

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIRST LEGISLATURE

EIGHTIETH DAY

St. Paul, Minnesota, Wednesday, March 1, 2000

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

Senator Kelly, R.C. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by Senator Pat Piper.

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

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

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

Senators Oliver, Robertson and Samuelson were excused from the Session of today.

REPORTS OF COMMITTEES

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

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

S.F. No. 2421: A bill for an act relating to consumer protection; regulating certain telephonic sales calls; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 325G.

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

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1999 Supplement, section 13.99, is amended by adding a subdivision to read:

Subd. 92h. [NO CALL LIST.] Access to and use of information in the no-call list maintained by the commissioner of commerce is governed by section 325G.56."

Page 1, line 8, delete "325G.57" and insert "325G.58"

Page 1, line 20, delete "shall mean" and insert "means"

Page 1, line 22, delete "shall have" and insert "has"

Page 3, delete lines 16 and 17 and insert:

"(6) by a nonprofit organization or political party within the past five years to its own members or to individuals who have contributed time or money to the organization or party."

Page 3, lines 19 and 20, delete ", mobile, or telephonic paging device"

Page 3, line 25, after the period, insert "The listing may include the individual's residential numbers and mobile or telephonic paging device numbers that the individual uses primarily for personal or household purposes."

Page 4, delete lines 17 to 29 and insert:

"Sec. 4. [325G.55] [PREACQUIRED ACCOUNT TELEPHONE CALLS.]

Subdivision 1. [PRIOR AUTHORIZATION REQUIRED.] A telephone solicitor may not cause an electronic charge as a result of a preacquired account telephone call until the telephone solicitor has obtained an authorization for the specific electronic charge discussed during the call. The authorization may be obtained through:

(1) a written authorization from the account holder; or

(2) an oral or written statement from the account holder disclosing the last four digits of the account number, if the telephone solicitor has reasonable procedures to verify that the last four digits provided by the account holder match the last four digits of the account to be charged.

An authorization under clause (1) or (2) is not required if the telephone solicitor obtains the entire account number from the account holder during the telephone call.

Subd. 2. [DISCLOSURE REQUIRED.] During a preacquired account telephone call, the telephone solicitor shall disclose to the account holder that the account will not be charged for the merchandise until the account holder has provided the required authorization."

Page 4, line 30, delete "325G.55" and insert "325G.56"

Page 4, line 34, delete "or otherwise circumvent"

Page 4, line 36, delete "325G.56" and insert "325G.57" and delete "NO CALL LIST" and insert "FEDERAL LIST; RELEASE OF INFORMATION; NOTICE OF RIGHTS"

Page 5, lines 7, 9, and 10, delete "this section" and insert "section 325G.54"

Page 5, line 11, delete "325G.57" and insert "325G.58"

Page 5, line 21, delete "325G.57" and insert "325G.58"

Page 5, lines 22 and 25, delete "325G.57" and insert "325G.58"

Page 5, line 29, delete "325G.57" and insert "325G.58"

Page 5, delete line 31 and insert:

"Sections 1; 2, subdivision 3; and 3 to 7 are"

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 3, before "proposing" insert "amending Minnesota Statutes 1999 Supplement, section 13.99, by adding a subdivision;"

And when so amended the bill do pass and be re-referred to the Committee on Jobs, Energy and Community Development. Amendments adopted. Report adopted.

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

S.F. No. 3212: A bill for an act relating to Hennepin county; including a fifth chief deputy sheriff in the unclassified service; amending Minnesota Statutes 1998, section 383B.32, subdivision 2.

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

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

S.F. No. 2983: A bill for an act relating to Hennepin county; providing that the design-build method of construction may be used for certain county contracts; amending Minnesota Statutes 1998, section 383B.145, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. [383B.160] [DESIGN-BUILD CONTRACTS.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the following terms have the meanings given them, unless the context clearly indicates otherwise.

(b) "Acceptance" means a formal resolution of the county board authorizing the execution of a design-build contract.

(c) "Designer selection committee" means the designer selection committee appointed by the county board to advise the county administrator and county board in preparing and conducting the design-build selection process.

(d) "Design-build contract" means a contract between the county and a design-builder to furnish the architectural, engineering, and related design services as well as the labor, materials, supplies, equipment, and construction services for a project. A design-build contract may be conditioned upon later refinements in scope and price, and may permit the county to make changes in the scope of the project without invalidating the design-build contract.

(e) "Design-builder" means the person that proposes to design and build a project governed by the procedures of this section.

(f) "Design criteria package" means a performance-oriented description of the budget, program,

and site for the project containing sufficient information to permit design-build firms to prepare a response to the requests for proposals. The design criteria package must specify performance-based criteria for the project; legal description of the site; survey, soil, and environmental information concerning the site; interior space requirements, including adjacency diagrams; material quality standards; conceptual design criteria; cost or budget estimates; design and construction schedules; site development requirements; provisions for utilities; stormwater retention and disposal; and parking requirements applicable to the project and any other information required to adequately describe the project.

(g) "Design criteria professional" means a person who holds or employs individuals who hold the license or licenses under chapter 326 that would be required to design the design-build project and who is employed by or under contract with the county to provide professional architecture and engineering services in connection with the preparation of the design criteria package.

(h) "Design proposal" means the phase-two proposal to be submitted by a design-builder in a design-based selection process, which includes the building and site design, design and construction schedule, and the construction cost, in such detail as the county may require in the request for proposals.

(i) "Past performance" or "experience" shall not include the exercise or assertion of a person's legal rights.

(j) "Person" means an individual, partnership, joint venture, corporation, professional corporation, business association, or any other legal entity.

(k) "Project" means an undertaking to design, construct, erect, or remodel a facility, building, road, highway, or bridge.

(l) "Proposal" means an offer by a design-builder to enter into a design-build contract for a project in response to a request for proposals, including a phase-one or phase-two proposal.

(m) "Request for proposals" means the document or publication through which the county solicits proposals for a design-build contract.

Subd. 2. [AUTHORITY.] Notwithstanding section 471.345 or any other law to the contrary, the county board may solicit and award a design-build contract for a project on the basis of a best value selection process without competitive bids as provided in this section.

Subd. 3. [PROCEDURES.] The county board shall, by resolution, adopt implementation procedures consistent with this section for the award of design-build contracts. The implementation procedures must, at a minimum, govern the following:

(1) the establishment of a designer selection committee appointed by the county board to advise the county administrator and the county board in preparing and conducting the design-build selection process, including a recommendation for the selection of a design-build proposal it considers to be of best value to the public. The county board may not select a design-builder in which a member of the designer selection committee has a current financial interest;

(2) preparing requests for proposals, including procedures for determining the appropriate content for each request for proposal;

(3) standards to be used to qualify or prequalify design-builders;

(4) preparing and submitting proposals;

(5) establishing procedures for evaluating proposals in as objective a manner as possible;

(6) negotiations between the county, including the designer selection committee, and those submitting proposals prior to the acceptance of a proposal if negotiations are contemplated, including safeguards to preserve confidential information and propriety information supplied by those submitting proposals such as an offeror's price, technical solutions, innovative or unique technology, and innovative or unique use of commercially available items; and

(7) awarding and executing design-build contracts.

Subd. 4. [LICENSING REQUIREMENTS.] (a) Each design-builder shall be, employ, or have as a partner, member, coventurer, or subcontractor persons duly licensed and registered to provide the services required to complete the project and do business in the state.

(b) A design-builder may enter into a contract with the county to provide professional or construction services that the design-builder is not licensed, registered, or qualified to perform, so long as the design-builder provides such services through subcontracts with duly licensed, registered, or otherwise qualified persons in accordance with this section.

(c) Nothing in this section authorizing design-build contracts is intended to limit or eliminate the responsibility or liability owed by a professional on a design-build project to the county or other third parties under existing law.

Subd. 5. [DEVELOPMENT OF DESIGN CRITERIA PACKAGE.] Each request for proposal shall contain performance criteria prepared by a design criteria professional employed by or under contract with the county. The county administrator, in consultation with the designer selection committee and the design criteria professional, shall determine the scope and level of detail required for the design criteria package beyond that required in subdivision 1, paragraph (f). The criteria shall not impose unnecessary criteria beyond the reasonable requirements to ensure maximum participation of qualified design-builders.

Subd. 6. [SOLICITATION OF PROPOSALS.] (a) A request for proposals shall be prepared for each design-build contract soliciting design-builders to respond in two phases under subdivision 7. A request for proposals shall contain, at a minimum, the following elements:

(1) procedures for submitting proposals, the criteria for evaluation of proposals and their relative weight for each phase, and the procedures for making awards, including a reference to the requirements of this section and any implementation procedures adopted by the county board under subdivision 3;

(2) the proposed terms and conditions for the design-build contract;

(3) the design criteria package;

(4) the qualifications the design-builder will be required to have;

(5) a schedule for commencement and completion of the project;

(6) budget limits for the project;

(7) affirmative action, disadvantaged business, small business, or set-aside goals or requirements for the design-build contract, if any;

(8) requirements for performance bonds, payment bonds, insurance, and statutorily required performance and payment bonds;

(9) a description of the drawings, specifications, or other submittals to be submitted with the design proposal, with guidance as to the form and level of completeness of the drawings, specifications, or submittals that will be acceptable; and

(10) identification of any other material information available from the county or designer selection committee, including, without limitation, surveys, soil reports, drawings or models of existing structures, environmental studies, photographs, and public records.

(b) Notice of requests for proposals must be advertised in the same manner in which bids are solicited under section 471.345.

Subd. 7. [EVALUATION OF PROPOSALS.] (a) The county board shall solicit and evaluate proposals and select a design-builder in two phases.

(b) In phase one, the county board shall evaluate and qualify potential design-builders for phase two of the selection process based on each design-builder's experience, technical competence, capability to perform, the past performance of the design-builder and its employees and proposed subcontractors for the project, and other appropriate facts submitted by it in response to the request for proposals. The county board shall not consider cost-related or price-related evaluation factors in phase one.

(c) In phase two, the county board shall evaluate design-builders as described in subdivision 9 for best value selection.

(d) In both phase one and phase two, the county board may require clarifications or further information from design-builders to ensure conformance of proposals with the design criteria package.

Subd. 8. [ACCEPTANCE OF PROPOSALS.] After obtaining and evaluating proposals from each design-builder according to the criteria and procedures set forth in the requests for proposals, the county board shall evaluate all proposals for the most advantageous and best value to the public. The county board may reject any or all proposals, except for the purpose of evading the provisions and policies of this section. If the county board rejects all proposals, it may thereafter solicit new proposals using the same or different performance criteria, budget constraints, or qualifications.

Subd. 9. [BEST VALUE SELECTION.] (a) The requirements of subdivisions 1 to 8 apply to all design-build contracts.

(b) The design criteria package for a project to be awarded by a best value selection process shall be in sufficient detail to allow qualified persons to submit design proposals in accordance with the request for proposals, given the nature of the project and the level of design to be provided in the proposal.

(c) Design-builders selected to submit phase-two proposals shall submit design proposals as required by the request for proposals, consisting of:

(1) plans and specifications, renderings, and models as may be required in the request for proposals in sufficient detail to describe the character, quality, and scope of the project;

(2) a design and construction schedule;

(3) the price at which the design-builder will complete the project if selected; and

(4) other materials the county determines are necessary to fix the design, schedule, and cost of the project.

(d) Design proposals must be sealed and may not be opened until the expiration time established for making proposals as set forth in the request for proposals.

(e) Design proposals shall identify each person with whom the design-builder proposes to enter into subcontracts for primary design and construction obligations under the design-build contract. Persons so identified may not be replaced without the approval of the county, or the award may be revoked.

(f) Design proposals must establish a cost that will not be exceeded if the design proposal is accepted without change. After a design proposal is accepted, the maximum cost in the design proposal shall be converted to fixed prices by negotiated agreement between the county and the design-builder.

(g) The amount and type of design services submitted to the county for phase-two proposals shall not exceed those requested by the county in order to facilitate the evaluation process.

(h) The county may require each design-builder to submit with its phase-two proposal, a cash deposit, letter of credit, or bid bond not to exceed five percent of the maximum cost of the design-build contract as established by the proposal.

(i) The county board shall accept the proposal it considers to be the most advantageous and best value to the public based on the evaluation criteria set forth in the request for proposal. Selection according to this method may result in a contract award not being made to the lowest cost proposal. The perceived benefits of the higher priced proposal shall merit the additional cost and the rationale for such a departure shall be stated at the time of the contract award.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon and insert "proposing coding for new law in Minnesota Statutes, chapter 383B."

Page 1, delete line 5

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

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

S.F. No. 953: A bill for an act relating to health; regulating coverages and the classification of treatment; specifying the duties of certain carriers and providers; providing remedies; amending Minnesota Statutes 1998, sections 62A.60; 62J.71, subdivision 1; 62J.72, by adding a subdivision; 62M.07; 62M.09, subdivision 3; 62Q.58, subdivision 3; and 144.335, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62Q; proposing coding for new law as Minnesota Statutes, chapter 62U.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 62A.60, is amended to read:

62A.60 [RETROACTIVE DENIAL OF EXPENSES.]

In cases where the subscriber or insured is liable for costs beyond applicable copayments or deductibles, no insurer may retroactively deny payment to a person who is covered when the services are provided for health care services that are otherwise covered, if the insurer or its representative failed to provide prior or concurrent review or authorization for the expenses when required to do so under the policy, plan, or certificate. If prior or concurrent review or authorization was provided by the insurer or its representative, and the preexisting condition limitation provision, the general exclusion provision and any other coinsurance, or other policy requirements have been met, the insurer may not deny payment for the authorized service or time period except in cases where fraud or substantive misrepresentation occurred. A health carrier that has given preauthorization approval for a service or treatment may not subsequently deny payment for that service or treatment except in cases of fraud or ineligibility. At the time a decision regarding the medical necessity of a service or treatment is communicated to an enrollee in accordance with section 62M.05, a health carrier shall also communicate whether the requested service or treatment is a covered benefit.

Sec. 2. Minnesota Statutes 1998, section 62J.71, subdivision 3, is amended to read:

Subd. 3. [RETALIATION PROHIBITED.] No person, health plan company, or other organization may take retaliatory action against a health care provider solely on the grounds that the provider:

(1) refused to enter into an agreement or provide services or information in a manner that is prohibited under this section or took any of the actions listed in subdivision 1;

(2) disclosed accurate information about whether a health care service or treatment is covered by an enrollee's health plan company, health insurer, or health coverage plan;

(3) discussed diagnostic, treatment, or referral options that are not covered or are limited by the enrollee's health plan company, health insurer, or health coverage plan;

(4) criticized coverage of the enrollee's health plan company, health insurer, or health coverage plan; or

(5) expressed personal disagreement with a decision made by a person, organization, or health care provider regarding treatment or coverage provided to a patient of the provider, or assisted or advocated for the patient in seeking reconsideration of such a decision, provided the health care provider makes it clear that the provider is acting in a personal capacity and not as a representative of or on behalf of the entity that made the decision;

(6) disclosed, in good faith, information relating to the care, services, or conditions affecting an enrollee to an appropriate public regulatory agency, private accreditation body, or management personnel of the health plan company as otherwise allowed by law;

(7) initiates, cooperates, or otherwise participates in a utilization review under chapter 62M or in an investigation or proceeding by a public regulatory agency; or

(8) provides, as otherwise allowed by law: (i) testimony, evidence, records, or other assistance to an enrollee; or (ii) advocates on behalf of an enrollee who brings a claim against a health carrier under chapter 62U.

Sec. 3. Minnesota Statutes 1998, section 62J.72, is amended by adding a subdivision to read:

Subd. 3a. [COVERAGE AGREEMENT OR SUBSCRIBER CONTRACT.] A health plan company shall provide to a prospective enrollee upon request a specimen copy of the certificate of coverage, subscriber contract, or other evidence of coverage required to be filed with the commissioner of commerce or commissioner of health under chapter 62A, 62C, 62D, or 62N.

Sec. 4. Minnesota Statutes 1998, section 62J.80, is amended to read:

62J.80 [RETALIATION.]

A health plan company or health care provider shall not retaliate or take adverse action against an enrollee or, patient, or health care provider who, in good faith, makes a complaint against a health plan company or health care provider, participates in a utilization review under chapter 62M, or brings a claim under chapter 62U. If retaliation is suspected, the executive director of a health-related licensing board as defined in section 214.01, subdivision 2, may report it to the appropriate regulatory authority.

Sec. 5. Minnesota Statutes 1999 Supplement, section 62M.07, is amended to read:

62M.07 [PRIOR AUTHORIZATION OF SERVICES.]

(a) Utilization review organizations conducting prior authorization of services must have written standards that meet at a minimum the following requirements:

(1) written procedures and criteria used to determine whether care is appropriate, reasonable, or medically necessary;

(2) a system for providing prompt notification of its determinations to enrollees and providers and for notifying the provider, enrollee, or enrollee's designee of appeal procedures under clause (4);

(3) compliance with section 62M.05, subdivisions 3a and 3b, regarding time frames for approving and disapproving prior authorization requests;

(4) written procedures for appeals of denials of prior authorization which specify the

responsibilities of the enrollee and provider, and which meet the requirements of sections 62M.06 and 72A.285, regarding release of summary review findings; and

(5) procedures to ensure confidentiality of patient-specific information, consistent with applicable law.

(b) No utilization review organization, health plan company, or claims administrator may conduct or require prior authorization of emergency confinement or emergency treatment. The enrollee or the enrollee's authorized representative may be required to notify the health plan company, claims administrator, or utilization review organization as soon after the beginning of the emergency confinement or emergency treatment as reasonably possible.

(c) A utilization review organization, health plan company, or claims administrator, which uses the written procedures required under paragraph (a), clause (1), in determining that care is not appropriate, reasonable, or medically necessary, must provide a copy of the written procedures to the enrollee seeking the care.

(d) A utilization review organization shall file an annual report with the commissioner of commerce that includes:

(1) the number and rate of denied prior authorization requests for each procedure or service; and

(2) the number and rate of denials overturned on appeal for each procedure or service.

Sec. 6. Minnesota Statutes 1998, section 62M.09, subdivision 2, is amended to read:

Subd. 2. [LICENSURE REQUIREMENT.] Nurses, physicians, and other Except as provided under subdivision 3, licensed health professionals conducting reviews of medical services, and other clinical reviewers conducting specialized reviews in their area of specialty must be currently licensed or certified by an approved state licensing agency in the United States.

Sec. 7. Minnesota Statutes 1999 Supplement, section 62M.09, subdivision 3, is amended to read:

Subd. 3. [PHYSICIAN REVIEWER INVOLVEMENT.] A physician must review all cases in which the utilization review organization has concluded that a determination not to certify for clinical reasons is appropriate. The physician conducting the review must be licensed in Minnesota. The physician should must be reasonably available by telephone to discuss the determination with the attending health care professional physician and the enrollee or the enrollee's designee. This subdivision does not apply to outpatient mental health or substance abuse services governed by subdivision 3a or to chiropractic services as defined in section 148.01.

Sec. 8. Minnesota Statutes 1998, section 62M.09, subdivision 6, is amended to read:

Subd. 6. [PHYSICIAN CONSULTANTS.] A utilization review organization must use physician consultants in the appeal process described in section 62M.06, subdivision 3. The physician consultants should include, as needed and available, specialists who are must be board-certified, or board-eligible and working towards certification, in a specialty board approved by the American Board of Medical Specialists or the American Board of Osteopathy, licensed in Minnesota, and must practice in the same or similar specialty or area of practice involved in the request for treatment.

Sec. 9. [62Q.535] [MEDICALLY NECESSARY CARE.]

For purposes of coverage under a health plan, "medically necessary care" means diagnostic testing, preventive services, and health care services that are appropriate, in terms of types, frequency, level, setting, and duration, to the enrollee's diagnosis or condition. Medically necessary care must be consistent with generally accepted practice parameters, as determined by licensed health care providers in the same or similar general specialty as typically manages the condition, procedure, or treatment at issue and must:

- (1) help restore, establish, maintain, or improve the enrollee's health condition or function;
- (2) prevent deterioration of the enrollee's health condition or function; or
- (3) prevent the reasonably likely onset of a health problem or detect an incipient problem.

Sec. 10. Minnesota Statutes 1998, section 62Q.58, is amended by adding a subdivision to read:

Subd. 1a. [DEFINITION OF SPECIALIST.] For purposes of this section, "specialist" means, with respect to a condition or disease, a health care provider, or health care facility that has adequate expertise through appropriate training and practical clinical experience, including appropriate pediatric expertise in the case of a child, to provide high-quality care in treating the unique condition or disease of the particular patient.

Sec. 11. Minnesota Statutes 1998, section 62Q.58, is amended by adding a subdivision to read:

Subd. 1b. [MANDATORY REFERRAL.] (a) A health plan company must make or provide for a referral to an appropriate participating specialist who is available and accessible to provide the treatment, or to a nonparticipating specialist if the health plan company does not have an appropriate participating specialist that is available and accessible to treat the enrollee's condition or disease if the enrollee has a condition or disease of sufficient seriousness in complexity to require treatment by a specialist.

(b) If an enrollee receives services from a nonparticipating specialist because a participating specialist is not available, services shall be provided at no additional cost to the enrollee beyond what the enrollee would otherwise pay for services received from a participating specialist.

Sec. 12. [62U.01] [SHORT TITLE.]

This chapter may be cited as the "Health Care Liability Act."

Sec. 13. [62U.02] [DEFINITIONS.]

Subdivision 1. [ENROLLEE.] "Enrollee" means an individual who is covered by a health carrier, health insurance, or health coverage plan, including an insured, policy holder, subscriber, contract holder, member-covered person, or certificate holder.

Subd. 2. [HEALTH CARE PROVIDER.] "Health care provider" or "provider" means a person defined in section 144.335, subdivision 1, paragraph (b).

Subd. 3. [HEALTH CARE TREATMENT DECISION.] "Health care treatment decision" means a determination or decision made that affects the quality of the diagnosis, care, or treatment provided to an enrollee. A health care treatment decision includes, but is not limited to, a determination that a service, treatment, or procedure is not medically necessary.

Subd. 4. [HEALTH CARRIER.] "Health carrier" means an insurance company licensed under chapter 60A to offer, sell, or issue an individual or group policy of accident and sickness insurance as defined in section 62A.01; a nonprofit health service plan corporation operating under chapter 62C; a health maintenance organization operating under chapter 62D; a joint self-insurance employee health plan operating under chapter 62H; a community integrated systems network licensed under chapter 62N; a fraternal benefit society operating under chapter 64B; or an association, partnership, corporation, or limited liability corporation organized for the purpose of providing, arranging, or administering health care services or treatment.

Subd. 5. [MEDICALLY NECESSARY CARE.] "Medically necessary care" means diagnostic testing, preventative services, and health care services that are appropriate, in terms of types, frequency, level, setting, and duration, to the enrollee's diagnosis or condition. Medically necessary care must be consistent with generally accepted practice parameters, as determined by licensed health care providers in the same or similar general specialty as typically manages the condition, procedure, or treatment at issue and must:

- (1) help restore, establish, maintain, or improve the enrollee's health condition or function;

- (2) prevent deterioration of the enrollee's health condition or function; or
- (3) prevent the reasonably likely onset of a health problem or detect an incipient problem.

Subd. 6. [ORDINARY CARE.] "Ordinary care" means, in the case of a health carrier, that degree of care that a health carrier of ordinary prudence would use under the same or similar circumstances. In the case of a person who is an employee, agent, or representative of a health carrier, ordinary care means that degree of care that a person of ordinary prudence in the same profession, specialty, or area of practice would use in the same or similar circumstances.

Sec. 14. [62U.03] [APPLICATION.]

Subdivision 1. [DUTY OF ORDINARY CARE.] A health carrier has the duty to exercise ordinary care when making health care treatment decisions and is liable for damages to an enrollee for harm proximately caused by its failure to exercise ordinary care.

Subd. 2. [RESPONSIBILITY FOR ACTIONS OF OTHERS.] A health carrier is also liable for damages to an enrollee for harm proximately caused by a health care treatment decision made by its:

- (1) employees;
- (2) agents; or
- (3) representatives who are acting on its behalf and over whom it has the right to exercise influence or control or has actually exercised influence or control that results in the failure to exercise ordinary care.

In an action against a health carrier, a finding that a health care provider is an employee, agent, or representative of the health carrier shall not be based solely on proof that the person's name appears in a listing of approved health care providers made available to enrollees under a health plan.

Subd. 3. [DEFENSES.] It shall be a defense to an action asserted against a health carrier that:

- (1) neither the health carrier, nor any employee, agent, or representative for whose conduct the health carrier is liable under subdivision 2, controlled, influenced, or participated in the health care treatment decision; and
- (2) the health carrier did not deny or delay payment for any service, treatment, or procedure prescribed or recommended by a provider to the enrollee.

Subd. 4. [LIMITATIONS.] (a) The standards in subdivisions 1 and 2 create no obligation on the part of the health carrier to provide to an enrollee a service, treatment, or procedure that is not covered by the health plan.

(b) This chapter does not create liability on the part of an employer or an employer group purchasing organization that purchases coverage or assumes risk on behalf of its employees.

Subd. 5. [LIMITATION ON DEFENSES.] Nothing in any law of this state prohibiting a health carrier from practicing medicine or being licensed to practice medicine may be asserted as a defense by the health carrier in an action brought against it pursuant to this section or any other law.

Subd. 6. [NONAPPLICATION.] This chapter does not apply to workers' compensation insurance coverage under chapter 79 or workers' compensation self-insurance under chapter 79A.

Subd. 7. [RECOVERY OF ATTORNEY FEES AND OTHER EXPENSES.] If an enrollee is the prevailing party in a proceeding under this section, the court may award attorney fees and other reasonable expenses to the enrollee. This subdivision does not preclude an enrollee from recovering costs, disbursements, fees, and expenses under other applicable law.

Subd. 8. [TRANSFER OF LIABILITY.] Any agreement or directive that attempts to transfer to a health care provider, by indemnification or otherwise, any tort liability relating to the activities, actions, or omissions of a health carrier is contrary to state public policy and is null and void.

Subd. 9. [WAIVER OF LIABILITY.] Any agreement or waiver by an enrollee of the provisions of this section is contrary to state public policy and is null and void.

Subd. 10. [EXHAUSTION OF APPEALS.] (a) An enrollee must exhaust the external review process to the extent authorized by law before a claim can be brought against a health carrier under this chapter.

(b) An enrollee of the Minnesota comprehensive health association or a governmental program, including the prepaid medical assistance program, the MinnesotaCare program, the prepaid general assistance medical care program and the federal Medicare program must exhaust any complaint and appeal process currently available under those programs before a claim can be brought against the health carrier administering the program or the government program under this chapter.

Sec. 15. [EFFECTIVE DATE.]

Sections 1 to 13 are effective January 1, 2001, and apply to health plan contracts issued or renewed on or after that date. Section 14 shall apply to claims arising from events that occur on or after January 1, 2001, for health plan contracts issued or renewed on or after that date."

Delete the title and insert:

"A bill for an act relating to health; providing for certain patient rights and protections; regulating coverages and the classification of treatment; specifying the duties of certain carriers and providers; providing remedies; amending Minnesota Statutes 1998, sections 62A.60; 62J.71, subdivision 3; 62J.72, by adding a subdivision; 62J.80; 62M.09, subdivisions 2 and 6; and 62Q.58, by adding subdivisions; Minnesota Statutes 1999 Supplement, sections 62M.07; and 62M.09, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 62Q; proposing coding for new law as Minnesota Statutes, chapter 62U."

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

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

S.F. No. 2470: A bill for an act relating to public defense; requiring private counsel who have been retained for appeal or postconviction matters to make arrangements with the state public defender before funding may be used for transcript fees; amending Minnesota Statutes 1998, sections 486.06; 611.25, subdivision 1; and 611.27, subdivision 15, and by adding a subdivision.

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

Page 2, line 14, delete ": (i)" and after "not" insert ": (i)"

Page 2, line 16, delete "the supreme"

Page 2, delete line 17

Page 2, line 18, delete "defender to" and after the second " for" insert "indigent"

Page 3, delete lines 9 to 18 and insert:

"The state board of public defense shall include in its budget request to the governor, information on the amount of money that the state public defender's office has spent on transcripts for appellate and postconviction cases in the fiscal year prior to the request."

Page 3, delete section 4

Amend the title as follows:

Page 1, line 8, delete ", and by adding a subdivision"

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

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

S.F. No. 3338: A bill for an act relating to crime prevention; establishing an annual insurance cap for tribal police departments; amending Minnesota Statutes 1998, sections 626.90, subdivision 2; 626.91, subdivision 2; and 626.92, subdivision 2; Minnesota Statutes 1999 Supplement, section 626.93, subdivisions 1 and 2.

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

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

S.F. No. 2381: A bill for an act relating to liens; modifying mechanics' lien requirements and procedures; providing penalties; creating civil cause of action; authorizing attorney fees; amending Minnesota Statutes 1998, sections 514.011, subdivisions 1, 2, and 3; 514.02, subdivision 1, and by adding a subdivision; 514.08, subdivision 2; 514.14; and 514.73.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 514.02, subdivision 1, is amended to read:

Subdivision 1. [ACTS CONSTITUTING THEFT.] Proceeds of payments received by a person contributing to an improvement to real property within the meaning of section 514.01 shall be held by that person for the benefit of those persons who furnished the labor, skill, material, or machinery contributing to the improvement. Nothing contained in this subdivision requires money to be placed in a separate account and not commingled with other money of the person receiving payment. Nothing in this subdivision shall create a fiduciary liability or tort liability on the part of any person receiving payment or entitle any person to an award of punitive damages in contradiction to a contractual agreement between persons contributing to an improvement to real estate under this subdivision. If a person, on any improvement to real estate within the meaning of section 514.01, fails to use the proceeds of any a payment made to that person on account of such for the improvement by the owner of such real estate or person having any improvement made, for the payment for labor, skill, material, and machinery contributed to such the improvement, knowing that the cost of any such labor performed, or skill, material, or machinery furnished for such the improvement remains unpaid, and who has not furnished to the person making such payment either a valid lien waiver as to any unpaid labor performed, or skill, material, or machinery furnished for such improvement under section 514.07, or a payment bond in the basic amount of the contract price for such the improvement, conditioned for the prompt payment to any person or persons entitled thereto for the performance of labor or the furnishing of skill, material, or machinery for the improvement, shall be guilty of theft of the proceeds of such the payment and upon conviction shall be fined not more than \$3,000 or imprisoned not more than one year, or both is punishable under section 609.52. If the person is a corporation, any officers, directors, or agents of the corporation responsible for the theft shall be guilty of theft of the proceeds. Proceeds of the payment, received as salary, dividend, loan repayment, capital distribution, or otherwise by any shareholder not responsible for the theft shall be a civil liability of the shareholder and may be recovered and restored as provided in subdivision 1a. Proceeds of the payment are not subject to garnishment, execution, levy, or attachment.

Sec. 2. Minnesota Statutes 1998, section 514.02, is amended by adding a subdivision to read:

Subd. 1a. [CIVIL ACTION.] A person injured by a violation of subdivision 1 may bring a civil action against the person who committed the theft or a shareholder who is liable under subdivision 1 and recover damages, together with costs and disbursements, including costs of investigation

and reasonable attorney fees, and receive other relief as determined by the court, including, without limitation, equitable tracing.

Sec. 3. Minnesota Statutes 1998, section 550.37, is amended by adding a subdivision to read:

Subd. 25. [PROCEEDS FOR IMPROVEMENTS TO PROPERTY.] Proceeds of payments received by a person for labor, skill, material, or machinery contributing to an improvement to real property within the meaning of section 514.01.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 2 are effective August 1, 2000, and apply to crimes committed on or after that date and civil claims for causes of action arising on or after that date."

Delete the title and insert:

"A bill for an act relating to liens; modifying mechanics' lien penalties; creating a civil cause of action; authorizing attorney fees; providing that proceeds are exempt from execution; imposing penalties; amending Minnesota Statutes 1998, sections 514.02, subdivision 1, and by adding a subdivision; and 550.37, by adding a subdivision."

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

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

S.F. No. 2396: A bill for an act relating to crime prevention; increasing the criminal penalty for predatory offenders who fail to comply with registration requirements and imposing a mandatory minimum prison sentence on those offenders; requiring lifetime registration for certain predatory offenders; restarting the registration period of predatory offenders who are subsequently incarcerated; requiring that predatory offenders report the addresses of second homes; requiring that a predatory offender's driving record include information regarding registration requirements; appropriating money; amending Minnesota Statutes 1998, sections 171.12, by adding a subdivision; and 243.166, subdivisions 5, 7, and by adding subdivisions; Minnesota Statutes 1999 Supplement, section 243.166, subdivisions 4 and 6.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1
PREDATORY OFFENDER REGISTRATION AND
COMMUNITY NOTIFICATION PROVISIONS

Section 1. Minnesota Statutes 1999 Supplement, section 243.166, subdivision 1, is amended to read:

Subdivision 1. [REGISTRATION REQUIRED.] (a) A person shall register under this section if:

(1) the person was charged with or petitioned for a felony violation of or attempt to violate any of the following, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

(i) murder under section 609.185, clause (2); or

(ii) kidnapping under section 609.25; or

(iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; or 609.3451, subdivision 3; or

(iv) indecent exposure under section 617.23, subdivision 3; or

(2) the person was charged with or petitioned for falsely imprisoning a minor in violation of section 609.255, subdivision 2; soliciting a minor to engage in prostitution in violation of section 609.322 or 609.324; soliciting a minor to engage in sexual conduct in violation of section 609.352; using a minor in a sexual performance in violation of section 617.246; or possessing pictorial representations of minors in violation of section 617.247, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances; or

(3) the person was convicted of a predatory crime as defined in section 609.108, and the offender was sentenced as a patterned sex offender or the court found on its own motion or that of the prosecutor that the crime was part of a predatory pattern of behavior that had criminal sexual conduct as its goal; or

(4) the person was convicted of or adjudicated delinquent for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to the offenses described in clause (1), (2), or (3).

(b) A person also shall register under this section if:

(1) the person was convicted of or adjudicated delinquent in another state for an offense that would be a violation of a law described in paragraph (a) if committed in this state;

(2) the person enters the state ~~as required in subdivision 3, paragraph (b) to reside, or to work or attend school;~~ and

(3) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of or adjudicated delinquent for the offense that triggers registration.

For purposes of this paragraph:

(i) "school" includes any public or private educational institution, including any secondary school, trade or professional institution, or institution of higher education, that the person is enrolled in on a full-time or part-time basis; and

(ii) "work" includes employment that is full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

(c) A person also shall register under this section if the person was committed pursuant to a court commitment order under section 253B.185 or Minnesota Statutes 1992, section 526.10, or a similar law of another state or the United States, regardless of whether the person was convicted of any offense.

(d) A person also shall register under this section if:

(1) the person was charged with or petitioned for a felony violation or attempt to violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or ~~federal jurisdiction the United States,~~ or the person was charged with or petitioned for a violation of any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or ~~federal jurisdiction the United States;~~

(2) the person was found not guilty by reason of mental illness or mental deficiency after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in states with a guilty but mentally ill verdict; and

(3) the person was committed pursuant to a court commitment order under section 253B.18 or a similar law of another state or ~~federal jurisdiction the United States.~~

Sec. 2. Minnesota Statutes 1999 Supplement, section 243.166, subdivision 2, is amended to read:

Subd. 2. [NOTICE.] When a person who is required to register under subdivision 1, paragraph (a), is sentenced or becomes subject to a juvenile court disposition order, the court shall tell the person of the duty to register under this section and that, if the person fails to comply with the registration requirements, information about the offender may be made available to the public through electronic, computerized, or other accessible means. The court may not modify the person's duty to register in the pronounced sentence or disposition order. The court shall require the person to read and sign a form stating that the duty of the person to register under this section has been explained. The court shall forward the signed sex offender registration form, the complaint, and sentencing documents to the bureau of criminal apprehension. If a person required to register under subdivision 1, paragraph (a), was not notified by the court of the registration requirement at the time of sentencing or disposition, the assigned corrections agent shall notify the person of the requirements of this section. When a person who is required to register under subdivision 1, paragraph (c) or (d), is released from commitment, the treatment facility shall notify the person of the requirements of this section. The treatment facility shall also obtain the registration information required under this section and forward it to the bureau of criminal apprehension.

Sec. 3. Minnesota Statutes 1998, section 243.166, subdivision 3, is amended to read:

Subd. 3. [REGISTRATION PROCEDURE.] (a) A person required to register under this section shall register with the corrections agent as soon as the agent is assigned to the person. If the person does not have an assigned corrections agent or is unable to locate the assigned corrections agent, the person shall register with the law enforcement agency that has jurisdiction in the area of the person's residence.

(b) At least five days before the person starts living at a new address, including living in another state, the person shall give written notice of the new living address to the assigned corrections agent or to the law enforcement authority with which the person currently is registered. If the person will be living in a new state and that state has a registration requirement, the person shall also give written notice of the new address to the designated registration agency in the new state. The corrections agent or law enforcement authority shall, within two business days after receipt of this information, forward it to the bureau of criminal apprehension. The bureau of criminal apprehension shall, if it has not already been done, notify the law enforcement authority having primary jurisdiction in the community where the person will live of the new address. If the person is leaving the state, the bureau of criminal apprehension shall notify the registration authority in the new state of the new address.

(c) A person required to register under subdivision 1, paragraph (b), because the person is working or attending school in Minnesota shall register with the law enforcement agency that has jurisdiction in the area where the person works or attends school. In addition to other information required by this section, the person shall provide the address of the school or of the location where the person is employed. A person must comply with this paragraph within five days of beginning employment or school.

(d) A person required to register under this section who works or attends school outside of Minnesota shall register as a predatory offender in the state where the person works or attends school. The person's corrections agent, or if the person does not have an assigned corrections agent, the law enforcement authority that has jurisdiction in the area of the person's residence shall notify the person of this requirement.

Sec. 4. Minnesota Statutes 1999 Supplement, section 243.166, subdivision 4, is amended to read:

Subd. 4. [CONTENTS OF REGISTRATION.] (a) The registration provided to the corrections agent or law enforcement authority, must consist of a statement in writing signed by the person, giving information required by the bureau of criminal apprehension, a fingerprint card, and photograph of the person taken at the time of the person's release from incarceration or, if the person was not incarcerated, at the time the person initially registered under this section. Registration information on adults and juveniles may be maintained together notwithstanding section 260B.171, subdivision 3.

(b) For persons required to register under subdivision 1, paragraph (c), following commitment pursuant to a court commitment under section 253B.185 or a similar law of another state or the United States, in addition to other information required by this section, the registration provided to the corrections agent or law enforcement authority must include the person's offense history and documentation of treatment received during the person's commitment.

(c) Within three days of receipt, the corrections agent or law enforcement authority shall forward the statement, fingerprint card, and photograph registration information to the bureau of criminal apprehension. The bureau shall ascertain whether the person has registered with the law enforcement authority where the person resides. If the person has not registered with the law enforcement authority, the bureau shall send one copy to that authority.

(d) The corrections agent or law enforcement authority may require that a person required to register under this section appear before the agent or authority to be photographed. The agent or authority shall forward the photograph to the bureau of criminal apprehension.

(e) (e) During the period a person is required to register under this section, the following shall apply:

(1) Each year, within 30 days of the anniversary date of the person's initial registration, The bureau of criminal apprehension shall mail a verification form to the last reported address of the person person's residence. This verification form shall provide notice to the offender that, if the offender does not return the verification form as required, information about the offender may be made available to the public through electronic, computerized, or other accessible means.

(2) The person shall mail the signed verification form back to the bureau of criminal apprehension within ten days after receipt of the form, stating on the form the current and last address of the person person's residence and the other information required under subdivision 4a.

(3) If the person fails to mail the completed and signed verification form to the bureau of criminal apprehension within ten days after receipt of the form, the person shall be in violation of this section.

For persons required to register under subdivision 1, paragraph (c), following commitment pursuant to a court commitment under section 253B.185 or a similar law of another state or the United States, the bureau shall comply with clause (1) at least four times each year. For all other persons required to register under this section, the bureau shall comply with clause (1) each year within 30 days of the anniversary date of the person's initial registration.

Sec. 5. Minnesota Statutes 1998, section 243.166, is amended by adding a subdivision to read:

Subd. 4a. [INFORMATION REQUIRED TO BE PROVIDED.] (a) A person required to register under this section shall provide to the corrections agent or law enforcement authority the following information:

(1) the address of the person's primary residence;

(2) the addresses of all the person's secondary residences and all property owned, leased, or rented by the person and used for residential or recreational purposes;

(3) the address of the location where the person is employed; and

(4) the year, model, make, license plate number, and color of all motor vehicles owned or regularly driven by the person.

(b) The person shall report to the agent or authority the information required to be provided under paragraph (a), clause (2), (3), or (4), within five days of the date the clause becomes applicable. If because of a change in circumstances a clause no longer applies to previously reported information, the person shall immediately inform the agent or authority that the information is no longer valid.

Sec. 6. Minnesota Statutes 1998, section 243.166, subdivision 5, is amended to read:

Subd. 5. [CRIMINAL PENALTY.] (a) A person required to register under this section who knowingly violates any of its provisions or intentionally provides false information to a corrections agent, law enforcement authority, or the bureau of criminal apprehension is guilty of a gross misdemeanor. A person convicted of or adjudicated delinquent for violating this section who previously has been convicted under this section is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

(b) Except as provided in paragraph (c), a person convicted of violating paragraph (a) shall be committed to the custody of the commissioner of corrections for not less than a year and a day, nor more than five years. Prior to the time of sentencing, the prosecutor may file a motion to have the person sentenced without regard to the mandatory minimum sentence established by this paragraph. The motion shall be accompanied by a statement on the record of the reasons for it. When presented with the motion, or on its own motion, the court may sentence the person without regard to the mandatory minimum sentence if the court finds substantial and compelling reasons to do so. Sentencing a person in this manner is a departure from the sentencing guidelines.

(c) A person convicted of violating paragraph (a), who has previously been convicted of or adjudicated delinquent for violating this section, shall be committed to the custody of the commissioner of corrections for not less than two years, nor more than five years. The court may not, on its own motion or the prosecutor's motion, sentence a person without regard to the mandatory minimum sentence established by this paragraph.

(d) A person convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, work release, or supervised release, until that person has served the full term of imprisonment as provided by law, notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

Sec. 7. Minnesota Statutes 1999 Supplement, section 243.166, subdivision 6, is amended to read:

Subd. 6. [REGISTRATION PERIOD.] (a) Notwithstanding the provisions of section 609.165, subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to register under this section shall continue to comply with this section until ten years have elapsed since the person initially registered in connection with the offense, or until the probation, supervised release, or conditional release period expires, whichever occurs later. For a person required to register under this section who is committed under section 253B.18 or 253B.185, the ten-year registration period does not include the period of commitment.

(b) If a person required to register under this section fails to register following a change in residence, the commissioner of public safety may require the person to continue to register for an additional period of five years.

(c) If a person required to register under this section is subsequently incarcerated, the person shall continue to register until ten years have elapsed since the person was released from incarceration or until the person's probation, supervised release, or conditional release period expires, whichever occurs later.

(d) A person shall continue to comply with this section for the life of that person:

(1) if the person is convicted of or adjudicated delinquent for any offense for which registration is required under subdivision 1, or any offense from another state or any federal offense similar to the offenses described in subdivision 1, and the person has a prior conviction or adjudication for an offense for which registration was required under subdivision 1, or an offense from another state or a federal offense similar to an offense described in subdivision 1;

(2) if the person is required to register based upon a conviction of or adjudication for delinquency for an offense under section 609.185, clause (2); 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344,

subdivision 1, paragraph (a), (c), or (g); or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state or the United States similar to the offenses described in this clause; or

(3) if the person is required to register under subdivision 1, paragraph (c), following commitment pursuant to a court commitment under section 253B.185 or a similar law of another state or the United States.

Sec. 8. Minnesota Statutes 1998, section 243.166, subdivision 7, is amended to read:

Subd. 7. [USE OF INFORMATION.] Except as otherwise provided in section subdivision 7a or sections 244.052 and 299C.093, the information provided under this section is private data on individuals under section ~~13.01~~ 13.02, subdivision 12. The information may be used only for law enforcement purposes.

Sec. 9. Minnesota Statutes 1998, section 243.166, is amended by adding a subdivision to read:

Subd. 7a. [AVAILABILITY OF INFORMATION ON OFFENDERS WHO ARE OUT OF COMPLIANCE WITH REGISTRATION LAW.] (a) The bureau of criminal apprehension may make information available to the public about offenders who are 16 years of age or older and who are out of compliance with this section. This information may be made available to the public through electronic, computerized, or other accessible means. The amount and type of information made available shall be limited to the information necessary for the public to assist law enforcement in locating the offender.

(b) An offender who comes into compliance with this section after the bureau of criminal apprehension discloses information about the offender to the public may send a written request to the bureau requesting the bureau to treat information about the offender as private data, consistent with subdivision 7. The bureau shall review the request and promptly take reasonable action to treat the data as private, if appropriate, or promptly notify the offender that the information will continue to be treated as public information and the reasons for the bureau's decision.

(c) If an offender believes the information made public about the offender is inaccurate or incomplete, the offender may request the bureau of criminal apprehension to correct the information. If the bureau finds the information is inaccurate or incomplete, the bureau shall correct or supplement the information.

(d) The bureau of criminal apprehension is immune from any civil or criminal liability that might otherwise arise, based on the accuracy or completeness of any information made public under this subdivision, if the bureau acts in good faith.

Sec. 10. Minnesota Statutes 1998, section 243.166, is amended by adding a subdivision to read:

Subd. 10. [RETROACTIVE APPLICATION FOR CERTAIN OFFENDERS.] (a) All provisions of this section shall be construed to operate retroactively back to the date of a predatory offender's conviction for an offense described in subdivision 1 that requires registration if the offender is incarcerated or on any form of supervision for that offense, as of the effective date of this subdivision, regardless of the date of the predatory offender's conviction.

(b) Paragraph (a) does not change the obligation of any offender to register who was required to register prior to the effective date of subdivision 1.

Sec. 11. Minnesota Statutes 1998, section 244.052, as amended by Laws 1999, chapters 86, article 1, section 82; 216, article 6, sections 2, 3, 4, and 5; and 233, sections 4 and 5, is amended to read:

244.052 [SEX PREDATORY OFFENDERS; NOTICE.]

Subdivision 1. [DEFINITIONS.] As used in this section:

(1) "confinement" means confinement in a state correctional facility or a state treatment facility;

(2) "law enforcement agency" means the law enforcement agency having primary jurisdiction over the location where the offender expects to reside upon release;

(3) "residential facility" means a facility that is licensed as a residential program, as defined in section 245A.02, subdivision 14, by the commissioner of human services under chapter 245A, or the commissioner of corrections under section 241.021, whose staff are trained in the supervision of sex offenders; and

(4) "sex predatory offender" and "offender" mean a person who ~~has been:~~

~~(i) convicted of an offense for which registration under section 243.166 is required;~~

~~(ii) committed pursuant to a court commitment order under section 253B.185 or Minnesota Statutes 1992, section 526.10, regardless of whether the person was convicted of any offense; or~~

~~(iii) committed pursuant to a court commitment order under section 253B.18, under the circumstances described in section 243.166, subdivision 1, paragraph (d) is required to register as a predatory offender under section 243.166. However, the terms do not include persons required to register based solely on a delinquency adjudication.~~

Subd. 2. [RISK ASSESSMENT SCALE.] By January 1, 1997, the commissioner of corrections shall develop a risk assessment scale which assigns weights to the various risk factors listed in subdivision 3, paragraph (g), and specifies the risk level to which offenders with various risk assessment scores shall be assigned. In developing this scale, the commissioner shall consult with county attorneys, treatment professionals, law enforcement officials, and probation officers.

Subd. 3. [END-OF-CONFINEMENT REVIEW COMMITTEE.] (a) The commissioner of corrections shall establish and administer end-of-confinement review committees at each state correctional facility and at each state treatment facility where sex predatory offenders are confined. The committees shall assess on a case-by-case basis the public risk posed by sex predatory offenders who are about to be released from confinement.

(b) Each committee shall be a standing committee and shall consist of the following members appointed by the commissioner:

(1) the chief executive officer or head of the correctional or treatment facility where the offender is currently confined, or that person's designee;

(2) a law enforcement officer;

(3) a treatment professional who is trained in the assessment of sex offenders;

(4) a caseworker experienced in supervising sex offenders; and

(5) a victim's services professional.

Members of the committee, other than the facility's chief executive officer or head, shall be appointed by the commissioner to two-year terms. The chief executive officer or head of the facility or designee shall act as chair of the committee and shall use the facility's staff, as needed, to administer the committee, obtain necessary information from outside sources, and prepare risk assessment reports on offenders.

(c) The committee shall have access to the following data on a sex predatory offender only for the purposes of its assessment and to defend the committee's risk assessment determination upon administrative review under this section:

(1) private medical data under section 13.42 or 144.335, or welfare data under section 13.46 that relate to medical treatment of the offender;

(2) private and confidential court services data under section 13.84;

(3) private and confidential corrections data under section 13.85; and

(4) private criminal history data under section 13.87.

Data collected and maintained by the committee under this paragraph may not be disclosed outside the committee, except as provided under section 13.05, subdivision 3 or 4. The sex predatory offender has access to data on the offender collected and maintained by the committee, unless the data are confidential data received under this paragraph.

(d)(i) Except as otherwise provided in item (ii), at least 90 days before a sex predatory offender is to be released from confinement, the commissioner of corrections shall convene the appropriate end-of-confinement review committee for the purpose of assessing the risk presented by the offender and determining the risk level to which the offender shall be assigned under paragraph (e). The offender and the law enforcement agency that was responsible for the charge resulting in confinement shall be notified of the time and place of the committee's meeting. The offender has a right to be present and be heard at the meeting. The law enforcement agency may provide material in writing that is relevant to the offender's risk level to the chair of the committee. The committee shall use the risk factors described in paragraph (g) and the risk assessment scale developed under subdivision 2 to determine the offender's risk assessment score and risk level. Offenders scheduled for release from confinement shall be assessed by the committee established at the facility from which the offender is to be released.

(ii) If an offender is received for confinement in a facility with less than 90 days remaining in the offender's term of confinement, the offender's risk shall be assessed at the first regularly scheduled end of confinement review committee that convenes after the appropriate documentation for the risk assessment is assembled by the committee. The commissioner shall make reasonable efforts to ensure that offender's risk is assessed and a risk level is assigned or reassigned at least 30 days before the offender's release date.

(e) The committee shall assign to risk level I a sex predatory offender whose risk assessment score indicates a low risk of reoffense. The committee shall assign to risk level II an offender whose risk assessment score indicates a moderate risk of reoffense. The committee shall assign to risk level III an offender whose risk assessment score indicates a high risk of reoffense.

(f) Before the sex predatory offender is released from confinement, the committee shall prepare a risk assessment report which specifies the risk level to which the offender has been assigned and the reasons underlying the committee's risk assessment decision. The committee shall give the report to the offender and to the law enforcement agency at least 60 days before an offender is released from confinement. If the risk assessment is performed under the circumstances described in paragraph (d), item (ii), the report shall be given to the offender and the law enforcement agency as soon as it is available. The committee also shall inform the offender of the availability of review under subdivision 6.

(g) As used in this subdivision, "risk factors" includes, but is not limited to, the following factors:

(1) the seriousness of the offense should the offender reoffend. This factor includes consideration of the following:

- (i) the degree of likely force or harm;
- (ii) the degree of likely physical contact; and
- (iii) the age of the likely victim;

(2) the offender's prior offense history. This factor includes consideration of the following:

- (i) the relationship of prior victims to the offender;
- (ii) the number of prior offenses or victims;
- (iii) the duration of the offender's prior offense history;

(iv) the length of time since the offender's last prior offense while the offender was at risk to commit offenses; and

(v) the offender's prior history of other antisocial acts;

(3) the offender's characteristics. This factor includes consideration of the following:

(i) the offender's response to prior treatment efforts; and

(ii) the offender's history of substance abuse;

(4) the availability of community supports to the offender. This factor includes consideration of the following:

(i) the availability and likelihood that the offender will be involved in therapeutic treatment;

(ii) the availability of residential supports to the offender, such as a stable and supervised living arrangement in an appropriate location;

(iii) the offender's familial and social relationships, including the nature and length of these relationships and the level of support that the offender may receive from these persons; and

(iv) the offender's lack of education or employment stability;

(5) whether the offender has indicated or credible evidence in the record indicates that the offender will reoffend if released into the community; and

(6) whether the offender demonstrates a physical condition that minimizes the risk of reoffense, including but not limited to, advanced age or a debilitating illness or physical condition.

(h) Upon the request of the law enforcement agency or the offender's corrections agent, the commissioner may reconvene the end-of-confinement review committee for the purpose of reassessing the risk level to which an offender has been assigned under paragraph (e). In a request for a reassessment, the law enforcement agency which was responsible for the charge resulting in confinement or agent shall list the facts and circumstances arising after the initial assignment or facts and circumstances known to law enforcement or the agent but not considered by the committee under paragraph (e) which support the request for a reassessment. The request for reassessment must occur within 30 days of receipt of the report indicating the offender's risk level assignment. Upon review of the request, the end-of-confinement review committee may reassign an offender to a different risk level. If the offender is reassigned to a higher risk level, the offender has the right to seek review of the committee's determination under subdivision 6.

(i) An offender may request the end-of-confinement review committee to reassess the offender's assigned risk level after two three years have elapsed since the committee's initial risk assessment and may renew the request once every two years following subsequent denials. In a request for reassessment, the offender shall list the facts and circumstances which demonstrate that the offender no longer poses the same degree of risk to the community. The committee shall follow the process outlined in paragraphs (a) to (e), and (g) in the reassessment. An offender who is incarcerated may not request a reassessment under this paragraph.

(j) The commissioner shall establish an end-of-confinement review committee to assign a risk level to offenders who are released from a federal correctional facility in Minnesota or another state and who intend to reside in Minnesota, and to offenders accepted from another state under a reciprocal agreement for parole supervision under the interstate compact authorized by section 243.16. The committee shall make reasonable efforts to conform to the same timelines as applied to Minnesota cases. Offenders accepted from another state under a reciprocal agreement for probation supervision are not assigned a risk level, but are considered downward dispositional departures. The probation or court services officer and law enforcement officer shall manage such cases in accordance with section 244.10, subdivision 2a. The policies and procedures of the committee for federal offenders and interstate compact cases must be in accordance with all requirements as set forth in this section, unless restrictions caused by the nature of federal or interstate transfers prevents such conformance.

(k) If the committee assigns a sex predatory offender to risk level III, the committee shall determine whether residency restrictions shall be included in the conditions of the offender's release based on the offender's pattern of offending behavior.

Subd. 4. [LAW ENFORCEMENT AGENCY; DISCLOSURE OF INFORMATION TO PUBLIC.] (a) The law enforcement agency in the area where the sex predatory offender resides, expects to reside, is employed, or is regularly found, shall disclose to the public any information regarding the offender contained in the report forwarded to the agency under subdivision 3, paragraph (f), that is relevant and necessary to protect the public and to counteract the offender's dangerousness, consistent with the guidelines in paragraph (b). The extent of the information disclosed and the community to whom disclosure is made must relate to the level of danger posed by the offender, to the offender's pattern of offending behavior, and to the need of community members for information to enhance their individual and collective safety.

(b) The law enforcement agency shall employ the following guidelines in determining the scope of disclosure made under this subdivision:

(1) if the offender is assigned to risk level I, the agency may maintain information regarding the offender within the agency and may disclose it to other law enforcement agencies. Additionally, the agency may disclose the information to any victims of or witnesses to the offense committed by the offender. The agency shall disclose the information to victims of the offense committed by the offender who have requested disclosure;

(2) if the offender is assigned to risk level II, the agency also may disclose the information to agencies and groups that the offender is likely to encounter for the purpose of securing those institutions and protecting individuals in their care while they are on or near the premises of the institution. These agencies and groups include the staff members of public and private educational institutions, day care establishments, and establishments and organizations that primarily serve individuals likely to be victimized by the offender. The agency also may disclose the information to individuals the agency believes are likely to be victimized by the offender. The agency's belief shall be based on the offender's pattern of offending or victim preference as documented in the information provided by the department of corrections or human services;

(3) if the offender is assigned to risk level III, the agency shall disclose the information to the persons and entities described in clauses (1) and (2) and to other members of the community whom the offender is likely to encounter, unless the law enforcement agency determines that public safety would be compromised by the disclosure or that a more limited disclosure is necessary to protect the identity of the victim.

Notwithstanding the assignment of a sex predatory offender to risk level II or III, a law enforcement agency may not make the disclosures permitted or required by clause (2) or (3), if: the offender is placed or resides in a residential facility. However, if an offender is placed or resides in a residential facility, the offender and the head of the facility shall designate the offender's likely residence upon release from the facility and the head of the facility shall notify the commissioner of corrections or the commissioner of human services of the offender's likely residence at least 14 days before the offender's scheduled release date. The commissioner shall give this information to the law enforcement agency having jurisdiction over the offender's likely residence. The head of the residential facility also shall notify the commissioner of corrections or human services within 48 hours after finalizing the offender's approved relocation plan to a permanent residence. Within five days after receiving this notification, the appropriate commissioner shall give to the appropriate law enforcement agency all relevant information the commissioner has concerning the offender, including information on the risk factors in the offender's history and the risk level to which the offender was assigned. After receiving this information, the law enforcement agency shall make the disclosures permitted or required by clause (2) or (3), as appropriate.

(c) As used in paragraph (b), clauses (2) and (3), "likely to encounter" means that:

(1) the organizations or community members are in a location or in close proximity to a location where the offender lives or is employed, or which the offender visits or is likely to visit on a regular basis, other than the location of the offender's outpatient treatment program; and

(2) the types of interaction which ordinarily occur at that location and other circumstances indicate that contact with the offender is reasonably certain.

(d) A law enforcement agency or official who discloses information under this subdivision shall make a good faith effort to make the notification within 14 days of receipt of a confirmed address from the department of corrections indicating that the offender will be, or has been, released from confinement, or accepted for supervision, or has moved to a new address and will reside at the address indicated. If a change occurs in the release plan, this notification provision does not require an extension of the release date.

(e) A law enforcement agency or official who discloses information under this subdivision shall not disclose the identity or any identifying characteristics of the victims of or witnesses to the offender's offenses.

(f) A law enforcement agency shall continue to disclose information on an offender as required by this subdivision for as long as the offender is required to register under section 243.166.

(g) A law enforcement agency that is disclosing information on an offender assigned to risk level III to the public under this subdivision shall inform the commissioner of corrections what information is being disclosed and forward this information to the commissioner within two days of the agency's determination. The commissioner shall post this information on the Internet as required in subdivision 4b.

Subd. 4a. [LEVEL III OFFENDERS; LOCATION OF RESIDENCE.] When an offender assigned to risk level III is released from confinement or a residential facility to reside in the community or changes residence while on supervised or conditional release, the agency responsible for the offender's supervision shall take into consideration the proximity of the offender's residence to that of other level III offenders and, to the greatest extent feasible, shall mitigate the concentration of level III offenders.

Subd. 4b. [LEVEL III OFFENDERS; MANDATORY POSTING OF INFORMATION ON INTERNET.] The commissioner of corrections shall create and maintain an Internet Web site and post on the site the information about offenders assigned to risk level III forwarded by law enforcement agencies under subdivision 4, paragraph (g). This information must be updated in a timely manner to account for changes in the offender's address and maintained for the period of time that the offender remains subject to community notification as a level III offender.

Subd. 5. [RELEVANT INFORMATION PROVIDED TO LAW ENFORCEMENT.] At least 60 days before a sex predatory offender is released from confinement, the department of corrections or the department of human services, in the case of a person who was committed under section 253B.185 or Minnesota Statutes 1992, section 526.10, shall give to the law enforcement agency that investigated the offender's crime of conviction or, where relevant, the law enforcement agency having primary jurisdiction where the offender was committed, all relevant information that the departments have concerning the offender, including information on risk factors in the offender's history. Within five days after receiving the offender's approved release plan from the hearings and release unit, the appropriate department shall give to the law enforcement agency having primary jurisdiction where the offender plans to reside all relevant information the department has concerning the offender, including information on risk factors in the offender's history and the risk level to which the offender was assigned. If the offender's risk level was assigned under the circumstances described in subdivision 3, paragraph (d), item (ii), the appropriate department shall give the law enforcement agency all relevant information that the department has concerning the offender, including information on the risk factors in the offender's history and the offender's risk level within five days of the risk level assignment or reassignment.

Subd. 6. [ADMINISTRATIVE REVIEW.] (a) An offender assigned or reassigned to risk level II or III under subdivision 3, paragraph (e) or (h), has the right to seek administrative review of an end-of-confinement review committee's risk assessment determination. The offender must exercise this right within 14 days of receiving notice of the committee's decision by notifying the chair of the committee. Upon receiving the request for administrative review, the chair shall notify: (1) the offender; (2) the victim or victims of the offender's offense who have requested

disclosure or their designee; (3) the law enforcement agency that investigated the offender's crime of conviction or, where relevant, the law enforcement agency having primary jurisdiction where the offender was committed; (4) the law enforcement agency having jurisdiction where the offender expects to reside, providing that the release plan has been approved by the hearings and release unit of the department of corrections; and (5) any other individuals the chair may select. The notice shall state the time and place of the hearing. A request for a review hearing shall not interfere with or delay the notification process under subdivision 4 or 5, unless the administrative law judge orders otherwise for good cause shown.

(b) An offender who requests a review hearing must be given a reasonable opportunity to prepare for the hearing. The review hearing shall be conducted on the record before an administrative law judge. The review hearing shall be conducted at the correctional facility in which the offender is currently confined. If the offender no longer is incarcerated, the administrative law judge shall determine the place where the review hearing will be conducted. The offender has the burden of proof to show, by a preponderance of the evidence, that the end-of-confinement review committee's risk assessment determination was erroneous. The attorney general or a designee shall defend the end-of-confinement review committee's determination. The offender has the right to be present and be represented by counsel at the hearing, to present evidence in support of the offender's position, to call supporting witnesses and to cross-examine witnesses testifying in support of the committee's determination. Counsel for indigent offenders shall be provided by the Legal Advocacy Project of the state public defender's office.

(c) After the hearing is concluded, the administrative law judge shall decide whether the end-of-confinement review committee's risk assessment determination was erroneous and, based on this decision, shall either uphold or modify the review committee's determination. The judge's decision shall be in writing and shall include the judge's reasons for the decision. The judge's decision shall be final and a copy of it shall be given to the offender, the victim, the law enforcement agency, and the chair of the end-of-confinement review committee.

(d) The review hearing is subject to the contested case provisions of chapter 14.

(e) The administrative law judge may seal any portion of the record of the administrative review hearing to the extent necessary to protect the identity of a victim of or witness to the offender's offense.

Subd. 7. [IMMUNITY FROM LIABILITY.] (a) A state or local agency or official, or a private organization or individual authorized to act on behalf of a state or local agency or official, is not ~~civilly~~ or criminally liable for disclosing or failing to disclose information as permitted by this section.

(b) A state or local agency or official, or a private organization or individual authorized to act on behalf of a state or local agency or official, is not civilly liable for failing to disclose information under this section.

(c) A state or local agency or official, or a private organization or individual authorized to act on behalf of a state or local agency or official, is not civilly liable for disclosing information as permitted by this section. However, this paragraph applies only to disclosure of information that is consistent with the offender's conviction history. It does not apply to disclosure of information relating to conduct for which the offender was not convicted.

Subd. 8. [LIMITATION ON SCOPE.] Nothing in this section imposes a duty upon a person licensed under chapter 82, or an employee of the person, to disclose information regarding an offender who is required to register under section 243.166, or about whom notification is made under this section.

Sec. 12. Minnesota Statutes 1998, section 244.10, subdivision 2a, is amended to read:

Subd. 2a. [NOTICE OF INFORMATION REGARDING SEX PREDATORY OFFENDERS.]
(a) Subject to paragraph (b), in any case in which a person is convicted of an offense which

~~requires registration under section 243.166, subdivision 1,~~ and the presumptive sentence under the sentencing guidelines is commitment to the custody of the commissioner of corrections, if the court grants a dispositional departure and stays imposition or execution of sentence, the probation or court services officer who is assigned to supervise the offender shall provide in writing to the following the fact that the offender is on probation and the terms and conditions of probation:

(1) a victim of and any witnesses to the offense committed by the offender, if the victim or the witness has requested notice; and

(2) the chief law enforcement officer in the area where the offender resides or intends to reside.

The law enforcement officer, in consultation with the offender's probation officer, may provide all or part of this information to any of the following agencies or groups the offender is likely to encounter: public and private educational institutions, day care establishments, and establishments or organizations that primarily serve individuals likely to be victimized by the offender.

The probation officer is not required under this subdivision to provide any notice while the offender is placed or resides in a residential facility that is licensed under section 245A.02, subdivision 14, or 241.021, if the facility staff is trained in the supervision of sex offenders.

(b) Paragraph (a) applies only to offenders required to register under section 243.166, as a result of the conviction.

(c) The notice authorized by paragraph (a) shall be limited to data classified as public under section 13.84, subdivision 6, unless the offender provides informed consent to authorize the release of nonpublic data or unless a court order authorizes the release of nonpublic data.

(e) (d) Nothing in this subdivision shall be interpreted to impose a duty on any person to use any information regarding an offender about whom notification is made under this subdivision.

Sec. 13. [299C.093] [DATABASE OF REGISTERED PREDATORY OFFENDERS.]

The superintendent of the bureau of criminal apprehension shall maintain a computerized data system relating to individuals required to register as predatory offenders under section 243.166. To the degree feasible, the system must include the information required to be provided under section 243.166, subdivisions 4 and 4a, and indicate the time period that the person is required to register. The superintendent shall maintain this information in a manner that ensures that it is readily available to law enforcement agencies. This information is private data on individuals under section 13.02, subdivision 12, but may be used for law enforcement and corrections purposes.

Sec. 14. [REPORT.]

By January 15, 2001, the superintendent of the bureau of criminal apprehension shall report to the chairs of the senate and house of representatives committees and divisions having jurisdiction over criminal justice funding. The report must specify how the money appropriated in this act was spent and how the policy changes made in this act relating to the bureau were implemented.

Sec. 15. [APPROPRIATIONS.]

Subdivision 1. [CRIMINAL APPREHENSION.] \$1,271,000 is appropriated from the general fund to the superintendent of the bureau of criminal apprehension for the fiscal year ending June 30, 2001. Of this amount:

- (1) \$77,000 is for a systems design consultant;
- (2) \$400,000 is for software development and implementation;
- (3) \$50,000 is to interface the state system with the national sex offender registry;
- (4) \$80,000 is for a technology systems position;
- (5) \$50,000 is for a CJIS training position;

- (6) \$234,000 is for three additional special agent positions;
- (7) \$160,000 is for three criminal intelligence analyst positions;
- (8) \$200,000 is for five clerical positions; and
- (9) \$20,000 is for office supplies and expenses.

Subd. 2. [CORRECTIONS.] \$162,000 is appropriated from the general fund to the commissioner of corrections for the fiscal year ending June 30, 2001, for costs associated with complying with Minnesota Statutes, section 244.052.

Sec. 16. [EFFECTIVE DATES.]

- (a) Section 10 is effective the day following final enactment.
- (b) Section 6 is effective August 1, 2000, and applies to crimes committed on or after that date. However, a conviction or adjudication for violating Minnesota Statutes, section 243.166, occurring before August 1, 2000, shall be considered a prior conviction or adjudication under Minnesota Statutes, section 243.166, subdivision 5, paragraph (c).
- (c) The provisions of section 7 that pertain to lifetime registration are effective August 1, 2000, and apply to persons who commit offenses requiring lifetime registration on or after that date.
- (d) Sections 2 and 9 and the provisions of sections 4 and 8 that pertain to making information available to the public through electronic, computerized, or other assessable means are effective August 1, 2000, and apply to offenders who are out of compliance with Minnesota Statutes, section 243.166, on or after that date.
- (e) The provisions of section 11 that pertain to posting information on the Internet are effective August 1, 2000, and apply to offenders classified at risk level III and subject to community notification under Minnesota Statutes, section 244.052, on or after that date.
- (f) Section 12 and the remaining provisions of section 11 are effective August 1, 2000, and apply to persons released from confinement or sentenced on or after that date.
- (g) Sections 13 and 14 and the remaining provisions of section 8 are effective August 1, 2000.
- (h) Sections 1, 3, and 5, and the remaining provisions of sections 4 and 7 are effective August 1, 2000, and apply to persons released from confinement, sentenced, subject to registration, or who commit offenses on or after that date.

ARTICLE 2

NAME CHANGE PROVISIONS

Section 1. Minnesota Statutes 1998, section 259.11, is amended to read:

259.11 [ORDER; FILING COPIES.]

(a) Upon meeting the requirements of section 259.10, the court shall grant the application unless: (1) it finds that there is an intent to defraud or mislead; (2) section 259.13 prohibits granting the name change; or (3) in the case of the change of a minor child's name, the court finds that such name change is not in the best interests of the child. The court shall set forth in the order the name and age of the applicant's spouse and each child of the applicant, if any, and shall state a description of the lands, if any, in which the applicant and the spouse and children, if any, claim to have an interest. The court administrator shall file such order, and record the same in the judgment book. If lands be described therein, a certified copy of the order shall be filed for record, by the applicant, with the county recorder of each county wherein any of the same are situated. Before doing so the court administrator shall present the same to the county auditor who shall enter the change of name in the auditor's official records and note upon the instrument, over an official signature, the words "change of name recorded." Any such order shall not be filed, nor any certified copy thereof be issued, until the applicant shall have paid to the county recorder and court

administrator the fee required by law. No application shall be denied on the basis of the marital status of the applicant.

~~(b) When a person applies for who has a pending felony charge or a felony conviction under Minnesota law or the law of another state or federal jurisdiction is granted a name change, the court shall determine whether the person has been convicted of a felony in this or any other state. If so, the court shall, within ten days after the name change application is granted, report the name change to the bureau of criminal apprehension. The person whose name is changed shall also report the change to the bureau of criminal apprehension within ten days. The court granting the name change application must explain this reporting duty in its order. Any person required to report the person's name change to the bureau of criminal apprehension who fails to report the name change as required under this paragraph is guilty of a gross misdemeanor.~~

Sec. 2. [259.115] [CRIMINAL PENALTIES.]

A person who has a pending felony charge or a felony conviction under Minnesota law or the law of another state or federal jurisdiction and who does any of the following is guilty of a gross misdemeanor:

(1) upon marriage, uses a different surname from that used before marriage without complying with section 259.13;

(2) upon marriage dissolution or legal separation, uses a different surname from that used during marriage without complying with section 259.13; or

(3) with the intent to defraud or mislead, or to cause injury to or harass another, uses a different name without complying with section 259.13.

Sec. 3. [259.13] [PERSONS WITH PENDING FELONY CHARGE OR CONVICTION; NAME CHANGES.]

Subdivision 1. [PROCEDURE FOR SEEKING NAME CHANGE.] (a) A person with a pending felony charge or a felony conviction under Minnesota law or the law of another state or federal jurisdiction shall serve a notice of application for a name change on the prosecuting authority responsible for the pending charge or that obtained the conviction against the person when seeking a name change through one of the following procedures:

(1) an application for a name change under section 259.10;

(2) a request for a name change as part of an application for a marriage license under section 517.08; or

(3) a request for a name change in conjunction with a marriage dissolution under section 518.27.

If the pending charge or conviction is from another state or federal jurisdiction, notice of application must also be served on the attorney general.

(b) A person who seeks a name change under section 259.10 or 518.27 shall file proof of service with the court as part of the name change request. A person who seeks a name change under section 517.08 shall file proof of service with the county as part of the application for a marriage license.

(c) The name change request may not be granted during the 30-day period provided for in subdivision 2 or, if an objection is filed under subdivision 2, until satisfaction of the requirements in subdivision 3 or 4. Nothing in this section shall delay the granting of a marriage license under section 517.08, which may be granted without the name change.

Subd. 2. [OBJECTION BY PROSECUTING AUTHORITY.] At any time within 30 days from the date of service of the notice of application for a name change under this section, the prosecuting authority or the attorney general may file an objection to the application for a name change. The objection may be made on the basis that the request aims to defraud or mislead, is not

made in good faith, will cause injury to a person, or will compromise public safety. If an objection to the application for a name change is filed within this time period, the court may not grant the name change request, and the county may not allow the name change as part of a marriage license.

Subd. 3. [MOTION TO GRANT NAME CHANGE REQUEST.] A person who seeks a name change may contest the prosecuting authority's or attorney general's objection by filing a motion with the court for an order permitting the requested name change. Except as provided in subdivision 4, no name change shall be granted unless the person requesting it proves by clear and convincing evidence that the request is not based upon an intent to defraud or mislead, is made in good faith, will not cause injury to a person, and will not compromise public safety.

Subd. 4. [CONSTITUTIONAL RIGHT TO NAME CHANGE.] The court shall grant a name change if failure to allow it would infringe on a constitutional right of the person.

Subd. 5. [CRIMINAL PENALTY.] A person who knowingly violates this section is guilty of a gross misdemeanor.

Sec. 4. Minnesota Statutes 1998, section 517.08, subdivision 1a, is amended to read:

Subd. 1a. Application for a marriage license shall be made upon a form provided for the purpose and shall contain the following information:

- (1) the full names of the parties and the sex of each party;
- (2) their post office addresses and county and state of residence;
- (3) their full ages;
- (4) if either party has previously been married, the party's married name, and the date, place and court in which the marriage was dissolved or annulled or the date and place of death of the former spouse;
- (5) if either party is a minor, the name and address of the minor's parents or guardian;
- (6) whether the parties are related to each other, and, if so, their relationship;
- (7) the name and date of birth of any child of which both parties are parents, born before the making of the application, unless their parental rights and the parent and child relationship with respect to the child have been terminated;
- (8) address of the bride and groom after the marriage to which the court administrator shall send a certified copy of the marriage certificate; ~~and~~
- (9) the full names the parties will have after marriage and the parties' social security numbers. The social security numbers must be collected for the application but must not appear on the marriage license;
- (10) if one or both of the parties to the marriage license has a pending felony charge or a felony conviction under Minnesota law or the law of another state or federal jurisdiction, the parties shall provide to the county proof of service upon the prosecuting authority and, if applicable, the attorney general, as required by section 259.13; and
- (11) notice that a party who has a pending felony charge or a felony conviction under Minnesota law or the law of another state or federal jurisdiction may not use a different surname after marriage except as authorized by section 259.13, and that doing so is a gross misdemeanor.

Sec. 5. Minnesota Statutes 1998, section 517.08, subdivision 1b, is amended to read:

Subd. 1b. [TERM OF LICENSE; FEE.] (a) The court administrator shall examine upon oath the party applying for a license relative to the legality of the contemplated marriage. If at the expiration of a five-day period, on being satisfied that there is no legal impediment to it, including the restriction contained in section 259.13, the court administrator shall issue the license,

containing the full names of the parties before and after marriage, and county and state of residence, with the district court seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. In case of emergency or extraordinary circumstances, a judge of the district court of the county in which the application is made, may authorize the license to be issued at any time before the expiration of the five days. The court administrator shall collect from the applicant a fee of \$70 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the court administrator for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A court administrator who knowingly issues or signs a marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

(b) If section 259.13 applies to the request for a marriage license, the court administrator shall grant the marriage license without the requested name change. Alternatively, the court administrator may delay the granting of the marriage license until the party with the pending felony charge or conviction:

(1) certifies under oath that 30 days have passed since service of the notice for a name change upon the prosecuting authority and, if applicable, the attorney general and no objection has been filed under section 259.13; or

(2) provides a certified copy of the court order granting it. The parties seeking the marriage license shall have the right to choose to have the license granted without the name change or to delay its granting pending further action on the name change request.

Sec. 6. Minnesota Statutes 1998, section 518.27, is amended to read:

518.27 [NAME OF PARTY.]

Except as provided in section 259.13, in the final decree of dissolution or legal separation the court shall, if requested by a party, change the name of that party to another name as the party requests. The court shall grant a request unless it finds that there is an intent to defraud or mislead, unless the name change is subject to section 259.13, in which case the requirements of that section apply. The court shall notify the parties that use of a different surname after dissolution or legal separation without complying with section 259.13, if applicable, is a gross misdemeanor. The party's new name shall be so designated in the final decree.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective August 1, 2000, and apply to proceedings for a name change commenced and crimes committed on or after that date.

ARTICLE 3

CRIMINAL AND EXPUNGEMENT PROVISIONS

Section 1. Minnesota Statutes 1998, section 609.352, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section:

(a) "child" means a person ~~under the age of~~ 15 years of age or younger;

(b) "sexual conduct" means sexual contact of the individual's primary genital area, sexual penetration as defined in section 609.341, or sexual performance as defined in section 617.246; and

(c) "solicit" means commanding, entreating, or attempting to persuade a specific person in person, by telephone, by letter, or by computerized or other electronic means.

Sec. 2. Minnesota Statutes 1998, section 609.352, subdivision 2, is amended to read:

Subd. 2. [PROHIBITED ACT.] A person 18 years of age or older who solicits a child or someone the person reasonably believes is a child to engage in sexual conduct with intent to engage in sexual conduct is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$5,000, or both.

Sec. 3. [609.353] [JURISDICTION.]

A violation or attempted violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.352 may be prosecuted in any jurisdiction in which the violation originates or terminates.

Sec. 4. Minnesota Statutes 1998, section 609.749, subdivision 2, is amended to read:

Subd. 2. [HARASSMENT AND STALKING CRIMES.] (a) A person who harasses another by committing any of the following acts is guilty of a gross misdemeanor:

(1) directly or indirectly manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;

(2) stalks, follows, or pursues another;

(3) returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;

(4) repeatedly makes telephone calls, or induces a victim to make telephone calls to the actor, whether or not conversation ensues;

(5) makes or causes the telephone of another repeatedly or continuously to ring;

(6) repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, messages, packages, or other objects; or

(7) knowingly makes false allegations against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties.

(b) The conduct described in paragraph (a), clauses (4) and (5), may be prosecuted at the place where any call is either made or received. The conduct described in paragraph (a), clause (6), may be prosecuted where any letter, telegram, message, package, or other object is either sent or received.

(c) A peace officer may not make a warrantless, custodial arrest of any person for a violation of paragraph (a), clause (7).

Sec. 5. Minnesota Statutes 1998, section 609.795, subdivision 1, is amended to read:

Subdivision 1. [MISDEMEANORS.] Whoever does any of the following is guilty of a misdemeanor:

(1) knowing that the actor does not have the consent of either the sender or the addressee, intentionally opens any sealed letter, telegram, or package addressed to another; or

(2) knowing that a sealed letter, telegram, or package has been opened without the consent of either the sender or addressee, intentionally publishes any of the contents thereof; or

(3) with the intent to abuse, disturb, or cause distress, repeatedly uses the mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, or packages.

Sec. 6. Minnesota Statutes 1998, section 609A.03, is amended to read:

609A.03 [PETITION TO EXPUNGE CRIMINAL RECORDS.]

Subdivision 1. [PETITION; FILING FEE.] An individual who is the subject of a criminal record who is seeking the expungement of the record shall file a petition under this section and

pay a filing fee in the amount required under section 357.021, subdivision 2, clause (1). The filing fee may be waived in cases of indigency and shall be waived in the cases described in section 609A.02, subdivision 3.

Subd. 2. [CONTENTS OF PETITION.] A petition for expungement shall be signed under oath by the petitioner and shall state the following:

(1) the petitioner's full name and all other legal names or aliases by which the petitioner has been known at any time;

(2) the petitioner's date of birth;

(3) all of the petitioner's addresses from the date of the offense or alleged offense in connection with which an expungement order is sought, to the date of the petition;

(4) why expungement is sought, if it is for employment or licensure purposes, the statutory or other legal authority under which it is sought, and why it should be granted;

(5) the details of the offense or arrest for which expungement is sought, including date and jurisdiction of the occurrence, court file number, and date of conviction or of dismissal;

(6) in the case of a conviction, what steps the petitioner has taken since the time of the offense toward personal rehabilitation, including treatment, work, or other personal history that demonstrates rehabilitation;

(7) petitioner's criminal conviction record indicating all convictions for misdemeanors, gross misdemeanors, or felonies in this state, and for all comparable convictions in any other state, federal court, or foreign country, whether the convictions occurred before or after the arrest or conviction for which expungement is sought;

(8) petitioner's criminal charges record indicating all prior and pending criminal charges against the petitioner in this state or another jurisdiction, including all criminal charges that have been continued for dismissal or stayed for adjudication, or have been the subject of pretrial diversion; and

(9) all prior requests by the petitioner, whether for the present offense or for any other offenses, in this state or any other state or federal court, for pardon, return of arrest records, or expungement or sealing of a criminal record, whether granted or not, and all stays of adjudication or imposition of sentence involving the petitioner.

Subd. 3. [SERVICE OF PETITION AND PROPOSED ORDER.] The petition for expungement and a proposed expungement order shall be served by mail on the state and local government agencies and jurisdictions whose records would be affected by the proposed order. Service shall also be made by mail on the attorney for each agency and jurisdiction.

Subd. 4. [HEARING.] A hearing on the petition shall be held no sooner than 60 days after service of the petition.

Subd. 5. [NATURE OF REMEDY; STANDARD; FIREARMS RESTRICTION.] (a) Except as otherwise provided by paragraph (b), expungement of a criminal record is an extraordinary remedy to be granted only upon clear and convincing evidence that it would yield a benefit to the petitioner commensurate with the disadvantages to the public and public safety of:

(1) sealing the record; and

(2) burdening the court and public authorities to issue, enforce, and monitor an expungement order.

(b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for the sealing of a criminal record under section 609A.02, subdivision 3, the court shall grant the petition to seal the record unless the agency or jurisdiction whose records would be affected establishes by clear and convincing evidence that the interests of the public and public safety outweigh the

disadvantages to the petitioner of not sealing the record. If a petitioner was found not guilty by reason of mental illness, the court shall grant the petition to seal the record unless the agency or jurisdiction whose records would be affected establishes by a preponderance of the evidence that the interests of the public and public safety outweigh the disadvantages to the petitioner of not sealing the record.

(c) If the court issues an expungement order it may require that the criminal record shall be sealed, the existence of the record shall not be revealed, and the record should not be opened except as required under subdivision 7. Records shall must not be destroyed or returned to the subject of the record.

~~(d) An order expunging the record of a conviction for a crime of violence as defined in section 624.712, subdivision 5, must provide that the person is not entitled to ship, transport, possess, or receive a firearm until ten years have elapsed since the order was entered and during that time the person was not convicted of any other crime of violence. Any person whose record of conviction is expunged under this section and who thereafter receives a relief of disability under United States Code, title 18, section 925, is not subject to the restriction in this paragraph.~~

Subd. 5a. [ORDER CONCERNING CRIMES OF VIOLENCE.] An order expunging the record of a conviction for a crime of violence as defined in section 624.712, subdivision 5, must provide that the person is not entitled to ship, transport, possess, or receive a firearm until ten years have elapsed since the order was entered and during that time the person was not convicted of any other crime of violence. Any person whose record of conviction is expunged under this section and who thereafter receives a relief of disability under United States Code, title 18, section 925, is not subject to the restriction in this subdivision.

Subd. 6. [ORDER CONCERNING CONTROLLED SUBSTANCE OFFENSES.] If the court orders the sealing of the record of proceedings under section 152.18, the effect of the order shall be to restore the person, in the contemplation of the law, to the status the person occupied before the arrest, indictment, or information. The person shall not be held guilty of perjury or otherwise of giving a false statement if the person fails to acknowledge the arrest, indictment, information, or trial in response to any inquiry made for any purpose.

Subd. 7. [LIMITATIONS OF ORDER.] (a) Upon issuance of an expungement order related to a charge supported by probable cause, the DNA samples and DNA records held by the bureau of criminal apprehension shall not be sealed, returned to the subject of the record, or destroyed.

(b) Notwithstanding the issuance of an expungement order:

(1) an expunged record may be opened for purposes of a criminal investigation, prosecution, or sentencing, upon an ex parte court order; and

(2) an expunged record of a conviction may be opened for purposes of evaluating a prospective employee in a criminal justice agency without a court order.

Upon request by law enforcement, prosecution, or corrections authorities, an agency or jurisdiction subject to an expungement order shall inform the requester of the existence of a sealed record and of the right to obtain access to it as provided by this paragraph. For purposes of this section, a "criminal justice agency" means courts or a government agency that performs the administration of criminal justice under statutory authority.

~~Subd. 8. [STAY OF ORDER; APPEAL DISTRIBUTION OF EXPUNGEMENT ORDERS.] An expungement order shall be automatically stayed for 60 days after filing of the order and, if the order is appealed, during the appeal period. A person or an agency or jurisdiction whose records would be affected by the order may appeal the order within 60 days of service of notice of filing of the order. An agency or jurisdiction or officials or employees thereof need not file a cost bond or supersedeas bond in order to further stay the proceedings or file an appeal. The court administrator shall send a copy of an expungement order to each agency and jurisdiction whose records are affected by the terms of the order.~~

Subd. 9. [~~DISTRIBUTION OF EXPUNGEMENT ORDERS~~ STAY OF ORDER; APPEAL.] If

an expungement order is issued, the court administrator shall send a copy of it to each agency and jurisdiction whose records are affected by the terms of the order. An expungement order shall be stayed automatically for 60 days after the order is filed and, if the order is appealed, during the appeal period. A person or an agency or jurisdiction whose records would be affected by the order may appeal the order within 60 days of service of notice of filing of the order. An agency or jurisdiction or its officials or employees need not file a cost bond or supersedeas bond in order to further stay the proceedings or file an appeal.

Sec. 7. Minnesota Statutes 1998, section 628.26, is amended to read:

628.26 [LIMITATIONS.]

(a) ~~Indictments or complaints for murder~~ homicide may be found or made at any time after the death of the person killed. Indictments or complaints for a violation of section 609.25 may be found or made at any time after the commission of the offense.

(b) Indictments or complaints for violation of section 609.42, subdivision 1, clause (1) or (2), shall be found or made and filed in the proper court within six years after the commission of the offense.

(c) Indictments or complaints for violation of sections 609.342 to 609.345 if the victim was under the age of 18 years at the time the offense was committed, shall be found or made and filed in the proper court within nine years after the commission of the offense or, if the victim failed to report the offense within this limitation period, within three years after the offense was reported to law enforcement authorities.

(d) Notwithstanding the limitations in paragraph (c), indictments or complaints for violation of sections 609.342 to 609.344 if the victim was 18 years old or older at the time the offense was committed, shall may be found or made and filed in the proper court at any time after commission of the offense, if physical evidence is collected and preserved that is capable of being tested for its DNA characteristics. If this evidence is not collected and preserved and the victim was 18 years old or older at the time of the offense, the prosecution must be commenced within nine years after the commission of the offense.

(e) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision 2, clause (3)~~(e)~~, item (iii), shall be found or made and filed in the proper court within six years after the commission of the offense.

(f) Indictments or complaints for violation of section 609.52, subdivision 2, clause (3), items ~~(a) and (b)~~ (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where the value of the property or services stolen is more than \$35,000, shall be found or made and filed in the proper court within five years after the commission of the offense.

(g) Except for violations relating to false material statements, representations or omissions, indictments or complaints for violations of section 609.671 shall be found or made and filed in the proper court within five years after the commission of the offense.

(h) Indictments or complaints for violation of sections 609.561 to 609.563, shall be found or made and filed in the proper court within five years after the commission of the offense.

(i) In all other cases, indictments or complaints shall be found or made and filed in the proper court within three years after the commission of the offense.

(j) The limitations periods contained in this section shall exclude any period of time during which the defendant was not an inhabitant of or usually resident within this state.

(k) The limitations periods contained in this section for an offense shall not include any period during which the alleged offender participated under a written agreement in a pretrial diversion program relating to that offense.

(1) The limitations periods contained in this section shall not include any period of time during

which physical evidence relating to the offense was undergoing DNA analysis, as defined in section 299C.155, unless the defendant demonstrates that the prosecuting or law enforcement agency purposefully delayed the DNA analysis process in order to gain an unfair advantage.

Sec. 8. [EFFECTIVE DATES.]

Sections 1 to 3, 5, and 6 are effective August 1, 2000, and apply to crimes committed and expungement petitions filed on or after that date. Section 4 is effective the day following final enactment and applies to crimes committed on or after that date. Section 7 is effective August 1, 2000, and applies to crimes committed on or after that date and to crimes committed before that date if the limitation period for the crime did not expire before August 1, 2000."

Delete the title and insert:

"A bill for an act relating to crime prevention; making numerous changes to the predatory offender registration law including lengthening the registration period for certain offenders, requiring additional offenders to register, requiring that additional information be reported, authorizing disclosure of information about offenders out of compliance with the law, applying the law retroactively to certain offenders, and increasing the criminal penalty for predatory offenders who fail to comply with the law and imposing a mandatory minimum prison sentence on those offenders; requiring the bureau of criminal apprehension to maintain a computerized database for predatory offenders; expanding and clarifying the scope of the community notification law; requiring that certain information regarding level III predatory offenders be posted on the Internet; placing restrictions on persons with pending felony charges or convictions who are seeking name changes; clarifying that harassment crimes prohibit harassment by electronic means; modifying the expungement law; expanding the solicitation of a child to engage in sexual conduct crime; authorizing the prosecution of certain sex offenses in the jurisdiction where they originate or terminate; eliminating the statute of limitations for certain offenses; requiring a report to the legislature; appropriating money; imposing criminal penalties; amending Minnesota Statutes 1998, sections 243.166, subdivisions 3, 5, 7, and by adding subdivisions; 244.052, by adding a subdivision; 244.10, subdivision 2a; 259.11; 517.08, subdivisions 1a and 1b; 518.27; 609.352, subdivisions 1 and 2; 609.749, subdivision 2; 609.795, subdivision 1; 609A.03; and 628.26; Minnesota Statutes 1999 Supplement, sections 243.166, subdivisions 1, 2, 4, and 6; proposing coding for new law in Minnesota Statutes, chapters 259; 299C; and 609."

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

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

S.F. No. 2897: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Polk county.

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

Page 1, after line 5, insert:

"Section 1. [PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; MARTIN COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Martin county may sell by private sale the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

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

(c) The land to be sold is located in Martin county and is described as:

(1) Parcel No. 23-164-0010, Lot 001, Block 001, Lake Park Addition, city of Fairmont;

(2) Parcel No. 23-164-0380, Lot 021, Block 002, Lake Park Addition, city of Fairmont;

(3) Parcel No. 23-164-0400, Lot 025, Block 002, Lake Park Addition, city of Fairmont; and

(4) Parcel No. 23-164-0450, Lot 004, Block 003, Lake Park Addition, city of Fairmont.

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

Sec. 2. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; NORMAN COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, Norman county may sell the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

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

(c) The land to be sold is located in Norman county and is described as:

(1) Section 12, Township 146, Range 49, commencing at a point 369.13 feet North and 2318.07 feet West of the southeast corner of Section 12-146-49; East 363.3 feet, North 514.71 feet, northwest and westerly 1193.15 feet, South 290.6 feet, to the center of Marsh river, southerly along the river center line to the south line of Section 12 (Parcel 18-7034000); and

(2) Section 13, Township 146, Range 49, that part of the S 1/2 of the SW 1/4 of the NE 1/4, south of river (Parcel 18-7049000).

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership."

Page 1, line 6, delete "Section 1" and insert "Sec. 3"

Page 1, after line 20, insert:

"Sec. 4. [PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; WASHINGTON COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Washington county may sell by private sale the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

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

(c) The land to be sold is located in Washington county and is described as: Lot 1, Block 1, Holiday Beach.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership."

Amend the title as follows:

Page 1, line 4, delete "Polk county" and insert "Martin, Norman, Polk, and Washington counties"

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

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

S.F. No. 2857: A bill for an act relating to natural resources; limiting authority of the metropolitan mosquito control commission to enter certain state lands; amending Minnesota Statutes 1998, section 473.704, subdivision 17.

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

Page 2, after line 16, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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

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

S.F. No. 3156: A bill for an act relating to health; providing patient protections; requiring coverage for medical clinical trials; amending Minnesota Statutes 1998, sections 62D.17, subdivision 1; 62J.38; 62Q.56; and 62Q.58; Minnesota Statutes 1999 Supplement, section 45.027, subdivision 6; 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 3, line 13, before "advertising" insert "state and federal taxes; salaries and benefits of central office staff who do not direct patient care;"

Page 5, line 8, before "a" insert "enrollees must be notified of the change and informed of their right to continue care with the terminating provider."

Page 5, line 13, after the period, insert "At the request of the enrollee"

Page 6, line 11, after the first "provider" insert "or interpreter"

Page 8, line 6, after "section" insert ", including the application process and criteria and conditions for a standing referral,"

Page 8, after line 9, insert:

"Subd. 4. [REFERRAL.] (a) If a standing referral is authorized under subdivision 1, or is mandatory under subdivision 1a, the health plan company must provide a referral to an appropriate participating specialist who is available and accessible to provide the treatment, or to a nonparticipating specialist if the health plan company does not have an appropriate participating specialist that is available and accessible to treat the enrollee's condition or disease.

(b) If an enrollee receives services from a nonparticipating specialist because a participating specialist is not available, services shall be provided at no additional cost to the enrollee beyond what the enrollee would otherwise pay for services received from a participating specialist.

Subd. 5. [DEFINITION OF SPECIALIST.] For purposes of this section, "specialist" means, with respect to a condition or disease, a health care provider, or health care facility that has adequate expertise through appropriate training and practical clinical experience, including appropriate pediatric expertise in the case of a child, to provide high-quality care in treating the unique condition or disease of the particular patient."

Page 9, line 23, delete "Minnesota Nurses Association" and insert "health care professional and provider organizations"

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

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

S.F. No. 3361: A bill for an act relating to the environment; modifying reporting requirements for solid waste and wastewater treatment facilities; extending exemption period for certain toxics in packaging; amending Minnesota Statutes 1998, sections 115.03, subdivision 1; and 115A.965, subdivision 3; repealing Minnesota Statutes 1998, sections 115A.981; and 297H.13, subdivision 6.

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

Page 9, after line 2, insert:

"Sec. 3. [REPORT; AGENCY NAME.]

By September 1, 2000, the pollution control agency shall report to the legislative committees with jurisdiction over environmental policy and budget issues on a recommendation for a change to the name of the agency, the options considered, and the process used to develop the recommendation."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "requiring a report on a recommendation for changing the name of the pollution control agency;"

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

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

S.F. No. 3355: A bill for an act relating to state government; authorizing electronic disbursement of port authority funds; amending Minnesota Statutes 1998, section 469.051, subdivision 4.

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

Page 1, after line 19, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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

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

S.F. No. 1048: A bill for an act relating to utilities; creating advisory selection process for public utility commissioners; regulating ex parte communications with commissioners; amending Minnesota Statutes 1998, sections 216A.03, subdivisions 1 and 1a; and 216A.037; proposing coding for new law in Minnesota Statutes, chapter 216A.

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.

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

S.F. No. 3554: A bill for an act relating to reemployment compensation; modifying nonprofit organization provisions; amending Minnesota Statutes 1999 Supplement, section 268.053, subdivision 1, and by adding a subdivision.

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

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

S.F. No. 1042: A bill for an act relating to health professions; establishing a registration system for massage therapists and Oriental bodywork therapists; authorizing rulemaking; providing criminal penalties; amending Minnesota Statutes 1998, sections 116J.70, subdivision 2a; 144.335, subdivision 1; 214.23, subdivision 1; and 604A.01, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 148D.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

MASSAGE THERAPISTS AND ORIENTAL BODYWORK THERAPISTS

Section 1. [148D.01] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The terms defined in this section apply to this chapter.

Subd. 2. [BOARD.] "Board" means the state board of chiropractic examiners.

Subd. 3. [CUPPING.] "Cupping" means a therapy in which a jar-shaped instrument is attached to the skin and negative pressure is created by using suction.

Subd. 4. [MASSAGE THERAPIST.] "Massage therapist" means a health care provider who practices massage therapy.

Subd. 5. [MASSAGE THERAPY.] "Massage therapy" means a health care profession that involves systematic manipulation of or pressure on soft tissues of the human body for therapeutic purposes. Massage therapy includes such methods or techniques as effleurage, petrissage, tapotement, compression, vibration, friction, fascial manipulation applied manually or by mechanical device that mimics or enhances the actions of the hands, and the application of oils, lotions, or similar preparations. Massage therapy is administered for the purposes of maintaining, restoring, and enhancing health; relaxing musculature; increasing range of motion; reducing stress; relieving pain; and improving circulation or lymphatic flow, or both. It does not include any form of diagnosis, nor does it attempt to adjust or manipulate any articulations of the body or spine as described in section 146.23 or 148.01, nor to mobilize articulations of the body or spine by means of a thrusting force.

Subd. 6. [MOXIBUSTION.] "Moxibustion" means the application of heat to acupuncture points or other areas of the body by the use of the herb commonly known as moxa. To treat a specific point, the herb is generally powdered, rolled into a small cone, and lit.

Subd. 7. [MUNICIPALITY.] "Municipality" means a county, town, home rule charter or statutory city, or other municipal corporation or political subdivision of the state.

Subd. 8. [ORIENTAL BODYWORK THERAPIST.] "Oriental bodywork therapist" means a health care provider who practices Oriental bodywork therapy.

Subd. 9. [ORIENTAL BODYWORK THERAPY.] "Oriental bodywork therapy" means a health care profession that uses Oriental medical theory and principles and Oriental massage methods or techniques including pressure; kneading; vibration; tapping; placement of the hands on the body to affect the energy field of the body; the topical application of herbal preparations, oils,

liniments, magnets, cupping, moxibustion, or other devices; and the application of heat or cold. Oriental bodywork therapy is administered for the purposes of maintaining, restoring, and enhancing health; relaxing musculature; increasing range of motion; reducing stress; relieving pain; and improving circulation or lymphatic flow, or both. It does not include any form of diagnosis, nor does it attempt to adjust or manipulate any articulations of the body or spine as described in section 146.23 or 148.01, nor to mobilize articulations of the body or spine by means of a thrusting force.

Subd. 10. [ORIENTAL MEDICINE.] "Oriental medicine" means a system of healing arts that perceives the circulation and balance of energy in the body as being fundamental to the well-being of the individual. Oriental medicine implements this theory through specialized methods of analyzing the energy status of the body and treating the body with Oriental bodywork therapy and other related modalities for the purposes of strengthening the body, improving energy balance, maintaining or restoring health, improving physiological function, and reducing pain.

Sec. 2. [148D.02] [APPLICATION OF CHAPTER.]

This chapter applies only to persons who are applicants for state registration, who are state registered, who represent that they are state registered, or who use protected titles. This chapter does not require state registration by somatic practitioners, touch therapists, or persons who practice massage therapy or Oriental bodywork therapy.

Sec. 3. [148D.03] [DUTIES OF THE STATE BOARD OF CHIROPRACTIC EXAMINERS.]

The board, in consultation with the advisory council established under section 148D.11, shall:

(1) determine necessary forms;

(2) issue registrations to qualified applicants;

(3) keep a complete record of registered massage therapists and Oriental bodywork therapists, maintain a current official listing of the names and addresses of registered massage therapists and Oriental bodywork therapists, and make a copy of the listing available upon request to any member of the public upon payment of a copying fee; and

(4) employ appropriate personnel and establish their duties.

Sec. 4. [148D.04] [VOLUNTARY REGISTRATION.]

Subdivision 1. [ESTABLISHMENT.] The board shall establish a voluntary registration system for massage therapists and Oriental bodywork therapists who apply for registration. The board shall issue a registration to a person applying for massage therapy registration who meets the qualifications in section 148D.06 or 148D.08, or to a person applying for Oriental bodywork therapy registration who meets the qualifications in section 148D.07 or 148D.08.

Subd. 2. [REGISTRATION PROCEDURES.] To apply for registration, an applicant must:

(1) submit an application for registration at a time and in a form established by the board; and

(2) submit all fees required by the board.

Subd. 3. [ADVERTISING.] A state registered therapist's registration number must appear in all advertisements by the therapist.

Sec. 5. [148D.05] [TITLE PROTECTION.]

Subdivision 1. [PROTECTED TITLES.] No person may use or advertise in a public or private communication any title protected in this chapter unless the person is registered under this chapter. Protected titles are registered massage therapist (RMT), state registered massage therapist (SRMT), registered Oriental bodywork therapist (ROBT), state registered Oriental bodywork therapist (SROBT), or any other derivation or abbreviation of terms that indicate or imply registration by the state of Minnesota as a massage therapist or Oriental bodywork therapist.

Subd. 2. [TITLES NOT PROTECTED.] Any practitioner of massage therapy or Oriental bodywork therapy, including persons who are not registered under this chapter, may use any title not protected by this chapter that implies or indicates a massage therapy or Oriental bodywork therapy technique, method, or practitioner, including, but not limited to, the title massage therapist or Oriental bodywork therapist.

Subd. 3. [CERTIFICATES FROM OTHER ORGANIZATIONS.] Massage therapists or Oriental bodywork therapists who have received certificates from organizations, associations, or educational corporations are not prohibited from using the term "certified" in any form of advertising when referring to those trainings, provided that the originating body for the certification is stated clearly in the advertisement.

Sec. 6. [148D.06] [QUALIFICATIONS FOR REGISTRATION; MASSAGE THERAPY.]

Except as provided in section 148D.08, an applicant for state registration for massage therapy must meet all of the following requirements:

- (1) be 18 years of age or older;
- (2) have obtained a high school diploma or the equivalent;
- (3) show evidence of maintaining current professional liability insurance;
- (4) have achieved a passing score on the National Certification Examination for Therapeutic Massage and Bodywork or a board-approved, psychometrically formulated examination;
- (5) have done one of the following: (i) successfully completed a course of study consisting of 500 or more classroom hours of supervised instruction from a recognized school with a curriculum that meets the basic guidelines under section 148D.18 for massage therapy; or (ii) qualified for the National Certification Examination for Therapeutic Massage and Bodywork by the portfolio review process or the current equivalent; and
- (6) have achieved a passing score on an examination of relevant state laws, if such an examination is prescribed by the board.

Sec. 7. [148D.07] [QUALIFICATIONS FOR REGISTRATION; ORIENTAL BODYWORK THERAPY.]

Except as provided in section 148D.08, an applicant for state registration for Oriental bodywork therapy must meet all of the following requirements:

- (1) be 18 years of age or older;
- (2) have obtained a high school diploma or the equivalent;
- (3) show evidence of maintaining current professional liability insurance;
- (4) have achieved a passing score on the Comprehensive Written Examination in Oriental Bodywork Therapy administered by the National Commission for the Certification of Acupuncture and Oriental Medicine, the National Certification Examination for Therapeutic Massage and Bodywork, or a board-approved, psychometrically formulated examination;
- (5) have done one of the following: (i) successfully completed a course of study consisting of 500 or more classroom hours of supervised instruction from a recognized school with a curriculum that meets the basic guidelines under section 148D.18 for Oriental bodywork therapy; (ii) qualified for the Comprehensive Written Examination in Oriental Bodywork Therapy by the portfolio review process or the current equivalent; or (iii) qualified for the National Certification Examination for Therapeutic Massage and Bodywork with training hours that include 260 or more classroom hours of Oriental bodywork therapy and applications; and
- (6) have achieved a passing score on an examination of relevant state laws, if such an examination is prescribed by the board.

Sec. 8. [148D.08] [INDIVIDUALS FROM OTHER JURISDICTIONS.]

Subdivision 1. [REGISTRATION BY RECIPROcity.] Applications from individuals from another United States jurisdiction or another country seeking state registration for massage therapy or Oriental bodywork therapy in this state must be considered individually. In order for a license, registration, or certification from another jurisdiction to be recognized for registration in this state, the home regulating jurisdiction of the applicant must have requirements substantially equal to or exceeding those of this state. In applying for registration under this section, applicants must provide the following:

(1) an official document from the jurisdiction's regulatory authority verifying the status of the applicant's license, registration, or certification, including date of issuance, date of expiration, and information regarding any disciplinary action;

(2) a statement from the jurisdiction's regulatory authority outlining the regulatory requirements of that jurisdiction; and

(3) proof of a passing score on the National Certification Examination for Therapeutic Massage and Bodywork, the Comprehensive Written Examination in Oriental Bodywork Therapy, or a board-approved, psychometrically formulated examination.

Subd. 2. [VISITING INSTRUCTORS.] A visiting massage therapy or Oriental bodywork therapy instructor from another United States jurisdiction or another country who wishes to teach massage therapy or Oriental bodywork therapy in this state is not required to be registered in this state.

Sec. 9. [148D.09] [RULEMAKING.]

The board shall adopt rules:

(1) to establish health and sanitation standards for the practice of massage therapy and Oriental bodywork therapy;

(2) to adopt a code of ethics and a client bill of rights;

(3) to establish continuing education requirements;

(4) to establish procedures for registration and registration renewal; and

(5) that the board finds necessary to administer this chapter to protect the public health, safety, and welfare.

Sec. 10. [148D.10] [MUNICIPAL REGULATION.]

Subdivision 1. [PREEMPTION.] A municipality may not require a person who is state-registered under this chapter and who performs massage therapy or Oriental bodywork therapy within its jurisdiction to also hold a professional massage therapy or Oriental bodywork therapy license issued by the municipality. Nothing in this chapter preempts or supersedes any municipal ordinance relating to land use, building and construction requirements, nuisance control, the licensing of commercial enterprises in general, or the professional licensing of persons who are not state-registered under this chapter but who perform massage therapy or Oriental bodywork therapy.

Subd. 2. [MUNICIPAL DISCRETION.] A municipality may, by ordinance, require all persons performing massage therapy or Oriental bodywork therapy within its jurisdiction to hold a current state registration under this chapter.

Sec. 11. [148D.11] [ADVISORY COUNCIL.]

(a) The advisory council for massage therapy and Oriental bodywork therapy consists of seven members appointed by the board to carry out the provisions of this section.

(b) The advisory council shall consist of:

- (1) three state registered professional members representing massage therapy;
- (2) two state registered professional members representing Oriental bodywork therapy; and
- (3) two public members, as defined in section 214.02.

(c) The advisory council shall:

- (1) advise the board on adoption of rules and the enforcement of rules and statutes;
- (2) advise the board on rules for applications for registration and for renewal;
- (3) review applications for registration and for renewal, and make recommendations to the board;

(4) in accordance with chapter 214, review complaints, including all related investigatory materials, against state registered massage therapists or Oriental bodywork therapists, and following such review, forward the complaints and all related investigatory materials to the board and advise the board on appropriate disposition of the complaints;

(5) propose a biennial budget to the board;

(6) propose recommendations for continuing education to the board; and

(7) perform other duties authorized for advisory councils under chapter 214, as directed by the board.

(d) The advisory council shall be organized and administered under section 15.059, except that appointments to the initial advisory council shall be governed by section 22.

Sec. 12. [148D.12] [GROUNDS FOR DISCIPLINARY ACTION.]

Subdivision 1. [GROUNDS LISTED.] (a) The board may refuse to grant, revoke, suspend, limit, or condition the registration of a therapist registered under this chapter, or otherwise discipline a state registered therapist or applicant as described in section 148D.13. Actions in paragraphs (b) to (o) are grounds for disciplinary action.

(b) Employing fraud or deceit in procuring or attempting to procure a state registration for massage therapy or Oriental bodywork therapy or attempting to subvert the registration examination process.

(c) Conviction of a felony, gross misdemeanor, or misdemeanor reasonably related to the practice of massage therapy or Oriental bodywork therapy. Conviction as used in this paragraph includes a conviction of an offense that, if committed in this state, would be considered a felony, gross misdemeanor, or misdemeanor without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered.

(d) Revocation, suspension, limitation, conditioning, or other disciplinary action taken against the person's massage therapy or Oriental bodywork therapy license, registration, or certification in another state, territory, or country; failure to report to the board that charges regarding the person's license, registration, or certification are pending in another state, territory, or country; or having been refused a license, registration, or certification by another state, territory, or country.

(e) Engaging in unprofessional conduct, including, but not limited to, a departure from or failure to comply with statutes or board rules for massage therapy or Oriental bodywork therapy, or, if no rule exists, to the minimal standards of acceptable and prevailing massage therapy or Oriental bodywork therapy; or any massage therapy or Oriental bodywork therapy practice that may create unnecessary danger to a client's life, health, or safety. Actual injury to a client need not be established under this clause.

(f) Actual or potential inability to practice massage therapy or Oriental bodywork therapy with reasonable skill and safety to clients by reason of illness; use of alcohol, drugs, chemicals, or any other material; or as a result of any mental or physical impairment or condition.

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

(h) Engaging in conduct with a client that is sexual or may reasonably be interpreted by the client as sexual, or in any verbal behavior that is seductive or sexually demeaning to a client, or engaging in sexual exploitation of a client or former client. A therapist is prohibited from engaging in sexual conduct with a former client for two years following termination of the therapeutic relationship.

(i) Obtaining money, property, or services from a client, other than reasonable fees for services provided to the client, through the use of undue influence, harassment, duress, deception, or fraud, or any other act that exploits the client for financial gain.

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

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

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

(m) Violating a rule adopted by the board, an order of the board, or a state or federal law relating to the practice of massage therapy or Oriental bodywork therapy, or a state or federal narcotics or controlled substance law.

(n) Making a false statement or knowingly providing false information to the board or the advisory council, failing to make reports as required by section 148D.14, or failing to cooperate with an investigation of the board as required by section 148D.16.

(o) Engaging in false, fraudulent, deceptive, or misleading advertising.

Subd. 2. [EVIDENCE.] In disciplinary actions alleging a ground for disciplinary action established in subdivision 1, paragraph (c) or (d), a copy of the judgment or proceeding under the seal of the court administrator or the administrative agency that entered the same shall be admissible into evidence without further authentication and shall constitute prima facie evidence of the violation concerned.

Subd. 3. [EXAMINATION; ACCESS TO MEDICAL DATA.] (a) The board may take the actions in paragraphs (b) and (c) if it has probable cause to believe that grounds for disciplinary action exist under subdivision 1, paragraph (f).

(b) The board may direct the applicant or therapist to submit to a mental or physical examination or chemical dependency evaluation. For the purpose of this subdivision, when a therapist registered by this chapter is directed in writing by the board to submit to a mental or physical examination or chemical dependency evaluation, that person is considered to have consented and to have waived all objections to admissibility on the grounds of privilege. Failure of the applicant or therapist to submit to an examination when directed constitutes an admission of the allegations against the applicant or therapist, unless the failure was due to circumstances beyond the person's control, and the board may enter a default and final order without taking testimony or allowing evidence to be presented. A therapist affected under this paragraph shall, at reasonable intervals, be given an opportunity to demonstrate that the competent practice of massage therapy or Oriental bodywork therapy can be resumed with reasonable skill and safety to clients.

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

Sec. 13. [148D.13] [FORMS OF DISCIPLINARY ACTION; AUTOMATIC SUSPENSION; TEMPORARY SUSPENSION; REISSUANCE.]

Subdivision 1. [FORMS OF DISCIPLINARY ACTION.] When the board finds that grounds for disciplinary action exist under section 148D.12, subdivision 1, it may take one or more of the following actions:

- (1) deny the state registration;
- (2) revoke the state registration;
- (3) suspend the state registration;
- (4) impose limitations on the state-registered therapist;
- (5) impose conditions on the retention of the state registration;
- (6) order the state-registered therapist to provide unremunerated services;
- (7) reprimand the state-registered therapist;
- (8) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the state-registered therapist of any economic advantage gained by the violation or to reimburse the board for all costs related to the receipt, review, investigation, adjudication, or other disposition of the complaint; or
- (9) any other action justified by the facts in the case.

Subd. 2. [AUTOMATIC SUSPENSION.] A state registration for massage therapy or Oriental bodywork therapy is automatically suspended if:

- (1) a guardian of a therapist is appointed by order of a court under sections 525.54 to 525.6199;
- (2) the therapist is committed by order of a court under chapter 253B; or
- (3) the therapist is determined to be mentally incompetent, mentally ill, chemically dependent, or a person dangerous to the public by a court of competent jurisdiction within or outside this state.

The registration remains suspended until the therapist is restored to capacity by a court and, upon petition by the therapist, the suspension is terminated by the board after a hearing or upon agreement between the board and the therapist.

Subd. 3. [TEMPORARY SUSPENSION.] In addition to any other remedy provided by law, the board may, without a hearing, temporarily suspend the state registration of a massage therapist or Oriental bodywork therapist for not more than 60 days if the board finds that the therapist has violated a statute or rule which the board is empowered to enforce and if continued practice by the therapist would create a serious risk of harm to the public. The suspension shall take effect upon written notice to the therapist specifying the statute or rule violated. The suspension shall remain

in effect until the board issues a final order in the matter after a hearing. At the time it issues the suspension notice, the board shall schedule a disciplinary hearing to be held pursuant to the Administrative Procedure Act. The therapist shall be given at least 20 days' notice of any hearing held under this subdivision.

Subd. 4. [REINSTATEMENT.] The board may reinstate and reissue a state registration for massage therapy or Oriental bodywork therapy, but as a condition may impose any disciplinary or corrective measure that it might originally have imposed. Any therapist whose state registration has been revoked, suspended, or limited may have the state registration reinstated when the board finds that the action is warranted.

Sec. 14. [148D.14] [REPORTING REQUIREMENT.]

Subdivision 1. [LICENSED PROFESSIONALS.] A person licensed or registered by a health-related licensing board, as defined in section 214.01, subdivision 2, shall report to the board personal knowledge of any conduct the person reasonably believes constitutes grounds for disciplinary action under this chapter by a state registered therapist, including conduct indicating that the therapist may be incompetent, may have engaged in unprofessional or unethical conduct, or may be mentally or physically unable to engage safely in the practice of massage therapy or Oriental bodywork therapy.

Subd. 2. [DEADLINES; FORMS.] Reports required by subdivision 1 must be submitted no later than 30 days after the reporter learns of the occurrence of the reportable event or transaction. The board may provide forms for the submission of reports required by this section, may require that the reports are submitted on the forms provided, and may adopt rules necessary to assure prompt and accurate reporting.

Sec. 15. [148D.15] [IMMUNITY.]

Subdivision 1. [REPORTING.] Any person, health care facility, business, or organization is immune from civil liability or criminal prosecution for submitting in good faith a report to the board under section 148D.14 or for otherwise reporting in good faith to the board violations or alleged violations of this chapter. All such reports are civil investigative data under section 13.39.

Subd. 2. [INVESTIGATION.] Members of the board and persons employed by the board or engaged in the investigation of violations and in the preparation and management of charges of violations of this chapter on behalf of the board or persons participating in the investigation or testifying regarding charges of violations are immune from civil liability and criminal prosecution for any actions, transactions, or publications in the execution of, or relating to, their duties under this chapter.

Sec. 16. [148D.16] [THERAPIST COOPERATION.]

A massage therapist or Oriental bodywork therapist who is the subject of an investigation or who is questioned in connection with an investigation by or on behalf of the board shall cooperate fully with the investigation. Requests by the board for cooperation must be consistent with the nature and seriousness of the conduct being investigated. Cooperation includes responding fully and promptly to questions raised by or on behalf of the board relating to the subject of the investigation; providing copies of client and other records in the therapist's possession relating to the matter under investigation as requested by the board; assisting the board in its investigation, including executing releases for records as requested by the board; and appearing at disciplinary or educational conferences scheduled by the board.

Sec. 17. [148D.17] [VIOLATIONS; PENALTY.]

Subdivision 1. [VIOLATIONS DESCRIBED.] It is unlawful for any person, corporation, limited liability company, or association to:

(1) sell or fraudulently obtain or furnish any massage therapy or Oriental bodywork therapy diploma, state registration, or record, or aid or abet any to do so;

(2) use any title, abbreviation, or other designation protected under section 148D.05, subdivision 1, unless duly state registered, except as otherwise authorized by statute or by the board by rule;

(3) practice massage therapy or Oriental bodywork therapy not in compliance with a state registration that has been conditioned by the board;

(4) use a title protected under section 148D.05, subdivision 1, during the time a registration issued under this chapter is suspended or revoked; and

(5) knowingly employ a person in the practice of massage therapy or Oriental bodywork therapy who is practicing massage therapy or Oriental bodywork therapy under cover of any diploma, permit, license, registration, certificate, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation.

Subd. 2. [PENALTY.] Any person, corporation, limited liability company, or association violating any provisions of subdivision 1 is guilty of a misdemeanor.

Subd. 3. [LOCAL ENFORCEMENT.] A municipality may issue a citation for any violation described in subdivision 1.

Subd. 4. [NUISANCE VIOLATION.] A violation of any provision of subdivision 1 shall constitute a nuisance for purposes of section 617.81, subdivision 2.

Sec. 18. [148D.18] [EDUCATION.]

Subdivision 1. [MESSAGE THERAPY TRAINING REQUIREMENTS.] The requirements for state registration as a massage therapist, unless raised by the board by rule, are:

(1) a minimum of 100 hours of anatomy, physiology, and kinesiology;

(2) a minimum of 300 hours of theory, technique, and supervised clinical or in-class practice-related modalities of massage therapy, with at least 150 of those hours being practical technique, with a passing score on a competency-based examination demonstrating skills and ability in massage therapy techniques; and

(3) a minimum of 100 hours of related coursework, which must include, at a minimum, pathology; contraindications; business practices and professional ethics; and cardiopulmonary resuscitation and first aid.

Subd. 2. [ORIENTAL BODYWORK THERAPY TRAINING REQUIREMENTS.] The requirements for state registration as an Oriental bodywork therapist, unless raised by the board by rule, are:

(1) a minimum of 100 hours of anatomy and physiology and Western pathology;

(2) a minimum of 100 hours of Oriental medical theory;

(3) a minimum of 160 hours of technique and practice-related modalities of Oriental bodywork therapy with a passing score on a competency-based examination demonstrating skills and ability in Oriental bodywork therapy techniques;

(4) a minimum of 70 hours of supervised clinical application; and

(5) a minimum of 70 hours of related coursework, which must include, at a minimum, business practices and professional ethics; law considerations; Oriental pathology; contraindications; and cardiopulmonary resuscitation and first aid.

Subd. 3. [CONTINUING EDUCATION REQUIREMENTS FOR REGISTRATION RENEWAL.] For registration renewal, a person registered under this chapter must complete all continuing education requirements prescribed by the board.

Sec. 19. [148D.19] [REGISTRATION RENEWAL AND FEES.]

State registrations expire biennially and must be renewed as prescribed by rule. Upon payment of the renewal fee, providing evidence of maintaining current professional liability insurance, and compliance with all the rules of the board, the applicant shall be entitled to renewal of the state registration.

Sec. 20. [REGISTRATION DURING TRANSITIONAL PERIOD; MASSAGE THERAPISTS.]

For a period of one year beginning on a date determined by the board, an applicant may qualify for state registration as a massage therapist if the applicant does not meet the examination and educational requirements in Minnesota Statutes, sections 148D.06 and 148D.18, by providing the following:

(1) a notarized affidavit by the applicant stating completion of 100 hours of supervised massage therapy instruction or training and any two of the following:

(i) a notarized affidavit by the applicant stating that the applicant has been in practice for at least two years, with a minimum of 150 documented client hours per year;

(ii) evidence of maintaining current professional liability insurance;

(iii) evidence of maintaining current membership in a national professional association; or

(iv) photocopies of ten weeks from the applicant's current and/or past appointment books accompanied by an affidavit stating that the appointments indicated are evidence of massage therapy clientele;

(2) a notarized affidavit stating that the applicant has resided in Minnesota for at least one year prior to submitting the application and that the applicant has had no convictions of a felony, gross misdemeanor, or misdemeanor reasonably related to the practice of massage therapy. Conviction, as used in this clause, includes a conviction of an offense that if committed in this state would be considered a felony, gross misdemeanor, or misdemeanor without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered;

(3) verification that the applicant is 18 years of age or older; and

(4) a statement that the applicant will abide by the code of ethics established by the board.

For renewal, the applicant must meet the requirements in Minnesota Statutes, sections 148D.18, subdivision 3, and 148D.19.

Sec. 21. [REGISTRATION DURING TRANSITIONAL PERIOD; ORIENTAL BODYWORK THERAPISTS.]

For a period of one year beginning on a date determined by the board, an applicant may qualify for state registration as an Oriental bodywork therapist if the applicant does not meet the examination and educational requirements in Minnesota Statutes, sections 148D.07 and 148D.18, by providing the following:

(1) a notarized affidavit by the applicant stating completion of 100 hours of supervised Oriental bodywork therapy instruction or training and any two of the following:

(i) a notarized affidavit by the applicant stating that the applicant has been in practice for at least two years, with a minimum of 150 documented client hours per year;

(ii) evidence of maintaining current professional liability insurance;

(iii) evidence of maintaining current membership in a national professional association; or

(iv) photocopies of ten weeks from the applicant's current and/or past appointment books accompanied by an affidavit stating that the appointments indicated are evidence of Oriental bodywork clientele;

(2) a notarized affidavit stating that the applicant has resided in Minnesota for at least one year prior to submitting the application and that the applicant has had no convictions of a felony, gross misdemeanor, or misdemeanor reasonably related to the practice of massage therapy or Oriental bodywork therapy. Conviction, as used in this clause, includes a conviction of an offense that if committed in this state would be considered a felony, gross misdemeanor, or misdemeanor without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered;

(3) verification that the applicant is 18 years of age or older; and

(4) a statement that the applicant will abide by the code of ethics established by the board.

For renewal, the applicant must meet the requirements in Minnesota Statutes, sections 148D.18, subdivision 3, and 148D.19.

Sec. 22. [INITIAL ADVISORY COUNCIL.]

The terms of the initial members of the advisory council shall be staggered as follows: one massage therapist member shall serve a one-year term; one public member and one Oriental bodywork therapist member shall serve two-year terms; one massage therapist member and one Oriental bodywork therapist member shall serve three-year terms; and one public member and one massage therapist member shall serve four-year terms. The initial therapist members need not be registered provided they meet the standards in Minnesota Statutes, section 148D.06 or 148D.07.

Sec. 23. [EFFECTIVE DATE.]

This article is effective 60 days following final enactment.

ARTICLE 2

CONFORMING AMENDMENTS

Section 1. Minnesota Statutes 1999 Supplement, section 116J.70, subdivision 2a, is amended to read:

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

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

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

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

(i) abstracters regulated pursuant to chapter 386;

(ii) accountants regulated pursuant to chapter 326;

(iii) adjusters regulated pursuant to chapter 72B;

(iv) architects regulated pursuant to chapter 326;

(v) assessors regulated pursuant to chapter 270;

(vi) athletic trainers regulated pursuant to chapter 148;

(vii) attorneys regulated pursuant to chapter 481;

- (viii) auctioneers regulated pursuant to chapter 330;
- (ix) barbers regulated pursuant to chapter 154;
- (x) beauticians regulated pursuant to chapter 155A;
- (xi) boiler operators regulated pursuant to chapter 183;
- (xii) chiropractors regulated pursuant to chapter 148;
- (xiii) collection agencies regulated pursuant to chapter 332;
- (xiv) cosmetologists regulated pursuant to chapter 155A;
- (xv) dentists, registered dental assistants, and dental hygienists regulated pursuant to chapter 150A;
- (xvi) detectives regulated pursuant to chapter 326;
- (xvii) electricians regulated pursuant to chapter 326;
- (xviii) mortuary science practitioners regulated pursuant to chapter 149A;
- (xix) engineers regulated pursuant to chapter 326;
- (xx) insurance brokers and salespersons regulated pursuant to chapter 60A;
- (xxi) certified interior designers regulated pursuant to chapter 326;
- (xxii) massage therapists and Oriental bodywork therapists regulated pursuant to chapter 148D;
- (~~xxiii~~) midwives regulated pursuant to chapter 148;
- (~~xxiii~~) (~~xxiv~~) nursing home administrators regulated pursuant to chapter 144A;
- (~~xxiv~~) (~~xxv~~) optometrists regulated pursuant to chapter 148;
- (~~xxv~~) (~~xxvi~~) osteopathic physicians regulated pursuant to chapter 147;
- (~~xxvi~~) (~~xxvii~~) pharmacists regulated pursuant to chapter 151;
- (~~xxvii~~) (~~xxviii~~) physical therapists regulated pursuant to chapter 148;
- (~~xxviii~~) (~~xxix~~) physician assistants regulated pursuant to chapter 147A;
- (~~xxix~~) (~~xxx~~) physicians and surgeons regulated pursuant to chapter 147;
- (~~xxx~~) (~~xxxi~~) plumbers regulated pursuant to chapter 326;
- (~~xxxi~~) (~~xxxii~~) podiatrists regulated pursuant to chapter 153;
- (~~xxxii~~) (~~xxxiii~~) practical nurses regulated pursuant to chapter 148;
- (~~xxxiii~~) (~~xxxiv~~) professional fund raisers regulated pursuant to chapter 309;
- (~~xxxiv~~) (~~xxxv~~) psychologists regulated pursuant to chapter 148;
- (~~xxxv~~) (~~xxxvi~~) real estate brokers, salespersons, and others regulated pursuant to chapters 82 and 83;
- (~~xxxvi~~) (~~xxxvii~~) registered nurses regulated pursuant to chapter 148;
- (~~xxxvii~~) (~~xxxviii~~) securities brokers, dealers, agents, and investment advisers regulated pursuant to chapter 80A;

- (~~xxxviii~~) (xxxix) steamfitters regulated pursuant to chapter 326;
- (~~xxxix~~) (xl) teachers and supervisory and support personnel regulated pursuant to chapter 125;
- (~~xl~~) (xli) veterinarians regulated pursuant to chapter 156;
- (~~xli~~) (xlii) water conditioning contractors and installers regulated pursuant to chapter 326;
- (~~xlii~~) (xliii) water well contractors regulated pursuant to chapter 103I;
- (~~xliii~~) (xliv) water and waste treatment operators regulated pursuant to chapter 115;
- (~~xliv~~) (xlv) motor carriers regulated pursuant to chapter 221;
- (~~xlv~~) (xlvi) professional firms regulated under chapter 319B;
- (~~xlvi~~) (xlvii) real estate appraisers regulated pursuant to chapter 82B;
- (~~xlvii~~) (xlviii) residential building contractors, residential remodelers, residential roofers, manufactured home installers, and specialty contractors regulated pursuant to chapter 326;
- (4) any driver's license required pursuant to chapter 171;
- (5) any aircraft license required pursuant to chapter 360;
- (6) any watercraft license required pursuant to chapter 86B;
- (7) any license, permit, registration, certification, or other approval pertaining to a regulatory or management program related to the protection, conservation, or use of or interference with the resources of land, air, or water, which is required to be obtained from a state agency or instrumentality; and
- (8) any pollution control rule or standard established by the pollution control agency or any health rule or standard established by the commissioner of health or any licensing rule or standard established by the commissioner of human services.

Sec. 2. Minnesota Statutes 1998, section 144.335, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them:

(a) "Patient" means a natural person who has received health care services from a provider for treatment or examination of a medical, psychiatric, or mental condition, the surviving spouse and parents of a deceased patient, or a person the patient appoints in writing as a representative, including a health care agent acting pursuant to chapter 145C, unless the authority of the agent has been limited by the principal in the principal's health care directive. Patient includes a client under chapter 148D. Except for minors who have received health care services pursuant to sections 144.341 to 144.347, in the case of a minor, patient includes a parent or guardian, or a person acting as a parent or guardian in the absence of a parent or guardian.

(b) "Provider" means (1) any person who furnishes health care services and is regulated to furnish the services pursuant to chapter 147, 147A, 147B, 147C, 148, 148B, 148C, 150A, 151, 153, or 153A, or Minnesota Rules, chapter 4666; (2) a home care provider licensed under section 144A.46; (3) a health care facility licensed pursuant to this chapter or chapter 144A; (4) a physician assistant registered under chapter 147A; and (5) an unlicensed mental health practitioner regulated pursuant to sections 148B.60 to 148B.71.

(c) "Individually identifiable form" means a form in which the patient is or can be identified as the subject of the health records.

Sec. 3. Minnesota Statutes 1998, section 214.23, subdivision 1, is amended to read:

Subdivision 1. [COMMISSIONER OF HEALTH.] The board shall enter into a contract with the commissioner to perform the functions in subdivisions 2 and 3. The contract shall provide that:

(1) unless requested to do otherwise by a regulated person, a board shall refer all regulated persons infected with HIV or HBV to the commissioner;

(2) the commissioner may choose to refer any regulated person who is infected with HIV or HBV as well as all information related thereto to the person's board at any time for any reason, including but not limited to: the degree of cooperation and compliance by the regulated person; the inability to secure information or the medical records of the regulated person; or when the facts may present other possible violations of the regulated persons practices act. Upon request of the regulated person who is infected with HIV or HBV the commissioner shall refer the regulated person and all information related thereto to the person's board. Once the commissioner has referred a regulated person to a board, the board may not thereafter submit it to the commissioner to establish a monitoring plan unless the commissioner of health consents in writing;

(3) a board shall not take action on grounds relating solely to the HIV or HBV status of a regulated person until after referral by the commissioner; and

(4) notwithstanding sections 13.39 and 13.41 and chapters 147, 147A, 148, 148D, 150A, 153, and 214, a board shall forward to the commissioner any information on a regulated person who is infected with HIV or HBV that the department of health requests.

Sec. 4. Minnesota Statutes 1998, section 604A.01, subdivision 2, is amended to read:

Subd. 2. [GENERAL IMMUNITY FROM LIABILITY.] (a) A person who, without compensation or the expectation of compensation, renders emergency care, advice, or assistance at the scene of an emergency or during transit to a location where professional medical care can be rendered, is not liable for any civil damages as a result of acts or omissions by that person in rendering the emergency care, advice, or assistance, unless the person acts in a willful and wanton or reckless manner in providing the care, advice, or assistance. This subdivision does not apply to a person rendering emergency care, advice, or assistance during the course of regular employment, and receiving compensation or expecting to receive compensation for rendering the care, advice, or assistance.

(b) For the purposes of this section, the scene of an emergency is an area outside the confines of a hospital or other institution that has hospital facilities, or an office of a person licensed to practice one or more of the healing arts under chapter 147, 147A, 148, 148D, 150A, or 153. The scene of an emergency includes areas threatened by or exposed to spillage, seepage, fire, explosion, or other release of hazardous materials, and includes ski areas and trails.

(c) For the purposes of this section, "person" includes a public or private nonprofit volunteer firefighter, volunteer police officer, volunteer ambulance attendant, volunteer first provider of emergency medical services, volunteer ski patroller, and any partnership, corporation, association, or other entity.

(d) For the purposes of this section, "compensation" does not include payments, reimbursement for expenses, or pension benefits paid to members of volunteer organizations.

(e) For purposes of this section, "emergency care" includes providing emergency medical care by using or providing an automatic external defibrillator, unless the person on whom the device is to be used objects. "Automatic external defibrillator" means a medical device heart monitor and defibrillator that:

(1) has received approval of its premarket notification, filed pursuant to United States Code, title 21, section 360(k), from the United States Food and Drug Administration;

(2) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed; and

(3) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

Sec. 5. [EFFECTIVE DATE.]

This article is effective 60 days following final enactment.

Amend the title as follows:

Page 1, line 6, delete "116J.70, subdivision 2a;"

Page 1, line 8, after the semicolon, insert "Minnesota Statutes 1999 Supplement, section 116J.70, subdivision 2a;"

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

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

S.F. No. 1038: A bill for an act relating to health occupations; establishing licensing requirements for occupational therapists and occupational therapy assistants; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Rules, parts 4666.0010; 4666.0020; 4666.0030; 4666.0040; 4666.0050; 4666.0060; 4666.0070; 4666.0080; 4666.0090; 4666.0100; 4666.0200; 4666.0300; 4666.0400; 4666.0500; 4666.0600; 4666.0700; 4666.0800; 4666.0900; 4666.1000; 4666.1100; 4666.1200; 4666.1300; and 4666.1400.

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

Page 7, after line 23, insert:

"Subd. 7. [EXEMPTION.] Nothing in sections 148.6401 to 148.6450 shall prohibit the practice of any profession or occupation licensed or registered by the state by any person duly licensed or registered to practice the profession or occupation or to perform any act that falls within the scope of practice of the profession or occupation."

Page 10, delete lines 9 to 36

Page 11, delete lines 1 to 25

Page 12, delete lines 16 to 36

Page 13, delete lines 1 to 30

Page 24, delete line 36

Page 25, delete lines 1 to 6

Page 40, delete lines 22 to 29

Page 40, line 30, delete "6" and insert "4"

Page 40, line 32, delete "7" and insert "5"

Page 40, line 34, delete "8" and insert "6"

Page 41, line 1, delete "9" and insert "7"

Page 41, line 3, delete "10" and insert "8"

Page 41, line 5, delete "11" and insert "9"

Page 41, line 11, delete "12" and insert "10"

Page 45, line 29, delete "1999" and insert "2000"

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

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

S.F. No. 3184: A bill for an act relating to drivers' licenses; modifying school bus transportation, driver's license endorsement, and school bus driver training provisions; clarifying statutory language; amending Minnesota Statutes 1998, sections 123B.90, subdivision 1; 169.448, subdivision 3; 171.02, subdivision 2; 171.06, subdivision 2; and 171.321; Minnesota Statutes 1999 Supplement, sections 123B.90, subdivision 2; and 123B.91, subdivision 1.

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

Pages 1 to 3, delete section 2

Pages 5 to 7, delete section 5

Page 8, line 13, delete "180" and insert "30"

Page 8, lines 33 to 35, reinstate the stricken language

Page 9, line 3, after the period, insert "The commissioner shall accept physical examinations for school bus drivers conducted by medical examiners authorized as provided by the Code of Federal Regulations, title 49, chapter 3, part 391, subpart E."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "171.02, subdivision 2;"

Page 1, lines 8 and 9, delete "sections 123B.90, subdivision 2; and" and insert "section"

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

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

S.F. No. 2956: A bill for an act relating to transportation; adopting Midwest Interstate Passenger Rail Compact; amending Minnesota Statutes 1998, section 218.011, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 218.

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.

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

S.F. No. 2768: A bill for an act relating to transportation; prohibiting trucks from Hennepin county road No. 1.

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

Delete everything after the enacting clause and insert:

"Section 1. [TRUCK TRAFFIC RESTRICTED IN EDEN PRAIRIE.]

No truck, except as otherwise provided in this section, may be driven on Hennepin county road No. 1, between trunk highway marked 169 and Flying Cloud Drive in Eden Prairie. This section does not apply to maintenance vehicles of Hennepin county and trucks making local deliveries, but then only for the shortest distance necessary to make the delivery. Hennepin county shall erect appropriate signs identifying the roadway to which the restriction applies.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 2000."

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

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

S.F. No. 2848: A bill for an act relating to public employment; adding certain supervisory or confidential employees to the list of employees who may be represented by the same exclusive representative that represents employees who are not supervisory or confidential; amending Minnesota Statutes 1999 Supplement, section 179A.06, subdivision 2.

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

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

S.F. No. 3230: A bill for an act relating to public employment; establishing procedures and standards for contracting with private entities for the provision of services that have been, or otherwise would be, provided by public employees; providing for public accountability; proposing coding for new law in Minnesota Statutes, chapter 471.

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

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

S.F. No. 3160: A bill for an act relating to drivers' licenses; extending ignition interlock pilot program; making clarifying and technical changes; amending Minnesota Statutes 1998, section 171.305, as amended; repealing Minnesota Rules, parts 7409.3700; 7409.3710; 7409.3720; 7409.3730; 7409.3740; 7409.3750; 7409.3760; and 7409.3770.

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

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

S.F. No. 2974: A bill for an act relating to criminal justice information systems technology; changing the membership of the criminal and juvenile justice information policy group; creating a data group to assist the policy group; authorizing the purchase and distribution of criminal justice technology infrastructure improvements; appropriating money; amending Minnesota Statutes 1998, section 299C.65, subdivision 1, and by adding subdivisions; Minnesota Statutes 1999 Supplement, section 299C.65, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 299C.65, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP, DUTIES.] (a) The criminal and juvenile justice information policy group consists of the chair of the sentencing guidelines commission, the commissioner of corrections, the commissioner of public safety, and the state court administrator two members of the judicial branch appointed by the chief justice of the supreme court.

(b) The policy group shall study and make recommendations to the governor, the supreme court, and the legislature on:

(1) a framework for integrated criminal justice information systems, including the development and maintenance of a community data model for state, county, and local criminal justice information;

(2) the responsibilities of each entity within the criminal and juvenile justice systems concerning the collection, maintenance, dissemination, and sharing of criminal justice information with one another;

(3) actions necessary to ensure that information maintained in the criminal justice information systems is accurate and up-to-date;

(4) the development of an information system containing criminal justice information on gross misdemeanor-level and felony-level juvenile offenders that is part of the integrated criminal justice information system framework;

(5) the development of an information system containing criminal justice information on misdemeanor arrests, prosecutions, and convictions that is part of the integrated criminal justice information system framework;

(6) comprehensive training programs and requirements for all individuals in criminal justice agencies to ensure the quality and accuracy of information in those systems;

(7) continuing education requirements for individuals in criminal justice agencies who are responsible for the collection, maintenance, dissemination, and sharing of criminal justice data;

(8) a periodic audit process to ensure the quality and accuracy of information contained in the criminal justice information systems;

(9) the equipment, training, and funding needs of the state and local agencies that participate in the criminal justice information systems;

(10) the impact of integrated criminal justice information systems on individual privacy rights;

(11) the impact of proposed legislation on the criminal justice system, including any fiscal impact, need for training, changes in information systems, and changes in processes;

(12) the collection of data on race and ethnicity in criminal justice information systems;

(13) the development of a tracking system for domestic abuse orders for protection;

(14) processes for expungement, correction of inaccurate records, destruction of records, and other matters relating to the privacy interests of individuals; and

(15) the development of a database for extended jurisdiction juvenile records and whether the records should be public or private and how long they should be retained.

Sec. 2. Minnesota Statutes 1999 Supplement, section 299C.65, subdivision 2, is amended to read:

Subd. 2. [REPORT, TASK FORCE.] The policy group shall file an annual report with the governor, supreme court, and chairs and ranking minority members of the senate and house committees and divisions with jurisdiction over criminal justice funding and policy by December 1 of each even-numbered year.

The report must make recommendations concerning any legislative changes or appropriations that are needed to ensure that the criminal justice information systems operate accurately and efficiently. To assist them in developing their recommendations, the ~~chair, the commissioners, and the administrator~~ policy group shall appoint a task force consisting of the ~~its~~ members of the ~~criminal and juvenile justice information policy group~~ or their designees and the following additional members:

(1) the director of the office of strategic and long-range planning;

- (2) two sheriffs recommended by the Minnesota sheriffs association;
- (3) two police chiefs recommended by the Minnesota chiefs of police association;
- (4) two county attorneys recommended by the Minnesota county attorneys association;
- (5) two city attorneys recommended by the Minnesota league of cities;
- (6) two public defenders appointed by the board of public defense;
- (7) two district judges appointed by the conference of chief judges, one of whom is currently assigned to the juvenile court;
- (8) two community corrections administrators recommended by the Minnesota association of counties, one of whom represents a community corrections act county;
- (9) two probation officers;
- (10) four public members, one of whom has been a victim of crime, and two who are representatives of the private business community who have expertise in integrated information systems;
- (11) two court administrators;
- (12) one member of the house of representatives appointed by the speaker of the house;
- (13) one member of the senate appointed by the majority leader;
- (14) the attorney general or a designee;
- (15) the commissioner of administration or a designee;
- (16) an individual recommended by the Minnesota league of cities; and
- (17) an individual recommended by the Minnesota association of counties.

In making these appointments, the appointing authority shall select members with expertise in integrated data systems or best practices.

Sec. 3. Minnesota Statutes 1998, section 299C.65, is amended by adding a subdivision to read:

Subd. 2a. [DATA GROUP.] The policy group shall be assisted in carrying out its responsibilities under this section by the data group. The data group includes:

- (1) the chief information officer of the court system;
- (2) the chief information officer of the department of corrections;
- (3) the chief information officer of the department of public safety;
- (4) the information technology development manager for the court system;
- (5) the director of criminal justice information systems for the bureau of criminal apprehension;
- (6) the executive director of the sentencing guidelines commission;
- (7) the director of the interagency management unit of the department of corrections;
- (8) the chief information officer of the board of public defense; and
- (9) the chief information officer of the department of administration.

Sec. 4. Minnesota Statutes 1998, section 299C.65, is amended by adding a subdivision to read:

Subd. 8a. [CRIMINAL JUSTICE TECHNOLOGY INFRASTRUCTURE

IMPROVEMENTS.] (a) Within 30 days of the submission of the Hennepin county integration plan funded by a grant under Laws 1999, chapter 216, article 1, section 7, subdivision 6, or September 1, 2000, whichever is earlier, the policy group shall:

(1) review the recommendations of the data group regarding the needs of state, county, and municipal government agencies for electronic fingerprint capture technology, electronic photographic identification technology, and additional bandwidth to transfer and access the data from electronic fingerprint capture technology and electronic photographic identification technology to the state's central database; and

(2) choose locations and agencies to receive this technology.

(b) Within the limits of available appropriations, the commissioner of public safety shall purchase and distribute the technology infrastructure improvements as directed by the policy group. The commissioner shall begin the purchasing process within 30 days of receiving notice of the policy group's decisions. The commissioner shall distribute the improvements as soon as practicable after beginning the purchasing process.

(c) If feasible, the policy group shall direct the commissioner to distribute the technology infrastructure improvements described in this subdivision in 100 locations. However, no more than 30 percent of the improvements may be distributed in one county.

Sec. 5. [REPORTS REQUIRED.]

Subdivision 1. [PUBLIC SAFETY.] By January 15, 2001, the commissioner of public safety shall report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice policy and funding on the grants made and the technology infrastructure improvements distributed under section 7, paragraph (a), clauses (1) and (2). The report must specify the amount spent on the improvements or grants, how the improvements or grants were distributed, and what the effect of the improvements or grants have been.

Subd. 2. [SUPREME COURT.] By January 15, 2001, the chief justice of the supreme court is requested to report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice policy and funding on the redevelopment of the court information system funded under section 7, paragraph (a), clause (4). The report must specify how the appropriation was spent and what the results have been.

Subd. 3. [SENTENCING GUIDELINES COMMISSION.] By January 15, 2001, the executive director of the sentencing guidelines commission shall report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice policy and funding on the results of the pilot project funded under section 7, paragraph (a), clause (3).

Sec. 6. [PROPOSED EFFECTIVENESS MEASUREMENT STANDARDS AND SANCTIONS; REPORT REQUIRED.]

(a) The criminal and juvenile justice information policy group, in consultation with the task force described in Minnesota Statutes, section 299C.65, subdivision 2, and the data group described in Minnesota Statutes, section 299C.65, subdivision 2a, shall develop recommended standards to measure the effectiveness of the use of the technology infrastructure improvements described in Minnesota Statutes, section 299C.65, subdivision 8a, and the improvements made to the court information system funded by state appropriations. The standards must be based on objective factors that can indicate whether the improvements have actually increased the effectiveness of the receiving agency's or court's system, and if so to what degree.

(b) The policy group, in consultation with the task force and data group, shall also recommend appropriate sanctions for the court or an agency that receives the technology improvements but does not meet the recommended effectiveness standards.

(c) By January 15, 2001, the policy group shall report the recommended standards and

sanctions to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice funding.

Sec. 7. [APPROPRIATIONS.]

(a) \$15,000,000 is appropriated from the general fund to the commissioner of public safety for the fiscal year ending June 30, 2001. This money may be used only for the purposes listed in this section. Of this amount:

(1) \$10,388,000 is for criminal justice technology infrastructure improvements under Minnesota Statutes, section 299C.65, subdivision 8a, for the purchase and distribution of:

(i) electronic fingerprint capture technology;

(ii) electronic photographic identification technology; and

(iii) additional bandwidth to transfer and access electronic photographic identification data and electronic fingerprint data to the state's central database;

(2) \$1,000,000 is for grants to government agencies to transfer and access data from the agencies to the statewide hot file probation and pretrial release data system. The criminal and juvenile justice information policy group shall review grant applications under this clause and the commissioner shall make the grants approved by the policy group within the limits of the appropriation. Up to \$200,000 of this appropriation may be used for grants to pay the costs of developing or implementing a criminal justice information integration plan as described in Minnesota Statutes, section 299C.65, subdivisions 5, 6, and 7;

(3) \$100,000 is for Ramsey county and the sentencing guidelines commission to establish a pilot project in Ramsey county to use the statewide statute table to insure accurate and uniform charging on criminal complaints; and

(4) \$3,512,000 is to be transferred to the supreme court to begin redevelopment of the court information system to be used by all counties to integrate court information with other criminal justice information. This money may not be used by the supreme court for any purpose other than this.

(b) Upon approval of the policy group, the commissioner may use up to 7.5 percent of the amount appropriated in paragraph (a), clause (1), to implement this section.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 6 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to criminal justice information systems technology; changing the membership of the criminal and juvenile justice information policy group; creating a data group to assist the policy group; authorizing the purchase and distribution of criminal justice technology infrastructure improvements; requiring reports; appropriating money; amending Minnesota Statutes 1998, section 299C.65, subdivision 1, and by adding subdivisions; Minnesota Statutes 1999 Supplement, section 299C.65, 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.

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

S.F. No. 2302: A bill for an act relating to crime prevention; adding definitions to the criminal vehicular operation law; amending Minnesota Statutes 1998, section 609.21, subdivision 5.

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

Page 1, after line 23, insert:

"Sec. 2. [PUBLIC AWARENESS CAMPAIGN.]

The commissioner of public safety shall conduct a campaign to increase public awareness about the dangers involved in using trailers attached to motor vehicles, the importance of properly attaching and maintaining the trailers, and the criminal penalties addressing the failure to do this."

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring a public awareness campaign;"

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

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

S.F. No. 3016: A bill for an act relating to family law; changing certain child support enforcement provisions; amending Minnesota Statutes 1998, sections 256.979, by adding a subdivision; 518.64, subdivision 5; 552.03; and 552.04, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Minnesota Statutes 1998, section 552.05, subdivisions 1, 2, 3, 6, 7, 8, and 9; Minnesota Statutes 1999 Supplement, section 552.05, subdivisions 4, 5, and 10; Minnesota Rules, parts 9500.1800; 9500.1805; 9500.1810; 9500.1811; 9500.1812; 9500.1815; 9500.1817; 9500.1820; and 9500.1821.

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 1999 Supplement, section 13B.06, subdivision 1, is amended to read:

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

(a) "Account" means a demand deposit account, checking or negotiable withdraw order account, savings account, time deposit account, or money market mutual fund.

(b) "Account information" means the type of account, the account number, whether the account is singly or jointly owned, and in the case of jointly owned accounts the name and address of the nonobligor account owner if available.

(c) "Financial institution" means any of the following that do business within the state:

(1) federal or state commercial banks and federal or state savings banks, including savings and loan associations and cooperative banks;

(2) federal and state chartered credit unions;

(3) benefit associations;

(4) life insurance companies;

(5) safe deposit companies; and

(6) money market mutual funds.

(d) "Obligor" means an individual who is in arrears in court-ordered child support or maintenance payments, or both, in an amount equal to or greater than three times the obligor's total monthly support and maintenance payments, ~~and is not in compliance with a written payment agreement regarding both current support and arrearages approved by the court, a child support magistrate, or the public authority.~~

(e) "Public authority" means the public authority responsible for child support enforcement.

Sec. 2. Minnesota Statutes 1998, section 256.979, is amended by adding a subdivision to read:

Subd. 11. [FEDERAL CHILD SUPPORT INCENTIVES.] (a) The commissioner of human services shall distribute to the counties the earned federal child support incentive payments using the methodology specified in Title IV-D of the Social Security Act and applicable federal regulations for earning federal incentives by the states except for the paternity portion of the incentive. The commissioner shall distribute the federal paternity incentive earned using the IV-D paternity establishment percentage. The commissioner shall follow the federal transition plans in distributing the incentives to the counties. The commissioner shall distribute to the county child support agency estimated federal incentive payments within 60 days after the end of each calendar quarter. The commissioner shall issue actual federal incentive payments to the county agency within 60 days of receiving the final federal incentive grant award from the federal agency.

(b) The county child support agency shall reinvest incentive funds disbursed under this section in the county child support enforcement program. These funds may not be used by a county to reduce funding of the child support enforcement program by the amount of the incentive earned below the base amount allowed under the applicable federal regulations. The county agency shall maintain a record of incentives earned and expended according to a procedure approved by the commissioner. The county agency shall repay any incentive erroneously issued.

Sec. 3. [518.5854] [ARREARAGE NOTICE.]

The commissioner of human services shall develop an arrearage notice to be sent to an obligor under this section. The notice must:

- (1) specify the enforcement remedies that may be implemented against the obligor;
- (2) inform the obligor of the option to petition the court for a modification or reduction of support under certain circumstances; and
- (3) encourage the obligor to contact the public authority to discuss options for addressing the obligor's child support obligations.

The public authority shall send the notice to the obligor when the obligor becomes in arrears in court-ordered child support or maintenance payments, or both, in an amount equal to or greater than two times the obligor's total monthly support and maintenance payments.

Only one notice is required under this section, even if the obligor continues to be in arrears.

Sec. 4. Minnesota Statutes 1998, section 518.64, subdivision 5, is amended to read:

Subd. 5. [FORM.] The department of human services state court administrator's office shall prepare and make available to courts court administrators, obligors and persons to whom child support is owed a form to be submitted by the obligor or the person to whom child support is owed in support of a motion for a modification of an order for support or maintenance or for contempt of court.

Sec. 5. Minnesota Statutes 1998, section 518.68, subdivision 2, is amended to read:

Subd. 2. [CONTENTS.] The required notices must be substantially as follows:

IMPORTANT NOTICE

1. PAYMENTS TO PUBLIC AGENCY

According to Minnesota Statutes, section 518.551, subdivision 1, payments ordered for maintenance and support must be paid to the public agency responsible for child support enforcement as long as the person entitled to receive the payments is receiving or has applied for public assistance or has applied for support and maintenance collection services. MAIL PAYMENTS TO:

2. DEPRIVING ANOTHER OF CUSTODIAL OR PARENTAL RIGHTS -- A FELONY

A person may be charged with a felony who conceals a minor child or takes, obtains, retains, or fails to return a minor child from or to the child's parent (or person with custodial or visitation rights), according to Minnesota Statutes, section 609.26. A copy of that section is available from any district court clerk.

3. RULES OF SUPPORT, MAINTENANCE, VISITATION

(a) Payment of support or spousal maintenance is to be as ordered, and the giving of gifts or making purchases of food, clothing, and the like will not fulfill the obligation.

(b) Payment of support must be made as it becomes due, and failure to secure or denial of rights of visitation is NOT an excuse for nonpayment, but the aggrieved party must seek relief through a proper motion filed with the court.

(c) Nonpayment of support is not grounds to deny visitation. The party entitled to receive support may apply for support and collection services, file a contempt motion, or obtain a judgment as provided in Minnesota Statutes, section 548.091.

(d) The payment of support or spousal maintenance takes priority over payment of debts and other obligations.

(e) A party who accepts additional obligations of support does so with the full knowledge of the party's prior obligation under this proceeding.

(f) Child support or maintenance is based on annual income, and it is the responsibility of a person with seasonal employment to budget income so that payments are made throughout the year as ordered.

(g) If there the obligor is a layoff laid off from employment or receives a pay reduction, support may be reduced as of the time of the layoff or pay reduction, but only if a motion to reduce the support is served and filed with the court at that time, but. Any such reduction must be will take effect only if ordered by the court and may only relate back to the time that the motion is filed. If a motion is not filed, the support obligation will continue at the current level. The court is not permitted to reduce support retroactively, except as provided in Minnesota Statutes, section 518.64, subdivision 2, paragraph (c).

(h) Reasonable visitation guidelines are contained in Appendix B, which is available from the court administrator.

(i) The nonpayment of support may be enforced through the denial of student grants; interception of state and federal tax returns; suspension of driver's, recreational, and occupational licenses; referral to the department of revenue or private collection agencies; seizure of assets, including bank accounts and other assets held by financial institutions; reporting to credit bureaus; interest charging, income withholding, and contempt proceedings; and other enforcement methods allowed by law.

4. PARENTAL RIGHTS FROM MINNESOTA STATUTES, SECTION 518.17, SUBDIVISION 3

Unless otherwise provided by the Court:

(a) Each party has the right of access to, and to receive copies of, school, medical, dental, religious training, and other important records and information about the minor children. Each party has the right of access to information regarding health or dental insurance available to the minor children. Presentation of a copy of this order to the custodian of a record or other information about the minor children constitutes sufficient authorization for the release of the record or information to the requesting party.

(b) Each party shall keep the other informed as to the name and address of the school of attendance of the minor children. Each party has the right to be informed by school officials

about the children's welfare, educational progress and status, and to attend school and parent teacher conferences. The school is not required to hold a separate conference for each party.

(c) In case of an accident or serious illness of a minor child, each party shall notify the other party of the accident or illness, and the name of the health care provider and the place of treatment.

(d) Each party has the right of reasonable access and telephone contact with the minor children.

5. WAGE AND INCOME DEDUCTION OF SUPPORT AND MAINTENANCE

Child support and/or spousal maintenance may be withheld from income, with or without notice to the person obligated to pay, when the conditions of Minnesota Statutes, section 518.6111 have been met. A copy of those sections is available from any district court clerk.

6. CHANGE OF ADDRESS OR RESIDENCE

Unless otherwise ordered, each party shall notify the other party, the court, and the public authority responsible for collection, if applicable, of the following information within ten days of any change: the residential and mailing address, telephone number, driver's license number, social security number, and name, address, and telephone number of the employer.

7. COST OF LIVING INCREASE OF SUPPORT AND MAINTENANCE

Child support and/or spousal maintenance may be adjusted every two years based upon a change in the cost of living (using Department of Labor Consumer Price Index, unless otherwise specified in this order) when the conditions of Minnesota Statutes, section 518.641, are met. Cost of living increases are compounded. A copy of Minnesota Statutes, section 518.641, and forms necessary to request or contest a cost of living increase are available from any district court clerk.

8. JUDGMENTS FOR UNPAID SUPPORT

If a person fails to make a child support payment, the payment owed becomes a judgment against the person responsible to make the payment by operation of law on or after the date the payment is due, and the person entitled to receive the payment or the public agency may obtain entry and docketing of the judgment WITHOUT NOTICE to the person responsible to make the payment under Minnesota Statutes, section 548.091. Interest begins to accrue on a payment or installment of child support whenever the unpaid amount due is greater than the current support due, according to Minnesota Statutes, section 548.091, subdivision 1a.

9. JUDGMENTS FOR UNPAID MAINTENANCE

A judgment for unpaid spousal maintenance may be entered when the conditions of Minnesota Statutes, section 548.091, are met. A copy of that section is available from any district court clerk.

10. ATTORNEY FEES AND COLLECTION COSTS FOR ENFORCEMENT OF CHILD SUPPORT

A judgment for attorney fees and other collection costs incurred in enforcing a child support order will be entered against the person responsible to pay support when the conditions of section 518.14, subdivision 2, are met. A copy of section 518.14 and forms necessary to request or contest these attorney fees and collection costs are available from any district court clerk.

11. VISITATION EXPEDITOR PROCESS

On request of either party or on its own motion, the court may appoint a visitation expeditor to resolve visitation disputes under Minnesota Statutes, section 518.1751. A copy of that section and a description of the expeditor process is available from any district court clerk.

12. VISITATION REMEDIES AND PENALTIES

Remedies and penalties for the wrongful denial of visitation rights are available under

Minnesota Statutes, section 518.175, subdivision 6. These include compensatory visitation; civil penalties; bond requirements; contempt; and reversal of custody. A copy of that subdivision and forms for requesting relief are available from any district court clerk.

Sec. 6. Minnesota Statutes 1998, section 552.01, subdivision 3, is amended to read:

Subd. 3. [JUDGMENT DEBTOR.] "Judgment debtor" means a party an obligor against whom the public authority has a judgment for the recovery of money owed pursuant to a support order as defined in section 518.54.

Sec. 7. Minnesota Statutes 1998, section 552.01, is amended by adding a subdivision to read:

Subd. 7. [JUDGMENT.] "Judgment" means a child support judgment by operation of law under section 548.091, subdivision 1a, or under a proceeding under section 548.091, subdivision 2a.

Sec. 8. Minnesota Statutes 1998, section 552.03, is amended to read:

552.03 [SCOPE OF GENERAL AND SPECIFIC PROVISIONS.]

General provisions relating to the public authority's summary execution as authorized in this chapter are set forth in section 552.04. Specific provisions relating to summary execution on funds at a financial institution are set forth in section ~~552.05~~ 552.06. When the public authority levies against funds at a financial institution, the specific provisions of section ~~552.05~~ 552.06 must be complied with in addition to the general provisions of section 552.04 that are not inconsistent with the specific provisions of section 552.06. Provisions contained in the statutory forms are incorporated in this chapter and have the same force of law as any other provisions in this chapter.

Sec. 9. Minnesota Statutes 1998, section 552.04, subdivision 4, is amended to read:

Subd. 4. [~~SERVICE OF THIRD PARTY LEVY; NOTICE AND DISCLOSURE FORMS.~~] When levying upon money owed to the judgment debtor by a third party, the public authority shall serve a copy of the notice of support judgment levy upon the third party either by registered or certified mail, by personal service, or by electronic transmission. Along with a copy of the notice of support judgment levy, the public authority shall serve upon the third party a notice of support judgment levy and disclosure form that must be substantially in the form set forth below.

OFFICE OF ADMINISTRATIVE HEARINGS DISTRICT COURT

File No.....

..... (Public authority)
against
..... (Judgment Debtor)
and
..... (Third Party)

NOTICE OF SUPPORT JUDGMENT
LEVY AND DISCLOSURE
(OTHER THAN EARNINGS)

PLEASE TAKE NOTICE that pursuant to Minnesota Statutes, chapters 518 and ~~522~~ 552, the undersigned, as representative of the public authority responsible for child support enforcement, makes demand and levies execution upon all money due and owing by you to the judgment debtor for the amount of the judgment specified below. A copy of the notice of support judgment levy is enclosed. The unpaid judgment balance is \$.....

In responding to this levy, you are to complete the attached disclosure form and mail it to the public authority, together with your check payable to the public authority, for the nonexempt amount owed by you to the judgment debtor or for which you are obligated to the judgment debtor, within the time limits in chapter 552.

Public Authority
Address
(.....)
Phone number

DISCLOSURE

On the ... day of,, the time of service of the execution levy herein, there was due and owing the judgment debtor from the third party the following:

(1) Money. Enter on the line below any amounts due and owing the judgment debtor, except earnings, from the third party.

.....

(2) Setoff. Enter on the line below the amount of any setoff, defense, lien, or claim which the third party claims against the amount set forth on line (1). State the facts by which the setoff, defense, lien, or claim is claimed. (Any indebtedness to you incurred by the judgment debtor within ten days prior to the receipt of the first execution levy on a debt may not be claimed as a setoff, defense, lien, or claim against the amount set forth on line (1).)

.....

(3) Exemption. Financial institutions shall not complete this line. Enter on the line below any amounts or property claimed by the judgment debtor to be exempt from execution.

.....

(4) Adverse Interest. Enter on the line below any amounts claimed by other persons by reason of ownership or interest in the judgment debtor's property.

.....

(5) Enter on the line below the total of lines (2), (3), and (4).

.....

(6) Enter on the line below the difference obtained (never less than zero when line (5) is subtracted from the amount on line (1)).

.....

(7) Enter on the line below 100 percent of the amount of the public authority's claim which remains unpaid.

.....

(8) Enter on the line below the lesser of line (6) and line (7). You are instructed to remit this amount only if it is \$10 or more.

.....

AFFIRMATION

I, (person signing Affirmation), am the third party or I am authorized by the third party to complete this nonearnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated:.....

Signature

.....

Title

.....

Telephone Number

Sec. 10. Minnesota Statutes 1998, section 552.04, subdivision 6, is amended to read:

Subd. 6. [ORAL DISCLOSURE.] Before or after the service of a written disclosure by a third party under subdivision 5, upon a showing by affidavit upon information and belief that an oral

examination of the third party would provide a complete disclosure of relevant facts, any party to the execution proceedings may obtain an ex parte order requiring the third party, or a representative of the third party designated by name or by title, to appear for oral examination before the court or a referee appointed by the court. Notice of the examination must be given to all parties. This subdivision does not apply to financial institutions complying with section 552.06.

Sec. 11. Minnesota Statutes 1998, section 552.04, subdivision 11, is amended to read:

Subd. 11. [BAD FAITH CLAIM.] If, in a proceeding ~~brought under section 552.05, subdivision 9, or a similar proceeding under this chapter~~ to determine a claim of exemption, the claim of exemption is not upheld, and the court finds that it was asserted in bad faith, the public authority shall be awarded actual damages, costs, reasonable attorney's fees resulting from the additional proceedings, and an amount not to exceed \$100. If the claim of exemption is upheld, and the court finds that the public authority disregarded the claim of exemption in bad faith, the judgment debtor shall be awarded actual damages, costs, reasonable attorney's fees resulting from the additional proceedings, and an amount not to exceed \$100. If the exemption claim of the judgment debtor is found to be in bad faith, the underlying judgment shall be modified to reflect assessment of damages, costs, and attorney's fees. However, if the party in whose favor a penalty assessment is made is not actually indebted to that party's attorney for fees, the attorney's fee award shall be made directly to the attorney, and if not paid, an appropriate judgment in favor of the attorney shall be entered. Any action by a public authority made in bad faith and in violation of this chapter renders the execution levy void and the public authority liable to the judgment debtor named in the execution levy in the amount of \$100, actual damages, and reasonable attorney's fees and costs.

Sec. 12. Minnesota Statutes 1998, section 552.04, subdivision 16, is amended to read:

Subd. 16. [PRIORITY OF LEVY.] Notwithstanding section 52.12, a levy by the public authority made under this section on ~~an obligor's~~ a judgment debtor's funds on deposit in a financial institution located in this state has priority over any unexercised right of setoff of the financial institution to apply the levied funds toward the balance of an outstanding loan or loans owed by the obligor judgment debtor to the financial institution. A claim by the financial institution that it exercised its right to setoff prior to the levy by the public authority must be substantiated by evidence of the date of the setoff and must be verified by the sworn statement of a responsible corporate officer of the financial institution. For purposes of determining the priority of a levy made under this section, the levy must be treated as if it were an execution made under chapter 550.

Sec. 13. [552.06] [SUMMARY EXECUTION OF SUPPORT JUDGMENT UPON FUNDS AT A FINANCIAL INSTITUTION.]

Subdivision 1. [COMMENCEMENT OF SUMMARY EXECUTION.] (a) This section applies to a judgment debtor who is in arrears in court-ordered support payments in an amount equal to or greater than three times the judgment debtor's total support order.

(b) Section 518.5513 applies to this section, except if it conflicts with the specific provisions of this section, this section applies.

(c) Time frames set out in the rules of civil procedure that are inconsistent with this section do not apply to this section.

(d) The public authority may not proceed with a summary execution of support judgment proceeding:

(1) if the judgment debtor is in compliance with a previously executed written payment agreement approved by the public authority or the court; and

(2) until after the judgment has been submitted for federal or state tax intercept.

(e) Upon receipt of information under section 13B.06 that a judgment debtor holds an account at the financial institution, the public authority may send the financial institution a notice of support judgment levy.

(f) The support judgment levy and accompanied documentation must contain the name of the judgment debtor, the judgment debtor's social security number, any necessary verifying information, the amount of the judgment, and the procedures necessary for the financial institution to process the notice of support judgment levy and complete the disclosure form.

(g) Notice of support judgment levy under this section commences without notice to the judgment debtor and without the need for prior judicial notice or hearing.

(h) Within five calendar days after the public authority sends the notice of support judgment levy to the financial institution, the public authority shall send the judgment debtor a copy of the notice of support judgment levy by first class mail at the judgment debtor's last known address. In addition to the copy of the notice of support judgment levy, information must be provided that describes the exemptions a judgment debtor may claim and the form and procedure for claiming an exemption, the informal resolution process, the responsibilities of the judgment debtor, and the procedure and time frames to contest the levy.

Subd. 2. [RESPONSIBILITIES OF THE FINANCIAL INSTITUTION.] (a) Upon receipt by the financial institution of a notice of support judgment levy, the financial institution shall seize all funds up to and including the amount contained in the notice from the judgment debtor's account.

(b) Forty-five days after receiving the levy, the financial institution shall complete the notice of support judgment levy and disclosure form, and forward it together with the amount indicated on line 8 of the disclosure form, to the public authority at the address indicated in the notice of support judgment levy.

(c) When the judgment debtor and the public authority informally resolve a dispute under subdivision 3 and the public authority sends a notice of release to the financial institution, the financial institution shall release seized funds in accordance with the notice of release.

(d) If the financial institution receives notice of a contest of the summary execution of support judgment, the financial institution shall continue to hold the funds during the period of contest inclusive of any applicable appeal period and, upon receipt of notice to release from the public authority, shall send the lesser of the amount indicated in the notice of release, or the amount indicated on line 8 of the notice of support judgment levy and disclosure form.

(e) If a judgment debtor has multiple accounts within the financial institution, the financial institution shall seize funds in as many accounts of the judgment debtor as is necessary to equal the amount contained in the notice of support judgment levy.

(f) A financial institution that receives more than one notice of support judgment levy under this section shall withhold sufficient funds to satisfy all notices of support judgment levy, if possible.

(g) The Consumer Credit Protection Act, title 15 of the United States Code, section 1673(b), does not apply to funds withheld by a financial institution under this section.

(h) The public authority shall pay a fee of \$15 per levy to the financial institution. Financial institutions and the commissioner of human services shall establish procedures to automate the payment of this fee to the maximum extent possible. The fee may be recovered by the public authority from the judgment debtor as an allowable cost.

(i) No financial institution is liable for damages for complying with this section. The financial institution may rely on the date of mailing or delivery of a notice to it in computing any time periods in this section.

Subd. 3. [INFORMAL RESOLUTIONS OF DISPUTES.] (a) After the judgment debtor receives a notice of support judgment levy, the judgment debtor may contact the public authority with information regarding a mistake of fact or claim of exemption. In the event the matter is resolved, the public authority shall contact the financial institution and forward to the financial institution a notice of release regarding the appropriate transfer of funds and send a copy to the judgment debtor.

(b) Contact by the judgment debtor under this subdivision does not constitute a contest to the levy under subdivision 5. The time frame to contest the support judgment levy under subdivision 5 is not stayed while the judgment debtor contacts the public authority. The judgment debtor may contest the levy under subdivision 5.

Subd. 4. [RESPONSIBILITIES OF THE PUBLIC AUTHORITY] (a) If a judgment debtor serves the public authority with a notice of motion and motion under subdivision 5, the public authority shall immediately notify:

(1) the financial institution, directing the financial institution to continue holding the funds pending resolution of the matter; and

(2) the obligee, by mailing by first class mail a copy of the notice of motion and motion.

(b) Upon final resolution of the matter, including the applicable appeal times, the public authority shall forward to the financial institution a notice of release regarding the appropriate transfer of funds.

(c) Funds received by the public authority must be applied to the judgment identified in the support judgment levy notice in compliance with federal regulations.

(d) In the event that multiple notices result in an amount of seized funds that is insufficient to satisfy all of the support judgment levies, the public authority shall distribute funds to satisfy each support judgment levy in the order in which they were sent to the financial institution.

Subd. 5. [EXEMPTION AND CONTEST.] (a) [PROCESS TO CLAIM EXEMPTION.] If the judgment debtor elects to claim an exemption, the judgment debtor shall complete the applicable portion of the exemption form, sign it under penalty of perjury, and deliver one copy to the public authority within ten calendar days of the date postmarked on the correspondence mailed to the judgment debtor. Failure of the judgment debtor to deliver the executed exemption does not constitute a waiver of any claimed right to an exemption. Upon timely receipt of a claim of exemption by the public authority, funds not claimed to be exempt by the judgment debtor remain subject to the support judgment levy. If a claim of exemption is resolved informally, the public authority shall proceed according to subdivision 3.

(b) [PROCESS TO CONTEST.] (1) The judgment debtor may contest a support judgment levy on the limited grounds that the seizure or the amount seized is improper due to mistake of fact or that the funds held in the account are exempt from levy for child support purposes under state or federal law.

(2) If the judgment debtor chooses to contest the withholding, within 30 calendar days of notice of support judgment levy, the debtor shall:

(i) file a motion with the court administrator, including in the motion the alleged mistake of fact or the basis for any claim that the funds are exempted from withholding;

(ii) obtain a hearing date from the court administrator; and

(iii) serve the public authority, either personally or by fax, with a copy of the notice of motion and motion no later than two business days after obtaining a hearing date.

(c) [HEARING.] The hearing date shall be set at the earliest practicable time, but the matter must be heard no later than ten calendar days from the date a request for hearing is made. The court administrator shall schedule these matters to be heard in the expedited process before a child support magistrate, but may schedule these cases in district court if the availability of child support magistrate does not permit a hearing to occur within the time frames of this section.

Subd. 6. [FORM.] The state court administrator's office shall prepare and make available to the court administrators and judgment debtors a form to be submitted by the judgment debtor in support of a motion to contest the support judgment levy under this section.

Sec. 14. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall change references to Minnesota Statutes, section 552.05, in the next edition of Minnesota Statutes to Minnesota Statutes, section 552.06.

Sec. 15. [REPEALER.]

(a) Minnesota Statutes 1998, section 552.05, subdivisions 1, 2, 3, 6, 7, 8, and 9, are repealed.

(b) Minnesota Statutes 1999 Supplement, section 552.05, subdivisions 4, 5, and 10, are repealed.

(c) Minnesota Rules, parts 9500.1800; 9500.1805; 9500.1810; 9500.1811; 9500.1812; 9500.1815; 9500.1817; 9500.1820; and 9500.1821, are repealed effective October 1, 2001."

Delete the title and insert:

"A bill for an act relating to family law; changing certain child support enforcement provisions; providing for notices; giving child support debts a priority over state taxes in the Revenue Recapture Act; amending Minnesota Statutes 1998, sections 256.979, by adding a subdivision; 518.64, subdivision 5; 518.68, subdivision 2; 552.01, subdivision 3, and by adding a subdivision; 552.03; and 552.04, subdivisions 4, 6, 11, and 16; amending Minnesota Statutes 1999 Supplement, section 13B.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 518 and 552; repealing Minnesota Statutes 1998, section 552.05, subdivisions 1, 2, 3, 6, 7, 8, and 9; Minnesota Statutes 1999 Supplement, section 552.05, subdivisions 4, 5, and 10; Minnesota Rules, parts 9500.1800; 9500.1805; 9500.1810; 9500.1811; 9500.1812; 9500.1815; 9500.1817; 9500.1820; and 9500.1821."

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

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

S.F. No. 1495: A bill for an act relating to commerce; enacting revised article 9 of the Uniform Commercial Code as adopted by the National Conference of Commissioners on Uniform State Laws; amending Minnesota Statutes 1998, sections 336.1-105; 336.1-201; 336.2-103; 336.2-210; 336.2-326; 336.2-502; 336.2-716; 336.2A-103; 336.2A-303; 336.2A-307; 336.2A-309; 336.4-210; 336.7-503; 336.8-103; 336.8-106; 336.8-110; 336.8-301; 336.8-302; and 336.8-510; proposing coding for new law in Minnesota Statutes, chapter 336.

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

Page 4, line 7, delete "or" and insert "a security interest in specific goods and license of software used in the goods," and delete the period and insert ", or a lease of specific goods and license of software used in the goods. In this paragraph, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods."

Page 4, line 8, after "include" insert "(i)"

Page 4, line 9, before the period, insert "or (ii) records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card" and delete "both" and after "by" insert "records that include"

Page 4, line 10, delete everything before "an"

Page 7, line 33, delete "336.9-526" and insert "138"

Page 11, line 20, before "means" insert ", except as used in section 336.9-310(c),"

Page 12, line 14, before "means" insert ", except as used in section 336.9-609(b),"

Page 19, line 1, before "account" insert "deposit"

Page 33, line 28, delete "security"

Page 44, line 35, after "collateral" insert "subject to a statute specified in subsection (a)(2)"

Page 45, line 1, delete "or leasing"

Page 45, line 3, delete "as debtor"

Page 47, line 9, delete "(d)" and insert "(e)"

Page 52, line 4, delete "INTERESTS" and insert "INTEREST"

Page 53, line 5, delete "UNPERFECTED"

Page 53, line 8, delete "An unperfected" and insert "A"

Page 53, delete lines 12 to 15 and insert:

"(2) except as otherwise provided in subsection (e), a person becomes a lien creditor before the earlier of the time:

(A) the security interest or agricultural lien is perfected; or

(B) one of the conditions specified in section 336.9-203(b)(3) is met and a financing statement covering the collateral is filed."

Page 58, line 31, delete "while the security"

Page 58, line 32, delete everything before "to" and delete "it" and insert "the security interest"

Page 58, line 33, delete "advances" and insert "an advance"

Page 67, line 15, delete "an" and insert "a"

Page 67, line 16, delete "adverse"

Page 70, line 4, delete "SUBSECTION (F)" and insert "PARAGRAPH (F)(2)"

Page 70, line 5, delete "subsection (f)" and insert "paragraph (f)(2)"

Page 70, delete lines 27 and 28 and insert:

"(1) section 557.12; and

(2) section 559.2091."

Page 72, line 16, after "to" insert "the"

Page 78, line 28, delete "general" and insert "payment"

Page 79, lines 14 and 36, after "the" insert "assignment or transfer or the"

Page 80, delete lines 15 to 22

Page 80, line 30, after the second "the" insert "assignment or transfer of, or the"

Page 80, line 31, after "in" insert a comma

Page 80, line 34, after "the" insert "assignment or transfer or the"

Page 82, lines 2 and 24, after "the" insert "assignment or transfer or the"

Page 83, delete lines 24 to 28

Page 84, line 6, after "the" insert "assignment or the"

Page 85, lines 8 and 15, after the first "the" insert "central filing system operated by the"

Page 88, line 1, delete "only"

Page 90, line 36, before the semicolon, insert "or pursuant to subsection (b) or (c)"

Page 94, line 24, after the period, insert "Except as otherwise provided in section 336.9-510, for purposes of sections 336.9-519(g), 336.9-522(a), and 336.9-523(c), the filing with the filing office of a termination statement relating to a filing statement that indicates that the debtor is a transmitting utility also causes the effectiveness of the financing statement to lapse."

Page 99, lines 26 and 27, delete "January 1, 2002" and insert "July 1, 2001"

Page 101, after line 11, insert:

"(i) [INAPPLICABILITY TO REAL PROPERTY-RELATED FILING OFFICE.] Subsections (b) and (h) do not apply to a filing office described in section 336.9-501(a)(1)."

Page 104, line 21, delete "INITIAL FINANCING STATEMENT" and insert "FILING"

Page 104, line 24, delete "section" and insert "subsection (b)"

Page 104, line 25, delete "336.9-502(c)" and delete everything after "is" and insert "\$20."

Page 104, delete lines 26 to 32

Page 104, line 33, delete "SECTION" and insert "PUBLIC-FINANCE AND MANUFACTURED HOUSING TRANSACTIONS"

Page 104, line 34, delete "336.9-502(C)"

Page 104, line 36, before "kind" insert "following" and delete "described in section 336.9-502(c)" and delete "the amount" and insert "\$20."

Page 105, delete lines 1 to 5

Page 105, line 12, delete the colon and insert "\$20."

Page 105, delete lines 13 to 15

Pages 105 and 106, delete section 97

Page 106, line 10, delete "Sec. 98. [336.9-527]" and insert "Sec. 97. [336.9-526]"

Page 106, line 13, delete everything after the period

Page 106, delete lines 14 to 22 and insert:

"Sec. 98. [336.9-527] [SATELLITE OFFICES AUTHORIZED.]

The secretary of state may establish satellite offices by written agreements with public officials within the state for the purpose of meeting the filing officer responsibilities described in sections 336.9-528 to 336.9-530. The term of the agreement must be set by, and may be renewed by, mutual agreement. The agreement may be terminated upon 60 days' notice. The secretary must maintain a list of those public officials authorized to act as satellite offices. The secretary of state must make this list available in an electronic format and the list must be updated at least monthly.

Sec. 99. [336.9-528] [FILING; ASSIGNMENT OF FILING INFORMATION AT SATELLITE OFFICES.]

Satellite offices shall accept Uniform Commercial Code documents and respond to requests for information pursuant to the provisions of sections 336.9-101 to 336.9-708. A filing made at a

satellite office is filed and effective at the same time and under the same rules provided for filing in any other manner in the Uniform Commercial Code information system. The filing date, time, and file number for any Uniform Commercial Code document accepted at a satellite office must be automatically assigned by the Uniform Commercial Code information management system operated by the secretary of state, and the file number must be the next available file number in the Uniform Commercial Code information management system.

Sec. 100. [336.9-529] [MAINTENANCE AND RETRIEVAL OF DOCUMENTS AND DATA.]

The secretary of state shall maintain all Uniform Commercial Code documents and the database used to index them regardless of where or how the Uniform Commercial Code document was filed. The Uniform Commercial Code documents and database must be housed in the Uniform Commercial Code information management system. Uniform Commercial Code documents and data shall be available from the secretary of state or any satellite office. The secretary of state shall arrange by mutual agreement with county recorders for the storage and retrieval of existing Uniform Commercial Code documents.

Any filing office within the Uniform Commercial Code information management system may respond to requests for information, and the secretary of state shall establish and administer a system to facilitate those responses.

Sec. 101. [336.9-530] [SATELLITE OFFICES; UNIFORMITY OF SERVICES ASSURED.]

Subdivision 1. [PERFORMANCE STANDARDS.] All filing officers must perform the responsibilities in sections 336.9-501 to 336.9-530 and rules adopted under section 138 in a uniform manner, whether services are provided by the secretary of state or at a satellite office location. Reports by citizens describing concerns with performance of filing officer responsibilities must be made to the secretary of state. The secretary of state is responsible for responding to reports about performance in a manner the secretary of state determines is appropriate.

Subd. 2. [FAILURE TO MEET PERFORMANCE STANDARDS.] If, upon investigation of citizen reports described in subdivision 1, the secretary of state determines that performance by a satellite office of the filing officer responsibilities has been so unsatisfactory that customer service has been severely impaired, the secretary of state must terminate the satellite office's status and ability to perform filing office responsibilities. If a satellite office's ability to perform filing office responsibilities is terminated by the secretary of state, the change in status must be posted in the former satellite office and must also be publicly posted in the county courthouse in the county in which the former satellite office is located and must be made available in an electronic format."

Page 112, line 18, delete "this"

Page 112, line 19, after "section" insert "336.9-607"

Page 113, line 4, delete "this" and after "section" insert "336.9-607"

Page 117, line 5, delete "sale" and insert "disposition"

Page 120, line 7, before "in" insert "under section 336.9-610"

Page 121, line 2, delete "this" and after "section" insert "336.9-610"

Page 130, line 36, delete "with a request"

Page 131, line 1, delete everything before "may"

Page 132, line 18, after the first "the" insert "list or"

Page 134, line 27, delete "TO DEBTOR OR OBLIGOR" and insert "OF SECURED PARTY FOR NONCOMPLIANCE WITH ARTICLE"

Page 134, line 36, delete everything after "LIABILITY"

Page 135, line 1, delete everything before the period and insert "BASED ON STATUS AS SECURED PARTY"

Page 136, line 7, delete "336.9-708" and insert "336.9-709"

Page 139, line 3, after "than" insert "the"

Page 140, after line 10, insert:

"Sec. 136. [336.9-707] [AMENDMENT OF PRE-EFFECTIVE DATE FINANCING STATEMENT.]

(a) [PRE-EFFECTIVE DATE FINANCING STATEMENT.] In this section, "pre-effective date financing statement" means a financing statement filed before this act takes effect.

(b) [APPLICABLE LAW.] After this act takes effect, a person may add or delete collateral covered by, continue or terminate the effectiveness of, or otherwise amend the information provided in, a pre-effective date financing statement only in accordance with the law of the jurisdiction governing perfection as provided in Part 3. However, the effectiveness of a pre-effective date financing statement also may be terminated in accordance with the law of the jurisdiction in which the financing statement is filed.

(c) [METHOD OF AMENDING: GENERAL RULE.] Except as otherwise provided in subsection (d), if the law of this state governs perfection of a security interest, the information in a pre-effective date financing statement may be amended after this act takes effect only if:

(1) the pre-effective date financing statement and an amendment are filed in the office specified in section 336.9-501;

(2) an amendment is filed in the office specified in section 336.9-501 concurrently with, or after the filing in that office of, an initial financing statement that satisfies section 336.9-706(c); or

(3) an initial financing statement that provides the information as amended and satisfies section 336.9-706(c) is filed in the office specified in section 336.9-501.

(d) [METHOD OF AMENDING: CONTINUATION.] If the law of this state governs perfection of a security interest, the effectiveness of a pre-effective date financing statement may be continued only under section 336.9-705(d) and (f) or 336.9-706.

(e) [METHOD OF AMENDING: ADDITIONAL TERMINATION RULE.] Whether or not the law of this state governs perfection of a security interest, the effectiveness of a pre-effective date financing statement filed in this state may be terminated after this act takes effect by filing a termination statement in the office in which the pre-effective date financing statement is filed, unless an initial financing statement that satisfies section 336.9-706(c) has been filed in the office specified by the law of the jurisdiction governing perfection as provided in Part 3 as the office in which to file a financing statement."

Page 140, line 11, delete "[336.9-707]" and insert "[336.9-708]"

Page 140, line 21, delete "[336.9-708]" and insert "[336.9-709]"

Page 140, after line 35, insert:

"Sec. 139. [SATELLITE OFFICES; EXEMPT RULEMAKING.]

The secretary of state shall adopt rules governing the establishment and operation of satellite offices under Minnesota Statutes, sections 336.9-527 to 336.9-530, by July 1, 2000.

The rules are exempt from the rulemaking provisions of Minnesota Statutes, chapter 14, but must be adopted under Minnesota Statutes, section 14.386. Notwithstanding Minnesota Statutes, section 14.386, paragraph (b), the rules remain in effect until otherwise amended or repealed.

The authority to adopt rules under this section expires on the date the rules are effective. The expiration of this authority does not affect the validity of the rules adopted under it.

This section is effective the day following final enactment.

Sec. 140. [APPROPRIATION.]

\$...... is appropriated from the general fund to the secretary of state for purposes of constructing and maintaining the central filing system created by this act.

Sec. 141. [REPEALER.]

Minnesota Statutes 1998, sections 336.9-101; 336.9-102; 336.9-103; 336.9-104; 336.9-105; 336.9-106; 336.9-107; 336.9-108; 336.9-109; 336.9-110; 336.9-112; 336.9-113; 336.9-114; 336.9-115; 336.9-116; 336.9-201; 336.9-202; 336.9-204; 336.9-205; 336.9-206; 336.9-207; 336.9-208; 336.9-301; 336.9-302; 336.9-303; 336.9-304; 336.9-305; 336.9-306; 336.9-307; 336.9-308; 336.9-309; 336.9-310; 336.9-311; 336.9-312; 336.9-313; 336.9-314; 335.9-315; 336.9-316; 336.9-317; 336.9-318; 336.9-403; 336.9-404; 336.9-405; 336.9-406; 336.9-407; 336.9-408; 336.9-410; 336.9-412; 336.9-413; 336.9-501; 336.9-502; 336.9-503; 336.9-504; 336.9-505; 336.9-506; 336.9-507; and 336.9-508; and Minnesota Statutes 1999 Supplement, sections 336.9-203; 336.9-401; 336.9-402; and 336.9-411, are repealed."

Page 141, line 30, before the period, insert "and agricultural liens"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "appropriating money;"

Page 1, line 11, before the period, insert "; repealing Minnesota Statutes 1998, sections 336.9-101; 336.9-102; 336.9-103; 336.9-104; 336.9-105; 336.9-106; 336.9-107; 336.9-108; 336.9-109; 336.9-110; 336.9-112; 336.9-113; 336.9-114; 336.9-115; 336.9-116; 336.9-201; 336.9-202; 336.9-204; 336.9-205; 336.9-206; 336.9-207; 336.9-208; 336.9-301; 336.9-302; 336.9-303; 336.9-304; 336.9-305; 336.9-306; 336.9-307; 336.9-308; 336.9-309; 336.9-310; 336.9-311; 336.9-312; 336.9-313; 336.9-314; 335.9-315; 336.9-316; 336.9-317; 336.9-318; 336.9-403; 336.9-404; 336.9-405; 336.9-406; 336.9-407; 336.9-408; 336.9-410; 336.9-412; 336.9-413; 336.9-501; 336.9-502; 336.9-503; 336.9-504; 336.9-505; 336.9-506; 336.9-507; and 336.9-508; and Minnesota Statutes 1999 Supplement, sections 336.9-203; 336.9-401; 336.9-402; and 336.9-411"

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

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

H.F. No. 3338 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

| GENERAL ORDERS | | CONSENT CALENDAR | | CALENDAR | |
|-----------------------|----------|-------------------------|----------|-----------------|----------|
| H.F. No. | S.F. No. | H.F. No. | S.F. No. | H.F. No. | S.F. No. |
| 3338 | 2907 | | | | |

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.

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

S.F. No. 3423: A bill for an act relating to insurance; establishing the Holocaust Victims Insurance Relief Act; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 60A.

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

Delete everything after the enacting clause and insert:

"Section 1. [60A.053] [HOLOCAUST VICTIMS RELIEF.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meaning given them in this subdivision unless the context clearly requires otherwise:

(a) "Holocaust survivor" or "Holocaust victim" means any person who was persecuted, imprisoned or liable to imprisonment, or had property taken or confiscated during the period of 1933 to 1945, inclusive, by Nazi Germany, its allies, or sympathizers based on that person's race, religion, ethnicity, physical or mental disability, sexual orientation, or similar class or group-based animus;

(b) "related company" means any parent, subsidiary, successor in interest, managing general agent, or other person or company affiliated directly or indirectly through ownership, control, common ownership or control, or other business or insurance relationship with another company or insurer;

(c) "insurer" means an entity holding a certificate of authority or license to conduct the business of insurance in this state, or whose contacts with this state satisfy the constitutional requirements for jurisdiction, that sold life, property, liability, health, annuities, dowry, educational, casualty, or any other insurance covering persons or property to persons in Europe at any time between 1933 and 1945, whether directly or through or as result of sales by a related company, or is itself a related company to any person, entity, or insurance company that sold such policies, whether the sale of the insurance occurred before or after becoming related;

(d) "proceeds" means the face or other payout value of policies and annuities plus reasonable interest to date of payments without diminution for wartime or immediate postwar currency devaluation legally due under any insurance policy issued by an insurer or any related company; and

(e) "international commission" means the international commission on Holocaust era insurance claims, referenced in and established under a memorandum of understanding originally dated April 8, 1998, between and among various state insurance regulators, various alien insurance companies, and worldwide Jewish groups, which commission held its first meeting in the state of New York on October 21, 1998, and any successor.

Subd. 2. [DUTIES.] (a) The commissioner shall assist Holocaust victims, their heirs, or their beneficiaries to settle and resolve claims and to recover proceeds from insurance policies that were improperly denied or processed.

(b) The commissioner may cooperate and exchange information with other states working on the Holocaust survivor insurance claims issue and with the international commission, and may enter into agreements whereby a single processing office may be established on behalf of, and to provide services to the residents of, several states.

Subd. 3. [HOLOCAUST INSURANCE COMPANY REGISTRY.] (a) To facilitate the work of the commissioner under this section, the commissioner shall establish and maintain a central registry to be known as the Holocaust insurance company registry, containing records and information relating to insurance policies, provided by insurers as required in subdivision 4. The commissioner shall establish standards and procedures to make the information in the registry available to the public to the extent necessary and appropriate to determine the existence of insurance policies and to identify beneficiaries, successors in interest, or other persons entitled to

the proceeds of the policies, and to enable persons to claim proceeds to which they may be entitled, while protecting the privacy of policyholders, their survivors, and their family members. All information received by the Holocaust insurance company registry from any insurer, related company, or foreign government or regulator is considered to be working papers or documents obtained in the course of an examination that may be treated as confidential under section 60A.031, subdivision 4, paragraph (f). To the extent necessary and appropriate to secure access to documents and information located in or subject to the jurisdiction of other states and countries, the commissioner may enter into agreements or provide assurances that any or all documents and information received from an entity regulated by or subject to the laws of such other state or country, or received from any agency of the government of any state or country, will be treated as confidential by the commissioner and will not be disclosed to any person except with the approval of the appropriate authority of the state or country or except as permitted or authorized by the laws of the state or country. Any such agreement is binding and enforceable. To the extent necessary and appropriate to secure access to documents and information from or in the possession of the international commission as to which the international commission has given assurances of confidentiality or privacy, the commissioner may enter into agreements or to provide assurances that the documents and information will be treated as confidential or protected as nonpublic by the commissioner and will not be disclosed to any person except with the approval of the international commission or as permitted by any agreement or assurances given by the international commission, and any such agreement or assurance is binding and enforceable.

(b) The commissioner may cooperate and exchange information with other states establishing similar registries and with the international commission, and may enter into agreements whereby a single registry may be established on behalf of, and to provide services to the citizens and residents of, several states.

Subd. 4. [OPERATIONS OF HOLOCAUST INSURANCE COMPANY REGISTRY.] (a) Any insurer that sold life, property, liability, health, annuities, dowry, educational, or casualty insurance policies, to persons in Europe, that were in effect any time between 1933 and 1945, regardless of when the policy was initially purchased or written, shall within 180 days following the effective date of this act, or a later date the commissioner may establish, file or cause to be filed the following information with the commissioner for entry into the Holocaust insurance company registry:

- (1) a list of the insurance policies;
- (2) the insureds, beneficiaries, and face amounts of the policies;
- (3) for each policy, whichever of the following that applies:

(i) that the proceeds of the policy have been paid to the designated beneficiaries or their heirs where that person or persons, after diligent search, could be located and identified;

(ii) that the proceeds of the policies where the beneficiaries or heirs could not, after diligent search, be located or identified, have been distributed to Holocaust survivors or to qualified charitable nonprofit organizations for the purpose of assisting Holocaust survivors;

(iii) that a court of law has certified in a legal proceeding resolving the rights of unpaid policyholders, their heirs, and beneficiaries, a plan for the distribution of the proceeds; and

(iv) that the proceeds have not been distributed and the amount of those proceeds.

(b) An insurer currently doing business in this state that did not sell any insurance policies in Europe between 1933 and 1945 except through or as a result of sales by a related company is not subject to this section if a related company, whether or not authorized and currently doing business in this state, has made a filing with the commissioner under this section.

(c) The commissioner may conduct investigations and examinations of insurers for the purpose of determining compliance with this section, verifying the accuracy and completeness of any and all information furnished to the Holocaust insurance company registry, and developing and securing additional information as may be necessary or appropriate to determine those entitled to

payment under any policy and the proceeds to which the person may be entitled, if any. An investigation under this paragraph is considered to be an examination under section 60A.031. The costs of the examination must be borne by the insurer investigated, or the insurer to whom the related company is related, pursuant to section 60A.031, subdivision 3. Examinations may be conducted in this state, or in the state or country of residence of the insurer or related company, or at the place or country where the records to be examined may be located.

(d) Notwithstanding the restrictions of section 60A.03, subdivision 9, or 60A.031, subdivision 4, the commissioner may cooperate with and exchange information with other states with similar Holocaust insurance company registries, with the National Association of Insurance Commissioners, with foreign countries, and with the international commission. The commissioner may enter into agreements to handle the processing of claims and registry functions of other states, and to have other states handle all or part of the registry and claims processing functions for this state, as the commissioner may determine to be appropriate. The commissioner may enter into agreements with other states and the international commission to treat and consider information submitted to them as submitted to this state for the purpose of complying with this section. As part of any such agreement, the commissioner may agree to reimburse any other state for expenses or costs incurred and to accept reimbursement from any other state for services with regard to residents of the other state.

(e) A finding by the commissioner that a claim subject to the provisions of this section should be paid must be regarded by any court as highly persuasive evidence that the claim should be paid.

Subd. 5. [SUSPENSION OF CERTIFICATE OF AUTHORITY FOR FAILURE TO COMPLY WITH THIS SECTION.] The commissioner may suspend the certificate of authority to conduct insurance business in the state of Minnesota of any insurer that has been found to have violated this section by or after 120 days after the effective date of this act, until the time that the insurer complies with this section. The suspension does not affect or relieve the insurer from its obligations to service its existing insureds, and does not permit the insurer to terminate its existing insureds, except pursuant to the terms of the insurance contract, but does prohibit the insurer from writing new business in this state until the suspension is lifted by the commissioner.

Subd. 6. [COOPERATION WITH INTERNATIONAL COMMISSION.] The commissioner may suspend the application of this section to any insurer that is participating in the international commission process in good faith and is working through the international commission to resolve outstanding claims with offers of fair settlements in a reasonable time frame. If, however, the international commission fails to establish a mechanism to accomplish identification, adjudication, and payment of insurance policy claims of Holocaust survivors or victims within a reasonable time, then this section applies to the insurer. For purposes of this section, a reasonable time means by September 30, 2001, or a later date the commissioner may establish.

Subd. 7. [PRIVATE RIGHTS OF ACTION PRESERVED; VENUE.] Any Holocaust survivor, or heir or beneficiary of a Holocaust survivor or victim, who resides in this state and has a claim against an insurer arising out of an insurance policy or policies purchased or in effect in Europe between 1933 and 1945 from that insurer, may bring a legal action against that insurer to recover on that claim in the district court of the county in which a plaintiff resides.

Subd. 8. [EXTENSION OF STATUTE OF LIMITATIONS.] An action brought by a Holocaust survivor or the heir or beneficiary of a Holocaust survivor or victim, seeking proceeds of the insurance policies issued or in effect between 1933 and 1945, must not be dismissed for failure to comply with the applicable statute of limitations, provided the action is commenced on or before December 31, 2010.

Subd. 9. [REPORT TO LEGISLATURE.] The commissioner shall report to the legislature on January 15, 2001, and annually thereafter on the implementation of this act and resolution of Holocaust claims.

Subd. 10. [EXPIRATION.] This section expires December 31, 2010."

Delete the title and insert:

"A bill for an act relating to insurance; requiring the commissioner of commerce to assist Holocaust victims to settle claims and recover proceeds from applicable insurance policies; proposing coding for new law in Minnesota Statutes, chapter 60A."

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

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

S.F. No. 2767: A bill for an act relating to health; requiring prompt payment by health plan companies and third-party administrators of clean claims for health care services; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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

Delete everything after the enacting clause and insert:

"Section 1. [62Q.75] [PROMPT PAYMENT REQUIRED.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the following terms have the meanings given to them.

(b) "Clean claim" means a claim that has no defect or impropriety, including any lack of any required substantiating documentation, or particular circumstance requiring special treatment that prevents timely payment from being made on a claim under this section.

(c) "Third-party administrator" means a third-party administrator or other entity subject to section 60A.23, subdivision 8, and Minnesota Rules, chapter 2767.

Subd. 2. [CLAIMS PAYMENTS.] (a) This section applies to clean claims submitted to a health plan company or third-party administrator for services provided by any health care provider, except a provider licensed under chapter 151, or health care facility. All health plan companies and third-party administrators must pay or deny claims that are clean claims within 30 calendar days after the date upon which the health plan company or third-party administrator received the claim.

(b) If a health plan company or third-party administrator does not pay or deny a clean claim within the period provided in paragraph (a), the health plan company or third-party administrator must pay interest on the claim for the period beginning on the day after the required payment date specified in paragraph (a) and ending on the date on which the health plan company or third-party administrator makes the payment or denies the claim. In any payment, the health plan company or third-party administrator must itemize any interest payment being made separately from other payments being made for services provided.

(c) The rate of interest paid by a health plan company or third-party administrator under this subdivision shall be 1.5 percent per month or any part of a month.

(d) A health plan company or third-party administrator is not required to make an interest payment on a claim for which payment has been delayed for purposes of reviewing potentially fraudulent or abusive billing practices.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective January 1, 2001, and applies to claims submitted on or after that date."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 3212, 2983, 2470, 3338, 2897, 2857, 3361, 3355, 3554, 2848, 3230, 3160 and 2302 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 3338 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Foley moved that his name be stricken as a co-author to S.F. No. 2755. The motion prevailed.

Senator Higgins moved that the names of Senators Larson, Hanson and Johnson, D.E. be added as co-authors to S.F. No. 3210. The motion prevailed.

Senator Novak moved that his name be stricken as a co-author to S.F. No. 3394. The motion prevailed.

Senator Lessard moved that S.F. No. 3562 be withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on Governmental Operations and Veterans. The motion prevailed.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2067, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2067 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 24, 2000

CONFERENCE COMMITTEE REPORT ON H.F. NO. 2067

A bill for an act relating to juvenile justice; when an extended jurisdiction juvenile offender has stayed sentence executed for violation of stay no credit is granted for time in juvenile facility; amending Minnesota Statutes 1998, section 260.126, subdivision 5.

February 21, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 2067, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 2067 be further amended as follows:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 1999 Supplement, section 260B.130, subdivision 5, is amended to read:

Subd. 5. [EXECUTION OF ADULT SENTENCE.] When it appears that a person convicted as an extended jurisdiction juvenile has violated the conditions of the stayed sentence, or is alleged to have committed a new offense, the court may, without notice, revoke the stay and probation and direct that the offender be taken into immediate custody. The court shall notify the offender in writing of the reasons alleged to exist for revocation of the stay of execution of the adult sentence. If the offender challenges the reasons, the court shall hold a summary hearing on the issue at which the offender is entitled to be heard and represented by counsel. After the hearing, if the court finds that reasons exist to revoke the stay of execution of sentence, the court shall treat the offender as an adult and order any of the adult sanctions authorized by section 609.14, subdivision 3, except that no credit shall be given for time served in juvenile facility custody prior to a summary hearing. If the offender was convicted of an offense described in subdivision 1, clause (2), and the court finds that reasons exist to revoke the stay, the court must order execution of the previously imposed sentence unless the court makes written findings regarding the mitigating factors that justify continuing the stay. Upon revocation, the offender's extended jurisdiction status is terminated and juvenile court jurisdiction is terminated. The ongoing jurisdiction for any adult sanction, other than commitment to the commissioner of corrections, is with the adult court."

Amend the title as follows:

Page 1, line 6, delete "1998" and insert "1999 Supplement" and delete "260.126" and insert "260B.130"

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

House Conferees: (Signed) Andrew Westerberg, Rich Stanek, Tim Mahoney

Senate Conferees: (Signed) Jane B. Ranum, Jane Krentz, David L. Knutson

Senator Ranum moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2067 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2067 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Novak moved that S.F. No. 3585 be withdrawn from the Committee on Governmental Operations and Veterans and re-referred to the Committee on Election Laws. The motion prevailed.

Pursuant to Rule 10, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 3645 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 3645: A resolution memorializing the United States Congress to immediately begin the process of rewriting the Freedom to Farm Act, putting in place improved economic safety nets and export tools designed to protect small and mid-sized agricultural producers from low commodity prices and weather-related disasters.

Senator Sams moved to amend S.F. No. 3645 as follows:

Page 2, line 9, delete "rewrite" and insert "repeal"

Amend the title as follows:

Page 1, line 3, before "rewriting" insert "repealing and"

The motion prevailed. So the amendment was adopted.

Senator Scheevel moved to amend S.F. No. 3645 as follows:

Page 1, after line 17, insert:

"WHEREAS, the United States government has imposed over 120 unilateral trade sanctions during the past 60 years, half of which occurred during the past five years, and these trade sanctions cumulatively have cost United States farm families more than \$6.5 billion in lost market opportunity; and"

Page 2, after line 31, insert:

"BE IT FURTHER RESOLVED that the United States foreign policy should not include the use of food as a weapon and that all unilateral food sanctions should be immediately lifted."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 3645 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 48 and nays 10, as follows:

Those who voted in the affirmative were:

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

| | | | | |
|----------|-----------|------------|-------------|-----------|
| Kleis | Limmer | Pappas | Sams | Vickerman |
| Krentz | Lourey | Piper | Scheid | Wiener |
| Laidig | Marty | Pogemiller | Spear | Wiger |
| Langseth | Moe, R.D. | Price | Stevens | Ziegler |
| Lesewski | Murphy | Ranum | Stumpf | |
| Lessard | Novak | Ring | Terwilliger | |

Those who voted in the negative were:

| | | | | |
|---------|----------|--------|----------|----------|
| Day | Kiscaden | Olson | Pariseau | Runbeck |
| Kierlin | Neuville | Ourada | Robling | Scheevel |

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Wiger introduced--

S.F. No. 3664: A bill for an act relating to retirement; public employees retirement association; authorizing certain trades personnel employed by independent school district No. 625, St. Paul, to elect an exclusion from retirement plan coverage; amending Minnesota Statutes 1999 Supplement, section 353.01, subdivision 2b; Laws 1965, chapter 705, section 1, subdivision 4, as amended.

Referred to the Committee on Governmental Operations and Veterans.

Senator Kierlin introduced--

S.F. No. 3665: A bill for an act relating to capital improvements; appropriating money to the Minnesota state colleges and universities for projects at Winona State University.

Referred to the Committee on Children, Families and Learning.

Senator Oliver introduced--

S.F. No. 3666: A bill for an act relating to taxation; providing a sales tax rebate; appropriating money.

Referred to the Committee on Taxes.

Senator Oliver introduced--

S.F. No. 3667: A bill for an act relating to taxation; providing an additional property tax refund for elderly homeowners; amending Minnesota Statutes 1998, sections 290A.04, by adding a subdivision; and 290A.23, subdivision 3.

Referred to the Committee on Local and Metropolitan Government.

Senator Oliver introduced--

S.F. No. 3668: A bill for an act relating to metropolitan government; allowing the city of Shorewood to establish a replacement service transit program.

Referred to the Committee on Transportation.

Senator Berglin introduced--

S.F. No. 3669: A bill for an act relating to human services; authorizing employment bonuses for certain providers of personal care assistant services; amending Minnesota Statutes 1998, section 256B.0627, by adding a subdivision.

Referred to the Committee on Health and Family Security.

Senators Janezich and Lessard introduced--

S.F. No. 3670: A bill for an act relating to the environment; providing reimbursement for certain small gasoline retailers for storage tank removal.

Referred to the Committee on Environment and Natural Resources.

Senator Johnson, D.J. introduced--

S.F. No. 3671: A bill for an act relating to taxation; authorizing the city of Beaver Bay to impose a sales and use tax; providing for use of the proceeds.

Referred to the Committee on Taxes.

Senators Higgins, Lourey, Ring, Foley and Piper introduced--

S.F. No. 3672: A bill for an act relating to child care; creating a child care program for adolescent parents who are attending school; proposing coding for new law in Minnesota Statutes, chapter 119B.

Referred to the Committee on Children, Families and Learning.

Senator Ranum introduced--

S.F. No. 3673: A bill for an act relating to pawnbrokers; requiring pawnbrokers who provide law enforcement agencies with electronic records of transactions to use a specified interchange file specification format; amending Minnesota Statutes 1998, section 325J.05.

Referred to the Committee on Commerce.

Senator Foley introduced--

S.F. No. 3674: A bill for an act relating to alcoholic beverages; authorizing the city of Anoka to issue an on-sale wine license for the Lyric Arts Theater.

Referred to the Committee on Commerce.

Senators Hanson, Janezich and Scheid introduced--

S.F. No. 3675: A bill for an act relating to drivers' licenses; requiring state to purchase and maintain photo identification equipment for existing driver's license agents; appropriating money; amending Minnesota Statutes 1999 Supplement, section 171.061, subdivision 4; repealing Minnesota Rules, part 7404.0400, subpart 4, item c.

Referred to the Committee on Transportation.

Senators Hanson, Janezich and Scheid introduced--

S.F. No. 3676: A bill for an act relating to early education; providing funding for early Head Start programs; transferring TANF funds to the department of children, families, and learning; appropriating money.

Referred to the Committee on Children, Families and Learning.

Senators Oliver and Terwilliger introduced--

S.F. No. 3677: A bill for an act relating to state employees; revising the advisory group for long-term care insurance and revising its duties; postponing implementation of the long-term care insurance program to permit input from the revised advisory group; amending Minnesota Statutes 1999 Supplement, section 43A.318, subdivision 3; Laws 1999, chapter 250, article 1, section 116.

Referred to the Committee on Governmental Operations and Veterans.

Senators Frederickson; Ziegler; Vickerman; Johnson, D.E. and Lesewski introduced--

S.F. No. 3678: A bill for an act relating to natural resources; allowing the use of external sources of funding for certain drainage projects; amending Minnesota Statutes 1998, section 103E.011, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Senator Pogemiller introduced--

S.F. No. 3679: A bill for an act relating to state government; abolishing the pollution control agency, the department of natural resources, the environmental quality board, the board of water and soil resources, the office of environmental assistance, the harmful substances compensation board, the petroleum tank release compensation board, the agricultural chemical response compensation board; abolishing certain powers and duties of the departments of agriculture, health, public service, trade and economic development, and transportation and the metropolitan council; establishing a task force; requiring establishment of an employee participation committee before agency restructuring.

Referred to the Committee on Environment and Natural Resources.

Senator Pogemiller introduced--

S.F. No. 3680: A bill for an act relating to state agencies; prescribing procedures to be followed in reorganization of agency functions and duties by law; proposing coding for new law in Minnesota Statutes, chapter 15.

Referred to the Committee on Governmental Operations and Veterans.

Senators Pogemiller and Krentz introduced--

S.F. No. 3681: A bill for an act relating to education; clarifying the equity revenue program; amending Minnesota Statutes 1999 Supplement, section 126C.10, subdivisions 24, 25, and 26.

Referred to the Committee on Children, Families and Learning.

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

MOTIONS AND RESOLUTIONS

Senator Johnson, D.J. moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Janezich be shown as chief author to S.F. No. 2459. The motion prevailed.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 8:30 a.m., Thursday, March 2, 2000. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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