendment nor a motion to strike out and insert.

### **RECONSIDERATION**

31. When a motion or question has been once put and carried in the affirmative or negative, it is in order for a member who voted with the prevailing side to move for reconsideration on the same day on which the vote was taken or within the next two calendar days or, if later, the first day the Senate meets after the vote was taken. The motion takes precedence over all other questions except a motion to adjourn or recess. When a motion to adjourn is adopted prior to the disposition of the motion for reconsideration, a motion for reconsideration shall lie over until the next succeeding day the Senate meets except as provided in this rule. When notice of intention to move reconsideration of the final action of the Senate on a question is given by a member, the Secretary shall retain the subject of the notice until after the expiration of the time during which the motion can be made.

During the six calendar days before the first Tuesday following the third Saturday in May of any year a notice of intention to move for reconsideration is not in order, but a motion to reconsider may be made and have priority over all other business except a motion to adjourn. A motion for reconsideration having been once voted on shall not be put again nor reconsidered.

### **INTRODUCTION OF BILLS**

32. Bills, memorials, concurrent or joint resolutions may be introduced by a member or by order of the Senate on a report of a committee. An original and three copies are required for introduction. The number of authors shall not exceed five. A member or a committee desiring to introduce a bill, memorial or concurrent or joint resolution shall place it in the hands of the Secretary, and the Secretary shall promptly deliver all the bills, memorials or concurrent or joint resolutions to the President who shall present them to the Senate.

The name of the author or authors shall be prefixed to each bill, memorial or resolution and the name of a committee introducing a bill, memorial or resolution shall be endorsed on it.

A bill prepared by a department or agency of state government shall be introduced and given its first reading three weeks before the first committee deadline in odd-numbered years and two weeks before the first committee deadline in even numbered years. Upon its introduction, the first author of the bill shall deliver a copy of the fiscal note on the bill to the chair of the standing committee to which the bill has been referred.

### **RECESS BILL INTRODUCTIONS**

33. During the period between the last day of the session in any odd-numbered year and the first day of the session in the following year, a bill filed with the Secretary for introduction shall be given a file number and may be unofficially referred by the President, with the approval of the Chair of the Committee on Rules and Administration, to an appropriate standing committee of the Senate. All bills filed for introduction during this period shall be presented to the Senate when it reconvenes and shall be referred to the standing committees previously indicated by the President, subject to objection under Rule 35.

### **REPORTING OF BILLS**

34. Every bill, memorial, order, resolution or vote requiring the approval of the Governor shall be reported to the Senate on three different days previous to its passage. The first report, called the first reading, is made when it has been received for introduction; the second report, called the second reading, is made when it has been considered by all the necessary standing committees and is ready for debate; the third report, called the third reading, is made when it is ready for final passage.

### **REFERRING OF BILLS**

35. All bills shall be referred by the President without motion to the proper standing committee unless otherwise referred by the Senate. A bill introduced by a committee need not be referred to a standing committee unless a question arises but rather shall lie over one day before being given its second reading. When a question arises concerning the proper reference of a bill during the order of business of first reading on the day of introduction or at the time of report on it by a standing committee to which the bill was previously referred, the bill shall be referred without debate to the Committee on Rules and Administration to report the proper reference, and upon adoption of the report of the Committee on Rules and Administration, it shall be referred accordingly.

All bills appropriating money, or obligating the state to pay or expend money, or establishing a policy which to be effective will require expenditure of money, when referred to and reported by any other than a committee on finance, shall, before passage, be referred to a committee on finance.

All bills delegating rulemaking to a department or agency of state government and all bills exempting a department or agency of state government from rulemaking, when referred to and reported by any other than the Committee on Governmental Operations and Veterans, shall, before passage, be referred to the Committee on Governmental Operations and Veterans.

All bills creating a new commission, council, task force, board, or other body to which a member of the legislature will be appointed shall, before passage, be referred both to the Committee on Governmental Operations and Veterans and to the Committee on Rules and Administration.

All bills authorizing or increasing a sentence of imprisonment to a state correctional institution shall be referred before passage to the Committee on Crime Prevention.

Upon request of the chair of a budget division of a policy committee, the chair of the policy committee shall refer a bill in that committee to the division.

36. No bill or resolution shall be referred to committee or amended until it has been given its first reading. No bill or resolution shall be objected to on its introduction.

#### **AMENDMENTS TO BE GERMANE**

37. An amendment proposed to the Senate or to the Committee of the Whole that is not germane is out of order. A non-germane amendment includes one that relates to a substantially different subject, or is intended to accomplish a substantially different purpose than that of the original bill to which it is proposed. An amendment to insert a constitutional amendment is not germane to a bill that does not already include a constitutional amendment. Whether an amendment is germane is a question to be decided by the President, who may put the question to the body if the President chooses.

A motion to remove an amendment placed on a House bill under Rule 49 is out of order if removal of the amendment would make a portion of the House bill not germane to the Senate companion for which it was substituted.

#### **AMENDMENTS TO BILLS**

38. In drawing an amendment to a bill or resolution reference shall be made therein, first to the number of the bill, then to the page, and then to the line or lines from which matter is to be stricken or in which new matter is to be inserted.

#### **AMENDMENTS TO TITLE**

39. The title to a bill may be amended at any time ~~during its pendency in~~ the bill is amended by the Senate.

#### **RECALL FROM COMMITTEE**

40. With the concurrence of the first author of the bill, before the deadline for committee action on the bill a majority of the Senate and after the deadline for committee action on the bill 60 percent of the Senate may recall a bill from any committee and re-refer it to any other committee or place it on General Orders. With the concurrence of the first author of the bill, a majority of the Senate may at any time take a bill from the table and place it on General Orders.

By a report of the Committee on Rules and Administration adopted by the Senate, the Committee on Rules and Administration, on request of the first author, may remove a bill from committee and re-refer it to any other committee or place it on General Orders.

#### **DISTRIBUTION AND PRINTING OF BILLS**

41. To the extent practical the Secretary shall provide a copy of any bill to the public and may charge a reasonable fee.

Unless otherwise ordered by the Senate, all Senate bills which have been reported upon favorably or without recommendation by a committee shall be printed prior to consideration by the Senate or the Committee of the Whole. A House bill amended by the Senate must be unofficially engrossed and printed when placed on General Orders. A bill may be printed by order of the Secretary when amended after second reading. A bill shall be printed when ordered by a majority vote of the Senate. Action by the Senate on a bill which has not been printed is a waiver of the printing requirement.

### COMMITTEE OF THE WHOLE

42. All bills, memorials, orders, resolutions and votes requiring the approval of the Governor shall, after a second reading, be considered in Committee of the Whole before they are finally acted upon by the Senate, except as provided for in Rules 9 and 10.

43. The President may call a member to the Chair when the Senate resolves itself into the Committee of the Whole. The rules observed in the Senate govern, as far as practicable, the proceedings of the Committee of the Whole, and the Chair of the Committee of the Whole has the powers of the President, as appropriate. However, a member may speak more than twice on the same subject and a call for the previous question cannot be made. The yeas and nays shall be taken only upon the request of three members, and when taken shall be recorded in the Journal along with the amendment; ~~provided, however, that a member may, with the approval of the Chair of the Committee on Rules and Administration, submit a description of the amendment for printing. In those cases the Secretary shall retain in the minutes of the Committee of the Whole the full text of the amendment.~~

44. The recommendations of the Committee of the Whole shall be reported to the Senate. If a recommendation contains a proposed amendment of a bill, that amendment shall be noted on a separate piece of paper but when reported need not be read by the President unless required by one or more of the members. The question is on the adoption or rejection of the report, and no other question shall be admitted. The question may be divided to permit separate Senate action on the report as to any bill. On adoption of the report of the Committee of the Whole all bills recommended to pass shall be placed upon the Calendar.

### AMENDMENT ON THIRD READING

45. No amendment is in order on third reading without the unanimous consent of the Senate unless it fills a blank, amends the title as provided by Rule 39, is proposed to the chief author of the bill by the Revisor of Statutes to correct technical defects found by the Revisor while engrossing earlier amendments to the bill, or is proposed to a bill on the Consent Calendar before the bill is given its third reading.

In filling blanks, the largest sum, the longest time and the greatest distance shall be first taken.

### MOTION TO REFER

46. A bill or resolution may be referred to committee at any time prior to its passage, and if an amendment is reported on the referral to any other than the Committee of the Whole, it shall again be read the second time, considered in Committee of the Whole, read the third time and placed on final passage. If the referral is to the Committee of the Whole it shall be placed at the head of General Orders, except when the referral is under Rule 9.

### FINAL PASSAGE

47. The final question upon a bill or other matter requiring action by both Houses after its first and second reading, and after the consideration in Committee of the Whole, is upon its final passage.

### TRANSMITTING OF BILLS TO THE HOUSE

48. Except as provided in Rule 31, immediately after the passage of a bill or other matter in which the concurrence of the House of Representatives is requested, the Secretary shall transmit it to the House. On the concurrence of a bill or other matter of the House by the Senate, or on the concurrence or disagreement in a vote of the House, the Secretary shall notify the House.

### **COMPARISON AND SUBSTITUTION OF BILLS**

49. Unless there is a motion by the Chair of the Committee on Rules and Administration or objection under Rule 35, a House bill, after its first reading, shall be referred as follows:

(a) If there is no Senate companion bill, the House bill shall be referred to the appropriate standing committee;

(b) If there is a Senate companion bill, the House bill shall be referred to the standing committee possessing the Senate companion;

(c) If the Senate companion bill has been reported to the Senate, the House bill shall be referred to the Committee on Rules and Administration, which shall report whether the House bill is identical to the Senate companion bill. If the bills are identical, the report shall recommend that the House bill be given its second reading and substituted for the Senate companion bill and the Senate companion bill be indefinitely postponed. If the House bill is not identical to the Senate companion bill, the report of the committee shall so state and recommend an amendment to the House bill that when adopted will render the House bill identical to the Senate bill. Upon adoption of a committee report containing the proposed amendment, the House bill as amended shall be given its second reading and substituted for the Senate companion bill and the Senate companion bill shall be indefinitely postponed.

Reports of the Committee on Rules and Administration pursuant to this rule shall be prepared and submitted on behalf of the committee by the Secretary.

A House bill placed on the Calendar by substitution shall not be given its third reading on the same day as the substitution.

### **ENGROSSING AND ENROLLING OF BILLS**

50. All engrossing and enrolling of bills shall be done at the direction and under authority of the Senate.

Every bill, memorial, order or resolution originating in the Senate shall be carefully engrossed before being transmitted to the House of Representatives for concurrence.

All bills shall be carefully enrolled under the supervision of the Committee on Rules and Administration, which may report to the Senate at any time on the enrollment of bills.

### **DISPOSITION OF BILLS ON ADJOURNMENT**

51. Adjournment of the regular session in an odd-numbered year to a date certain in the following year shall be equivalent to daily adjournment, except that a bill on the Calendar, Consent Calendar, or General Orders shall be returned to the standing committee other than the Committee on Rules and Administration from which it was last reported to the Senate, unless otherwise provided for by motion prior to adjournment. Bills returned to committee pursuant to this rule shall, upon request of the author, be given priority for consideration by the committee ahead of all other bills in the order in which they appeared on the Calendar, Consent Calendar, or General Orders.

### **PETITIONS AND OTHER COMMUNICATIONS**

52. In presenting a petition, memorial, remonstrance or other communication addressed to the Senate, a member shall only state the general purpose of it.

Every petition, memorial, remonstrance, resolution, bill and report of committee, shall have an appropriate title, and the name of the member presenting it written on it.

## RESOLUTIONS

53. Memorial resolutions addressed to the President or the Congress of the United States, or a house or member of Congress, or a department or officer of the United States, or a state or foreign government, joint resolutions, and resolutions requiring the signature of the Governor shall follow the same procedure as bills before being adopted. A resolution may not be changed to a bill, and a bill may not be changed to a resolution.

Upon a member giving notice of intention to debate a resolution not required to follow the same procedure as bills and not offered by the Committee on Rules and Administration, the resolution shall lie over one calendar day without debate or other action. Upon the request of a member, the resolution shall be referred to the proper committee. Whenever a question arises concerning the proper reference the procedure provided by Rule 35 applies.

## CONFIRMATIONS

54. Every gubernatorial appointment requiring the advice and consent of the Senate shall be referred by the President to the appropriate committee. If a question arises as to the proper committee, the appointment shall be referred without debate to the Committee on Rules and Administration for a report making the proper reference.

The final question on the appointment is, "Will the Senate, having given its advice, now consent to this appointment?" The question shall not be put the same day the appointment is received or on the day it is reported by committee unless by unanimous consent.

## SIGNING OF ACTS, RESOLUTIONS

55. In addition to the duties under Rule 3, the President shall sign all acts, memorials, addresses and resolutions. All writs, warrants and subpoenas issued by the Senate shall be signed by the President and attested by the Secretary. Upon a finding by the Committee on Rules and Administration that the President refuses or is unable to sign any of the documents described in this rule, the Chair of the Committee on Rules and Administration, or some other member selected by the committee shall assume the duties of the President under this rule until the President is able to sign the documents described or until the Senate elects a new President, whichever occurs first.

## APPOINTMENT OF COMMITTEES

56. A member may not serve as the chair of a the same standing committee or a the same division of a standing committee, or a committee or division with substantially the same jurisdiction, for more than two consecutive Senate terms. This limit does not apply to the Committee on Rules and Administration. This limit applies to time served as a chair in the seventy-eighth legislature and thereafter.

The majority and minority shall each be represented on all standing committees of the Senate substantially in proportion to their numbers in the Senate. The majority group shall assign the number of positions the minority group will hold on each committee. The minority group shall be given adequate notice about its positions prior to the commencement of the session. Both the majority and minority groups shall appoint their own members to fill the number of positions each group will hold on each committee. The minority group shall transmit notice of its assignments to the majority group within ten calendar days after receipt of the notice of positions available. The minority group may designate a ranking member for each committee. Nothing prohibits a member of the minority group from serving as chair or vice chair of a committee, subcommittee, division, or commission. If the minority group for any reason fails to make its appointments pursuant to this rule, the majority group may make all the committee assignments.

The majority and minority committee assignments are subject to the uniform criteria governing

committee assignments applicable to both the majority and minority. The uniform criteria shall be promulgated by the majority group and transmitted to the minority group together with notification of committee positions available to the minority.

Committee assignments as made by the majority and minority groups shall be followed by the Senate in the resolution establishing representation on all Senate standing committees.

After the organization of the Senate and after consultation and advice from the minority leader, the Chair of the Committee on Rules and Administration may add members to or delete members from the standing committees. All conference committees of the Senate and members of commissions to be appointed by the Senate authorized by rule, statute, resolution or otherwise, shall be appointed by the Subcommittee on Committees of the Committee on Rules and Administration, unless otherwise provided, subject to confirmation by the Senate. In the appointment of members of conference committees between the two houses, the Subcommittee on Committees of the Committee on Rules and Administration of the Senate shall appoint those who are in accord with the position of the Senate, and whenever practical, give preference to authors of bills in dispute and to members of standing committees in which the bills were considered.

### STANDING COMMITTEES

57. The standing committees of the Senate are as follows:

Agriculture and Rural Development

Children, Families and Learning

Commerce

Crime Prevention

Education Finance

Election Laws

Environment and Natural Resources

Governmental Operations and Veterans

Health and Family Security

Human Resources Finance

Jobs, Energy and Community Development

Judiciary

Local and Metropolitan Government

Rules and Administration

State Government Finance

Taxes

Transportation

The Committee on Rules and Administration may constitute a standing Subcommittee on Committees, the report of which within its jurisdiction has the effect of a report of the main Committee on Rules and Administration. The subcommittee shall consist of five members, one of whom shall be a member of the minority group.

Each standing committee of the Senate, including a subcommittee or division of the committee,

is authorized at any time to sit and act, to investigate and take testimony on any matter within its jurisdiction, to report hearings held by it, and to make expenditures as authorized from time to time by the standing Committee on Rules and Administration. A standing committee, but not a subcommittee or division, may require by subpoena or otherwise the attendance and testimony of witnesses and the production of correspondence, books, papers, and documents, in the manner provided by Minnesota Statutes, section 3.153.

### COMMITTEE MEETINGS

58. All meetings of the Senate, its committees, committee divisions, and subcommittees are open to the public. A meeting of a caucus of the members of any of those bodies from the same political party need not be open to the public. A caucus of the Hennepin county, Ramsey county, or St. Louis county delegation is open to the public. For purposes of this rule, a meeting occurs when a quorum is present and action is taken regarding a matter within the jurisdiction of the body.

To the extent practical, meetings of all committees, subcommittees, and divisions shall be announced to the public at least three calendar days prior to convening. The notice shall state the name of the committee, subcommittee, or division, the bill or bills to be considered, the place and time of meeting. The notice shall be posted on all Senate bulletin boards in the Capitol and the State Office Building. A notice shall be sent to the House of Representatives for posting as it deems necessary. If the three-day notice requirement cannot be met, known proponents and opponents of the bill shall be given simultaneous notice of the meeting as soon as practicable.

A Senate committee, subcommittee, or division shall adjourn no later than 11:00 p.m. each day, unless two-thirds of the members present vote to suspend this requirement.

### QUORUM IN COMMITTEE

59. A majority of its members constitutes a quorum of a committee, subcommittee, or division.

### REPORT OF VOTE IN COMMITTEE

60. Upon the request of a member of a committee or, subcommittee, or division to which a bill has been referred, or upon the request of the author of the bill, a record shall be made of the vote on the bill in the committee or, subcommittee, or division, including the vote on any amendment or proposed amendment to it, in the committee or, subcommittee, or division to which the bill was referred.

Upon request of three members of the committee before the vote is taken, the record of a roll call vote in a standing committee shall accompany the committee report and be printed in the Journal.

### COMMITTEE ACTION

61. No report of any committee shall be made to the Senate unless it reports action taken at a regular or special meeting of the committee. A report in violation of this rule is out of order.

### EMPLOYEES AUTHORIZED IN THE SENATE

62. The Committee on Rules and Administration shall establish positions, set compensation, appoint employees, and authorize expense reimbursement for employees as it deems proper to carry out the work of the Senate. At the request of any committee member, an action of the committee shall be submitted as a Senate resolution for adoption by the Senate. A roster of all



employees of the Senate, including positions and compensation, shall be kept by the Secretary and shall be open for inspection by the public. The Secretary shall post, in a public place in the Capitol, a notice of every vacant position on the permanent staff of the Senate. The notice must remain posted for at least two weeks, and no vacancy may be filled until the period of posting has elapsed.

### **BUDGET AND EXPENDITURES**

63. The Committee on Rules and Administration shall adopt an operating budget for the Senate and refer it to the ~~Committee on Finance~~.

All propositions for the appointment and payment of employees of the Senate or for expenditures on account of the Legislature, other than those provided by law, shall be referred to the Committee on Rules and Administration without debate.

### **AUTHORITY OVER EMPLOYEES**

64. Except as otherwise provided in these rules, the Committee on Rules and Administration has full and exclusive authority over, and charge of all employees, officers and clerks of the Senate both elective and appointive. The committee has the sole and exclusive power and authority to assign them to duties other than for which they were elected or appointed as the committee may from time to time provide. The committee has power to appoint employees, officers or clerks as it deems proper to exercise the power granted to it by this rule. The committee may make rules and regulations for the government of the employees, officers and clerks as they see fit. In case of violation of an order of the committee by an employee, officer or clerk, or in case of a violation of a rule or regulation made by the committee, or in case of misconduct or omission by an employee, officer or clerk, the Committee on Rules and Administration may hear complaints and discharge the employee, officer or clerk or impose other punishment by way of fine or otherwise upon the employee, officer or clerk as the committee deems just and proper.

### **DUTIES OF SECRETARY**

65. The Secretary shall keep a correct Journal of the proceedings of the Senate and shall perform other duties assigned to the Secretary. The Secretary shall not permit Journal records, accounts or papers to be taken from the table or out of the Secretary's custody, other than in the regular mode of business. If a paper in the Secretary's charge is missing, the Secretary shall report the fact to the President, so that inquiry may be made. The Secretary shall superintend the recording of proceedings in the Journal, the engrossing, transcribing and copying of the bills and resolutions, supervise the assistants, clerks and stenographers under the direction of the Committee on Rules and Administration, and generally perform the duties of Secretary, under direction of the President. The Secretary shall keep a record of all Senate and House bills showing the state, condition, and progress of each bill pending, until its final passage.

The Secretary shall cause to be recorded on magnetic tape the proceedings of the Senate, the Committee of the Whole, and each standing committee, subcommittee, and division. Each tape shall be clearly labeled to show the name of the body whose proceedings are recorded and the dates the proceedings occurred. Each tape of the proceedings of the Senate and the Committee of the Whole shall be accompanied by a log showing the number of each bill considered and the places on the tape where consideration of the bill occurred. Within two working days after each day the Senate is in session the Secretary shall make a copy of the tape and corresponding log of proceedings of the Senate and the Committee of the Whole and deliver the copies to the Legislative Reference Library. Within one week after each meeting of a standing committee, subcommittee, or division, the Secretary shall deliver a tape recording of the meeting to the Legislative Reference Library, together with an agenda showing bills considered and any action taken on them. Upon completion and approval of the minutes of the meeting, a copy of the minutes shall be promptly delivered to the Legislative Reference Library. The Secretary shall keep

a record of each session of the Senate and the Committee of the Whole, each meeting of a Senate standing committee, subcommittee, or division and the date on which a tape recording of the session or meeting was transmitted to the Legislative Reference Library. The Library shall keep a similar record of all tapes received. The Library shall provide committee staff with reasonable access to Senate tapes and shall provide the public with convenient facilities to listen to the tapes. Copies of Senate tapes shall be available to the public from the Secretary, for a fee determined by the Secretary to be adequate to cover the cost of preparing the copies. A copy shall be provided free to a member of the Senate upon request for use in legislative business. The original tape and log of each session of the Senate and the Committee of the Whole shall be kept by the Secretary until the end of the period for which the members of the existing House of Representatives have been elected, at which time the tape may be preserved or disposed of as the Secretary sees fit. Tapes, logs, and minutes forwarded to the Legislative Reference Library shall be kept by the Library until two years after the end of the period for which the members of the existing Senate have been elected, at which time they may be preserved or disposed of as the Library sees fit. It is the intention that testimony and discussion preserved under this rule not be admissible in any court or administrative proceeding on an issue of legislative intent.

### **JOURNAL--HOW APPROVED**

66. The Journal of each day's proceedings is open for correction at any time during the session of the next day the Senate meets. Unless corrected on that day, the Journal stands approved.

### **SECRETARY MAY CORRECT ERRORS**

67. The Secretary of the Senate and Engrossing Secretary, in all proper cases, shall correct all mistakes in numbering the sections and reference to them, whether the errors occur in the original bill or are caused by amendments to it.

### **PURCHASING SUPPLIES AND SERVICES**

68. The Secretary is the agent of the Senate for the purchase of supplies and services. The Secretary's records on purchase of supplies and services are open for inspection during normal business hours. The Secretary shall adopt administrative controls to ensure that each member is accountable for the member's own long distance telephone calls and that Senate telephones are used only for Senate business.

By the 15th day of April, July, October, and January of each year, the Secretary of the Senate shall submit a detailed report of Senate expenditures during the previous quarter to the Committee on Rules and Administration.

### **DUTIES OF THE SERGEANT AT ARMS**

69. The Sergeant at Arms shall execute all orders of the President and perform all assigned duties connected with the police and good order of the Senate Chamber; exercise supervision over the entry and exit of all persons to and from the Chamber; see that messages are promptly delivered; see that the hall is properly ventilated and the temperature properly regulated, and that it is open for the use of members of the Senate at the time fixed; and perform all other services pertaining to the office of Sergeant.

### **PERSONS PRIVILEGED TO THE FLOOR OF THE SENATE**

70. No person shall be admitted within the Senate Chamber, but a member, an officer, the constitutional officers, ex-Governors of the State of Minnesota, members of the House, judges of

the trial and appellate courts and members of Congress. Those who have been members of Congress or of the state Legislature who are not interested in any claim or directly in a bill pending before the Legislature may be personally admitted by a member of the Senate. An employee of either house may be admitted at the request of a member or an officer of the Senate. The head of a department of state government may be admitted by the President. When a member-elect is sworn in, the member-elect may request that one guest be admitted. When the Senate is not meeting, a person not a member may be admitted to the floor at the request of a member or officer. No public hearings shall be held in the Senate Chamber. The retiring room of the Senate is reserved for the exclusive use of the members of the Senate at all times. The Sergeant at Arms shall strictly enforce this rule.

### **PRIVILEGE OF REPORTERS**

71. Provision shall be made for news reporters on the Senate floor in limited numbers, and in the Senate gallery. Because of limited space on the floor, permanent space is limited to those news agencies which have regularly covered the legislature, namely: The Associated Press, St. Paul Pioneer Press Dispatch, Star Tribune, Duluth News-Tribune and Herald, Fargo Forum, Rochester Post-Bulletin, St. Cloud Daily Times, WCCO radio, KSTP radio, and Minnesota Public Radio. An additional two spaces shall be provided to other reporters if space is available.

One person from each named agency and one person from the Senate Publications Office may be present at the press table on the Senate floor at any one time.

Other news media personnel may occupy seats provided in the Senate gallery.

The Committee on Rules and Administration may, through committee action or by delegating authority to the Secretary, allow television filming on the Senate floor on certain occasions.

The Secretary of the Senate shall compile and distribute to the public a directory of reporters accredited to report from the Senate floor. The directory must include each reporter's picture and news organization and a brief biography. The Secretary must issue each accredited reporter an identification badge showing the reporter's name and news organization.

### **DISORDERLY CONDUCT**

72. In case of a disturbance or disorderly conduct in the lobbies or galleries, the President may order them cleared. Picture taking by persons other than accredited news reporters, picture taking with floodlights or flash units, hand clapping, demonstrations, and food and beverages, are prohibited in the Senate Chamber and in the galleries.

### **INTRODUCTION OF VISITORS**

73. No introduction of a visitor or visitors in the galleries shall be made from the floor or rostrum of the Senate.

### **SMOKING**

74. No person is permitted to smoke in the Senate Chamber, Retiring Room, hearing rooms, or other spaces under the control of the Senate. There shall be no smoking in the visitors section of the galleries.

### **ETHICAL CONDUCT**

75. The Subcommittee on Committees shall appoint a Subcommittee on Ethical Conduct of the

Committee on Rules and Administration consisting of four members, two from the majority and two from the minority.

The subcommittee shall serve in an advisory capacity to a member or employee upon written request and shall issue recommendations to the member or employee.

The subcommittee shall investigate a complaint by a member of the Senate in writing under oath received during a legislative session regarding improper conduct by a member or employee of the Senate. Improper conduct includes conduct that violated a rule or administrative policy of the Senate, that violated accepted norms of Senate behavior, that betrayed the public trust, or that tended to bring the Senate into dishonor or disrepute.

Within 30 days after receiving a complaint, the subcommittee must meet and either make a finding of no probable cause, vote to defer action until a certain time, or proceed with its investigation. If criminal proceedings relating to the same conduct have begun, the subcommittee may defer its own proceedings until the criminal proceedings have been completed.

The subcommittee has the powers of a standing committee to issue subpoenas pursuant to Minnesota Statutes, section 3.153. In order to determine whether there is probable cause to believe that improper conduct has occurred, the subcommittee may, by a vote of three of its members, conduct a preliminary inquiry in executive session to which the requirements of Rule 58 do not apply. The executive session may be ordered by a vote of three of its members whenever the subcommittee determines that matters relating to probable cause are likely to be discussed. The executive session must be limited to matters relating to probable cause. Upon a finding of probable cause, further proceedings on the complaint are open to the public. To minimize disruption of its public proceedings, the subcommittee may require that television coverage be pooled or be provided by Senate media services.

The subcommittee may appoint special counsel to provide expert advice on how to conduct its proceedings. The subcommittee may appoint a suitable person to conduct the investigation and report findings of fact and recommendations for action to the subcommittee. If, after investigation, the subcommittee finds the complaint substantiated by the evidence, it shall recommend to the Committee on Rules and Administration appropriate disciplinary action.

Members shall adhere to the highest standard of ethical conduct as embodied in the Minnesota Constitution, state law, and these rules.

A member shall not publish or distribute written material if the member knows or has reason to know that the material includes any statement that is false or clearly misleading, concerning a public policy issue or concerning the member's or another member's voting record or position on a public policy issue.

## LOBBYISTS

76. A lobbyist shall not appear before a Senate committee pursuant to the lobbyist's employment unless the lobbyist is in compliance with the law requiring lobbyist registration, Minnesota Statutes, sections 10A.03 to 10A.06. A lobbyist, when appearing before a committee, shall disclose to the committee those in whose interest the lobbyist speaks and the purpose of the lobbyist's appearance. A lobbyist shall not knowingly furnish false or misleading information or make a false or misleading statement that is relevant and material to a matter before the Senate or any of its committees when the lobbyist knows or should know it will influence the judgment or action of the Senate or any of its committees thereon.

The Subcommittee on Ethical Conduct shall investigate a complaint by a member of the Senate in writing under oath received during a legislative session regarding improper conduct by a lobbyist. Improper conduct includes conduct that violated a rule or administrative policy of the Senate, that violated accepted norms of Senate behavior, that betrayed the public trust, or that tended to bring the Senate into dishonor or disrepute. The investigatory procedures of Rule 75 apply.

## OPEN MEETING COMPLAINTS

77. Any person may submit to the Chair of the Committee on Rules and Administration a complaint that members have violated the open meeting requirements of Minnesota Statutes, section 3.055. A member of the Senate may submit the complaint either orally or in writing; others must submit the complaint in writing. Whether the complaint was written or oral, the Chair of the Committee on Rules and Administration shall immediately forward it in writing to the Subcommittee on Ethical Conduct without disclosing the identity of the complainant. The complaint must not be further disclosed without the consent of the complainant, except to the members against whom the complaint was made, unless the complaint was made by a member of the Senate in writing under oath, in which case the investigatory procedures of Rule 75 apply.

Ms. Junge moved that Senate Resolution No. 25 be laid on the table and printed in the Journal. The motion prevailed.

Ms. Higgins moved that S.F. No. 55 be withdrawn from the Committee on Crime Prevention and returned to its author. The motion prevailed.

Mr. Janezich moved that S.F. No. 896 be withdrawn from the Committee on Governmental Operations and Veterans and re-referred to the Committee on Children, Families and Learning. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Ms. Junge moved that the Senate take up the General Orders Calendar. The motion prevailed.

## GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Spear in the chair.

After some time spent therein, the committee arose, and Mr. Spear reported that the committee had considered the following:

S.F. No. 458, which the committee recommends to pass.

S.F. No. 94, which the committee recommends to pass with the following amendment offered by Mr. Moe, R.D.:

Page 10, delete lines 13 to 25 and insert:

"Subdivision 1. [DEFINITIONS.] (a) "Lessee" means a lessee of lands leased under Minnesota Statutes, section 92.46, that are located in Section 16, Township 62 North, Range 4 East, Cook county, of record with the commissioner of natural resources as of May 14, 1993.

(b) "New lease" means a lease issued after the effective date of this act under the terms and conditions specified in Minnesota Statutes, section 92.46, subdivisions 1, 1a, and 3, except that the lease may be for a life term and is not assignable or transferable and may not be amended to include additional lessees.

Subd. 2. [OPTIONS FOR LESSEES.] (a) If requested in writing by a lessee before January 1, 1998, the commissioner shall, at the lessee's option:

(1) pay to the lessee the appraised value of the lessee's improvements on the land and terminate the existing lease as of the date of payment for improvements; or

(2) issue a new lease for the life of the lessee that provides that when the lease term expires, the commissioner shall pay to the lessee or a beneficiary that must be designated in writing by the lessee the appraised value of the lessee's improvements on the land. A lessee who elects this option may elect to terminate the lease at any time during the term of the lease in exchange for payment by the commissioner for the appraised value of the lessee's improvements on the land.

(b) If the commissioner has not received written notice of a lessee's election by January 1, 1998, the commissioner may proceed under paragraph (a), clause (1)."

Page 10, line 26, delete "(b)" and insert "(c)"

Page 10, line 29, delete "(c)" and insert "(d)"

Page 10, line 31, delete ", clause (1)"

Page 10, line 32, delete "(d)" and insert "(e)"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

### **MEMBERS EXCUSED**

Mr. Lessard was excused from the Session of today from 12:00 noon to 1:10 p.m. Ms. Anderson was excused from the Session of today from 1:00 to 1:20 p.m.

### **ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, March 3, 1997. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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