

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

SIXTY-SIXTH DAY

St. Paul, Minnesota, Thursday, February 14, 2002

The Senate met at 8:30 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Walter Flesner.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

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

Anderson	Frederickson	Krentz	Oliver	Sams
Bachmann	Higgins	Langseth	Orfield	Samuelson
Belanger	Hottinger	Larson	Pappas	Scheevel
Berg	Johnson, Dave	Lesewski	Pariseau	Scheid
Berglin	Johnson, Dean	Lessard	Pogemiller	Schwab
Betzold	Johnson, Debbie	Limmer	Price	Solon, Y.P.
Chaudhary	Johnson, Doug	Lourey	Ranum	Stevens
Cohen	Kelley, S.P.	Marty	Reiter	Stumpf
Day	Kierlin	Metzen	Rest	Terwilliger
Dille	Kinkel	Moe, R.D.	Ring	Tomassoni
Fischbach	Kiscaden	Moua	Robertson	Vickerman
Foley	Kleis	Murphy	Robling	Wiener
Fowler	Knutson	Neuville	Sabo	Wiger

The President declared a quorum present.

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

MEMBERS EXCUSED

Senators Olson and Ourada were excused from the Session of today.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2624.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 11, 2002

FIRST READING OF HOUSE BILLS

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

H.F. No. 2624: A bill for an act relating to the city of Shakopee; increasing its public utilities commission from three to five members.

Referred to the Committee on Telecommunications, Energy and Utilities.

REPORTS OF COMMITTEES

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

Senator Metzen from the Committee on Telecommunications, Energy and Utilities, to which was referred

S.F. No. 2421: A bill for an act relating to energy; providing incentives for use of renewable biodiesel fuel; making clarifying changes; amending Minnesota Statutes 2001 Supplement, sections 216B.169, subdivision 1; 216B.1691, subdivision 1; 216C.41, subdivisions 1, 2, 3, 4.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2001 Supplement, section 216C.41, subdivision 1, is amended to read:

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

(b) "Qualified hydroelectric facility" means a hydroelectric generating facility in this state that:

(1) is located at the site of a dam, if the dam was in existence as of March 31, 1994; and

(2) begins generating electricity after July 1, 1994, or generates electricity after substantial refurbishing of a facility that begins after July 1, 2001.

(c) "Qualified wind energy conversion facility" means a wind energy conversion system that:

(1) produces two megawatts or less of electricity as measured by nameplate rating and begins generating electricity after December 31, 1996, and before July 1, 1999;

(2) begins generating electricity after June 30, 1999, produces two megawatts or less of electricity as measured by nameplate rating, and is:

(i) located within one county and owned by a natural person who owns the land where the facility is sited;

(ii) owned by a Minnesota small business as defined in section 645.445;

(iii) owned by a nonprofit organization; or

(iv) owned by a tribal council if the facility is located within the boundaries of the reservation; or

(3) begins generating electricity after June 30, 1999, produces seven megawatts or less of electricity as measured by nameplate rating, and:

(i) is owned by a cooperative organized under chapter 308A; and

(ii) all shares and membership in the cooperative are held by natural persons or estates, at least 51 percent of whom reside in a county or contiguous to a county where the wind energy production facilities of the cooperative are located.

(d) "Qualified on-farm biogas recovery facility" means an anaerobic digester system that:

- (1) is located at the site of an agricultural operation;
- (2) is owned by a natural person who owns or rents the land where the facility is located; and
- (3) begins generating electricity after July 1, 2001.

(e) "Anaerobic digester system" means a system of components that processes animal waste based on the absence of oxygen and produces gas used to generate electricity.

(f) "Qualified biodiesel generation facility" means an electric power generation facility located in this state that uses a fuel blend of at least 85 percent biodiesel fuel.

(g) "Biodiesel fuel" means a renewable, biodegradable, mono alkyl ester combustible liquid fuel derived from agricultural plant oils or animal fats and that meets American Society for Testing and Materials Specification ASTM D 6751-02 for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

Sec. 2. Minnesota Statutes 2001 Supplement, section 216C.41, subdivision 2, is amended to read:

Subd. 2. [INCENTIVE PAYMENT; APPROPRIATION.] (a) Incentive payments must be made according to this section to:

- (1) a qualified on-farm biogas recovery facility;
- (2) the owner or operator of a qualified hydropower facility or qualified wind energy conversion facility for electric energy generated and sold by the facility;
- (3) a publicly owned hydropower facility for electric energy that is generated by the facility and used by the owner of the facility outside the facility; ~~or~~
- (4) the owner of a publicly owned dam that is in need of substantial repair, for electric energy that is generated by a hydropower facility at the dam and, provided the annual incentive payments will be are used either (i) to fund the structural repairs and replacement of structural components of the dam; or (ii) to retire debt incurred to fund those repairs; or
- (5) the owner or operator of a qualified biodiesel generation facility.

(b) Payment may only be made upon receipt by the commissioner of finance of an incentive payment application that establishes that the applicant is eligible to receive an incentive payment and that satisfies other requirements the commissioner deems necessary. The application must be in a form and submitted at a time the commissioner establishes.

(c) There is annually appropriated from the general fund sums sufficient to make the payments required under this section.

Sec. 3. Minnesota Statutes 2001 Supplement, section 216C.41, subdivision 3, is amended to read:

Subd. 3. [ELIGIBILITY WINDOW.] Payments may be made under this section only for electricity generated:

- (1) from a qualified hydroelectric facility that is operational and generating electricity before December 31, 2005;
- (2) from a qualified wind energy conversion facility that is operational and generating electricity before January 1, 2005; ~~or~~

(3) from a qualified on-farm biogas recovery facility from July 1, 2001, through December 31, 2015; or

(4) from a qualified biodiesel generation facility that is operational and generating electricity after June 1, 2003.

Sec. 4. Minnesota Statutes 2001 Supplement, section 216C.41, subdivision 4, is amended to read:

Subd. 4. [PAYMENT PERIOD.] (a) A facility may receive payments under this section for a ten-year period. No payment under this section may be made for electricity generated:

- (1) by a qualified hydroelectric facility after December 31, 2015;
- (2) by a qualified wind energy conversion facility after December 31, 2015; ~~or~~
- (3) by a qualified on-farm biogas recovery facility after December 31, 2015; or
- (4) by a qualified biodiesel generation facility after December 31, 2015.

(b) The payment period begins and runs consecutively from the first year in which electricity generated from the facility is eligible for incentive payment or after substantial repairs to the hydropower facility dam funded by the incentive payments are initiated.

Sec. 5. Minnesota Statutes 2001 Supplement, section 216C.41, subdivision 5, is amended to read:

Subd. 5. [AMOUNT OF PAYMENT.] (a) An incentive payment is based on the number of kilowatt hours of electricity generated. The amount of the payment is:

- (1) for a facility described under subdivision 2, paragraph (a), clause (4), 1.0 cents per kilowatt hour; and
- (2) for all other facilities, 1.5 cents per kilowatt hour.

For electricity generated by qualified wind energy conversion facilities, the incentive payment under this section is limited to no more than 100 megawatts of nameplate capacity. During any period in which qualifying claims for incentive payments exceed 100 megawatts of nameplate capacity, the payments must be made to producers in the order in which the production capacity was brought into production.

For electricity generated by qualified biodiesel generation facilities, the incentive payment under this section is limited to no more than 50 megawatts of nameplate capacity. During any period in which qualifying claims for incentive payments exceed that 50 megawatts, the payments must be made to producers in the order in which the production capacity was brought into production.

(b) Beginning January 1, 2002, the total size of a wind energy conversion system under this section must be determined according to this paragraph. Unless the systems are interconnected with different distribution systems, the nameplate capacity of one wind energy conversion system must be combined with the nameplate capacity of any other wind energy conversion system that is:

- (1) located within five miles of the wind energy conversion system;
- (2) constructed within the same calendar year as the wind energy conversion system; and
- (3) under common ownership.

In the case of a dispute, the commissioner of commerce shall determine the total size of the system, and shall draw all reasonable inferences in favor of combining the systems.

(c) In making a determination under paragraph (b), the commissioner of commerce may determine that two wind energy conversion systems are under common ownership when the

underlying ownership structure contains similar persons or entities, even if the ownership shares differ between the two systems. Wind energy conversion systems are not under common ownership solely because the same person or entity provided equity financing for the systems."

Delete the title and insert:

"A bill for an act relating to energy; providing incentives for use of renewable biodiesel fuel; amending Minnesota Statutes 2001 Supplement, section 216C.41, subdivisions 1, 2, 3, 4, 5."

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

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

S.F. No. 2514: A bill for an act relating to employment; requiring the adoption of an occupational safety and health standard regulating ergonomic hazards.

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

Page 1, line 8, delete "January 30, 2003" and insert "June 30, 2004"

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

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

S.F. No. 2678: A bill for an act relating to natural resources; making technical changes and clarifications; modifying certain requirements for nonresident youth small game hunting; modifying requirements for firearms safety certificate; modifying prohibitions of hunting while under the influence; providing for taking unprotected birds; making certain stamp exemptions; modifying responsibilities for protecting groundwater; modifying water assessment and analysis requirement; eliminating certain report requirements; amending Minnesota Statutes 2000, sections 86B.311, subdivision 5; 97A.015, subdivisions 16, 17; 97A.085, subdivision 7; 97A.451, subdivision 3a; 97B.020; 97B.065, subdivision 1; 97B.651; 97B.655, subdivision 1; 97B.715, subdivision 1; 97B.801; 97C.031; 97C.317; 103A.204; 103A.43; 169A.03, subdivision 3; Minnesota Statutes 2001 Supplement, section 97C.305, subdivision 2; Laws 1989, chapter 335, article 1, section 21, subdivision 8.

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

Page 3, lines 3 and 5, delete the new language and reinstate the stricken language

Page 3, line 6, delete "and" and insert ". A nonresident age 12 or under"

Page 3, line 7, after "97B.020" insert "to take small game"

Page 3, line 11, after the comma, insert "subdivision 3a,"

Pages 7 to 9, delete sections 15 and 16

Page 9, delete lines 32 to 40 and insert:

"The undercover operations unit within this division shall submit ~~an annual~~ a biennial finance report to the chair of the house appropriations committee and the chair of the senate finance committee by January ~~1~~ 15 of each odd-numbered year detailing the expenditures for the previous ~~fiscal~~-year biennium and

projecting the expenditures for the forthcoming
fiscal-year biennium."

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 9 and 10

Page 1, lines 16 and 17, delete "103A.204; 103A.43;"

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

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

S.F. No. 2445: A bill for an act relating to crimes; prohibiting any person from climbing on the roof of school buildings without permission; prescribing penalties; amending Minnesota Statutes 2000, section 609.605, subdivision 4.

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

Page 1, delete lines 22 to 24 and insert:

"(b) It is a misdemeanor for a person to be on the roof of a public or nonpublic elementary, middle, or secondary school building unless the person has permission from a school official to be on the roof of the building."

Amend the title as follows:

Page 1, line 2, delete "prohibiting any person from" and insert "modifying the school trespass law"

Page 1, delete line 3

Page 1, line 4, delete "permission"

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

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

S.F. No. 2458: A bill for an act relating to crimes; prohibiting presenting false information for purposes of a background study; prohibiting certain licensed facilities and establishments from hiring persons convicted of violent crimes; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Page 1, line 11, after "who" insert "intentionally"

Page 1, line 14, after "study" insert "under section 245A.04"

Page 1, line 19, delete "CONVICTED" and insert "DISQUALIFIED" and delete "A facility, as"

Page 1, delete lines 20 to 22

Page 1, line 23, delete everything before "that" and insert "An entity that is required to conduct a background check under section 245A.04"

Page 1, delete line 24 and insert "after receiving notice from the commissioner of human services, health, or corrections that the individual"

Page 1, line 25, delete everything before "is" and insert "is disqualified under law from being employed and must be removed,"

Page 2, line 1, delete everything after the period

Page 2, delete line 2

Page 2, line 3, delete everything after "person" and insert "or entity that violates this section"

Page 2, delete line 4

Amend the title as follows:

Page 1, line 3, delete "a background study" and insert "certain background studies"

Page 1, line 4, delete everything after "certain"

Page 1, delete line 5 and insert "entities from employing individuals under certain circumstances"

Page 1, line 6, delete everything before the first semicolon

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

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

S.F. No. 2463: A bill for an act relating to employment; providing limits on overtime for nurses; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2000, section 181.171, subdivision 1, is amended to read:

Subdivision 1. [CIVIL ACTION; DAMAGES.] A person may bring a civil action seeking redress for violations of sections 181.02, 181.03, 181.031, 181.032, 181.08, 181.09, 181.10, 181.101, 181.11, 181.12, 181.13, 181.14, 181.145, and 181.15, and 181.275 directly to district court. An employer who is found to have violated the above sections is liable to the aggrieved party for the civil penalties or damages provided for in the section violated. An employer who is found to have violated the above sections shall also be liable for compensatory damages and other appropriate relief including but not limited to injunctive relief."

Page 1, line 24, delete everything after the semicolon

Page 1, line 25, delete everything before "or"

Page 2, line 9, delete "or" and after "facility" insert ", or a housing with services facility"

Page 2, after line 22, insert:

"Subd. 5. [EXCEPTION.] Section 645.241 does not apply to violations of this section."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "providing remedies; amending Minnesota Statutes 2000, section 181.171, subdivision 1;"

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

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

S.F. No. 1861: A bill for an act relating to crime prevention; requiring firearms to comply with certain safety requirements; imposing criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 624.

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

Delete everything after the enacting clause and insert:

"Section 1. [624.7134] [HANDGUN REQUIREMENTS; PENALTIES.]

Subdivision 1. [DEFINITIONS.] For purposes of this section:

(1) "handgun" means a pistol or a revolver manufactured after January 1, 2003; and

(2) "person" means any individual, corporation, firm, partnership, incorporated and unincorporated association, or any other legal, professional, or commercial entity.

Subd. 2. [REQUIREMENTS.] All handguns sold, held for sale, or imported into the state on or after August 1, 2003, must be in compliance with the requirements of this section.

Subd. 3. [SECOND HIDDEN SERIAL NUMBER STANDARD.] A person may not sell, hold for sale, or import into the state a handgun that does not have both a visible serial number on the exterior of the frame or receiver, as well as a second serial number that is not susceptible to eradication. A serial number is not susceptible to eradication if:

(1) it is placed on the interior of the handgun; or

(2) it is placed on the exterior of the handgun in a way that is not visible to the unaided eye but is visible with the aid of an infrared detector or other device.

Subd. 4. [EXTERNAL LOCKING DEVICE.] A person may not sell, hold for sale, or import into the state a handgun that does not include or is not accompanied by an external locking device that effectively prevents the operation of the handgun when locked.

Subd. 5. [INTERNAL LOCKING DEVICE.] A person may not sell, hold for sale, or import into the state a handgun after August 1, 2005, that does not have a built-in, on-board locking system by which the handgun can only be operated with a key or a combination unique to that handgun.

Subd. 6. [DROP TEST.] (a) A person may not sell, hold for sale, or import into the state a handgun unless a sample size of five handguns of that make and model in new condition all pass the following test: each of the five samples shall be test-loaded, set such that the handgun is ready to fire, and dropped onto a solid slab of concrete from a height of one meter from each of the following positions without firing:

(1) normal firing position;

(2) upside down;

(3) on the grip;

(4) on the muzzle;

(5) on either side; and

(6) on the exposed hammer or striker or, if there is no exposed hammer or striker, then on the rearmost part of the handgun.

(b) If the handgun is designed so that its hammer or striker may be set in other positions, it shall be tested with the hammer or striker in each position but otherwise ready to fire.

(c) As used in this subdivision, "ready to fire" means the handgun is loaded, and in a condition where pulling the trigger and taking any action that must simultaneously accompany the pulling of the trigger as part of the firing procedure would fire the handgun.

Subd. 7. [MAGAZINE SAFETY DISCONNECT OR CHAMBER LOAD INDICATOR.] A person may not sell, hold for sale, or import into the state a pistol manufactured after January 1, 2003, that has a mechanism to load cartridges via a magazine unless it has either a magazine safety disconnect or a chamber load indicator.

Subd. 8. [ADDITIONAL STANDARD FOR REVOLVERS.] A person may not sell, hold for sale, or import into the state a revolver manufactured after January 1, 2003, unless a sample size of five revolvers of that make and model in new condition all pass the following safety test. Each of the five samples must have a safety feature, which automatically, for a double-action revolver or by manual operation for a single-action revolver, causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge. The safety device of each sample must withstand, no less than five consecutive times, the impact of a weight equal to the weight of the revolver dropping from a distance of one meter in a line parallel to the barrel upon the rear of the hammer spur without firing a primed case inserted into the chamber and aligned with the barrel.

Subd. 9. [FIRING PIN BLOCK OR LOCK.] A person may not sell, hold for sale, or import into the state a pistol manufactured after January 1, 2003, that does not have a firing pin block or lock.

Subd. 10. [MATERIALS STANDARDS; REPEATED FIRING TEST.] (a) A person may not sell, offer for sale, or import into the state a handgun that has a frame, barrel, cylinder, slide, or breechblock that is composed of:

- (1) any metal having a melting point of less than 900 degrees Fahrenheit;
- (2) any metal having an ultimate tensile strength of less than 55,000 pounds per square inch; or
- (3) any powdered metal having a density of less than 7.5 grams per cubic centimeter.

(b) This subdivision does not apply to any make and model of handgun for which a sample of three handguns in new condition all pass the following test: each of the three samples shall fire 600 rounds, stopping every 100 rounds to tighten any loose screws and to clean the handgun if required by the cleaning schedule in the user manual, and as needed to refill the empty magazine or cylinder to capacity before continuing. For any handgun that is loaded in a manner other than via a detachable magazine, the tester shall also pause every 50 rounds for ten minutes. The ammunition used shall be the type recommended by the handgun manufacturer in its user manual or, if none is recommended, any standard ammunition of the correct caliber in new condition. A handgun shall pass this test if it fires the first 20 rounds without a malfunction, fires the full 600 rounds with not more than six malfunctions, and completes the test without any crack or breakage of an operating part of the handgun. The term "crack" or "breakage" shall not include a crack or breakage that does not increase the danger of injury to the user. For purposes of evaluating the results of this test, "malfunction" shall mean any failure to feed, chamber, fire, extract, or eject a round or any failure to accept or eject a magazine or any other failure which prevents the handgun, without manual intervention beyond that needed for routine firing and periodic reloading, from firing the chambered round or moving a new round into position so that the handgun is capable of firing the new round properly. "Malfunction" shall not include a misfire caused by a faulty cartridge the primer of which fails to detonate when properly struck by the handgun's firing mechanism.

Subd. 11. [ACCIDENTAL FIRING STANDARD.] A person may not sell, offer for sale, or import into the state a handgun that is prone to:

- (1) firing more than once per pull of the trigger; or
- (2) explosion during firing.

Subd. 12. [ACCURACY TEST FOR CERTAIN SHORT BARREL HANDGUNS.] (a) A

person may not sell or offer for sale a handgun that has a barrel less than three inches in length, unless the person discloses in writing the limitations of the accuracy of the particular make and model of the subject handgun, by disclosing the make and model's average group diameter test result at seven yards, average group diameter test result at 14 yards and average group diameter test result at 21 yards.

(b) For purposes of this subdivision, "average group diameter test result" shall mean the arithmetic mean of three separate trials, each performed as follows on a different sample handgun in new condition of the make and model at issue. Each handgun shall fire five rounds at a target from a set distance and the largest spread in inches between the centers of any of the holes made in a test target shall be measured and recorded. This procedure shall be repeated two more times on the handgun. The arithmetic mean of each of the three recorded results shall be deemed the result of the trial for that particular sample handgun. The ammunition used shall be the type recommended by the handgun manufacturer in its user manual or, if none is recommended, any standard ammunition of the correct caliber in new condition.

Subd. 13. [WARNING ABOUT SAFE STORAGE AND HANDLING.] A person may not sell or hold for sale a handgun unless the person includes in the packaging of the handgun a warning on the risk of handguns in the home and proper home storage. The warning shall state in at least 12-point type:

"This handgun is not equipped with a device that fully blocks use by unauthorized users. More than 200,000 handguns like this one are stolen from their owners every year in the United States. In addition, there are more than 1,000 suicides each year by younger children and teenagers who get access to handguns. Hundreds more die from accidental discharge. It is likely that many more children sustain serious wounds or inflict wounds accidentally on others. In order to limit the chance of such misuse, it is imperative that you keep this handgun locked in a secure place and take other steps necessary to limit the possibility of theft or accident. Failure to take reasonable preventative steps may result in innocent lives being lost and, in some circumstances, may result in your liability for these deaths."

Subd. 14. [BUREAU TO DETERMINE COMPLIANCE.] The bureau of criminal apprehension shall determine which make and model of handguns and locking devices complies with the requirements of this section. By August 1 of each year, the bureau shall publish a list of these handguns and locking devices.

Subd. 15. [PENALTY.] A violation of this section is a gross misdemeanor.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 2003, and applies to handguns sold, held for sale, or imported, and crimes committed on or after that date."

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

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

S.F. No. 2486: A bill for an act relating to health; modifying requirements for major spending commitments of radiation therapy facilities; amending Minnesota Statutes 2000, section 62J.17, subdivision 8.

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

Page 2, line 10, strike the second "(c)" and insert "(d)"

Page 2, line 34, after the period, insert "The provider shall be financially responsible for the cost of the prospective review and approval process."

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

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

S.F. No. 2622: A bill for an act relating to health; providing for the establishment of a volunteer health care provider program; specifying that health care providers providing volunteer services under the program are state employees for purposes of tort claims; requiring rules; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Page 2, line 4, delete "voluntary" and insert "volunteer"

Page 2, line 6, delete "unpaid" and after "by" insert "volunteer"

Page 2, lines 12 and 16, delete "unpaid"

Page 2, line 24, delete "and" and insert:

"(3) the services were provided without compensation to the provider; and"

Page 2, line 25, delete "(3)" and insert "(4)"

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

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

S.F. No. 368: A bill for an act relating to civil liability; extending immunity from liability for owners of land used for recreational purposes to certain owners of adjoining land; amending Minnesota Statutes 2000, section 604A.24.

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

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

S.F. No. 2614: A bill for an act relating to foster care; requiring disclosure of an individual's communicable disease to a foster care provider; amending Minnesota Statutes 2001 Supplement, section 260C.212, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 245A.

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

Page 1, line 16, before "Before" insert "Notwithstanding section 144.335,"

Page 1, line 23, delete "knowledge and skills necessary" and insert "ability"

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

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

S.F. No. 2568: A bill for an act relating to Hennepin county; removing certain limitations on the county board's ability to lease real property; removing limitations on the county board's authority to construct off-street parking facilities; amending Minnesota Statutes 2000, sections 383B.159; 383B.20, subdivision 1; repealing Minnesota Statutes 2000, section 383B.20, subdivision 4.

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

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

S.F. No. 2572: A bill for an act relating to local government; authorizing the establishment of a specific nonprofit corporation in development region nine for certain specified purposes.

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

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

S.F. No. 2578: A bill for an act relating to county government; providing for client-directed support programs; amending Minnesota Statutes 2000, section 375.18, by adding a subdivision.

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

Page 1, line 12, delete "guardians of developmentally disabled" and insert "responsible parties for" and after "county" insert "human services and public health"

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

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

S.F. No. 2670: A bill for an act relating to local government; authorizing the city of Minneapolis to construct a new asphalt plant as part of a joint venture with a private enterprise; requiring local approval.

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

Page 1, line 15, delete "shall" and insert "may"

Page 1, delete lines 16 and 17 and insert:

"(1) the ability of the joint venture to provide a lower cost and reliable supply of asphalt for municipal purposes over a 25-year period, as compared to public ownership and operation;"

Page 1, line 20, delete "and" and insert "costs or"

Page 2, line 1, delete the second "facility" and insert "site"

Page 2, delete lines 2 to 6 and insert:

"(5) the community development benefits from entry into the joint venture."

Page 2, line 17, after the period, insert "Nothing in this act shall be construed as requiring the city to enter into any joint venture, or to assume any costs necessary to implement the joint venture, including any costs of redevelopment or any costs or environmental remediation arising from the acquisition of private property transferred to the city or to the Minneapolis community development agency for redevelopment."

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

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

S.F. No. 2590: A bill for an act relating to Carlton county; permitting the appointment of the county recorder.

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

Page 2, after line 26, insert:

"Sec. 5. [RECORDER MAY BE APPOINTED, DUTIES COMBINED WITH ASSESSORS.]

Subdivision 1. [RECORDER MAY BE APPOINTED.] Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Pine county board of commissioners, the office of county recorder in the county is not elective but must be filled by appointment by the county board as provided in the resolution. Before the county board may adopt a resolution under this section, the board must hold a public hearing on the proposal to appoint the county recorder.

Subd. 2. [BOARD CONTROLS, MAY CHANGE AS LONG AS DUTIES DONE.] Upon adoption of a resolution by the Pine county board of commissioners and subject to subdivisions 3 and 4, the duties of the county recorder must be discharged by the board of commissioners of Pine county acting through a department head appointed by the board for that purpose. The county board may reorganize the offices of county recorder and assessor to combine the offices and duties into one position, appointed by the county board, provided that the person appointed has the qualifications required to be appointed assessor, as provided in Minnesota Statutes, section 270.50, and any other applicable law. A reorganization, reallocation, or delegation or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

Subd. 3. [INCUMBENTS TO COMPLETE TERM.] The person elected at the last general election to the office of county recorder made appointive under this act must serve in that capacity and perform the duties, functions, and responsibilities required by statute until the completion of the term of office to which the person was elected or until a vacancy occurs in the office, whichever occurs earlier.

Subd. 4. [FOUR-FIFTHS VOTE; REVERSE REFERENDUM.] The county board may provide for the appointment of the county recorder and combination of the recorder's duties with those of the county assessor as permitted in this section without an affirmative vote of the voters of the county if the resolution to make the office appointed and to combine the duties with those of the assessor is approved by 80 percent of the members of the county board. Before the adoption of the resolution, the county board must publish a resolution notifying the public of its intent to consider adopting the option once each week for two consecutive weeks in the official publication of the county. Following the publication, the county board shall provide an opportunity at its next regular meeting for public comment relating to the option, prior to formally adopting the option. The option may be implemented without the submission of the question of its implementation to the voters of the county, unless within 30 days after the second publication of the resolution, a petition requesting a referendum, signed by at least ten percent of the registered voters of the county, is filed with the county auditor. If a petition is filed, the option may be implemented unless disapproved by a majority of the voters of the county voting on the question at a regular or special election."

Page 2, line 27, delete "5" and insert "6"

Page 2, line 28, delete "This act is" and insert "Sections 1 to 4 of this act are"

Page 2, line 31, after the period, insert "Section 5 is effective the day after the governing body of Pine county and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

Amend the title as follows:

Page 1, line 2, delete "county" and insert "and Pine counties"

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

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

S.F. No. 2838: A bill for an act relating to public meetings; authorizing public meetings to be closed under certain circumstances to discuss security issues; amending Minnesota Statutes 2000, section 13D.05, subdivision 3.

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

Page 1, line 20, after "reports" insert ", including financial information,"

Page 1, line 22, before the period, insert ", if the public body reasonably determines that disclosure would cause harm to public safety"

Page 1, line 23, after "matters" insert "must be discussed"

Page 1, line 24, delete "discussed" and insert "made" and delete "A meeting"

Page 1, line 25, delete "closed under this paragraph" and insert "The proceedings of a closed meeting to discuss security information"

Page 2, after line 2, insert:

"[EFFECTIVE DATE.] This section is effective July 1, 2002, and will expire on June 30, 2005."

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

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

S.F. No. 2551: A bill for an act relating to the city of St. Paul; setting out certain local bonding authority limits through 2008; amending Laws 1971, chapter 773, section 1, subdivision 2, as amended.

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

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

S.F. No. 2589: A bill for an act relating to local government; the city of Alexandria and the townships of Alexandria, Carlos, Hudson, and La Grand in Douglas county; establishing the lakes area economic development authority; granting the powers of an economic development authority; prescribing its duties and powers.

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

Page 1, delete lines 21 to 23 and insert:

"Subdivision 1. [DEFINITIONS.] For the purposes of sections 1 to 8, the terms defined in this section have the following meanings."

Page 2, line 2, delete "any" and insert "an"

Page 2, line 9, delete "any" and insert "a statutory or home rule charter" and delete the comma

Page 2, line 10, delete "village,"

Page 2, delete lines 19 to 25 and insert:

"Subd. 2. [BOARD OF COMMISSIONERS.] The authority is governed by a board of commissioners to be selected as follows: the mayor of each member city, and the chair of the town board of each member town shall appoint one commissioner, subject to the approval of the respective city council or town board. The terms of the commissioner are as provided in subdivision 5."

Page 2, lines 27 and 28, delete "The commissioners shall be selected as provided in subdivision 2" and insert "The initial appointment of commissioners must be made"

Page 2, lines 29 and 30, delete "The successor to each commissioner must be selected at any time" and insert "Subsequent appointments must be made"

Page 2, line 32, delete "Any" and insert "A" and delete "shall" and insert "must"

Page 2, line 33, delete "any" and insert "a"

Page 2, line 35, delete "any" and insert "an"

Page 2, line 36, delete "forthwith"

Page 3, lines 1 and 2, delete "with like effect as if the selection were made as provided otherwise in this act"

Page 3, line 3, after "If" insert "a vacancy occurs in" and delete "any"

Page 3, line 4, delete "becomes vacant"

Page 3, lines 9 and 10, delete "initial term of each of the first board of commissioners is for terms of" and insert "terms of the initial appointees to the board of commissioners are for"

Page 3, line 12, delete "elected chief executive" and insert "mayor or town board chair"

Page 3, lines 21, 24 and 26, delete "Each" and insert "A"

Page 3, line 22, delete "need"

Page 3, line 25, delete "each" and insert "a"

Page 3, line 28, delete "their" and insert "the commissioner's"

Page 3, line 32, delete "for"

Page 3, line 33, delete "in" and insert "by"

Page 3, line 34, delete "each or any" and insert "a" and delete ", as the"

Page 3, line 35, delete "case may be"

Page 4, line 13, delete "Each" and insert "A"

Page 4, line 16, delete "of all members"

Page 4, line 17, delete "each" and insert "a"

Page 4, line 20, delete "spent" and insert "used" and before the period, insert "for the purposes provided by this act"

Page 4, line 25, delete "Any" and insert "A" and after "upon" insert "a"

Page 4, line 28, delete "accepted" and insert "approved"

Page 4, line 29, delete "considered" and insert "included"

Page 4, line 34, delete "furnished" and insert "of"

Page 5, delete lines 8 to 10 and insert:

"Sections 1 to 8 apply in the city of Alexandria and the towns of Alexandria, Carlos, Hudson, and La Grand in Douglas county. Under Minnesota Statutes, section 645.023, subdivision 1, paragraph (a), sections 1 to 8 are effective without local approval."

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

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

S.F. No. 2542: A bill for an act relating to business organizations; regulating business corporations and limited liability companies; providing legal recognition of electronic records and signatures; regulating meetings by means of remote communications and dissolutions and terminations; regulating use of names by successor corporations; regulating investment company authority to issue shares; defining terms; making technical and conforming changes; providing for mergers, acquisitions, and conversions by business corporations; amending Minnesota Statutes 2000, sections 302A.011, subdivisions 17, 21, 31, 38, 50, by adding subdivisions; 302A.115, subdivision 5; 302A.135, by adding a subdivision; 302A.231; 302A.239, subdivisions 1, 2; 302A.431, subdivision 3; 302A.433, subdivision 3; 302A.436; 302A.441; 302A.449, subdivision 1; 302A.471, subdivision 1; 302A.621, subdivisions 1, 2, 3, 4; 302A.673, subdivision 1; 302A.734; 322B.03, subdivisions 36a, 45a, by adding subdivisions; 322B.12, subdivision 4; 322B.333, subdivision 3; 322B.336, subdivision 3; 322B.343; 322B.35, subdivisions 1, 2; 322B.363, subdivision 1; 322B.383, subdivision 1; 322B.643; 322B.656, subdivisions 1, 2; 322B.826; proposing coding for new law in Minnesota Statutes, chapters 302A; 322B.

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

Page 8, lines 20 and 33, strike "simultaneously"

Page 8, line 23, strike "3" and before the comma, insert "4"

Page 11, line 12, strike "simultaneously"

Page 14, line 21, delete "by"

Page 35, line 13, strike "simultaneously"

Page 38, line 27, delete "by"

Page 40, lines 14 and 28, strike "simultaneously"

Page 40, line 17, strike "3" and before the comma, insert "4"

Page 42, after line 19, insert:

"ARTICLE 3

NONPROFIT CORPORATIONS

Section 1. Minnesota Statutes 2000, section 317A.011, is amended by adding a subdivision to read:

Subd. 3a. [AUTHENTICATED.] "Authenticated" means, with respect to an electronic communication, that the communication is delivered to the principal place of business of the corporation, or to an officer or agent of the corporation authorized by the corporation to receive the communication, and that the communication sets forth information from which the corporation can reasonably conclude that the communication was sent by the purported sender.

Sec. 2. Minnesota Statutes 2000, section 317A.011, is amended by adding a subdivision to read:

Subd. 7a. [ELECTRONIC COMMUNICATION.] "Electronic communication" means any form of communication, not directly involving physical transmission of paper, that creates a record that may be retained, retrieved, and reviewed by a recipient of the communication, and that may be directly reproduced in paper form by the recipient through an automated process.

Sec. 3. Minnesota Statutes 2000, section 317A.011, is amended by adding a subdivision to read:

Subd. 18a. [REMOTE COMMUNICATION.] "Remote communication" means communication via electronic communication, conference telephone, video conference, the Internet, or such other means by which persons not physically present in the same location may communicate with each other on a substantially simultaneous basis.

Sec. 4. [317A.015] [LEGAL RECOGNITION OF ELECTRONIC RECORDS AND SIGNATURES.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the words, terms, and phrases defined in this subdivision have the meanings given them.

(b) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(c) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(d) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(e) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Subd. 2. [ELECTRONIC RECORDS AND SIGNATURES.] For purposes of this chapter:

(1) a record or signature may not be denied legal effect or enforceability solely because it is in electronic form;

(2) a contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation;

(3) if a provision requires a record to be in writing, an electronic record satisfies the requirement; and

(4) if a provision requires a signature, an electronic signature satisfies the requirement.

Sec. 5. Minnesota Statutes 2000, section 317A.231, is amended to read:

317A.231 [BOARD MEETINGS.]

Subdivision 1. [TIME; PLACE.] Meetings of the board may be held as provided in the articles or bylaws in or out of this state. Unless the articles or bylaws provide otherwise, a meeting of the board must be held at least once per year. If the articles or bylaws or the board fail to select a place for a meeting, the meeting must be held at the registered office. The board of directors may determine under subdivision 2 that a meeting of the board of directors shall be held solely by means of remote communication.

Subd. 2. [~~ELECTRONIC COMMUNICATIONS MEETINGS SOLELY BY MEANS OF REMOTE COMMUNICATION.~~] (a) ~~A conference~~ Any meeting among directors may be conducted solely by a one or more means of remote communication through which all of the directors may simultaneously hear each other during participate in the conference is a board meeting, if the same notice is given of the conference as would be meeting required for a meeting by subdivision 3, and if the number of directors participating in the conference meeting is sufficient to constitute a quorum at a meeting. Participation in a meeting by this that means is personal constitutes presence at the meeting.

(b) Subd. 3. [PARTICIPATION IN MEETINGS BY MEANS OF REMOTE COMMUNICATION.] A director may participate in a board meeting by any means of conference telephone or, if authorized by the board, by such other means of remote communication, in each case through which the that director, other directors so participating, and all directors physically present at the meeting may simultaneously hear participate with each other during the meeting. Participation in a meeting by this that means is personal constitutes presence at the meeting.

Subd. 3 4. [CALLING MEETINGS; NOTICE.] (a) Unless the articles or bylaws provide otherwise, a director may call a board meeting by giving five days' notice to all directors of the date, time, and place of the meeting. The notice need not state the purpose of the meeting unless the articles or bylaws require it.

(b) If the day or date, time, and place of a board meeting have been provided in the articles or bylaws, or announced at a previous meeting of the board, notice is not required. Notice of an adjourned meeting need not be given other than by announcement at the meeting at which adjournment is taken.

Subd. 4 5. [WAIVER OF NOTICE.] A director may waive notice of a meeting of the board. A waiver of notice by a director entitled to notice is effective whether given before, at, or after the meeting, and whether given in writing, orally, or by attendance. Attendance by a director at a meeting is a waiver of notice of that meeting, unless the director objects at the beginning of the meeting to the transaction of business because the meeting is not lawfully called or convened and does not participate in the meeting.

Sec. 6. Minnesota Statutes 2000, section 317A.239, subdivision 1, is amended to read:

Subdivision 1. [METHOD.] An action required or permitted to be taken at a board meeting may be taken by written action signed, or consented to by authenticated electronic communication, by all of the directors. If the articles so provide, an action, other than an action requiring member approval, may be taken by written action signed, or consented to by authenticated electronic communication, by the number of directors that would be required to take the same action at a meeting of the board at which all directors were present.

Sec. 7. Minnesota Statutes 2000, section 317A.239, subdivision 2, is amended to read:

Subd. 2. [EFFECTIVE TIME.] The written action is effective when signed, or consented to by authenticated electronic communication, by the required number of directors, unless a different effective time is provided in the written action.

Sec. 8. Minnesota Statutes 2000, section 317A.431, subdivision 3, is amended to read:

Subd. 3. [TIME; PLACE.] An annual meeting of members must be held at the time and place stated in or fixed in accordance with the articles or bylaws. If a place is not stated or if a demand for a meeting is made under subdivision 2, the meeting must be held in the county where the corporation's registered office is located. To the extent authorized in articles or bylaws, the board of directors may determine that an annual meeting of the members shall be held solely by means of remote communication in accordance with section 317A.450, subdivision 2.

Sec. 9. Minnesota Statutes 2000, section 317A.433, subdivision 3, is amended to read:

Subd. 3. [TIME; PLACE.] Special meetings of members may be held in or out of this state at the place stated in or fixed in accordance with the articles, bylaws, or by the president or the board. If a special meeting is demanded by the members, the meeting must be held in the county where the corporation's registered office is located. To the extent authorized in the articles or bylaws, the board of directors may determine that a special meeting of the members shall be held solely by means of remote communication in accordance with section 317A.450, subdivision 2.

Sec. 10. Minnesota Statutes 2000, section 317A.445, is amended to read:

317A.445 [UNANIMOUS ACTION WITHOUT A MEETING.]

An action required or permitted to be taken at a meeting of the members may be taken without a meeting by written action signed, or consented to by authenticated electronic communication, by all of the members entitled to vote on that action. The written action is effective when it has been signed, or consented to by authenticated electronic communication, by all of those members, unless a different effective time is provided in the written action. When this chapter requires a certificate concerning an action to be filed with the secretary of state, the officers signing the certificate must indicate that the action was taken under this section.

Sec. 11. [317A.450] [REMOTE COMMUNICATIONS FOR MEMBER MEETINGS.]

Subdivision 1. [CONSTRUCTION AND APPLICATION.] This section shall be construed and applied to:

(1) facilitate remote communication consistent with other applicable law; and

(2) be consistent with reasonable practices concerning remote communication and with the continued expansion of those practices.

Subd. 2. [MEMBER MEETINGS HELD SOLELY BY MEANS OF REMOTE COMMUNICATION.] To the extent authorized in the articles or bylaws and determined by the board, an annual or special meeting of members may be held solely by one or more means of remote communication, if notice of the meeting is given to every member entitled to vote, and if the number of voting members participating in the meeting is sufficient to constitute a quorum at a meeting. Participation by a member by that means constitutes presence at the meeting in person or by proxy if all the other requirements of section 317A.453 are met.

Subd. 3. [PARTICIPATION IN MEMBER MEETINGS BY MEANS OF REMOTE COMMUNICATION.] To the extent authorized in the articles or bylaws and determined by the board, a member not physically present in person or by proxy at an annual or special meeting of members may, by means of remote communication, participate in a meeting of members held at a designated place. Participation by a member by that means constitutes presence at the meeting in person or by proxy if all the other requirements of section 317A.453 are met.

Subd. 4. [REQUIREMENTS FOR MEETINGS HELD SOLELY BY MEANS OF REMOTE COMMUNICATION AND FOR PARTICIPATION BY MEANS OF REMOTE COMMUNICATION.] In any meeting of members held solely by means of remote communication under subdivision 2 or in any meeting of members held at a designated place in which one or more members participate by means of remote communication under subdivision 3:

(1) the corporation shall implement reasonable measures to verify that each person deemed present and entitled to vote at the meeting by means of remote communication is a member; and

(2) the corporation shall implement reasonable measures to provide each member participating by means of remote communication with a reasonable opportunity to participate in the meeting, including an opportunity to:

(i) read or hear the proceedings of the meeting substantially concurrently with those proceedings;

(ii) if allowed by the procedures governing the meeting, have the member's remarks heard or read by other participants in the meeting substantially concurrently with the making of those remarks; and

(iii) if otherwise entitled, vote on matters submitted to the members.

Subd. 5. [NOTICE TO MEMBERS.] (a) Any notice to members given by the corporation under any provision of this chapter, the articles, or the bylaws by a form of electronic communication consented to by the member to whom the notice is given is effective when given. The notice is deemed given:

(1) if by facsimile communication, when directed to a telephone number at which the member has consented to receive notice;

(2) if by electronic mail, when directed to an electronic mail address at which the member has consented to receive notice;

(3) if by a posting on an electronic network on which the member has consented to receive notice, together with separate notice to the member of the specific posting, upon the later of:

(i) the posting; and

(ii) the giving of the separate notice; and

(4) if by any other form of electronic communication by which the member has consented to receive notice, when directed to the member.

An affidavit of the secretary, other authorized officer, or authorized agent of the corporation, that the notice has been given by a form of electronic communication is, in the absence of fraud, prima facie evidence of the facts stated in the affidavit.

(b) Consent by a member to notice given by electronic communication may be given in writing or by authenticated electronic communication. The corporation is entitled to rely on any consent so given until revoked by the member, provided that no revocation affects the validity of any notice given before receipt by the corporation of revocation of the consent.

Subd. 6. [WAIVER.] Waiver of notice by a member of a meeting by means of authenticated electronic communication may be given in the manner provided in section 317A.435, subdivision 3. Participation in a meeting by means of remote communication described in subdivisions 2 and 3 is a waiver of notice of that meeting, except where the member objects at the beginning of the meeting to the transaction of business because the meeting is not lawfully called or convened, or objects before a vote on an item of business because the item may not lawfully be considered at the meeting and does not participate in the consideration of the item at that meeting.

Sec. 12. Minnesota Statutes 2000, section 317A.453, subdivision 1, is amended to read:

Subdivision 1. [AUTHORIZATION.] If the articles or bylaws permit proxy voting, a member may appoint a proxy to cast or authorize the casting of a vote or otherwise act for the member by signing an (1) filing a nonelectronic written appointment form either personally or of a proxy, signed by the member, with an attorney-in-fact officer of the corporation at or before the meeting at which the appointment is to be effective, or (2) telephonic transmission or authenticated electronic communication, whether or not accompanied by written instructions of the member, of an appointment of a proxy with the corporation or the corporation's duly authorized agent at or before the meeting at which the appointment is to be effective.

Sec. 13. Minnesota Statutes 2000, section 317A.733, subdivision 3, is amended to read:

Subd. 3. [EFFECTIVE DATE.] When the articles of dissolution have been filed with the secretary of state, or on a later date or a later time each within 30 days after filing if the articles of dissolution so provide, the corporation is dissolved.

Sec. 14. Minnesota Statutes 2000, section 317A.733, subdivision 4, is amended to read:

Subd. 4. [CERTIFICATE.] The secretary of state shall issue to the dissolved corporation a certificate of dissolution that contains:

- (1) the name of the corporation;
- (2) the date and time the articles of dissolution were filed with the secretary of state is effective;
and
- (3) a statement that the corporation is dissolved at the effective date and time of the dissolution.

Sec. 15. [REPEALER]

Minnesota Statutes 2000, section 317A.449, is repealed.

ARTICLE 4

MISCELLANEOUS CHANGES

Section 1. Minnesota Statutes 2000, section 303.11, is amended to read:

303.11 [NOTICE OF NAME CHANGES, WHERE FILED.]

Each foreign corporation authorized to transact business in this state, shall, whenever it changes its name, dissolves, or merges ~~into another corporation~~, file in the office of the secretary of state a certificate to that effect authenticated by the proper officer of the state or country under the laws of which the corporation is organized.

Sec. 2. Minnesota Statutes 2000, section 322A.03, is amended to read:

322A.03 [RESERVATION OF NAME.]

(a) The exclusive right to the use of a name may be reserved by:

(1) any person intending to organize a limited partnership under sections 322A.01 to 322A.87 and to adopt that name;

(2) any domestic limited partnership or any foreign limited partnership registered in this state which, in either case, intends to adopt that name;

(3) any foreign limited partnership intending to register in this state and adopt that name; and

(4) any person intending to organize a foreign limited partnership and intending to have it register in this state and adopt that name.

~~(b) The reservation shall be made by filing with the secretary of state an application, executed by the applicant, to reserve a specified name. On finding that the name is available for use by a domestic or foreign limited partnership, the secretary of state shall reserve the name for the exclusive use of the applicant for a period of 12 months. The reservation may be renewed for successive 12-month periods. The right to the exclusive use of a reserved name may be transferred to any other person by filing in the office of the secretary of state a notice of the transfer, executed by the applicant for whom the name was reserved and specifying the name and address of the transferee according to section 302A.117.~~

Sec. 3. Minnesota Statutes 2000, section 323A.11-02, is amended to read:

323A.11-02 [STATEMENT OF FOREIGN QUALIFICATION.]

(a) Before transacting business in this state, a foreign limited liability partnership must file a statement of foreign qualification. The statement must contain:

(1) the name of the foreign limited liability partnership which satisfies the requirements of the state or other jurisdiction under whose law it is formed and ends with "Registered Limited Liability Partnership," "Limited Liability Partnership," "R.L.L.P.," "L.L.P.," "RLLP," or "LLP;"

(2) the street address, including the zip code, of the partnership's chief executive office and, if different, the street address, including the zip code, of an office of the partnership in this state, if any;

(3) if there is no office of the partnership in this state, the name and street address, including the zip code, of the partnership's agent for service of process; ~~and~~

(4) a deferred effective date, if any; and

(5) the name of the jurisdiction under whose law the foreign limited liability partnership was originally registered.

(b) The agent of a foreign limited liability company for service of process must be an individual who is a resident of this state or other person authorized to do business in this state.

(c) The status of a partnership as a foreign limited liability partnership is effective on the later of the filing of the statement of foreign qualification or a date specified in the statement. The status remains effective, regardless of changes in the partnership, until it is canceled pursuant to section 323A.1-05(d) or revoked pursuant to section 323A.10-03.

(d) An amendment or cancellation of a statement of foreign qualification is effective when it is filed or on a deferred effective date specified in the amendment or cancellation.

(e) A statement of foreign qualification may include the information necessary to make an election under section 319B.04, subdivision 2, and to update that information as provided in section 319B.04, subdivision 3.

Sec. 4. Minnesota Statutes 2000, section 333.055, subdivision 4, is amended to read:

Subd. 4. The secretary of state shall accept for filing all certificates and renewals thereof which comply with the provisions of sections 333.001 to 333.06 and which are accompanied by the prescribed fees, notwithstanding the fact that the assumed name disclosed therein may not be distinguishable from one or more other assumed names already filed with the secretary of state. ~~In the event of duplication or similarity, the secretary of state shall, within 20 days after the filing, notify in writing each previously filed business holding a certificate for the assumed name or a similar assumed name, of the duplication or similarity, including in the notice the name and last known address of the person so filing.~~ The secretary of state shall not accept for filing a certificate that discloses an assumed name that is not distinguishable from a corporate, limited liability company, limited liability partnership, cooperative, or limited partnership name in use or reserved in this state by another or a trade or service mark registered with the secretary of state, unless there is filed with the certificate a written consent, court decree of prior right, or affidavit of nonuser of the kind required by section 302A.115, subdivision 1, clause (d). The secretary of state shall determine whether a name is distinguishable from another name for purposes of this subdivision."

Amend the title as follows:

Page 1, line 20, after the semicolon, insert "303.11; 317A.011, by adding subdivisions; 317A.231; 317A.239, subdivisions 1, 2; 317A.431, subdivision 3; 317A.433, subdivision 3; 317A.445; 317A.453, subdivision 1; 317A.733, subdivisions 3, 4; 322A.03;"

Page 1, line 25, after the second semicolon, insert "323A.11-02; 333.055, subdivision 4;"

Page 1, line 26, delete "322B" and insert "317A; 322B; repealing Minnesota Statutes 2000, section 317A.449"

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

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

S.F. No. 2669: A bill for an act relating to public health; establishing the Minnesota Emergency Health Powers Act; modifying provisions for declaring national security and peacetime emergencies; requiring reporting of certain health conditions; authorizing special powers for the control of property and protection of people; providing criminal penalties; appropriating money; amending Minnesota Statutes 2000, sections 12.03, by adding subdivisions; 12.09, subdivisions 1, 2; 12.21, subdivision 3; 12.31, subdivision 2; 12.32; 12.34, subdivision 1; 12.42; 13.3805, subdivision 1; 13.82, by adding subdivisions; 144.99, subdivision 1; Minnesota Statutes 2001 Supplement, section 12.31, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 12; 145.

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

Delete everything after the enacting clause and insert:

"Section 1. [TITLE.]

Sections 1 to 47 may be cited as the "Minnesota Emergency Health Powers Act."

Sec. 2. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 1c. [COMMUNICABLE DISEASE.] "Communicable disease" means an infectious disease that can be transmitted from person to person, animal to person, or insect to person.

Sec. 3. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 4d. [FACILITY.] "Facility" has the meaning given in section 145.9805.

Sec. 4. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 5d. [INFECTIOUS DISEASE.] "Infectious disease" means a disease caused by a living organism. An infectious disease may or may not be transmissible from person to person, animal to person, or insect to person.

Sec. 5. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 5e. [ISOLATION.] "Isolation" means separation, during the period of communicability, of an infected person in a place and under conditions so as to prevent direct or indirect transmission of the infectious agent to others.

Sec. 6. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 6a. [PEACE OFFICER.] "Peace officer" means a peace officer or part-time peace officer as defined under section 626.84, subdivision 1, paragraphs (c) and (f).

Sec. 7. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 9a. [PUBLIC HEALTH EMERGENCY.] "Public health emergency" means the occurrence or imminent risk of a qualifying health condition.

Sec. 8. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 9b. [QUALIFYING HEALTH CONDITION.] "Qualifying health condition" has the meaning given in section 145.9805.

Sec. 9. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 9c. [QUARANTINE.] "Quarantine" means restriction, during the period of communicability, of activities or travel of an otherwise healthy person who likely has been exposed to a communicable disease to prevent disease transmission during the period of incubation in the event the person is infected.

Sec. 10. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 12. [SPECIMEN.] "Specimen" has the meaning given in section 145.9805.

Sec. 11. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 13. [TEST.] "Test" has the meaning given in section 145.9805.

Sec. 12. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 14. [HEALTH CARE FACILITY.] "Health care facility" means any entity of any kind that provides or is intended to provide health services of any kind to a person. Health services include, but are not limited to, medical treatment, nursing care, rehabilitative services, or preventive care. Health care facility also includes entities that provide services to health care entities, including, but not limited to, research facilities, pharmacies, laundry facilities, training and lodging facilities, food service facilities, and administrative offices.

Sec. 13. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 15. [HEALTH CARE PROVIDER.] "Health care provider" has the meaning given in section 145.9805.

Sec. 14. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 16. [HEALTH CARE PROVIDER PERSONNEL.] "Health care provider personnel" has the meaning given in section 145.9805.

Sec. 15. Minnesota Statutes 2000, section 12.09, subdivision 1, is amended to read:

Subdivision 1. [COORDINATION.] The division shall coordinate state agency preparedness for and emergency response to all types of natural and other emergencies and disasters, including discharges of oil and hazardous substances. The division shall consult with the commissioner of health in coordinating state agency preparedness for and emergency response to public health emergencies.

Sec. 16. Minnesota Statutes 2000, section 12.09, subdivision 2, is amended to read:

Subd. 2. [STATE EMERGENCY PLAN.] The division shall develop and maintain a comprehensive state emergency operations plan and emergency management program in accord with section 12.21, subdivision 3, clause (2), and ensure that other state emergency plans that may be developed are coordinated and consistent with the comprehensive state emergency operations plan. The division shall consult with the commissioner of health in developing and maintaining plans and programs under this subdivision related to public health emergencies.

Sec. 17. Minnesota Statutes 2000, section 12.21, subdivision 3, is amended to read:

Subd. 3. [SPECIFIC AUTHORITY.] In performing duties under this chapter and to effect its policy and purpose, the governor may:

(1) make, amend, and rescind the necessary orders and rules to carry out the provisions of this chapter and section 216C.15 within the limits of the authority conferred by this section, with due consideration of the plans of the federal government and without complying with sections 14.001 to 14.69, but no order or rule has the effect of law except as provided by section 12.32;

(2) ensure that a comprehensive emergency operations plan and emergency management program for this state are developed and maintained, and are integrated into and coordinated with the emergency plans of the federal government and of other states to the fullest possible extent;

(3) in accordance with the emergency operations plan and the emergency management program of this state, procure supplies and, equipment, and facilities and other real property, institute training programs and public information programs, and take all other preparatory steps, including the partial or full activation of emergency management organizations in advance of actual disaster to ensure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need;

(4) make studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management and to plan for the most efficient emergency use of those industries, resources, and facilities;

(5) on behalf of this state, enter into mutual aid arrangements or cooperative agreements with other states, tribal authorities, and with Canadian provinces, and coordinate mutual aid plans between political subdivisions of this state;

(6) delegate administrative authority vested in the governor under this chapter, except the power to make rules, and provide for the subdelegation of that authority;

(7) cooperate with the president and the heads of the armed forces, the emergency management agency of the United States and other appropriate federal officers and agencies, and with the officers and agencies of other states in matters pertaining to the emergency management of the state and nation, including the direction or control of:

(i) emergency preparedness drills and exercises;

(ii) warnings and signals for drills or actual emergencies and the mechanical devices to be used in connection with them;

(iii) shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(iv) the conduct of persons in the state and the movement and cessation of movement of pedestrians and vehicular traffic during, prior, and subsequent to drills or actual emergencies;

(v) public meetings or gatherings; and

(vi) the evacuation, reception, and sheltering of persons;

(8) contribute to a political subdivision, within the limits of the appropriation for that purpose, not more than 25 percent of the cost of acquiring organizational equipment that meets standards established by the governor;

(9) formulate and execute, with the approval of the executive council, plans and rules for the control of traffic in order to provide for the rapid and safe movement over public highways and streets of troops, vehicles of a military nature, and materials for national defense and war or for use in any war industry, for the conservation of critical materials, or for emergency management purposes, and; coordinate the activities of the departments or agencies of the state and its political subdivisions concerned directly or indirectly with public highways and streets, in a manner that will best effectuate those plans; and prescribe routes, modes of transportation, and destinations in connection with the evacuation of people or the provision of emergency services;

(10) alter or adjust by executive order, without complying with sections 14.01 to 14.69, the working hours, work days and work week of, and annual and sick leave provisions and payroll laws regarding all state employees in the executive branch as the governor deems necessary to minimize the impact of the disaster or emergency, conforming the alterations or adjustments to existing state laws, rules, and collective bargaining agreements to the extent practicable;

(11) authorize the commissioner of children, families, and learning to alter school schedules, curtail school activities, or order schools closed without affecting state aid to schools, as defined in section 120A.05, subdivisions 9, 11, 13, and 17, and including charter schools under section 124D.10, and elementary schools enrolling prekindergarten pupils in district programs; and

(12) transfer the direction, personnel, or functions of state agencies to perform or facilitate response and recovery programs.

Sec. 18. Minnesota Statutes 2001 Supplement, section 12.31, subdivision 1, is amended to read:

Subdivision 1. [DECLARATION OF NATIONAL SECURITY EMERGENCY.] When information from the President of the United States, the Federal Emergency Management Agency, the Department of Defense, or the National Warning System indicates the imminence of a national security emergency within the United States, which means the several states, the District of Columbia, and the Commonwealth of Puerto Rico, or the occurrence within the state of Minnesota of a major disaster or public health emergency from enemy sabotage or other hostile action, the governor may, by proclamation, declare that a national security emergency exists in all or any part of the state. If the legislature is then in regular session or, if it is not, if the governor concurrently with the proclamation declaring the emergency issues a call convening immediately both houses of the legislature, the governor may exercise for a period not to exceed 30 days the powers and duties conferred and imposed by sections 12.31 to 12.37. The lapse of these emergency powers does not, as regards any act occurring or committed within the 30-day period, deprive any person, political subdivision, municipal corporation, or body politic of any right to compensation or reimbursement that it may have under this chapter.

Sec. 19. Minnesota Statutes 2000, section 12.31, subdivision 2, is amended to read:

Subd. 2. [DECLARATION OF PEACETIME EMERGENCY.] The governor may declare a peacetime emergency. A peacetime declaration of emergency may be declared only when an act of nature, a technological failure or malfunction, a terrorist incident, a public health emergency, an industrial accident, a hazardous materials accident, or a civil disturbance endangers life and property and local government resources are inadequate to handle the situation. ~~‡~~ A peacetime emergency must not be continued for more than five days unless extended by resolution of the executive council up to 30 days. An order, or proclamation declaring, continuing, or terminating an emergency must be given prompt and general publicity and filed with the secretary of state.

Sec. 20. Minnesota Statutes 2000, section 12.32, is amended to read:

12.32 [GOVERNOR'S ORDERS AND RULES, EFFECT.]

Orders and rules promulgated by the governor under authority of section 12.21, subdivision 3, clause (1), when approved by the executive council and filed in the office of the secretary of state, have, during a national security, peacetime, or energy supply emergency, the full force and effect of law. Rules and ordinances of any agency or political subdivision of the state inconsistent with the provisions of this chapter or with any order or rule having the force and effect of law issued under the authority of this chapter, is suspended during the period of time and to the extent that the emergency exists.

Sec. 21. Minnesota Statutes 2000, section 12.34, subdivision 1, is amended to read:

Subdivision 1. [EMERGENCY POWERS.] When necessary to save life, property, or the environment during a national security emergency or a peacetime emergency declared due to a public health emergency, the governor, the state director, or a member of a class of members of a state or local emergency management organization designated by the governor, may:

(1) require any person, except members of the federal or state military forces and officers of the state or a political subdivision, to perform services for emergency management purposes as directed by any of the persons described above, and;

(2) commandeer, during a national security emergency, any motor vehicle, tools, appliances, medical supplies, or other personal property and any facilities or other real property; and

(3) control entrance to and exit from any stricken or threatened public area, the movement of people in the area, and the occupancy of premises in the area, if such action is reasonable and necessary for emergency response.

Sec. 22. [12.356] [IMMUNITY.]

(a) The following have the same immunities provided by law for the employees of the state:

(1) a person who owns or controls real estate or other premises and who grants a license or privilege or otherwise permits the designation or use of all or any part of the real estate or premises for the purpose of sheltering persons during a national security or peacetime emergency, together with that person's successors in interest, if any;

(2) a person in the performance of a contract with and under the direction of the state or its political subdivisions under this chapter; and

(3) a person who renders assistance or advice at the request or direction of the state or its political subdivisions under this chapter.

(b) The immunities granted in this section do not apply to a person whose act or omission caused, in whole or in part, an emergency and who would otherwise be liable therefor.

Sec. 23. [12.375] [DECLARATION DUE TO PUBLIC HEALTH EMERGENCY.]

Subdivision 1. [CONSULTATION REQUIRED.] Before declaring a national security or peacetime emergency due to a public health emergency, the governor shall consult with the commissioner of health and may consult with additional public health experts and other experts as needed. If the public health emergency is on Indian lands, the governor shall consult with tribal authorities before making such a declaration. Nothing in this section shall be construed to limit the governor's authority to act without such consultation when the situation calls for prompt and timely action.

Subd. 2. [EFFECT OF DECLARATION.] A declaration of a national security or peacetime emergency due to a public health emergency invokes the necessary portions of the state emergency operations plan developed pursuant to section 12.21, subdivision 3, relating to response and recovery aspects and may authorize aid and assistance under the plan.

Sec. 24. [12.377] [EMERGENCY MEASURES CONCERNING DANGEROUS FACILITIES AND MATERIALS.]

During a national security or peacetime emergency declared due to a public health emergency, the commissioner of health may:

(1) for examination purposes, close or evacuate a facility when the commissioner reasonably suspects that the facility may endanger the public health. If, upon completion of the examination, the commissioner determines that the facility is safe to reopen, the commissioner shall provide appropriate notice that the facility may be returned to normal use;

(2) close, direct and compel the evacuation of, or decontaminate or cause to be decontaminated, any facility when there is reasonable cause to believe the facility may endanger the public health;

(3) decontaminate, cause to be decontaminated, or destroy any material when there is reasonable cause to believe the material may endanger the public health; and

(4) contain and secure any radioactive material that may endanger the public health.

Sec. 25. [12.39] [SAFE DISPOSITION OF DEAD HUMAN BODIES.]

Subdivision 1. [POWERS FOR SAFE DISPOSITION.] Notwithstanding chapter 149A, in connection with deaths related to a public health emergency, the commissioner of health may:

(1) direct measures to provide for the safe disposition of dead human bodies as may be reasonable and necessary for emergency response. Measures may include, but are not limited to, transportation, preparation, temporary mass burial and other interment, disinterment, and cremation of dead human bodies. Insofar as the emergency circumstances allow, the commissioner shall respect the religious rites, cultural customs, family wishes, and predeath directives of a decedent concerning final disposition. The commissioner may limit visitations or funeral ceremonies based on public health risks;

(2) consult with coroners and medical examiners, take possession or control of any dead human body, and order an autopsy of the body;

(3) request any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, or otherwise provide for disposition of a dead human body under the laws of this state to accept any dead human body or provide the use of its business or facility if the actions are reasonable and necessary for emergency response and are within the safety precaution capabilities of the business or facility;

(4) procure by condemnation or otherwise the temporary control of a business or facility described in clause (3), in cooperation with the division, for as long as the public health emergency requires, if the commissioner of health finds that the public health emergency has left the business or facility unable to carry out its customary level of work; and

(5) procure real property by condemnation or otherwise, in cooperation with the division, for morgue and burial purposes, if the commissioner of health finds that the businesses or facilities in a locality providing those services have been overwhelmed by the number of casualties or that the communicable disease risk from dead human bodies is so great that precautions are required beyond the safety precaution capability of the business or facility. Insofar as the emergency circumstances allow, the commissioner of health shall not undertake procurement without first conferring with state and federal emergency management officials and the metropolitan airports commission on alternative facilities for these purposes.

Subd. 2. [IDENTIFICATION OF BODIES.] A person in charge of the body of a person believed to be infected with a communicable disease or other health danger for which the public health emergency was declared shall maintain a written record of the body and all available information to identify the decedent, the circumstances of death, and disposition of the body. If a body cannot be identified, a qualified person shall, prior to disposition and to the extent possible, take fingerprints and one or more photographs of the remains and collect a DNA specimen from

the body. All information gathered under this subdivision shall be promptly forwarded to the commissioner of health.

Sec. 26. [12.391] [CONTROL OF HEALTH CARE SUPPLIES AND FACILITIES.]

Subdivision 1. [PROCUREMENT AND DISTRIBUTION.] During a national security or peacetime emergency declared due to a public health emergency, the governor may delegate to the commissioner of health and other state officials the authority to commandeer with right of immediate possession, purchase, or distribute antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies and equipment that the governor or delegated official deems advisable to prepare for or control a public health emergency, without additional legislative authorization. These powers may be exercised under the authority of this chapter and any other law.

Subd. 2. [RATIONING; SUPPLIES AND SERVICES.] If a public health emergency results in a statewide or regional shortage or threatened shortage of any product specified in subdivision 1, whether or not the product has been purchased by the state, the commissioner of health may control, restrict, and regulate by rationing and using quotas, prohibitions on shipments, price fixing, allocation or other means, the use, sale, dispensing, distribution, or transportation of the relevant product necessary to protect the health, safety, and welfare of the people of the state. In making rationing or other supply and distribution decisions, the commissioner of health shall give preference to health care providers, disaster response personnel, and mortuary staff who are responding to a public health emergency. The commissioner may also direct health care facilities and staff to deviate from usual standards of medical care to ensure that medical resources and services are utilized to provide the greatest benefit to those likely to survive.

Subd. 3. [SURPLUS.] Upon determining that any product obtained under subdivision 1 is no longer needed for the public health emergency, the commissioner of health may direct the further disposition of remaining useful product with a preference for restocking any facility from which the product was obtained.

Subd. 4. [USE OF HEALTH CARE FACILITIES.] During a national security or peacetime emergency declared due to a public health emergency, the commissioner of health may request, and if necessary shall order, a health care facility to provide services or the use of its facility if the services or use are reasonable and necessary for emergency response. The use of the health care facility may include transferring the management and supervision of the health care facility to the commissioner of health for a limited or unlimited period of time, except the time period for which management and supervision are transferred shall not exceed the termination of the national security or peacetime emergency.

Subd. 5. [COMPENSATION.] Owners of property that is taken or appropriated under this section shall be compensated for such takings or appropriations in accordance with section 12.34, subdivision 2.

Sec. 27. [12.392] [DESTRUCTION OF PROPERTY.]

To the extent practicable and consistent with the protection of public health, prior to the destruction of any property under sections 12.377 to 12.391, the state shall institute appropriate civil proceedings against the property to be destroyed according to existing laws and rules of the courts of this state or any rules that may be developed by the courts for use during a national security or peacetime emergency. Property acquired by the state through such proceedings shall, after entry of the decree, be disposed of by destruction as the court may direct.

Sec. 28. [12.393] [LIMITATIONS ON PUBLIC GATHERINGS AND TRANSPORTATION.]

During a national security or peacetime emergency declared due to a public health emergency, the governor may act to limit risks of the spread of a communicable disease or exposure to toxic agents by ordering temporary restrictions on assembly of people in workplaces, child care facilities, schools and other educational institutions, religious and fraternal buildings, sport and entertainment facilities, and other places where large numbers of people congregate. The governor

may also suspend or curtail operations of buses, trains, airlines, and other means of public transportation. Whenever possible, the governor shall first consult with the division and the commissioners of health and transportation before issuing an order. Nothing in this section shall be construed to limit the governor's authority to act without such consultation when the situation calls for prompt and timely action.

Sec. 29. [12.394] [MEDICAL EXAMINATIONS.]

Subdivision 1. [INDIVIDUAL EXAMINATION AND TESTING.] (a) During a national security or peacetime emergency declared due to a public health emergency, the commissioner of health may direct a person to submit to a physical examination or testing as necessary to diagnose the person when the commissioner of health has reasonable belief that the person may be infected with a communicable disease or may have been exposed to a toxic agent for which the emergency is declared, provided that the commissioner of health must not direct any examination or testing procedure reasonably likely to result in serious harm to the affected individual.

(b) A person excused from a medical examination or testing because of a risk of serious harm or a person refusing to submit to the examination or testing may be ordered by the commissioner of health to be placed in isolation or quarantine under section 12.395. A person so isolated or quarantined may seek review of isolation or quarantine status as provided in section 12.396.

Subd. 2. [HEALTH CARE PROVIDERS.] During a national security or peacetime emergency declared due to a public health emergency, the commissioner of health may require a physician or other health care provider personnel, according to the individual's scope of practice, to perform a medical examination or testing under subdivision 1. Refusal to perform a medical examination or testing under this subdivision may be reported by the commissioner of health to the individual's respective licensing board. No licensing board may take action against a health care provider in accordance with this subdivision if adequate protection, such as vaccine, protective equipment, or prophylactic medication, was not made available to the health care provider.

Subd. 3. [ENFORCEMENT.] An order of the commissioner of health made under this section is immediately enforceable by the commissioner of public safety, the adjutant general, and any other peace officer.

Sec. 30. [12.395] [ISOLATION AND QUARANTINE.]

Subdivision 1. [GENERAL REQUIREMENTS.] (a) The commissioner of health and all other government entities, and any person acting under their authority, shall comply with paragraphs (b) to (i) when isolating or quarantining individuals or groups of individuals.

(b) Isolation and quarantine must be by the least restrictive means necessary to prevent the spread of a communicable or potentially communicable disease to others and may include, but are not limited to, confinement to private homes or other private or public premises.

(c) Isolated individuals must be confined separately from quarantined individuals.

(d) The health status of isolated and quarantined individuals must be monitored regularly to determine if they require continued isolation or quarantine.

(e) If a quarantined individual subsequently becomes infectious or is reasonably believed to have become infectious with a communicable or potentially communicable disease, the individual must be isolated.

(f) Isolated and quarantined individuals must be immediately released when they pose no known risk of transmitting a communicable or potentially communicable disease to others.

(g) The needs of persons isolated and quarantined shall be addressed in a systematic and competent fashion, including, but not limited to, providing adequate food, clothing, shelter, means of communication between those in isolation or quarantine and those outside these settings, medication, and competent medical care.

(h) Premises used for isolation and quarantine shall be maintained in a safe and hygienic manner and be designed to minimize the likelihood of further transmission of infection or other harms to persons isolated and quarantined.

(i) To the extent possible, cultural and religious beliefs should be considered in addressing the needs of individuals and establishing and maintaining isolation and quarantine premises.

Subd. 2. [AUTHORITY TO ISOLATE OR QUARANTINE.] Consistent with subdivision 1, the commissioner of health may by order, during a national security or peacetime emergency declared due to a public health emergency:

(1) establish and maintain isolation and quarantine areas; and

(2) require isolation or quarantine of any person or group of persons infected with or reasonably believed by the commissioner of health to be infected with or exposed to a communicable disease or toxic agent for which the national security or peacetime emergency is declared.

Subd. 3. [INDIVIDUAL COOPERATION.] A person subject to isolation or quarantine shall:

(1) obey the commissioner of health's orders;

(2) remain within the isolation or quarantine area; and

(3) avoid contact with any person not subject to isolation or quarantine, other than a physician or other health care provider, public health official, or other person authorized by the commissioner of health to enter an isolation or quarantine area.

Subd. 4. [UNAUTHORIZED ENTRY.] No person, other than a person authorized by the commissioner of health, shall enter an isolation or quarantine area. If, by reason of an unauthorized entry into an isolation or quarantine area, a person poses a danger to public health, the person may be subject to isolation or quarantine according to this section and section 12.396.

Subd. 5. [TERMINATION.] The commissioner of health shall terminate the isolation or quarantine of a person when the commissioner of health determines that isolation or quarantine of the person is no longer necessary to protect the public health.

Subd. 6. [FAILURE TO COOPERATE.] Failure to obey the requirements of subdivision 3 is grounds for the commissioner of health to order a more restrictive isolation or quarantine.

Sec. 31. [12.396] [DUE PROCESS.]

Subdivision 1. [ORDER FOR ISOLATION OR QUARANTINE.] (a) Before isolating or quarantining a person or group of persons, the commissioner of health shall obtain a written, ex parte order authorizing the isolation or quarantine from a district court. The court shall grant the order upon a finding that probable cause exists to believe isolation or quarantine is warranted under sections 12.375 to 12.40.

(b) The order must recite the facts justifying isolation or quarantine. The commissioner of health shall provide a copy of the authorizing order to each person isolated or quarantined, the commissioner of public safety, and other peace officers known to the commissioner to have jurisdiction over the site of the isolation or quarantine. With the order, the commissioner of health shall give each person notice that the person has a right to a hearing under this section and, if feasible, an estimate of the expected period of isolation or quarantine.

(c) One order shall suffice to isolate or quarantine a group of persons believed to have been commonly infected or exposed to a communicable disease or toxic agent. If it is impracticable to provide individual copies to large groups isolated or quarantined, a copy of the order and notice may be posted in a conspicuous place in the isolation or quarantine premises.

Subd. 2. [TEMPORARY HOLD UPON COMMISSIONER'S ORDER.] Notwithstanding subdivision 1, the commissioner of health may by order isolate or quarantine a person or group of

persons without first obtaining a written, ex parte order from the court if a delay in imposing the isolation or quarantine of the person or group of persons would significantly jeopardize the commissioner of health's ability to prevent or limit the transmission of a communicable or potentially communicable disease to others. Following the imposition of isolation or quarantine under this subdivision, the commissioner of health shall within 72 hours apply for a written, ex parte order from the court authorizing the isolation or quarantine.

Subd. 3. [COURT HEARING.] A person isolated or quarantined under subdivision 1 or 2, or the person's representative, may request in writing a court hearing to contest the ex parte order. If the person, or the person's representative, requests a hearing, the hearing shall be held within 72 hours of receipt of the request, excluding Saturdays, Sundays, and legal holidays. A request for a hearing does not stay the order of isolation or quarantine. At the hearing, the commissioner of health must show that the isolation or quarantine is warranted under sections 12.375 to 12.40.

Subd. 4. [HEARING ON CONTINUATION OF ISOLATION OR QUARANTINE.] On or after the 30th day following a hearing under subdivision 3, or the 30th day following imposition of isolation or quarantine if no hearing is requested under subdivision 3, a person isolated or quarantined under section 12.395 may request in writing a court hearing to contest continued isolation or quarantine. The hearing shall be held within 72 hours of receipt of the request, excluding Saturdays, Sundays, and legal holidays. A request for a hearing does not alter the order of isolation or quarantine. At the hearing, the commissioner of health must show that continuation of the isolation or quarantine is warranted under sections 12.375 to 12.40. If, upon a hearing, the court finds that isolation or quarantine of the individual is not warranted under sections 12.375 to 12.40, the person shall be released from isolation or quarantine.

Subd. 5. [HEARING ON CONDITIONS OF ISOLATION OR QUARANTINE.] A person isolated or quarantined under section 12.395 may request a hearing in district court for remedies regarding the treatment during and the terms and conditions of isolation or quarantine. Upon receiving a request for a hearing under this subdivision, the court shall fix a date for a hearing that is within ten days of the receipt of the request by the court. The request for a hearing does not alter the order of isolation or quarantine. If the court finds that the isolation or quarantine of the individual is not in compliance with section 12.395, subdivision 1, the court may fashion remedies appropriate to the circumstances of the public health emergency and in keeping with this chapter.

Subd. 6. [JUDICIAL DECISIONS.] Judicial decisions on confinement under subdivision 3, 4, or 5 shall be based upon clear and convincing evidence and a written record of the disposition of the case shall be made and retained. The petitioner has the right to be represented by counsel or other lawful representative. The manner in which the request for a hearing is filed and acted upon shall be in accordance with the existing laws and rules of the courts of this state or any rules that are developed by the courts for use during a national security or peacetime emergency.

Sec. 32. [12.397] [VACCINATION AND TREATMENT.]

Subdivision 1. [VACCINATIONS.] (a) During a national security or peacetime emergency declared due to a public health emergency, the commissioner of health may by order direct a person to be vaccinated as protection against communicable disease and to prevent the spread of a communicable or potentially communicable disease according to this subdivision.

(b) Vaccinations may be performed by (i) a person licensed to do so in the absence of an emergency; (ii) a person retired from a medical practice in this state or licensed in another state or Canadian province as provided in section 12.42; or (iii) a person designated in writing by a person identified in clause (i) or (ii). The person performing the vaccination shall promptly report the vaccination to the commissioner of health on forms or in a manner prescribed by the commissioner.

(c) A vaccination must not be given if the person administering the vaccine has reason to know that a particular individual has a known contraindication to the vaccination.

Subd. 2. [VACCINATION EXCUSE AND ENFORCEMENT.] A person excused from vaccination because of a known contraindication or a person who refuses to be vaccinated may be

ordered by the commissioner of health to be placed in isolation or quarantine according to sections 12.395 and 12.396. An order of the commissioner of health given to implement this section is immediately enforceable by the commissioner of public safety, the adjutant general, or any other peace officer.

Subd. 3. [TREATMENT.] (a) During a national security or peacetime emergency declared due to a public health emergency, the commissioner of health may by order direct persons to be treated to prevent the spread of communicable or potentially communicable disease according to this subdivision.

(b) Treatment may be performed by (i) a person licensed to do so in the absence of an emergency; (ii) a person retired from a medical practice in this state or licensed in another state or Canadian province as provided in section 12.42; or (iii) a person designated in writing by a person identified in clause (i) or (ii).

(c) A treatment must not be given if the person administering the treatment has reason to know that a particular individual has a known contraindication to the treatment.

Subd. 4. [TREATMENT EXCUSE AND ENFORCEMENT.] A person excused from treatment because of a known contraindication or a person who refuses to be treated may be ordered by the commissioner of health to be placed in isolation or quarantine according to sections 12.395 and 12.396. An order of the commissioner given to implement this section is immediately enforceable by the commissioner of public safety, the adjutant general, or any other peace officer.

Sec. 33. [12.398] [COLLECTION OF LABORATORY SPECIMENS AND SAMPLES.]

Subdivision 1. [HUMAN AND ANIMAL SPECIMENS.] During a national security or peacetime emergency declared due to a public health emergency, the commissioner of health may, when related to circumstances of the public health emergency, collect specimens from and perform tests on any living person; collect specimens from and perform tests on any animal, living or deceased; and acquire any previously collected specimens or test results that are reasonable and necessary to investigate and respond to the emergency.

Subd. 2. [ENVIRONMENTAL SAMPLES.] During a national security or peacetime emergency declared due to a public health emergency, the commissioner may, when related to the circumstances for which the emergency has been declared, collect environmental samples and acquire any previously collected environmental samples or test results that are reasonable and necessary to investigate and respond to the emergency.

Sec. 34. [12.399] [HEALTH PERSONNEL; POWERS, DUTIES, AND IMMUNITIES.]

Health care providers, including out-of-state emergency health care providers practicing according to section 12.42, while performing health services at the request of the commissioner of health under sections 12.375 to 12.40, shall be immune from civil liability for injuring or causing the death of any person or any damage to property, except in the case of gross negligence or willful misconduct.

Sec. 35. [12.40] [ENFORCEMENT.]

The commissioner of health may enforce sections 12.375 to 12.40 according to sections 144.989 to 144.993. Nothing in this section shall be construed to limit specific enforcement powers enumerated in sections 12.375 to 12.40 or other law.

Sec. 36. Minnesota Statutes 2000, section 12.42, is amended to read:

12.42 [OUT-OF-STATE LICENSE HOLDERS; POWERS, DUTIES.]

During an emergency or disaster, a person who holds a license, certificate, or other permit issued by a state of the United States or by Canada or its political subdivisions, evidencing the meeting of qualifications for professional, mechanical, or other skills, or a retired person who held such a license, certificate, or other permit in good standing upon retirement, may render aid

involving those skills in this state. The license, certificate, or other permit of the person, while rendering aid, has the same force and effect as if issued in this state.

Sec. 37. Minnesota Statutes 2000, section 13.3805, subdivision 1, is amended to read:

Subdivision 1. [HEALTH DATA GENERALLY.] (a) [DEFINITIONS.] As used in this subdivision:

(1) "Commissioner" means the commissioner of health.

(2) "Health data" means data on individuals created, collected, received, or maintained by the department of health, political subdivisions, or statewide systems relating to the identification, description, prevention, and control of disease or as part of an epidemiologic investigation the commissioner designates as necessary to analyze, describe, or protect the public health.

(b) [DATA ON INDIVIDUALS.] (1) Health data are private data on individuals. Notwithstanding section 13.05, subdivision 9, health data may not be disclosed except as provided in this subdivision and section 13.04.

(2) The commissioner or a local board of health as defined in section 145A.02, subdivision 2, may disclose health data to the data subject's physician as necessary to locate or identify a case, carrier, or suspect case, to establish a diagnosis, to provide treatment, to identify persons at risk of illness, or to conduct an epidemiologic investigation.

(3) With the approval of the commissioner, health data may be disclosed to the extent necessary to assist the commissioner to locate or identify a case, carrier, or suspect case, to alert persons who may be threatened by illness as evidenced by epidemiologic data, to control or prevent the spread of serious disease, or to diminish an imminent threat to the public health.

(c) The commissioner, acting under section 145.9809, may share health data with appropriate government and tribal authorities as enumerated in section 145.9809 if the commissioner determines that access will aid public health, promote public safety, or assist law enforcement.

(d) [HEALTH SUMMARY DATA.] Summary data derived from data collected under section 145.413 may be provided under section 13.05, subdivision 7.

Sec. 38. Minnesota Statutes 2000, section 13.82, is amended by adding a subdivision to read:

Subd. 24a. [REPORTING TERRORISM INFORMATION.] When a law enforcement agency learns of a case or suspected case of a qualifying health condition, as defined under section 145.9805, or suspects that an incident could have been caused by bioterrorism, chemical terrorism, or radiological terrorism, as defined under section 145.9805, the law enforcement agency shall immediately notify the commissioner of health.

Sec. 39. Minnesota Statutes 2000, section 13.82, is amended by adding a subdivision to read:

Subd. 24b. [SHARING TERRORISM INFORMATION.] A law enforcement agency may share criminal investigative data with the commissioner of health under subdivision 24a if either the agency or the commissioner reasonably believes that the data indicate a possible threat or occurrence of bioterrorism, chemical terrorism, or radiological terrorism. A law enforcement agency may share criminal investigative data concerning a possible threat or occurrence of agricultural terrorism with the board of animal health or the commissioner of agriculture if the agency, board, or commissioner reasonably believes crops, livestock, or other food supplies may be affected.

Sec. 40. Minnesota Statutes 2000, section 144.99, subdivision 1, is amended to read:

Subdivision 1. [REMEDIES AVAILABLE.] The provisions of chapters 103I and 157 and sections 12.375 to 12.40; 115.71 to 115.77; 144.12, subdivision 1, paragraphs (1), (2), (5), (6), (10), (12), (13), (14), and (15); 144.1201 to 144.1204; 144.121; 144.1222; 144.35; 144.381 to 144.385; 144.411 to 144.417; 144.495; 144.71 to 144.74; 144.9501 to 144.9509; 144.992;

145.9805 to 145.981; 326.37 to 326.45; 326.57 to 326.785; 327.10 to 327.131; and 327.14 to 327.28 and all rules, orders, stipulation agreements, settlements, compliance agreements, licenses, registrations, certificates, and permits adopted or issued by the department or under any other law now in force or later enacted for the preservation of public health may, in addition to provisions in other statutes, be enforced under this section.

Sec. 41. [145.9805] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] For purposes of sections 145.9805 to 145.981, the following definitions apply.

Subd. 2. [BIOLOGICAL AGENT.] "Biological agent" means a microorganism, virus, infectious substance, bioengineered component of any such microorganism, or other biological material that could cause death, disease, or other harm to a human, an animal, a plant, or another living organism.

Subd. 3. [BIOTERRORISM.] "Bioterrorism" means the intentional use or threatened use of a biological agent to harm or endanger members of the public.

Subd. 4. [CHEMICAL AGENT.] "Chemical agent" means a poisonous chemical agent that has the capacity to cause death, disease, or other harm to a human, an animal, a plant, or another living organism.

Subd. 5. [CHEMICAL TERRORISM.] "Chemical terrorism" means the intentional use or threatened use of a chemical agent to harm or endanger members of the public.

Subd. 6. [COMMISSIONER.] "Commissioner" means the commissioner of health.

Subd. 7. [FACILITY.] "Facility" means any real property, building, structure, or other improvement to real property or any motor vehicle, rolling stock, aircraft, watercraft, or other means of transportation.

Subd. 8. [HEALTH CARE PROVIDER.] "Health care provider" means any person or entity who provides health care services including, but not limited to, hospitals, medical clinics and offices, special care facilities, and medical laboratories.

Subd. 9. [HEALTH CARE PROVIDER PERSONNEL.] "Health care provider personnel" include physicians, pharmacists, dentists, physician assistants, nurses, and laboratory technicians.

Subd. 10. [PUBLIC SAFETY AUTHORITY.] "Public safety authority" means the commissioner of public safety, any local government agency that acts principally to protect or preserve the public safety, or any person authorized to act on behalf of the commissioner of public safety or local agency.

Subd. 11. [QUALIFYING HEALTH CONDITION.] "Qualifying health condition" means an illness or health condition that may be caused by terrorism, epidemic or pandemic disease, or a novel infectious agent or biological or chemical toxin and that poses a substantial risk of a significant number of human fatalities or widespread serious illness.

Subd. 12. [RADIOACTIVE MATERIAL.] "Radioactive material" means a radioactive substance that has the capacity to cause bodily injury or death to a human, an animal, a plant, or another living organism.

Subd. 13. [RADIOLOGICAL TERRORISM.] "Radiological terrorism" means the intentional use or threatened use of a radioactive material to harm or endanger members of the public.

Subd. 14. [SPECIMEN.] "Specimen" means any of the following items that are necessary to perform required tests: bodily fluids, including but not limited to blood, sputum, urine, cerebral or spinal fluid, and aqueous humor; stool and other bodily wastes; tissues; DNA and RNA samples; and cultures.

Subd. 15. [TERRORISM.] "Terrorism" means bioterrorism, chemical terrorism, or radiological terrorism.

Subd. 16. [TEST.] "Test" means any diagnostic or investigative analysis necessary to prevent the spread of disease or protect the public's health, safety, and welfare.

Sec. 42. [145.9806] [REPORTING; QUALIFYING HEALTH CONDITIONS; HOSPITAL CAPACITY.]

Subdivision 1. [REPORTING REQUIRED.] (a) A person required to report disease under Minnesota Rules, part 4605.7030, coroner, or medical examiner shall report to the commissioner all cases of, suspected cases of, or deaths of persons from any disease or infectious agent listed in Minnesota Rules, part 4605.7040. The commissioner may add an illness or health condition to the list in Minnesota Rules, part 4605.7040. Any addition made by the commissioner shall be exempt from the requirements of chapter 14.

(b) Hospitals shall report, upon request of the commissioner, the number of available beds and necessary durable medical equipment.

(c) Nothing in this subdivision shall be construed to limit the duty to report to the commissioner under any other provision of law.

Subd. 2. [MANNER OF REPORTING.] Persons reporting to the commissioner under subdivision 1 must report in compliance with Minnesota Rules, part 4605.7090. For cases related to animal or insect bites, the report shall include information for locating the biting animal or insect and the name and address of any known owner.

Subd. 3. [REPORTING REQUIRED BY PHARMACISTS.] (a) A pharmacist or a pharmacy benefits manager shall report any unusual or increased prescription frequency, unusual types of prescriptions, or unusual trends in pharmacy visits that may be caused by a qualifying health condition. Prescription-related events that require a report include, but are not limited to:

(1) an unusual increase in the number of prescriptions to treat fever, respiratory, or gastrointestinal complaints;

(2) an unusual increase in the number of prescriptions for antibiotics; and

(3) an unusual increase in the number of requests for information on over-the-counter pharmaceuticals to treat fever, respiratory, or gastrointestinal complaints.

(b) A report required under this subdivision must be made by telephone and followed up in writing or by secure electronic transmission to the commissioner within 24 hours of the identification of a prescription-related event that requires a report.

Subd. 4. [ENFORCEMENT.] (a) Failure to report by licensed, registered, or certified health care providers as required under this section is grounds for discipline or grounds for negative action against a health care provider's licensure, registration, or certification.

(b) The commissioner may report the failure to report to the health care provider personnel's regulatory board.

(c) The commissioner may discipline any other health care provider personnel or health care provider under the commissioner's jurisdiction that fails to comply with this section. In disciplining a hospital that fails to comply with this section, the commissioner shall use the enforcement powers in chapter 144 that apply to hospitals.

Sec. 43. [145.9807] [DISEASE DETECTION AND MONITORING.]

Subdivision 1. [COMMISSIONER'S DUTIES.] The commissioner shall ascertain the existence of cases or possible exposures of a qualifying health condition, investigate all such cases or suspected cases for sources of infection and to ensure that they are subject to proper control measures, and determine the scope of the qualifying health condition. To carry out these duties, the commissioner may review individual medical records. Data collected is health data under section 13.3805.

Subd. 2. [IDENTIFICATION OF AND INTERVIEWING INDIVIDUALS.] Acting on reports received according to section 145.9806 or other reliable information, the commissioner shall identify all individuals at risk of infection thought to have been exposed to a qualifying health condition. The commissioner shall also identify individuals who have been vaccinated or otherwise protected against the qualifying health condition.

Subd. 3. [ENFORCEMENT.] During a declared national security or peacetime emergency declared due to a public health emergency, the commissioner of public safety, the adjutant general, and other peace officers shall immediately assist in enforcing an order or direction of the commissioner that is made under this section to identify or conduct monitoring of an individual or to examine a facility.

Sec. 44. [145.9808] [PHARMACEUTICALS; PROCUREMENT AND DISTRIBUTION.]

The commissioner may procure, store, or distribute any antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies and equipment located within the state as may be reasonable for emergency preparedness response.

Sec. 45. [145.9809] [INFORMATION SHARING.]

Subdivision 1. [COMMISSIONER.] Whenever the commissioner learns of a case or suspected case of a qualifying health condition, an unusual cluster, or a suspicious event that the commissioner reasonably believes has the potential to be caused by terrorism, the commissioner shall immediately notify the appropriate public safety authority, tribal authorities, federal health and public safety authorities, local public health authorities, and any other state or provincial authorities that may be affected.

Subd. 2. [PUBLIC SAFETY AUTHORITY.] Whenever a public safety authority learns of a case or suspected case of a qualifying health condition, an unusual cluster, or a suspicious event that the public safety authority reasonably believes has the potential to be caused by terrorism, the public safety authority shall immediately notify the commissioner.

Subd. 3. [DATA STANDARDS.] A public safety authority or the commissioner may share data under this section according to sections 13.3805 and 13.82, subdivision 24.

Sec. 46. [145.981] [ENFORCEMENT.]

The commissioner may enforce sections 145.9805 to 145.9809 according to sections 144.989 to 144.993. Nothing in this section shall be construed to limit specific enforcement powers enumerated in sections 145.9805 to 145.9809 or other law.

Sec. 47. Minnesota Statutes 2000, section 145A.07, subdivision 1, is amended to read:

Subdivision 1. [AGREEMENTS TO PERFORM DUTIES OF COMMISSIONER.] (a) The commissioner of health may enter into an agreement with any board of health to delegate all or part of the licensing, inspection, reporting, and enforcement, and public health emergency duties authorized under sections 12.31 to 12.399; 144.12; 144.381 to 144.387; 144.411 to 144.417; 144.71 to 144.74; 145.9805 to 145.9809; 145A.04, subdivision 6; provisions of chapter 103I pertaining to construction, repair, and abandonment of water wells; chapter 157; and sections 327.14 to 327.28.

(b) Agreements are subject to subdivision 3.

(c) This subdivision does not affect agreements entered into under Minnesota Statutes 1986, section 145.031, 145.55, or 145.918, subdivision 2.

Sec. 48. [APPROPRIATIONS.]

(a) \$1,000,000 is appropriated from the general fund to the commissioner of health for terrorism preparedness in fiscal year 2002. \$2,695,000 is appropriated from the general fund to the commissioner of health for terrorism preparedness in fiscal year 2003.

(b) Base level funding for terrorism preparedness for the department of health should be \$2,347,000 beginning in fiscal year 2004.

Sec. 49. [EFFECTIVE DATE.]

Sections 1 to 48 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 13, after the semicolon, insert "145A.07, subdivision 1;"

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

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

S.F. No. 2676: A bill for an act relating to natural resources; modifying provisions relating to aquatic plant control permits; eliminating the maximum fee for an aquatic plant control permit; amending Minnesota Statutes 2000, section 103G.615, subdivisions 2, 3, by adding subdivisions.

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 2000, section 103G.615, subdivision 2, is amended to read:

Subd. 2. [FEES.] (a) The commissioner shall establish a fee schedule for permits to ~~harvest control~~ aquatic plants other than wild rice, ~~by order, after holding a public hearing rule.~~ The fees ~~may not exceed \$200 per permit~~ must be based upon the cost of receiving, processing, analyzing, and issuing the permit, and additional costs incurred after the application to inspect and monitor the activities authorized by the permit.

(b) The fee for a permit for chemical treatment of rooted aquatic vegetation may not exceed \$20 for each contiguous parcel of shoreline owned by an owner. This fee may not be charged for permits issued in connection with lakewide Eurasian water milfoil control programs.

(c) A fee may not be charged to the state or a federal governmental agency applying for a permit.

(d) The money received for the permits under this subdivision shall be deposited in the treasury and credited to the game and fish fund.

Sec. 2. Minnesota Statutes 2000, section 103G.615, subdivision 3, is amended to read:

Subd. 3. [PERMIT STANDARDS.] (a) The commissioner shall, by rule, prescribe standards to issue and deny permits under this section. The standards must ensure that aquatic plant control is consistent with shoreland conservation ordinances, lake management plans and programs, and wild and scenic river plans.

(b) The commissioner shall not issue a new permit for the use of pesticides for aquatic plant control below the ordinary high-water level of public waters, unless the commissioner determines that control of the aquatic plants is consistent with subdivision 1, paragraph (a), clause (3), and rules adopted under paragraph (a), and that:

(1) nonpesticide options will not be effective in controlling the aquatic plants and the permittee will minimize the environmental impact from the pesticide application;

(2) effective nonpesticide options for control will be more harmful to the environment; or

(3) the application of pesticides under the permit will be more cost effective in control of the aquatic plants and will result in minimal environmental harm.

Sec. 3. [PERMIT FEE CHANGES.]

Notwithstanding Minnesota Statutes, section 16A.1283, by March 1, 2003, the commissioner of natural resources shall amend the fee schedule authorized in section 1 to remove the maximum permit fee of \$200. The fee changes shall apply to all permits issued after February 28, 2003.

Sec. 4. [AQUATIC PLANT CONTROL PERMIT PROGRAM REVIEW PROPOSAL.]

By October 15, 2002, the commissioner of natural resources must submit a proposal to the governor and members of the legislative fiscal and policy committees with jurisdiction over natural resources to review the aquatic plant control permit program, under Minnesota Statutes, section 103G.615."

Amend the title as follows:

Page 1, line 6, delete ", by adding subdivisions"

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

Senator Krentz from the Committee on Environment and Natural Resources, to which was re-referred

S.F. No. 222: A bill for an act relating to natural resources; establishing penalties for gross overlimit violations of fish and game laws; setting certain restitution values; providing criminal penalties; requiring fish and game license seizure for gross overlimits violations; establishing possession criteria for commercial fishing operations; modifying commercial license reinstatement provisions; amending Minnesota Statutes 2000, sections 97A.015, by adding subdivisions; 97A.225, subdivision 1; 97A.255, by adding a subdivision; 97A.341, subdivision 1; 97A.345; 97A.421, subdivision 5, by adding a subdivision; 97C.505, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 97A; 97C.

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 2000, section 97A.015, is amended by adding a subdivision to read:

Subd. 42a. [RESTITUTION VALUE OF THE WILD ANIMALS.] "Restitution value of the wild animals" means the total value of the wild animals taken in a violation based on:

(1) the values established under section 97A.345; or

(2) the values determined by the court under section 97A.341, subdivision 4, if the values are not established under section 97A.345.

Sec. 2. Minnesota Statutes 2000, section 97A.225, subdivision 1, is amended to read:

Subdivision 1. [SEIZURE.] (a) An enforcement officer must seize all motor vehicles used to:

- (1) shine wild animals in violation of section 97B.081, subdivision 1;
- (2) transport big game animals illegally taken or fur-bearing animals illegally purchased; or
- (3) transport minnows in violation of section 97C.501, 97C.515, or 97C.525.

(b) An enforcement officer must seize all boats and motors used in netting fish on Lake of the Woods, Rainy Lake, Lake Superior, Namakan Lake, and Sand Point Lake in violation of licensing or operating requirements of section 97A.475, subdivision 31, 32, 33, ~~or 37~~ 30, 97C.825, 97C.831, or 97C.835, or a rule of the commissioner relating to these provisions.

(c) An enforcement officer may seize all boats and motors with their trailers, that are used to take, possess, or transport wild animals when the restitution value of the wild animals exceeds \$500.

Sec. 3. Minnesota Statutes 2000, section 97A.255, is amended by adding a subdivision to read:

Subd. 5. [JOINT AND SEVERAL LIABILITY.] When two or more people intentionally aid, advise, counsel, conspire with, or act in concert with each other to unlawfully take, transport, or possess wild animals when the restitution value of the wild animals exceeds \$500, each person is jointly and severally liable for the wild animals for purposes of:

- (1) license seizure and revocation under sections 97A.420 and 97A.421;
- (2) equipment and property seizure under section 97A.221;
- (3) boat, motor, and trailer seizure under section 97A.225; and
- (4) restitution under section 97A.341.

Sec. 4. [97A.338] [GROSS OVERLIMITS OF WILD ANIMALS; PENALTY.]

A person who takes, possesses, or transports wild animals over the legal limit, in closed season, or without a valid license, when the restitution value of the wild animals is over \$1,000 is guilty of a gross overlimit violation. A violation under this section is a gross misdemeanor.

Sec. 5. [97A.420] [SEIZURE OF LICENSES.]

Subdivision 1. [SEIZURE.] (a) An enforcement officer shall immediately seize the license of a person who unlawfully takes, transports, or possesses wild animals when the restitution value of the wild animals exceeds \$500. Except as provided in subdivisions 2, 4, and 5, the person may not obtain any license to take the same type of wild animals involved, including a duplicate license, until an action is taken under subdivision 6.

(b) In addition to the license seizure under paragraph (a), if the restitution value of the wild animals unlawfully taken, possessed, or transported is \$5,000 or more, all other game and fish licenses held by the person shall be immediately seized. Except as provided in subdivision 2, 4, or 5, the person may not obtain any game or fish license or permit, including a duplicate license, until an action is taken under subdivision 6.

(c) A person may not take wild animals covered by a license seized under this subdivision until an action is taken under subdivision 6.

Subd. 2. [ADMINISTRATIVE REVIEW.] (a) At any time after the seizure of a license under subdivision 1 and before revocation under section 97A.421, a person may request in writing a review of the seizure under this section. Upon receiving the request for review, the commissioner shall review the seizure, the evidence upon which it was based, and other material information brought to the attention of the commissioner, and determine whether sufficient cause exists to sustain the seizure.

(b) Within 15 days after receiving the request for administrative review, the commissioner shall issue a written report of the review and shall order that the seizure be either sustained or rescinded.

(c) The review provided in this subdivision is not subject to the contested case provisions of the Administrative Procedure Act under chapter 14. The availability of administrative review does not preclude judicial review under this section.

Subd. 3. [JUDICIAL REVIEW.] (a) Within 30 days following the seizure of a license under subdivision 1, a person may petition the court for review. The petition must be filed with the district court administrator in the county where the incident occurred, together with proof of service of a copy on the commissioner and the county attorney. A responsive pleading is not required of the commissioner of natural resources, and court fees may not be charged for the appearance of the representative of the commissioner in the matter.

(b) The petition must be captioned in the name of the person making the petition as petitioner and the commissioner as respondent. The petition must state specifically the grounds upon which the petitioner seeks rescission of the license seizure.

(c) The filing of the petition does not stay the license seizure. The judicial review shall be conducted according to the Rules of Civil Procedure.

Subd. 4. [HEARING.] (a) A hearing under subdivision 3 must be before a district court judge in the county where the incident occurred giving rise to the license seizure. The hearing must be to the court and may be conducted at the same time as hearings upon pretrial motions in a related criminal prosecution. The commissioner must be represented by the county attorney.

(b) The hearing must be held at the earliest practicable date and in any event no later than 60 days following the filing of the petition for review.

(c) The scope of the hearing must be limited to the issue of whether there is probable cause to believe that the person violated section 97A.338.

(d) The court shall order that the license seizure be either sustained or rescinded. Within 14 days following the hearing, the court shall forward a copy of the order to the commissioner.

(e) Any party aggrieved by the decision of the reviewing court may appeal the decision as provided in the Rules of Civil Appellate Procedure.

Subd. 5. [TEMPORARY RELEASE OF COMMERCIAL LICENSES.] At any time during the period that a game or fish license is seized under subdivision 1, a person possessing a commercial license issued under the game and fish laws may make a written request to the commissioner to temporarily release the commercial license. If the commissioner determines that the public welfare will not be injured, the commissioner may temporarily reinstate the commercial license upon payment of a temporary reinstatement fee of \$1,000 cash or bond in favor of the state for each commercial license to be released. An additional fee is not required for vehicles licensed under section 97A.475, subdivision 26, clause (2) or (4). If the license is returned under subdivision 6, paragraph (a), the temporary reinstatement fee shall be returned to the licensee. If the license is revoked under subdivision 6, paragraph (b), the temporary reinstatement fee shall be deposited in the game and fish fund and is not refundable.

Subd. 6. [RETURN OR REVOCATION OF LICENSES UPON DISMISSAL OR CONVICTION.] (a) Upon acquittal, dismissal, or determination not to charge a person for a violation, the license seizure under subdivision 1 is immediately rescinded and any license seized in connection with the incident must be returned to the licensee.

(b) Upon conviction of a violation when the restitution value of the wild animals exceeds \$500, revocation of licenses and license privileges must be imposed as provided under section 97A.421, subdivision 2a.

Sec. 6. Minnesota Statutes 2000, section 97A.421, is amended by adding a subdivision to read:

Subd. 2a. [LICENSE REVOCATION AFTER CONVICTION.] (a) A person may not obtain a license to take a wild animal and is prohibited from taking wild animals for a period of five years after the date of conviction of:

(1) a violation when the restitution value of the wild animals is \$5,000 or more; or

(2) a violation when the restitution value of the wild animals exceeds \$500 and the violation occurs within ten years of one or more previous license revocations under this subdivision.

(b) A person may not obtain a license to take the type of wild animals involved in a violation when the restitution value of the wild animals exceeds \$500, and is prohibited from taking the type of wild animals involved in the violation for a period of three years after the date of conviction of a violation.

(c) The time period of multiple revocations under paragraph (a), clause (2), shall be consecutive and no wild animals of any kind may be taken during the entire period.

(d) The court may not stay or reduce the imposition of license revocation provisions under this subdivision.

Sec. 7. Minnesota Statutes 2000, section 97A.421, subdivision 5, is amended to read:

Subd. 5. [COMMISSIONER MAY REINSTATE CERTAIN LICENSES AFTER CONVICTION.] If the commissioner determines that the public welfare will not be injured, the commissioner may reinstate licenses voided under subdivision 1 and issue licenses to persons ineligible under subdivision 2 or 2a. The commissioner's authority applies only to licenses to:

- (1) maintain and operate fur or game farms, aquatic farms, or private fish hatcheries;
- (2) take fish ~~commercially in Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior~~ by commercial netting;
- (3) buy fish from ~~Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior~~ commercial fishing commercial netting licensees; and
- (4) sell or export turtles or live minnows.

Sec. 8. Minnesota Statutes 2000, section 97C.505, is amended by adding a subdivision to read:

Subd. 8. [POSSESSION FOR MINNOW DEALERS.] When nets and traps are lawfully set and tended, minnows and incidentally taken game fish under four inches in length are not considered to be in possession until the minnows or game fish are placed on a motor vehicle or trailer for transport on land.

Sec. 9. [97C.843] [POSSESSION FOR COMMERCIAL NETTING.]

When commercial nets, seines, bags, or cribs are lawfully set and tended, incidentally taken fish not included in the license are not considered in possession if they are returned to the water or if they are tagged in accordance with section 97C.835 before they are placed on a motor vehicle or trailer for transport on land.

Sec. 10. [RULES FOR RESTITUTION VALUES FOR FISH AND WILDLIFE.]

(a) The restitution value for a canvasback is \$100. The restitution value for trumpeter swans is \$1,000. The base restitution value for a yellow perch is \$10 and the quality size limit is ten inches. The restitution values for the following game fish based on size are:

- (1) green or orange spotted sunfish that are less than four inches in length, no value;
- (2) yellow perch and members of the Centrarchidae family, not included in clause (1), that are less than four inches in length, ten cents per fish;
- (3) walleye taken on Lake Superior or in St. Louis bay that are less than two inches in length, ten cents per fish; and
- (4) all other game fish that are less than four inches in length and not included in clauses (1) to (3), \$1 per fish.

(b) The commissioner of natural resources shall amend the permanent rules relating to restitution values for fish and wildlife, Minnesota Rules, chapter 6133, according to this section and pursuant to Minnesota Statutes, section 14.388, clause (3). Except as provided in Minnesota Statutes, section 14.388, section 14.386 does not apply.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 10 are effective March 1, 2003, and the criminal provisions apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to natural resources; establishing a gross misdemeanor penalty for gross overlimit violations of fish and game laws; setting certain restitution values; providing criminal penalties; requiring fish and game license seizure for certain violations; establishing possession criteria for commercial fishing operations; modifying commercial license reinstatement provisions; amending Minnesota Statutes 2000, sections 97A.015, by adding a subdivision; 97A.225, subdivision 1; 97A.255, by adding a subdivision; 97A.421, subdivision 5, by adding a subdivision; 97C.505, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 97A; 97C."

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

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

S.F. No. 2680: A bill for an act relating to energy codes; changing certain requirements; amending Minnesota Statutes 2000, section 16B.617.

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 2000, section 16B.617, is amended to read:

16B.617 [ENERGY CODE RULES REMAIN IN EFFECT.]

(a) Notwithstanding Laws 1999, chapter 135, section 9, Minnesota Rules, chapter 7670, does not expire on April 15, 2000, but remains in effect for residential buildings not covered by Minnesota Rules, chapter 7676. The provisions of Minnesota Rules, chapter 7670, that apply to category 1 buildings govern new, detached single one- and two-family R-3 occupancy residential buildings. All new, detached single one- and two-family R-3 occupancy buildings subject to Minnesota Rules, chapter 7670, submitting an application for a building permit after April 14, 2000, must meet the requirements for category 1 buildings, as set out in Minnesota Rules, chapter 7670. ~~All new detached single one- and two-family R-3 occupancy buildings having fuel burning equipment using nonsolid fuels for space heating, service water heating, or hearth products must install direct vent, power vent, or sealed combustion equipment. All new detached single one- and two-family R-3 occupancy buildings must have a mechanical ventilation system which replaces, by direct or indirect means, air from habitable rooms with outdoor air. If any single exhaust device over 300 cubic feet per minute is installed, sealed combustion space heating equipment or an alternative make-up air source must be used.~~

(b) As an alternative to compliance with paragraph (a), compliance with Minnesota Rules, chapters 7672 and 7674, is optional for a contractor or owner.

(c) The department of administration, building codes and standards division (BCSD), shall issue a report to the legislature by December 1, 2001, addressing the cost benefit, as well as air quality, building durability, moisture, enforcement, enforceability, and liability regarding implementation of Minnesota Rules, chapters 7670, 7672, and 7674. The report must include a feasibility study of establishing new criteria for category 2 detached single one- and two-family R-3 occupancy buildings that are energy efficient, enforceable, and provide sufficient nonmechanical ventilation or permeability for a home to maintain good air quality, building durability, and adequate release of moisture.

(d) This section expires when the commissioner of administration adopts a new energy code in accordance with section 4.

Sec. 2. Minnesota Statutes 2000, section 16B.70, subdivision 1, is amended to read:

Subdivision 1. [COMPUTATION.] To defray the costs of administering sections 16B.59 to

~~16B.75~~ 16B.76, a surcharge is imposed on all permits issued by municipalities in connection with the construction of or addition or alteration to buildings and equipment or appurtenances after June 30, 1971, ~~as follows~~. The commissioner may use any surplus in surcharge receipts to award grants for code research and development, education, and enforcement.

If the fee for the permit issued is fixed in amount the surcharge is equivalent to one-half mill (.0005) of the fee or 50 cents, whichever amount is greater. For all other permits, the surcharge is as follows:

(1) if the valuation of the structure, addition, or alteration is \$1,000,000 or less, the surcharge is equivalent to one-half mill (.0005) of the valuation of the structure, addition, or alteration;

(2) if the valuation is greater than \$1,000,000, the surcharge is \$500 plus two-fifths mill (.0004) of the value between \$1,000,000 and \$2,000,000;

(3) if the valuation is greater than \$2,000,000, the surcharge is \$900 plus three-tenths mill (.0003) of the value between \$2,000,000 and \$3,000,000;

(4) if the valuation is greater than \$3,000,000, the surcharge is \$1,200 plus one-fifth mill (.0002) of the value between \$3,000,000 and \$4,000,000;

(5) if the valuation is greater than \$4,000,000, the surcharge is \$1,400 plus one-tenth mill (.0001) of the value between \$4,000,000 and \$5,000,000; and

(6) if the valuation exceeds \$5,000,000, the surcharge is \$1,500 plus one-twentieth mill (.00005) of the value that exceeds \$5,000,000.

Sec. 3. Minnesota Statutes 2001 Supplement, section 16B.76, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] (a) The construction codes advisory council consists of the following members:

(1) the commissioner of administration or the commissioner's designee representing the department's building codes and standards division;

(2) the commissioner of health or the commissioner's designee representing an environmental health section of the department;

(3) the commissioner of public safety or the commissioner's designee representing the department's state fire marshal division;

(4) the commissioner of commerce or the commissioner's designee representing the department's state energy office; and

(5) one member representing each of the following occupations or entities, appointed by the commissioner of administration:

(i) a certified building official;

(ii) a fire service representative;

(iii) a licensed architect;

(iv) a licensed engineer;

(v) a building owners and managers representative;

(vi) a licensed residential building contractor;

(vii) a commercial building contractor;

(viii) a heating and ventilation contractor;

- (ix) a plumbing contractor;
- (x) a representative of a construction and building trades union; and
- (xi) a local unit of government representative; and
- (xii) a homeowner who is a member of a residential consumer advocacy organization.

(b) For members who are not state officials or employees, terms, compensation, removal, and the filling of vacancies are governed by section 15.059. The council shall select one of its members to serve as chair.

(c) The council expires June 30, 2003.

Sec. 4. [ENERGY CODE.]

Notwithstanding Minnesota Statutes, section 16B.617, the commissioner of administration, in consultation with the construction codes advisory council, shall explore and review the availability and appropriateness of any model energy codes related to the construction of single one- and two-family residential buildings. In consultation with the council, the commissioner shall take steps to adopt the chosen code with all necessary and appropriate amendments.

The commissioner may not adopt all or part of a model energy code relating to the construction of residential buildings without research and analysis that addresses, at a minimum, air quality, building durability, moisture, enforcement, enforceability cost benefit, and liability. The research and analysis must be completed in cooperation with the residential building industry and an affirmative recommendation by the construction codes advisory council.

Sec. 5. [EFFECTIVE DATE.]

Section 1 is effective when the commissioner of administration adopts appropriate provisions addressing combustion air and make-up air in residential construction as part of the mechanical code. Sections 2 to 4 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to energy codes; adding a member to the construction codes advisory council; changing certain requirements; providing for adoption of a new energy code; amending Minnesota Statutes 2000, sections 16B.617; 16B.70, subdivision 1; Minnesota Statutes 2001 Supplement, section 16B.76, subdivision 1."

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

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

S.F. No. 2562: A bill for an act relating to occupations; revising circumstances in which the signature of a licensed architect, licensed engineer, licensed land surveyor, licensed landscape architect, licensed geoscientist, or certified interior designer is required; amending Minnesota Statutes 2000, section 326.12, subdivision 3.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 326.12, subdivision 3, is amended to read:

Subd. 3. [CERTIFIED SIGNATURE.] Each plan, drawing, specification, plat, report, or other document which under sections 326.02 to 326.15 is prepared by a licensed architect, licensed engineer, licensed land surveyor, licensed landscape architect, licensed geoscientist, or certified interior designer must bear the signature of the licensed or certified person preparing it, or the signature of the licensed or certified person under whose direct supervision it was prepared. Each signature shall be accompanied by a certification that the signer is licensed or certified under

sections 326.02 to 326.15, by the person's license or certificate number, and by the date on which the signature was affixed. The provisions of this paragraph shall not apply to any plans, drawings, specifications, plats, reports, or other documents of an intraoffice or intracompany nature. A government agency or local unit of government need sign and certify only the title page or first page of a highway construction document that is described in this subdivision; provided that all other pages must have printed or stamped on them a facsimile signature and the information required by this subdivision. The stamp or printed signature has the same force and effect as an actual signature or that are considered to be drafts or of a preliminary, schematic, or design development nature by licensed or certified individuals who would normally be responsible for their preparation. The required signature and certification must appear on all pages of plans and drawings that must be signed, but only on the first page of specifications, plats, reports, or other documents that must be signed. A stamp, printed signature, or electronically created signature has the same force and effect as an actual signature if it creates an accurate depiction of the licensed or certified professional's actual signature.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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

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

S.F. No. 1226: A bill for an act relating to insurance; no-fault auto; regulating basic economic loss benefits; amending Minnesota Statutes 2000, section 65B.44, subdivision 1.

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

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

S.F. No. 2671: A bill for an act relating to insurance; no-fault auto; regulating residual liability coverage; amending Minnesota Statutes 2000, section 65B.49, subdivision 3.

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

Senator Murphy from the Committee on Agriculture, General Legislation and Veterans Affairs, to which was referred

S.F. No. 2569: A bill for an act relating to veterans homes; clarifying items to be considered means of support; amending Minnesota Statutes 2000, section 198.03, subdivision 1.

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

Senator Murphy from the Committee on Agriculture, General Legislation and Veterans Affairs, to which was referred

S.F. No. 2594: A bill for an act relating to agriculture; establishing an on-farm biogas recovery facility loan program; proposing coding for new law in Minnesota Statutes, chapter 41B.

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

Delete everything after the enacting clause and insert:

"Section 1. [41B.049] [SUSTAINABLE AGRICULTURE AND RENEWABLE ENERGY LOAN PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] The authority shall establish and implement the following loan programs:

(1) a sustainable agriculture loan program that enables farmers to adopt best management practices that emphasize sufficiency and self-sufficiency in agricultural inputs, including energy efficiency, reduction or improved management of petroleum and chemical inputs, and increasing the energy self-sufficiency of production by agricultural producers, and environmental improvements; and

(2) a methane digester loan program to help finance the purchase of necessary equipment and the construction of a system that will utilize manure to produce electricity.

Subd. 2. [REVOLVING FUND.] There is established in the state treasury a revolving fund, which is eligible to receive appropriations and the transfer of funds from other services. All repayments of financial assistance granted under subdivision 1, including principal and interest, must be deposited into this fund. Interest earned on money in the fund accrues to the fund, and money in the fund is appropriated to the commissioner of agriculture for purposes of the sustainable agriculture and renewable energy loan program, including costs incurred by the authority to establish and administer the program. At least \$750,000 of the total amount loaned or available for loan must be for the purpose of making loans under subdivision 1, clause (1).

Subd. 3. [ELIGIBILITY.] Notwithstanding section 41B.03, to be eligible for these programs a borrower must:

(1) locate the projects and utilize the equipment and practices on land located in Minnesota;

(2) provide evidence of financial stability;

(3) demonstrate an ability to repay the loan; and

(4) provide evidence that the practices implemented and capital assets purchased will be properly managed and maintained.

Subd. 4. [LOANS.] (a) The authority may participate in a loan with an eligible lender to a farmer who is eligible under subdivision 3. The interest rates and repayment terms of the authority's participation interest may differ from the interest rates and repayment terms of the lender's retained portion of the loan, but the authority's interest rate must not exceed four percent.

(b) Application for loan participation must be made on forms prescribed by the authority.

(c) Standards for loan amortization shall be set by the rural finance authority not to exceed ten years.

(d) Security for the loans must be a personal note executed by the borrower and whatever other security is required by the eligible lender or the authority.

(e) No loan proceeds may be used to refinance a debt existing prior to application.

(f) The authority may impose a reasonable nonrefundable application fee for each application for loan participation. The authority may review the application fees annually and make adjustments as necessary. The application fee is initially set at \$50 for a sustainable agriculture loan, under subdivision 1, clause (1), and \$100 for a methane digester loan, under subdivision 1, clause (2). The fees received by the authority must be deposited in the revolving fund created in subdivision 2.

Subd. 5. [SUSTAINABLE AGRICULTURE LOAN CRITERIA.] (a) To be eligible, a borrower must be a resident of Minnesota, a family farm partnership, or a family farm corporation.

(b) Participation is limited to 45 percent of the principal amount of the loan not to exceed \$25,000 to a single individual or entity and not to exceed \$100,000 for loans to four or more individuals or entities on joint projects.

(c) The application must show that the loan funds will be used to:

(1) realize savings to the cost of agricultural production;

- (2) reduce or make more efficient use of energy or other inputs;
- (3) increase overall farm profitability; and
- (4) result in environmental benefits.

(d) A borrower may apply more than one time, however the cumulative principal balance outstanding at any one time may not exceed the limits set in paragraph (b).

Subd. 6. [METHANE DIGESTER LOAN CRITERIA.] (a) To be eligible, a borrower must be a resident of Minnesota or an entity that is not prohibited from owning agricultural land under section 500.24.

(b) Participation is limited to 45 percent of the principal amount of the loan or \$250,000, whichever is less.

(c) Loans under this program may be used as a match for federal loans or grants.

(d) A borrower who has previously participated in a loan under subdivision 1, clause (2), is prohibited from participating in another methane digester loan under subdivision 1, clause (2).

Sec. 2. [TRANSFER OF FUNDS; DEPOSIT OF REPAYMENTS.]

(a) The remaining balance in the disaster recovery revolving fund established under Minnesota Statutes, section 41B.047, subdivision 2, is transferred to the revolving fund established under Minnesota Statutes, section 41B.049, subdivision 2, on the effective date of this section. Notwithstanding Minnesota Statutes, section 41B.047, subdivision 2, all future receipts from loans originated under Minnesota Statutes, section 41B.047, shall be deposited in the revolving fund established under Minnesota Statutes, section 41B.049, subdivision 2.

(b) The remaining balance in the revolving account dedicated to the shared savings loan program established under Minnesota Statutes, section 17.115, shall be transferred to the revolving fund established under Minnesota Statutes, section 41B.049, subdivision 2, on the effective date of this section. Notwithstanding Minnesota Statutes, section 17.115, all future receipts from loans originated under Minnesota Statutes, section 17.115, shall be deposited in the revolving fund established under Minnesota Statutes, section 41B.049, subdivision 2.

Sec. 3. [UNIVERSITY OF MINNESOTA.]

Notwithstanding the restrictions in Minnesota Statutes, section 41B.049, subdivision 4, the commissioner may participate in a zero interest loan to the University of Minnesota for up to \$100,000 for purchase of a methane digester under Minnesota Statutes, section 41B.049, subdivision 1, clause (2)."

Delete the title and insert:

"A bill for an act relating to agriculture; creating the agriculture and renewable energy loan program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 41B."

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

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

S.F. No. 2683: A bill for an act relating to public safety; authorizing public meetings to be closed under certain circumstances to discuss security issues; limiting duration of drivers' licenses and Minnesota identification cards for noncitizens with short-term admission authorization; expanding first-degree murder to include death resulting from an act of terrorism; imposing a term of life imprisonment without release; establishing crimes relating to the use of biological agents, toxic chemicals, or toxins; modifying and expanding provisions relating to terroristic threats;

increasing penalties for trespass on a public utility; imposing criminal penalties; funding training for emergency personnel and antiterrorism equipment purchases; appropriating money to the commissioner of public safety for homeland security; amending Minnesota Statutes 2000, sections 13D.05, subdivision 3; 171.07, subdivision 4; 171.27; 299A.62, subdivision 1; 609.106, subdivision 2; 609.185; 609.605, by adding a subdivision; 609.713, subdivisions 1, 2, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 403.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 299A; 609.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1
APPROPRIATIONS

Section 1. Minnesota Statutes 2000, section 299A.62, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM ESTABLISHED.] (a) A community-oriented policing grant program is established under the administration of the commissioner of public safety.

(b) Grants may be awarded as provided in subdivision 2 for the following purposes:

(1) to enable local law enforcement agencies to hire law enforcement officers. The grants must be used by law enforcement agencies to increase the complement of officers in the agency by paying the salaries of new officers who replace an existing officer who has been reassigned primarily to investigate and prevent juvenile crime or to perform community-oriented policing duties;

(2) to enable local law enforcement agencies to assign overtime officers to high crime areas within their jurisdictions; and

(3) to enable local law enforcement agencies to implement or expand community-oriented policing projects, liaison efforts with local school districts, and other innovative community policing initiatives; and

(4) to reimburse local units of government for extraordinary expenses related to terroristic threats or incidents, including the purchase or rental of emergency equipment and the cost of staff overtime.

(c) No grants may be awarded under paragraph (b), clause (4), that reimburse a grant recipient for costs relating to monitoring a person's lawful political activities, interfering with a person's constitutionally protected right of free speech or association or a person's constitutionally protected right to the free exercise of religion, or unlawfully discriminating against a person.

Sec. 2. [299A.77] [EMERGENCY PREPAREDNESS TRAINING AND EQUIPMENT GRANTS.]

Subdivision 1. [TRAINING GRANTS.] The commissioner of public safety may award grants to state agencies and local units of government for costs, including reimbursement of costs, related to emergency preparedness training for law enforcement, fire, ambulance, and medical personnel and agencies. Training exercises eligible for grants include, but are not limited to, fire, police and emergency medical first responder training, structural collapse training, urban search and rescue training, and specialized natural, biological, and chemical incident training.

Subd. 2. [EQUIPMENT GRANTS.] The commissioner may award grants to state agencies and local units of government for costs, including reimbursement of costs, related to purchase of emergency preparedness equipment for law enforcement, fire, ambulance, and medical personnel and agencies. Equipment eligible for grants include, but are not limited to, personal protection equipment, equipment to detect and monitor chemical or biological agents, and decontamination equipment.

Subd. 3. [LOCAL MATCH.] Eligible local units of government shall provide a 25 percent match for grants received.

Subd. 4. [GRANT APPLICATION.] State agencies and local units of government shall submit an application to the commissioner in the form and manner the commissioner establishes.

Subd. 5. [AWARDING GRANTS.] The commissioner shall act as the fiscal agent for the grant program. Before any grants are awarded, a committee consisting of representatives from the Minnesota chiefs of police association, Minnesota fire chief's association, Minnesota sheriff's association, the Minnesota police and peace officer's association, the Minnesota professional firefighter's association, the Minnesota ambulance association, the Minnesota hospital and health care partnership, the Minnesota emergency medical services regulatory board, and the emergency management division of the department of public safety shall evaluate the grant applications. The commissioner shall meet and consult with the committee concerning its evaluation of and recommendations on grant proposals before awarding any grants.

Sec. 3. Minnesota Statutes 2001 Supplement, section 403.11, subdivision 1, is amended to read:

Subdivision 1. [EMERGENCY TELEPHONE SERVICE FEE.] (a) Each customer of a telephone company or communications carrier that provides service capable of originating a 911 emergency telephone call is assessed a fee to cover the costs of ongoing maintenance and related improvements for trunking and central office switching equipment for minimum 911 emergency telephone service, plus administrative and staffing costs of the department of administration related to managing the 911 emergency telephone service program. Recurring charges by a public utility providing telephone service for updating the information required by section 403.07, subdivision 3, must be paid by the commissioner of administration if the utility is included in an approved 911 plan and the charges have been certified and approved under subdivision 3. The commissioner of administration shall transfer an amount equal to two cents a month from the fee assessed under this section on cellular and other nonwire access services to the commissioner of public safety for the purpose of offsetting the costs, including administrative and staffing costs, incurred by the state patrol division of the department of public safety in handling 911 emergency calls made from cellular phones. Money remaining in the 911 emergency telephone service account after all other obligations are paid must not cancel and is carried forward to subsequent years and may be appropriated from time to time to the commissioner of administration to provide financial assistance to counties for the improvement of local emergency telephone services. The improvements may include providing access to minimum 911 service for telephone service subscribers currently without access and upgrading existing 911 service to include automatic number identification, local location identification, automatic location identification, and other improvements specified in revised county 911 plans approved by the department.

(b) The fee is ~~27~~ 49 cents a month for each customer access line or other basic access service, including trunk equivalents as designated by the public utilities commission for access charge purposes and including cellular and other nonwire access services. The fee must be the same for all customers.

(c) The commissioner of administration shall transfer to the commissioner of public safety from the fee assessed under this section an amount equal to two cents a month for the development and implementation of a communication system connecting firefighters with emergency medical services providers.

The commissioner of administration shall transfer to the director of the Minnesota emergency medical services regulatory board from the fee assessed under this section an amount equal to one cent a month for grants for medical resource communication efforts.

The commissioner of administration shall use from the fee assessed under this section an amount equal to 20 cents a month for public safety answering points.

(d) The fee must be collected by each company or carrier providing service subject to the fee. Fees are payable to and must be submitted to the commissioner of administration monthly before the 25th of each month following the month of collection, except that fees may be submitted

quarterly if less than \$250 a month is due, or annually if less than \$25 a month is due. Receipts must be deposited in the state treasury and credited to a 911 emergency telephone service account in the special revenue fund. The money in the account may only be used for 911 telephone services as provided in paragraph paragraphs (a) and (c).

~~(d)~~ (e) This subdivision does not apply to customers of a telecommunications carrier as defined in section 237.01, subdivision 6.

Sec. 4. Minnesota Statutes 2001 Supplement, section 473.901, subdivision 1, is amended to read:

Subdivision 1. [COSTS COVERED BY FEE.] For each fiscal year beginning with the fiscal year commencing July 1, 1997, the amount necessary to pay the following costs is appropriated to the commissioner of administration from the 911 emergency telephone service account established under section 403.11:

- (1) debt service costs and reserves for bonds issued pursuant to section 473.898;
- (2) repayment of the right-of-way acquisition loans;
- (3) costs of design, construction, maintenance of, and improvements to those elements of the first phase that support mutual aid communications and emergency medical services; or
- (4) recurring charges for leased sites and equipment for those elements of the first phase that support mutual aid and emergency medical communication services.

This appropriation shall be used to pay annual debt service costs and reserves for bonds issued pursuant to section 473.898 prior to use of fee money to pay other costs eligible under this subdivision. In no event shall the appropriation for each fiscal year exceed an amount equal to ~~four~~ 13 cents a month for each customer access line or other basic access service, including trunk equivalents as designated by the public utilities commission for access charge purposes and including cellular and other nonwire access services, in the fiscal year.

Sec. 5. [DEPARTMENT OF PUBLIC SAFETY; APPROPRIATIONS.]

Subdivision 1. [TOTAL APPROPRIATION.] \$..... is appropriated from the general fund to the commissioner of public safety for the fiscal year ending June 30, 2003, for the purposes described in this section.

Subd. 2. [HAZARDOUS MATERIAL EMERGENCY RESPONSE TEAMS.] Of the amount appropriated in subdivision 1, \$..... is for the conversion of the Rochester, Moorhead, Duluth, and St. Cloud chemical assessment teams to hazardous material emergency response teams and for equipment purchases to upgrade the capability of these teams.

Subd. 3. [BOMB DISPOSAL UNITS.] Of the amount appropriated in subdivision 1, \$..... is to reimburse bomb disposal units under Minnesota Statutes, section 299C.063.

Subd. 4. [GAS-TIGHT CONTAINMENT VESSEL.] Of the amount appropriated in subdivision 1, \$..... is for the purchase of a gas-tight containment vessel for disposal of bombs and other hazardous materials. This is a onetime appropriation.

Subd. 5. [EMERGENCY PREPAREDNESS TRAINING GRANTS.] Of the amount appropriated in subdivision 1, \$..... is for grants described in Minnesota Statutes, section 299A.77, subdivision 1. This appropriation is available until expended.

Subd. 6. [EMERGENCY PREPAREDNESS EQUIPMENT GRANTS.] Of the amount appropriated in subdivision 1, \$..... is for grants described in Minnesota Statutes, section 299A.77, subdivision 2. This is a onetime appropriation and is available until expended.

Subd. 7. [REGIONAL EMERGENCY RESPONSE TEAMS.] Of the amount appropriated in subdivision 1, \$..... is for grants to equip and train regional emergency response teams consisting of local emergency personnel in Greater Minnesota. The commissioner, in consultation with the

Minnesota sheriff's association, the Minnesota chiefs of police association, and the Minnesota fire chief's association, shall determine the number and location of the regional emergency response teams. This is a onetime appropriation.

Subd. 8. [EXTRAORDINARY EXPENSE GRANTS.] Of the amount appropriated in subdivision 1, \$..... is for grants to reimburse local units of government for extraordinary expenses related to terroristic threats or incidents under Minnesota Statutes, section 299A.62, subdivision 1, paragraph (b), clause (4). This is a onetime appropriation.

Subd. 9. [STATEWIDE ASSESSMENT OF EMERGENCY COMMUNICATION NEEDS.] Of the amount appropriated in subdivision 1, \$..... is for a statewide assessment of emergency communication capabilities and an implementation plan for addressing those needs. This is a onetime appropriation.

Subd. 10. [CAPITOL SECURITY.] Of the amount appropriated in subdivision 1, \$..... is for entrance point security technology and additional security personnel in the capitol complex.

Subd. 11. [RADIO COMMUNICATIONS SYSTEM INFRASTRUCTURE.] Of the amount appropriated in subdivision 1, \$..... is to design, acquire, construct, furnish, and equip its radio communications system infrastructure, coordinating it with other state and local units of government, and extending it to the Rochester and St. Cloud districts of the state patrol district radio system.

Sec. 6. [DEPARTMENT OF ADMINISTRATION; APPROPRIATIONS.]

Subdivision 1. [TOTAL APPROPRIATION.] \$..... is appropriated from the general fund to the commissioner of administration for the fiscal year ending June 30, 2003, for the purposes described in this section.

Subd. 2. [COMMUNICATION EQUIPMENT; METROPOLITAN AREA.] Of the amount appropriated in subdivision 1, \$..... is for communication equipment for medical facilities located in the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2.

Subd. 3. [COMMUNICATION EQUIPMENT; OUTSIDE METROPOLITAN AREA.] Of the amount appropriated in subdivision 1, \$..... is for communication equipment for medical facilities not located in the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2.

ARTICLE 2

PUBLIC SAFETY POLICY

Section 1. Minnesota Statutes 2000, section 13D.05, subdivision 3, is amended to read:

Subd. 3. [WHAT MEETINGS MAY BE CLOSED.] (a) A public body may close a meeting to evaluate the performance of an individual who is subject to its authority. The public body shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the public body shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.

(b) Meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege.

(c) Meetings may be closed to receive security briefings and reports and to discuss issues related to security systems, emergency response procedures, and security deficiencies in public services, infrastructure, and facilities. Financial issues related to security matters and all related financial decisions must be discussed at an open meeting. A meeting closed under this paragraph must be tape-recorded at the expense of the public body. The recording must be preserved for at least two years after the date of the closed meeting.

Sec. 2. Minnesota Statutes 2000, section 171.07, subdivision 4, is amended to read:

Subd. 4. [EXPIRATION.] (a) Except as otherwise provided in this subdivision, the expiration date of Minnesota identification cards of applicants under the age of 65 ~~shall be~~ is the birthday of the applicant in the fourth year following the date of issuance of the card.

(b) Except as provided in paragraph (d), Minnesota identification cards issued to applicants age 65 or over shall be are valid for the lifetime of the applicant.

(c) Except if expiration would occur earlier under paragraph (d), the expiration date for an Under-21 identification card is the card holder's 21st birthday. The commissioner shall issue an identification card to a holder of an Under-21 identification card who applies for the card, pays the required fee, and presents proof of identity and age, unless the commissioner determines that the applicant is not qualified for the identification card.

(d) Unless expiration would occur earlier under another provision of this subdivision, if the applicant is not a citizen of the United States or a permanent resident alien, the applicant's Minnesota identification card expires on the expiration date or completion date of the applicant's visa or other short-term admission document issued to the applicant by the United States government evidencing to the commissioner's satisfaction permission for the applicant to be in this country.

Sec. 3. Minnesota Statutes 2000, section 171.27, is amended to read:

171.27 [EXPIRATION OF LICENSE.]

(a) Except as otherwise provided in this section, the expiration date for each driver's license, other than under-21 licenses, is the birthday of the driver in the fourth year following the date of issuance of the license. The birthday of the driver shall must be as indicated on the application for a driver's license. A license may be renewed on or before expiration or within one year after expiration upon application, payment of the required fee, and passing the examination required of all drivers for renewal. The commissioner shall extend or renew driving privileges shall be extended or renewed on or preceding the expiration date of an existing driver's license unless the commissioner believes that the licensee (1) is no longer qualified as a driver or (2) does not have permission to remain in the United States throughout the extension or renewal period.

(b) Except if expiration would occur earlier under paragraph (e), the expiration date for each under-21 license shall be is the 21st birthday of the licensee. Upon the licensee attaining the age of 21 and upon the application, payment of the required fee, and passing the examination required of all drivers for renewal, a driver's license shall must be issued unless the commissioner determines that the licensee (1) is no longer qualified as a driver or (2) does not have permission to remain in the United States throughout the renewal period.

(c) Except if expiration would occur earlier under paragraph (e), the expiration date for each provisional license is two years after the date of application for the provisional license.

(d) Any valid Minnesota driver's license issued to a person then or subsequently on active duty with the Armed Forces of the United States, or the person's spouse, shall continue in full force and effect without requirement for renewal until 90 days after the date of the person's discharge from such active service, provided that a spouse's license must be renewed if the spouse is residing within the state at the time the license expires or within 90 days after the spouse returns to Minnesota and resides within the state.

(e) Unless expiration would occur earlier under another provision of this section, if the applicant is not a citizen of the United States or a permanent resident alien, the applicant's driver's license, permit to operate a motor vehicle, or driving privilege of any nature or type expires on the expiration date or completion date of the applicant's visa or other short-term admission document issued to the applicant by the United States government evidencing to the commissioner's satisfaction permission for the applicant to be in this country.

Sec. 4. Minnesota Statutes 2000, section 299F.72, subdivision 1, is amended to read:

Subdivision 1. [SCOPE.] For the purposes of sections 299F.72 to 299F.831; 609.48,

subdivision 4; 609.52, subdivision 3; 609.561; 609.562; and 609.563; ~~and 609.713~~, the terms defined in this section have the meanings given them.

Sec. 5. Minnesota Statutes 2000, section 609.106, subdivision 2, is amended to read:

Subd. 2. [LIFE WITHOUT RELEASE.] The court shall sentence a person to life imprisonment without possibility of release under the following circumstances:

(1) the person is convicted of first degree murder under section 609.185, clause (2) ~~or~~, (4), or (7);

(2) the person is convicted of committing first degree murder in the course of a kidnapping under section 609.185, clause (3); or

(3) the person is convicted of first degree murder under section 609.185, clause (1), (3), (5), or (6), and the court determines on the record at the time of sentencing that the person has one or more previous convictions for a heinous crime.

Sec. 6. Minnesota Statutes 2000, section 609.185, is amended to read:

609.185 [MURDER IN THE FIRST DEGREE.]

(a) Whoever does any of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life:

(1) causes the death of a human being with premeditation and with intent to effect the death of the person or of another;

(2) causes the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting the person or another;

(3) causes the death of a human being with intent to effect the death of the person or another, while committing or attempting to commit burglary, aggravated robbery, kidnapping, arson in the first or second degree, a drive-by shooting, tampering with a witness in the first degree, escape from custody, or any felony violation of chapter 152 involving the unlawful sale of a controlled substance;

(4) causes the death of a peace officer or a guard employed at a Minnesota state or local correctional facility, with intent to effect the death of that person or another, while the peace officer or guard is engaged in the performance of official duties;

(5) causes the death of a minor while committing child abuse, when the perpetrator has engaged in a past pattern of child abuse upon the child and the death occurs under circumstances manifesting an extreme indifference to human life; ~~or~~

(6) causes the death of a human being while committing domestic abuse, when the perpetrator has engaged in a past pattern of domestic abuse upon the victim or upon another family or household member and the death occurs under circumstances manifesting an extreme indifference to human life; or

(7) causes the death of a human being while committing, conspiring to commit, or attempting to commit an act of terrorism.

(b) For purposes of paragraph (a), clause (5), "child abuse" means an act committed against a minor victim that constitutes a violation of the following laws of this state or any similar laws of the United States or any other state: section 609.221; 609.222; 609.223; 609.224; 609.2242; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or 609.713.

(c) For purposes of paragraph (a), clause (6), "domestic abuse" means an act that:

(1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.2242, 609.342,

609.343, 609.344, 609.345, 609.713, or any similar laws of the United States or any other state; and

(2) is committed against the victim who is a family or household member as defined in section 518B.01, subdivision 2, paragraph (b).

(d) For purposes of paragraph (a), clause (7), "act of terrorism" means an act that is intended to harm human life and to:

(1) intimidate, injure, or coerce members of the public in addition to the direct victims of the act;

(2) influence the policy of a government by intimidation or coercion; or

(3) affect the conduct of government through destruction of property, assassination, murder, kidnapping, or theft of motor vehicles, aircraft, trains, water-going vessels, or other means of transportation.

Sec. 7. Minnesota Statutes 2001 Supplement, section 609.495, is amended by adding a subdivision to read:

Subd. 4. [TAKING RESPONSIBILITY FOR CRIMINAL ACTS.] (a) Unless the person is convicted of the underlying crime, a person who promotes, advocates, and assumes responsibility for a criminal act with the intent to instigate the unlawful conduct of others or to obstruct, impede, or prevent a criminal investigation is guilty of a gross misdemeanor.

(b) Nothing in this subdivision shall be construed to impair the right of any individual or group to engage in speech protected by the United States Constitution or the Minnesota Constitution.

Sec. 8. Minnesota Statutes 2000, section 609.505, is amended to read:

609.505 [FALSELY REPORTING CRIME.]

(a) Whoever informs a law enforcement officer that a crime has been committed, knowing that it is false and intending that the officer shall act in reliance upon it, is guilty of a misdemeanor. A person who is convicted a second or subsequent time under this section is guilty of a gross misdemeanor.

(b) Whoever informs a law enforcement officer that an act of terrorism, as defined in section 609.185, paragraph (d), has been committed, knowing that it is false and intending that the officer shall act in reliance upon it, 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. 9. Minnesota Statutes 2000, section 609.605, is amended by adding a subdivision to read:

Subd. 5. [TRESPASS ON PUBLIC UTILITY OR CRITICAL PUBLIC SERVICE FACILITY.] (a) For purposes of this subdivision:

(1) "critical public service facility" includes railroad facilities, bus stations, airports, and other mass transit facilities; and oil refineries; and

(2) "public utility" means:

(i) an organization defined as a utility in section 216C.06, subdivision 5; or that is subject to the regulations of the federal Nuclear Regulatory Agency or Department of Energy as of February 1, 2002;

(ii) a telecommunications carrier or telephone company regulated under chapter 237; or subject to the regulations of the Federal Communications Commission as of February 1, 2002; or

(iii) a local utility or enterprise formed for the purpose of providing electrical or gas heating and power, telephone, water, sewage, wastewater, or other related utility service, which is owned,

controlled, or regulated by a town, a statutory or home rule charter city, a county, a port development authority, the metropolitan council, a district heating authority, a regional commission or other regional government unit, or a combination of these governmental units.

(b) Whoever trespasses upon the grounds of a public utility or a critical public service facility without authorization, claim of right, or consent of one who has the right to give consent, is guilty of a gross misdemeanor if:

(1) the person refuses to depart from the grounds of the public utility or critical public service facility on the demand of one who has the right to give consent; or

(2) the public utility or critical public service facility grounds are posted.

(c) For purposes of paragraph (b), public utility or critical public service facility grounds are posted if there are signs that:

(1) state "no trespassing" or similar terms;

(2) display letters at least two inches high;

(3) state that the property is grounds of a public utility or critical public service facility; and

(4) are posted in a conspicuous place on the exterior of any building located on the grounds and at intervals of 500 feet or less along the boundary of the grounds.

Sec. 10. [609.712] [BIOLOGICAL AGENTS, TOXIC CHEMICALS, TOXINS, OR RADIOACTIVE MATERIALS.]

Subdivision 1. [DEFINITIONS.] (a) As used in this section, the following terms have the meanings given them in this subdivision.

(b) "Biological agent" means any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of a microorganism, virus, infectious substance, or biological product, that is capable of causing:

(1) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

(2) deterioration of food, water, equipment, supplies, or material of any kind; or

(3) deleterious alteration of the environment.

(c) "Toxic chemical" means any chemical, which through its chemical action on life processes can cause death, temporary incapacitation, or permanent harm to humans or animals. The term includes all of these chemicals, regardless of their origin or method of production, and regardless of whether they are produced in facilities, in munitions, or elsewhere.

(d) "Toxin" means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of production, including:

(1) any poisonous substance or biological product that may be engineered as a result of biotechnology or produced by a living organism; or

(2) any poisonous isomer or biological product, homolog, or derivative of such a substance.

Subd. 2. [USE OR POSSESSION.] Whoever acquires, transfers, retains, possesses, uses, or employs a biological agent, toxic chemical, toxin, or radioactive material with intent to cause death, disease, or injury to another or to the property of another may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than \$100,000, or both. Notwithstanding section 609.04, a prosecution for or conviction of this section is not a bar to

conviction of or punishment for any other crime committed during the time of or as a result of the use or possession of a biological agent, toxic chemical, toxin, or radioactive material.

Sec. 11. [609.7122] [SOLICITATION TO COMMIT TERRORISM.]

A person who aids another to commit a violation of section 609.712 or an act of terrorism as defined in section 609.185, paragraph (d), through financial contributions, or collects material support or resources, knowing that the material support, resources, or contributions, will be used to commit such acts, is guilty of committing solicitation to commit terrorism and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000.

Sec. 12. Minnesota Statutes 2000, section 609.713, subdivision 1, is amended to read:

Subdivision 1. Whoever threatens, directly or indirectly, to commit any crime of violence with purpose to terrorize another or to cause evacuation of a building, place of assembly, vehicle or facility of public transportation or otherwise to cause serious public inconvenience place, whether a building or not, or disruption of another's activities, or in a reckless disregard of the risk of causing such terror or inconvenience, evacuation, or disruption, 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. As used in this subdivision, "crime of violence" has the meaning given "violent crime" in section 609.1095, subdivision 1, paragraph (d).

Sec. 13. Minnesota Statutes 2000, section 609.713, subdivision 2, is amended to read:

Subd. 2. (a) Whoever communicates to another with purpose to terrorize another or in reckless disregard of the risk of causing such terror, that explosives or an explosive device or any incendiary device is present at a named place or location, whether or not the same is in fact present, may be sentenced to imprisonment for not more than ~~three~~ ten years or to payment of a fine of not more than ~~\$3,000~~ \$20,000, or both.

(b) As used in this subdivision, "explosive" has the meaning given in section 299F.72, subdivision 2.

Sec. 14. Minnesota Statutes 2000, section 609.713, is amended by adding a subdivision to read:

Subd. 4. [THREATS OF BIOLOGICAL AGENTS, TOXIC CHEMICALS, OR TOXINS.] Whoever does the following with intent to terrorize another or cause evacuation of a place, whether a building or not, or disruption of another's activities, or with reckless disregard of the risk of causing this terror, evacuation, or disruption, may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both:

(1) displays, releases, exhibits, threatens, or communicates, whether directly or indirectly, that a biological agent, toxic chemical, or toxin, as defined in section 609.712, subdivision 1, is or will be present or introduced at a place or location, or will be used to cause death, disease, or injury to another or to another's property, whether or not the same is in fact present, introduced, or used; or

(2) commits conduct described in clause (1) with a simulated substance that would cause a reasonable person to believe that the substance was a biological agent, toxic chemical, or toxin.

Sec. 15. [EFFECTIVE DATE.]

Sections 4 to 14 are effective August 1, 2002, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to public safety; enacting various antiterrorism measures; authorizing public meetings to be closed under certain circumstances to discuss security issues; limiting duration of drivers' licenses and Minnesota identification cards for noncitizens with short-term admission authorization; expanding first-degree murder to include death resulting from an act of terrorism and imposing a term of life imprisonment without release for this; establishing crimes

relating to the use of biological agents, toxic chemicals, toxins, or radioactive materials; modifying and expanding provisions relating to terroristic threats; increasing penalties for trespass on a public utility or a critical public service facility; providing criminal penalties for persons who promote, advocate, and take responsibility for criminal acts under certain circumstances; providing criminal penalties for certain persons who aid others to commit terrorism; increasing criminal penalties for giving false information to law enforcement officers relating to terrorism; increasing the emergency telephone service fee; imposing criminal penalties; creating and modifying grant programs for emergency preparedness training and equipment purchases and other expenses related to terrorism; appropriating money for various emergency response and antiterrorism measures; amending Minnesota Statutes 2000, sections 13D.05, subdivision 3; 171.07, subdivision 4; 171.27; 299A.62, subdivision 1; 299F.72, subdivision 1; 609.106, subdivision 2; 609.185; 609.505; 609.605, by adding a subdivision; 609.713, subdivisions 1, 2, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 403.11, subdivision 1; 473.901, subdivision 1; 609.495, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 299A; 609."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2514, 2678, 2445, 2458, 2463, 1861, 2486, 368, 2614, 2568, 2572, 2578, 2670, 2590, 2542, 222, 2680, 1226 and 2671 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Wiger moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Langseth be added as chief author to S.F. No. 1111. The motion prevailed.

Senator Oliver moved that his name be stricken as chief author and the name of Senator Wiener be added as chief author to S.F. No. 1542. The motion prevailed.

Senator Wiger moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Kelley, S.P. be added as chief author to S.F. No. 2474. The motion prevailed.

Senator Foley moved that the name of Senator Kleis be added as a co-author to S.F. No. 2533. The motion prevailed.

Senator Tomassoni moved that the name of Senator Metzen be added as a co-author to S.F. No. 2547. The motion prevailed.

Senator Day moved that the name of Senator Kleis be added as a co-author to S.F. No. 2597. The motion prevailed.

Senator Higgins moved that the name of Senator Kiscaden be added as a co-author to S.F. No. 2625. The motion prevailed.

Senator Wiger moved that the name of Senator Marty be added as a co-author to S.F. No. 2629. The motion prevailed.

Senator Cohen moved that the name of Senator Orfield be added as a co-author to S.F. No. 2881. The motion prevailed.

Senator Kelley, S.P. moved that the name of Senator Chaudhary be added as a co-author to S.F. No. 2894. The motion prevailed.

Senator Johnson, Dean moved that the name of Senator Cohen be added as a co-author to S.F. No. 2911. The motion prevailed.

Senator Bachmann moved that the names of Senators Wiger and Orfield be added as co-authors to S.F. No. 2956. The motion prevailed.

Senator Rest moved that the name of Senator Robertson be added as a co-author to S.F. No. 2963. The motion prevailed.

Senator Belanger moved that the name of Senator Knutson be added as a co-author to S.F. No. 2994. The motion prevailed.

Senator Krentz moved that the name of Senator Wiger be added as a co-author to S.F. No. 2996. The motion prevailed.

Senator Scheid moved that the names of Senators Marty and Moua be added as co-authors to S.F. No. 3015. The motion prevailed.

Senator Moua moved that the name of Senator Wiger be added as a co-author to S.F. No. 3018. The motion prevailed.

Senator Johnson, Doug moved that S.F. No. 2465 be withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on Finance. The motion prevailed.

Senator Ranum moved that S.F. No. 2807 be withdrawn from the Committee on Transportation and re-referred to the Committee on Judiciary. The motion prevailed.

Senator Krentz moved that S.F. No. 2882 be withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on Agriculture, General Legislation and Veterans Affairs. The motion prevailed.

Senator Kelley, S.P. moved that S.F. No. 2908 be withdrawn from the Committee on Commerce and re-referred to the Committee on Telecommunications, Energy and Utilities. The motion prevailed.

Senator Hottinger moved that S.F. No. 2937 be withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on Judiciary. The motion prevailed.

Senator Robling moved that S.F. No. 3014 be withdrawn from the Committee on Health and Family Security and re-referred to the Committee on Education. The motion prevailed.

Senator Kelley, S.P. moved that S.F. No. 3029 be withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on Taxes. The motion prevailed.

Senator Ourada introduced--

Senate Resolution No. 169: A Senate resolution honoring Lauren Sivula of Elk River for receiving a Prudential Spirit of Community Award.

Referred to the Committee on Rules and Administration.

Senator Stevens introduced--

Senate Resolution No. 170: A Senate resolution relating to the commissioner of the Minnesota Pollution Control Agency.

Referred to the Committee on Rules and Administration.

Senator Schwab introduced--

Senate Resolution No. 171: A Senate resolution congratulating Kevin Edward Learn of Hayward, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Schwab introduced--

Senate Resolution No. 172: A Senate resolution congratulating Brock David Noland of Hayward, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Schwab introduced--

Senate Resolution No. 173: A Senate resolution congratulating Michael Thomas York Hill of Hayward, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Ring moved that S.F. No. 2695 be withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on State and Local Government Operations. The motion prevailed.

Senator Knutson moved that S.F. No. 2559 be withdrawn from the Committee on Transportation and re-referred to the Committee on Judiciary. The motion prevailed.

Senator Kiscaden moved that S.F. No. 2825 be withdrawn from the Committee on Education and re-referred to the Committee on Rules and Administration. The motion prevailed.

Senator Moe, R.D., for Senator Sabo, moved that her name be stricken as a co-author to S.F. No. 3007. The motion prevailed.

Senator Anderson moved that S.F. No. 2680, now on General Orders, be stricken and re-referred to the Committee on Jobs, Housing and Community Development. The motion prevailed.

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

CONSENT CALENDAR

S.F. No. 1471: A bill for an act relating to statutes; conforming the statutes to reflect the transfer of authority from the municipal board to the office of strategic and long-range planning; explicitly authorizing delegation by the director; amending Minnesota Statutes 2000, sections 414.01; 414.011, subdivision 7, and by adding a subdivision; 414.012; 414.02; 414.031; 414.0325; 414.033, subdivisions 3, 5, 6, 7, and 10; 414.0335; 414.035; 414.036; 414.041; 414.051; 414.06; 414.061; 414.063; 414.067, subdivisions 1 and 3; 414.07; 414.08; 414.09; 414.12, subdivisions 1 and 2; repealing Minnesota Statutes 2000, sections 414.01, subdivisions 2 and 6a; 414.011, subdivision 8; and 414.11.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Belanger	Betzold	Day	Fischbach
Bachmann	Berg	Cohen	Dille	Foley

Fowler	Kinkel	Metzen	Price	Scheid
Frederickson	Kleis	Moe, R.D.	Ranum	Schwab
Higgins	Knutson	Moua	Rest	Solon, Y.P.
Hottinger	Krentz	Murphy	Ring	Stevens
Johnson, Dave	Langseth	Neuville	Robertson	Stumpf
Johnson, Dean	Larson	Oliver	Robling	Terwilliger
Johnson, Debbie	Lesewski	Orfield	Sabo	Tomassoni
Johnson, Doug	Limmer	Pappas	Sams	Vickerman
Kelley, S.P.	Lourey	Pariseau	Samuelson	Wiener
Kierlin	Marty	Pogemiller	Scheevel	Wiger

So the bill passed and its title was agreed to.

S.F. No. 2655: A bill for an act relating to rulemaking; extending the authority of the board of physical therapy to adopt rules on licensee ethics.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Krentz	Orfield	Samuelson
Bachmann	Higgins	Langseth	Pappas	Scheevel
Belanger	Hottinger	Larson	Pariseau	Scheid
Berg	Johnson, Dave	Lesewski	Pogemiller	Schwab
Berglin	Johnson, Dean	Limmer	Price	Solon, Y.P.
Betzold	Johnson, Debbie	Lourey	Ranum	Stevens
Chaudhary	Johnson, Doug	Marty	Reiter	Stumpf
Cohen	Kelley, S.P.	Metzen	Rest	Terwilliger
Day	Kierlin	Moe, R.D.	Ring	Tomassoni
Dille	Kinkel	Moua	Robertson	Vickerman
Fischbach	Kiscaden	Murphy	Robling	Wiener
Foley	Kleis	Neuville	Sabo	Wiger
Fowler	Knutson	Oliver	Sams	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Johnson, Doug introduced--

S.F. No. 3042: A bill for an act relating to the city of Ely; authorizing a sales and use tax; authorizing expenditures and bonding authority.

Referred to the Committee on Taxes.

Senator Wiger introduced--

S.F. No. 3043: A bill for an act relating to education finance; authorizing funding for school building grants; modifying program criteria; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 2000, sections 123B.67; 123B.68, subdivision 1; 123B.69, subdivisions 1, 2, 3.

Referred to the Committee on Education.

Senators Bachmann, Pariseau and Reiter introduced--

S.F. No. 3044: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for environmental enhancement projects.

Referred to the Committee on Finance.

Senators Betzold and Pogemiller introduced--

S.F. No. 3045: A bill for an act relating to domestic abuse; authorizing extension of the domestic fatality review team pilot project in the fourth judicial district.

Referred to the Committee on Judiciary.

Senator Rest introduced--

S.F. No. 3046: A bill for an act relating to capital improvements; providing for grants to certain cities to pay local share of utilities relocation, and other road and infrastructure costs associated with reconstruction of state highway No. 100; authorizing issuance of bonds; appropriating money.

Referred to the Committee on Finance.

Senator Orfield introduced--

S.F. No. 3047: A bill for an act relating to tax increment financing; authorizing certain cities to include not more than 200 parcels in a housing replacement district; amending Laws 1995, chapter 264, article 5, section 45, subdivision 1, as amended.

Referred to the Committee on Taxes.

Senators Scheid and Betzold introduced--

S.F. No. 3048: A bill for an act relating to education; establishing single-member school board election districts equal in population as practicable; amending Minnesota Statutes 2000, section 205A.12, subdivisions 1, 2, 4, 5, 7; repealing Minnesota Statutes 2000, section 205A.12, subdivision 3.

Referred to the Committee on Education.

Senator Johnson, Dean introduced--

S.F. No. 3049: A bill for an act relating to retirement; making administrative and technical changes in the teachers retirement association; modifying definitions; enhancing surviving spouse benefits in death prior to retirement situations; expanding eligibility for dependent child benefits; modifying qualified part-time teacher program for legislators who are teachers; amending Minnesota Statutes 2000, sections 354.05, subdivisions 8, 8a; 354.096, subdivision 1; 354.44, subdivision 4; 354.46, subdivisions 2, 2b, 5, by adding subdivisions; 354.48, subdivision 2; 354.52, subdivisions 4a, 6; 354.66, subdivision 2; 356.81; repealing Minnesota Statutes 2001 Supplement, section 354A.107.

Referred to the Committee on State and Local Government Operations.

Senator Tomassoni introduced--

S.F. No. 3050: A bill for an act relating to capital improvements; appropriating money to the

Iron Range resources and rehabilitation board for capital projects at Ironworld; authorizing issuance of bonds.

Referred to the Committee on Finance.

Senator Vickerman introduced--

S.F. No. 3051: A bill for an act relating to energy; providing incentives for electricity generated from crop residue biomass; amending Minnesota Statutes 2000, section 41A.09, subdivisions 3a, 5a; Minnesota Statutes 2001 Supplement, sections 216C.41, subdivisions 1, 2, 3, 4.

Referred to the Committee on Telecommunications, Energy and Utilities.

Senators Pogemiller, Orfield and Berglin introduced--

S.F. No. 3052: A bill for an act relating to taxation; exempting construction materials for a Minneapolis library and planetarium from the sales tax; amending Minnesota Statutes 2000, section 297A.71, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Moua, Higgins, Berglin, Hottinger and Lourey introduced--

S.F. No. 3053: A bill for an act relating to human services; clarifying the period of eligibility for medical assistance for a child under the age of 19; amending Minnesota Statutes 2000, section 256B.056, subdivision 7.

Referred to the Committee on Health and Family Security.

Senators Tomassoni, Price and Krentz introduced--

S.F. No. 3054: A bill for an act relating to the environment; modifying provisions relating to petrofund contractors and consultants; modifying application requirements for certain petrofund reimbursements; amending Minnesota Statutes 2000, sections 115C.02, subdivisions 5a, 5b; 115C.11.

Referred to the Committee on Environment and Natural Resources.

Senator Betzold introduced--

S.F. No. 3055: A bill for an act relating to the metropolitan council; extending pension coverage to part-time metropolitan transit police officers; clarifying the jurisdiction of the metropolitan transit police; removing a restriction on the employment of metropolitan transit police officers on a part-time basis; authorizing metropolitan transit police officers to apply for and execute search warrants; amending Minnesota Statutes 2000, sections 353.64, subdivision 7a; 473.407, subdivisions 1, 2, 3, 4; 626.05, subdivision 2; Minnesota Statutes 2001 Supplement, sections 626.11; 626.13; repealing Minnesota Statutes 2000, section 473.407, subdivision 4a.

Referred to the Committee on State and Local Government Operations.

Senator Hottinger introduced--

S.F. No. 3056: A bill for an act relating to elections; changing certain provisions of the campaign finance and public disclosure law; defining terms and limiting certain expenditures; amending Minnesota Statutes 2000, sections 10A.01, subdivision 9; 10A.25, subdivision 2; 10A.27, subdivision 1; 10A.275, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 10A.

Referred to the Committee on Rules and Administration.

Senator Schwab introduced--

S.F. No. 3057: A bill for an act relating to taxation; exempting construction materials and equipment used in or incorporated with the construction of certain food processing plants; amending Minnesota Statutes 2000, section 297A.71, by adding a subdivision.

Referred to the Committee on Taxes.

Senator Higgins introduced--

S.F. No. 3058: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money to the metropolitan council for the livable communities grant program.

Referred to the Committee on Finance.

Senator Higgins introduced--

S.F. No. 3059: A bill for an act relating to youth employment; modifying the requirements for youth employment involvement in certain construction projects paid for with grant funds; amending Minnesota Statutes 2000, section 119A.45.

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

Senator Sabo introduced--

S.F. No. 3060: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the 29th Street midtown corridor in Minneapolis.

Referred to the Committee on Finance.

Senators Neuville, Sams, Samuelson, Robling and Pariseau introduced--

S.F. No. 3061: A bill for an act relating to health; prohibiting family planning grant funds from being used to subsidize abortion services; prohibiting organizations that receive family planning grant funds from engaging in certain activities; requiring independent audits of certain organizations; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Family Security.

Senator Limmer introduced--

S.F. No. 3062: A bill for an act relating to capital improvements; authorizing issuance of \$30,000,000 in state trunk highway bonds for completion of a segment of marked trunk highway No. 610 as a four-lane freeway; appropriating money.

Referred to the Committee on Finance.

Senators Oliver, Rest, Hottinger, Price and Schwab introduced--

S.F. No. 3063: A bill for an act relating to taxation; creating a credit for land donated for conservation purposes; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes.

Senators Sabo; Solon, Y.P.; Johnson, Dave and Anderson introduced--

S.F. No. 3064: A bill for an act relating to housing; appropriating money for family homeless prevention and assistance.

Referred to the Committee on Finance.

Senators Solon, Y.P. and Johnson, Dave introduced--

S.F. No. 3065: A bill for an act relating to families; appropriating money for emergency assistance and transitional housing.

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

Senators Hottinger, Kleis and Moe, R.D. introduced--

S.F. No. 3066: A bill for an act relating to retirement; providing early retirement incentives for certain teachers.

Referred to the Committee on State and Local Government Operations.

Senator Olson introduced--

S.F. No. 3067: A bill for an act relating to education; amending certain kindergarten through grade 12 provisions; amending Minnesota Statutes 2001 Supplement, section 126C.17, subdivision 1; repealing Laws 2001, First Special Session chapter 6, article 1, section 31.

Referred to the Committee on Education.

Senators Murphy, Dille, Berg, Sams and Ring introduced--

S.F. No. 3068: A bill for an act relating to military; providing certain protections to persons called or ordered to active service; proposing coding for new law in Minnesota Statutes, chapter 190.

Referred to the Committee on Agriculture, General Legislation and Veterans Affairs.

Senators Price, Limmer and Oliver introduced--

S.F. No. 3069: A bill for an act relating to state and local government; requiring the state and local governmental units to give public notice before transferring ownership or changing the use of publicly owned undeveloped land; proposing coding for new law in Minnesota Statutes, chapter 465.

Referred to the Committee on State and Local Government Operations.

Senators Langseth and Moe, R.D. introduced--

S.F. No. 3070: A bill for an act relating to appropriations; appropriating money for the Red river basin.

Referred to the Committee on Finance.

Senator Wiger introduced--

S.F. No. 3071: A bill for an act relating to human services; providing mileage reimbursement for volunteers delivering meals on wheels; appropriating money.

Referred to the Committee on Finance.

Senators Anderson; Johnson, Dave; Robertson and Lesewski introduced--

S.F. No. 3072: A bill for an act relating to state government; reorganizing and restructuring certain departments; creating the department of workforce and economic development; eliminating the department of economic security and the department of trade and economic development; transferring duties; making technical changes; amending Minnesota Statutes 2000, sections 4.045; 14.03, subdivision 2; 14.3691, subdivision 2; 15.057; 16C.05, subdivision 3; 116J.011; 116J.035, subdivision 2; 116J.401; 116M.15, subdivision 1; 216C.10; 256J.08, subdivision 52; 268.001; Minnesota Statutes 2001 Supplement, sections 3C.12, subdivision 2; 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2; 43A.08, subdivision 1a; 116J.01, subdivision 5; 116L.04, subdivision 1a; 125A.023, subdivision 4; 125A.28; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 2000, sections 268.0111, subdivisions 1, 2, 3a; 268.0121, subdivisions 1, 2; 268.0122, subdivisions 5, 6; 268.014; Minnesota Statutes 2001 Supplement, sections 268.0122, subdivisions 2, 3; 268.029.

Referred to the Committee on State and Local Government Operations.

Senators Knutson, Marty, Ranum, Fischbach and Neuville introduced--

S.F. No. 3073: A bill for an act relating to domestic abuse; clarifying the standard for a misdemeanor violation of an order for protection or no contact order; amending Minnesota Statutes 2000, section 518B.01, subdivision 22; Minnesota Statutes 2001 Supplement, section 518B.01, subdivision 14.

Referred to the Committee on Judiciary.

Senators Limmer, Betzold, Marty and Neuville introduced--

S.F. No. 3074: A bill for an act relating to data practices; clarifying the status of health records and medical information; amending Minnesota Statutes 2000, section 144.335, subdivision 3a.

Referred to the Committee on Health and Family Security.

Senator Cohen introduced--

S.F. No. 3075: A bill for an act relating to motor vehicles; providing for payment of sales tax on a motor vehicle sold in violation of dealer licensing requirements; abolishing misdemeanor penalties for certain offenses relating to vehicle titles; amending Minnesota Statutes 2000, section 297B.035, subdivision 3; repealing Minnesota Statutes 2000, section 168A.30, subdivision 2.

Referred to the Committee on Transportation.

Senator Cohen introduced--

S.F. No. 3076: A bill for an act relating to traffic regulations; imposing misdemeanor penalty for intentionally obstructing emergency vehicle during emergency duty; making clarifying changes; appropriating money; amending Minnesota Statutes 2000, section 169.20, subdivision 5a; Minnesota Statutes 2001 Supplement, section 169.20, subdivision 5.

Referred to the Committee on Transportation.

Senators Higgins, Pogemiller, Rest, Robertson and Berglin introduced--

S.F. No. 3077: A bill for an act relating to taxation; sales and use; exempting materials and equipment incorporated into certain low-income public housing units and developments; amending Minnesota Statutes 2001 Supplement, section 297A.71, subdivision 23.

Referred to the Committee on Taxes.

Senators Higgins, Pogemiller, Pappas, Krentz and Berglin introduced--

S.F. No. 3078: A bill for an act relating to the environment; establishing emissions limitations for emissions from electric generating facilities; authorizing the public utilities commission to order a public utility to evaluate emissions reductions options and to implement emissions reductions initiatives; amending Minnesota Statutes 2001 Supplement, section 216B.1692, subdivisions 2, 3, 6; proposing coding for new law in Minnesota Statutes, chapter 116.

Referred to the Committee on Environment and Natural Resources.

Senators Lourey, Stumpf, Sabo, Chaudhary and Moua introduced--

S.F. No. 3079: A bill for an act relating to early childhood; providing funding for early childhood learning and child protection facilities; authorizing the sale of state bonds; appropriating money.

Referred to the Committee on Education.

Senators Rest and Robling introduced--

S.F. No. 3080: A bill for an act relating to auditing; modifying certain provisions relating to preneed funeral trust accounts; amending Minnesota Statutes 2000, section 149A.97, subdivision 5.

Referred to the Committee on Commerce.

Senators Sabo, Oliver, Pappas and Marty introduced--

S.F. No. 3081: A bill for an act relating to advertising devices; regulating advertising adjacent to certain highways; requiring the commissioner to conduct a permit fee study and submit a report; amending Minnesota Statutes 2000, sections 173.01; 173.02, subdivision 1; 173.08, subdivision 1; 173.16, subdivision 5; 173.27; Minnesota Statutes 2001 Supplement, section 161.14, subdivision 45.

Referred to the Committee on Transportation.

Senators Larson, Berg and Sams introduced--

S.F. No. 3082: A bill for an act relating to health; modifying provisions of licensed beds on layaway status; amending Minnesota Statutes 2000, section 144A.071, subdivision 4b.

Referred to the Committee on Health and Family Security.

Senators Larson and Berg introduced--

S.F. No. 3083: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for solid waste capital assistance grants.

Referred to the Committee on Finance.

Senator Rest introduced--

S.F. No. 3084: A bill for an act relating to auditing; modifying certain state and local auditing procedures and reporting practices; amending Minnesota Statutes 2000, sections 115A.929; 609.5315, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 366; repealing Minnesota Statutes 2000, section 6.77.

Referred to the Committee on State and Local Government Operations.

Senators Hottinger, Sams, Kiscaden, Foley and Stevens introduced--

S.F. No. 3085: A bill for an act relating to health; providing employer immunity for reference checks for certain health care providers and facilities; proposing coding for new law in Minnesota Statutes, chapter 604A.

Referred to the Committee on Health and Family Security.

Senators Sabo, Ranum, Foley, Marty and Knutson introduced--

S.F. No. 3086: A bill for an act relating to domestic abuse; providing for affect of recognition of paternity upon temporary custody; providing a presumption concerning an order of protection; amending Minnesota Statutes 2000, sections 13.82, subdivision 5; 257.75, subdivision 3; 518.179, subdivision 2; 518B.01, subdivisions 5, 7, 13; 629.341, subdivision 4; Minnesota Statutes 2001 Supplement, sections 518B.01, subdivisions 6, 14; 629.72, subdivision 4.

Referred to the Committee on Judiciary.

Senator Bachmann introduced--

S.F. No. 3087: A resolution memorializing the President of the United States to order the lifting of the \$15 million fee for maintaining the historic Stillwater Lift Bridge.

Referred to the Committee on Transportation.

Senator Bachmann introduced--

S.F. No. 3088: A bill for an act relating to public safety; permitting certain emergency responders to operate vehicles with flashing lights and sirens; amending Minnesota Statutes 2000, section 169.58, subdivision 2.

Referred to the Committee on Transportation.

Senators Anderson; Johnson, Dave and Metzen introduced--

S.F. No. 3089: A bill for an act relating to hazardous substances; regulating the installation and repair of piping containing hazardous substances; amending Minnesota Statutes 2000, sections 326.461, subdivision 2, by adding a subdivision; 326.47, by adding a subdivision; 326.48, by adding a subdivision; 326.521.

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

Senator Ring introduced--

S.F. No. 3090: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Green lake floodgate project.

Referred to the Committee on Finance.

Senators Kiscaden, Pariseau, Robling, Higgins and Ring introduced--

S.F. No. 3091: A bill for an act relating to human services; requiring quality standards for the provision of children's preventive care; amending Minnesota Statutes 2000, section 256B.69, by adding a subdivision.

Referred to the Committee on Health and Family Security.

Senator Anderson introduced--

S.F. No. 3092: A bill for an act relating to retirement; modifying payment amount determinations for military service credit purchases in the teachers retirement association; amending Minnesota Statutes 2000, section 354.533, subdivision 1.

Referred to the Committee on State and Local Government Operations.

Senator Stumpf introduced--

S.F. No. 3093: A bill for an act relating to transportation; reliever airports; regulating lease agreements between the metropolitan airports commission and the civil air patrol; amending Minnesota Statutes 2000, section 473.651.

Referred to the Committee on State and Local Government Operations.

Senators Kelley, S.P.; Pappas; Robertson; Moua and Wiger introduced--

S.F. No. 3094: A bill for an act relating to education; authorizing city sponsorship of a performing arts charter school.

Referred to the Committee on Education.

Senators Lourey, Pappas, Sabo, Ranum and Kelley, S.P. introduced--

S.F. No. 3095: A bill for an act relating to children; establishing the TEACH program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 119B.

Referred to the Committee on Education.

Senators Pappas, Lourey and Sabo introduced--

S.F. No. 3096: A bill for an act relating to children; changing the appropriation for child care assistance in Laws 2001; amending Laws 2001, First Special Session chapter 3, article 1, section 17, subdivision 8.

Referred to the Committee on Education.

Senator Foley introduced--

S.F. No. 3097: A bill for an act relating to child support; changing certain procedures and requirements; extending a data exchange program; amending Minnesota Statutes 2000, sections 518.171, subdivision 3, by adding a subdivision; 518.6111, subdivision 8; 518.614, subdivisions 3, 4; 518.617, subdivision 2; 548.091, subdivisions 1, 2a; Minnesota Statutes 2001 Supplement, sections 256.979, subdivisions 5, 6; 518.171, subdivisions 1, 4, 5; 518.6196; 548.091, subdivision 1a; Laws 2001, chapter 202, section 19.

Referred to the Committee on Judiciary.

Senator Berglin introduced--

S.F. No. 3098: A bill for an act relating to human services; making technical changes to continuing care programs; amending Minnesota Statutes 2000, sections 256B.0915, subdivisions 4, 6, by adding a subdivision; 256B.431, subdivisions 14, 30; 256B.5012, subdivision 2; Minnesota Statutes 2001 Supplement, sections 256B.0913, subdivisions 4, 5, 8, 10, 12, 14; 256B.0915, subdivision 5; 256B.431, subdivisions 2e, 33; 256B.437, subdivision 3; 256B.76.

Referred to the Committee on Health and Family Security.

Senator Berglin introduced--

S.F. No. 3099: A bill for an act relating to human services; making changes to continuing care programs; amending Minnesota Statutes 2001 Supplement, sections 256B.0627, subdivision 10; 256B.0913, subdivision 5; 256B.0915, subdivision 3; 256B.0951, subdivisions 7, 8; 256B.437, subdivision 6.

Referred to the Committee on Health and Family Security.

Senator Berglin introduced--

S.F. No. 3100: A bill for an act relating to human services; establishing approved tribal health professionals as medical assistance providers; reimbursement for certain health services; American Indian contracting provisions; amending Minnesota Statutes 2000, sections 254B.09, subdivision 2; 256B.02, subdivision 7; 256B.32; Minnesota Statutes 2001 Supplement, sections 256B.0644; 256B.75; proposing coding for new law in Minnesota Statutes, chapter 256B.

Referred to the Committee on Health and Family Security.

Senator Samuelson introduced--

S.F. No. 3101: A bill for an act relating to transportation; providing certain conditions and exceptions for a new class I rest area on state highway No. 371 between Brainerd and Little Falls.

Referred to the Committee on Transportation.

Senator Samuelson introduced--

S.F. No. 3102: A bill for an act relating to human services; defining what services are covered under intensive early intervention behavior therapy services for children with autism spectrum disorders; amending Minnesota Statutes 2001 Supplement, section 256B.0625, subdivision 5a.

Referred to the Committee on Health and Family Security.

Senator Ranum introduced--

S.F. No. 3103: A bill for an act relating to cities of the first class; permitting cities of the first class to amortize nonconforming uses; amending Minnesota Statutes 2000, section 462.357, by adding a subdivision.

Referred to the Committee on State and Local Government Operations.

Senator Ranum introduced--

S.F. No. 3104: A bill for an act relating to cities of the first class; permitting cities of the first class to amortize nonconforming outdoor advertising; amending Minnesota Statutes 2000, section 462.357, by adding a subdivision.

Referred to the Committee on State and Local Government Operations.

Senators Sams, Langseth, Kinkel, Stumpf and Lourey introduced--

S.F. No. 3105: A bill for an act relating to taxation; increasing the agricultural homestead market value credit; amending Minnesota Statutes 2001 Supplement, section 273.1384, subdivision 2.

Referred to the Committee on Taxes.

Senator Kelley, S.P. introduced--

S.F. No. 3106: A bill for an act relating to education; requiring school districts and charter schools to use a single uniform teacher employment application form; directing the commissioner of children, families, and learning to design and transmit a single, uniform employment application form for kindergarten through grade 12 teachers; amending Minnesota Statutes 2000, sections 123B.02, subdivision 14; 124D.10, subdivision 11.

Referred to the Committee on Education.

Senator Kelley, S.P. introduced--

S.F. No. 3107: A bill for an act relating to telecommunications; authorizing city and joint venture telecommunications service providers; amending Minnesota Statutes 2000, section 237.20; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Statutes 2000, section 237.19.

Referred to the Committee on Telecommunications, Energy and Utilities.

Senator Kiscaden introduced--

S.F. No. 3108: A bill for an act relating to human services; amending data and licensing definitions; clarifying exclusions from licensure, background study requirements, due process, training, and license delegations; amending fair hearing requirements; and clarifying a provision related to errors in the provision of therapeutic conduct to vulnerable adults; amending Minnesota Statutes 2000, sections 13.41, subdivision 1; 245A.02, by adding subdivisions; 626.557, subdivision 3a; Minnesota Statutes 2001 Supplement, sections 13.46, subdivisions 1, 4; 245A.03, subdivision 2; 245A.04, subdivisions 3, 3a, 3b, 3c; 245A.07, subdivisions 2a, 3; 245A.144; 245A.16, subdivision 1; 256.045, subdivisions 3b, 4; proposing coding for new law in Minnesota Statutes, chapter 245A.

Referred to the Committee on Health and Family Security.

Senators Schwab; Fischbach; Johnson, Debbie; Kleis and Ourada introduced--

S.F. No. 3109: A bill for an act relating to public safety; permitting municipal police departments to utilize black patrol vehicles; amending Minnesota Statutes 2000, section 169.98, subdivision 1.

Referred to the Committee on Crime Prevention.

Senators Knutson and Ourada introduced--

S.F. No. 3110: A bill for an act relating to elections; changing a campaign finance reporting requirement; amending Minnesota Statutes 2000, section 211A.02, subdivision 2.

Referred to the Committee on Rules and Administration.

Senator Ranum introduced--

S.F. No. 3111: A bill for an act relating to corrections; requiring the juvenile court to send data relating to juvenile petitions to the statewide supervision system; amending Minnesota Statutes 2000, sections 260B.171, subdivision 2; 299C.09; 299C.147, subdivisions 3, 4; Minnesota Statutes 2001 Supplement, section 299C.147, subdivision 2.

Referred to the Committee on Judiciary.

Senators Higgins, Moua, Ranum and Rest introduced--

S.F. No. 3112: A bill for an act relating to taxation; exempting construction materials for qualified low-income housing projects from sales and use tax; amending Minnesota Statutes 2001 Supplement, section 297A.71, subdivision 23.

Referred to the Committee on Taxes.

Senators Hottinger, Kierlin, Kiscaden and Day introduced--

S.F. No. 3113: A bill for an act relating to capital improvements; providing for grants to cities along the DM&E railroad for mitigation purposes; authorizing issuance of bonds; appropriating money.

Referred to the Committee on Finance.

Senators Neuville; Johnson, Doug; Knutson; Sams and Kiscaden introduced--

S.F. No. 3114: A bill for an act relating to child support; permitting the issuance of a limited license under certain circumstances to a person whose driver's license is suspended for nonpayment of support; clarifying requirements relating to payment agreements; amending Minnesota Statutes 2000, sections 171.186, subdivisions 1, 3, by adding a subdivision; 171.30, subdivision 1; 518.551, subdivisions 12, 13, 14, 15; 518.553.

Referred to the Committee on Judiciary.

Senators Kelley, S.P.; Metzen; Larson; Oliver and Vickerman introduced--

S.F. No. 3115: A bill for an act relating to state government; authorizing guaranteed energy savings contracts; proposing coding for new law in Minnesota Statutes, chapter 16C.

Referred to the Committee on Telecommunications, Energy and Utilities.

Senators Hottinger and Rest introduced--

S.F. No. 3116: A bill for an act relating to taxation; limiting eligibility for residential homestead market value credit; amending Minnesota Statutes 2001 Supplement, section 273.1384, subdivision 1.

Referred to the Committee on Taxes.

Senator Metzen introduced--

S.F. No. 3117: A bill for an act relating to the metropolitan council; providing for the transfer or disposal of interceptor facilities; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on State and Local Government Operations.

Senators Sabo, Knutson, Berglin, Robertson and Johnson, Dave introduced--

S.F. No. 3118: A bill for an act relating to landlords and tenants; providing for residential tenant reports; increasing a penalty; amending Minnesota Statutes 2000, sections 504B.173, subdivision 4; 504B.245; proposing coding for new law in Minnesota Statutes, chapter 504B.

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

Senator Sams introduced--

S.F. No. 3119: A bill for an act relating to human services; correcting inconsistencies in mental

health services coverage under provided health plans; amending Minnesota Statutes 2000, section 245.50, subdivisions 1, 2, 5.

Referred to the Committee on Health and Family Security.

Senator Berg introduced--

S.F. No. 3120: A bill for an act relating to human services; providing a rate increase for a nursing facility in Traverse county; amending Minnesota Statutes 2000, section 256B.434, by adding a subdivision.

Referred to the Committee on Health and Family Security.

Senator Orfield introduced--

S.F. No. 3121: A bill for an act relating to real property; eliminating junior creditor redemption rights under certain circumstances; amending Minnesota Statutes 2000, section 580.24.

Referred to the Committee on Judiciary.

Senators Chaudhary; Johnson, Doug; Sabo; Belanger and Oliver introduced--

S.F. No. 3122: A bill for an act relating to traffic regulations; regulating the operation of electric personal assistive mobility devices on roadways and sidewalks; amending Minnesota Statutes 2000, sections 168.011, subdivision 4; 169.01, subdivision 3, by adding a subdivision; 171.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 169.

Referred to the Committee on Transportation.

Senator Johnson, Doug introduced--

S.F. No. 3123: A bill for an act relating to natural resources; appropriating money for a harbor of refuge at Grand Portage; authorizing the sale of state bonds.

Referred to the Committee on Finance.

Senator Foley introduced--

S.F. No. 3124: A bill for an act relating to health; modifying resident reimbursement classifications; amending Minnesota Statutes 2001 Supplement, section 144.0724, subdivisions 3, 5, 7, 9.

Referred to the Committee on Health and Family Security.

Senator Foley introduced--

S.F. No. 3125: A bill for an act relating to the minimum wage; defining "companionship services"; modifying the definition of "hours" for companionship services; amending Minnesota Statutes 2000, section 177.23, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 177.

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

Senator Foley introduced--

S.F. No. 3126: A bill for an act relating to human services; making technical changes in health care programs; amending Minnesota Statutes 2000, sections 13.05, subdivision 4; 245.4932, subdivision 3; 245.50, subdivisions 1, 2, 5; 253B.045, subdivision 2; 256.01, subdivision 11;

256.023; 256.9685, subdivision 1; 256.9866; 256B.041, subdivision 5; 256B.0575; 256B.0629, subdivision 2; 256B.0915, subdivision 1c; 256B.0945, subdivision 4; 256B.19, subdivisions 1, 1d, 2b; 256B.692, subdivision 3; 256F.10, subdivision 9; 256F.13, subdivision 1; 256L.05, subdivision 3; 256L.07, subdivision 3; Minnesota Statutes 2001 Supplement, sections 245.474, subdivision 4; 256B.0623, subdivision 14; 256B.0625, subdivision 20; 256B.0915, subdivision 3; 256B.0924, subdivision 6; 256L.06, subdivision 3; Laws 2001, First Special Session chapter 9, article 2, section 76; repealing Minnesota Statutes 2000, sections 256.025; 256B.0635, subdivision 3; 256B.19, subdivision 1a; 256B.77, subdivision 24.

Referred to the Committee on Health and Family Security.

Senators Samuelson, Kierlin, Fowler, Hottinger and Johnson, Doug introduced--

S.F. No. 3127: A bill for an act relating to taxation; providing economic development tax incentives for businesses located outside of the seven county metropolitan area; providing administrative rulemaking authority; appropriating money; amending Minnesota Statutes 2000, sections 290.06, by adding subdivisions; 290.191, subdivision 3; 297A.68, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 275.025, by adding a subdivision; 290.01, subdivision 19d; 290.191, subdivisions 2; 469.1813, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 116J; 290; 469.

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

Senator Lourey introduced--

S.F. No. 3128: A bill for an act relating to unemployment insurance; allowing certain school employees to collect benefits between academic years or terms; amending Minnesota Statutes 2001 Supplement, section 268.085, subdivision 7.

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

Senator Ourada introduced--

S.F. No. 3129: A bill for an act relating to labor; providing that rules governing migrant labor camps are effective until July 1, 2003; amending Minnesota Rules, parts 4630.4800; 4630.4900; 4630.5000; 4630.5100; 4630.5200; 4630.5300; 4630.5400; 4630.5500; 4630.5600; 4630.5700; 4630.5800; 4630.5900; 4630.6000; 4630.6100; 4630.6200; 4630.6300; 4630.6400; 4630.6500; 4630.6550; 4717.7000, subpart 1.

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

Senators Fowler, Vickerman and Hottinger introduced--

S.F. No. 3130: A bill for an act relating to education finance; authorizing a fund transfer for independent school district No. 458, Truman.

Referred to the Committee on Education.

Senator Lessard, by request, introduced--

S.F. No. 3131: A bill for an act relating to redistricting; adopting a legislative redistricting plan for use in 2002 and thereafter; amending Minnesota Statutes 2000, section 2.031, subdivision 2; repealing Minnesota Statutes 2000, sections 2.043; 2.053; 2.063; 2.073; 2.083; 2.093; 2.103; 2.113; 2.123; 2.133; 2.143; 2.153; 2.163; 2.173; 2.183; 2.193; 2.203; 2.213; 2.223; 2.233; 2.243; 2.253; 2.263; 2.273; 2.283; 2.293; 2.303; 2.313; 2.323; 2.333; 2.343; 2.353; 2.363; 2.373; 2.383; 2.393; 2.403; 2.413; 2.423; 2.433; 2.443; 2.453; 2.463; 2.473; 2.483; 2.493; 2.503; 2.513; 2.523; 2.533; 2.543; 2.553; 2.563; 2.573; 2.583; 2.593; 2.603; 2.613; 2.623; 2.633; 2.643; 2.653; 2.663; 2.673; 2.683; 2.693; 2.703.

Referred to the Committee on Rules and Administration.

Senators Stumpf; Johnson, Doug; Stevens; Lessard and Moe, R.D. introduced--

S.F. No. 3132: A bill for an act relating to land use management; authorizing the northern counties land use coordinating board to initiate a pilot project to promote cooperative efforts among county, state, federal, and local units of government, and with Canadian officials regarding land use management issues.

Referred to the Committee on State and Local Government Operations.

Senator Stevens introduced--

S.F. No. 3133: A bill for an act relating to health; requiring legislative approval before the commissioner of health adopts new or amended rules governing the Minnesota Clean Indoor Air Act; amending Minnesota Statutes 2000, section 144.417, subdivision 1.

Referred to the Committee on Health and Family Security.

Senator Higgins introduced--

S.F. No. 3134: A bill for an act relating to environment; clarifying individual sewage treatment classification; abolishing the waste tire grant and loan program; amending Minnesota Statutes 2000, section 115.55, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 115A.912, subdivision 1; repealing Minnesota Statutes 2000, section 115A.913; Minnesota Rules, parts 9220.0130, subpart 2, item H; 9220.0170; 9220.0180; 9220.0800; 9220.0805; 9220.0810; 9220.0815; 9220.0820; 9220.0825; 9220.0830; 9220.0835; 9220.0900; 9220.0905; 9220.0910; 9220.0915; 9220.0920; 9220.0925; 9220.0930; 9220.0935.

Referred to the Committee on Environment and Natural Resources.

Senator Johnson, Dave introduced--

S.F. No. 3135: A bill for an act relating to motor vehicles; defining street-sweeping vehicles as special mobile equipment for vehicle registration purposes; amending Minnesota Statutes 2000, section 168.011, subdivision 22.

Referred to the Committee on Transportation.

Senator Lesewski introduced--

S.F. No. 3136: A bill for an act relating to workers' compensation; modifying payment provisions; modifying intervention procedures; amending Minnesota Statutes 2000, sections 176.092, subdivision 1, by adding a subdivision; 176.106, subdivision 6; 176.111, subdivision 22; 176.130, subdivisions 8, 9; 176.139, subdivision 2; 176.155, subdivision 2; 176.181, subdivision 3; 176.182; 176.185, subdivision 5a; 176.194, subdivision 3; 176.361; 176.84, subdivision 2; Minnesota Statutes 2001 Supplement, section 176.103, subdivision 3.

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

Senator Schwab introduced--

S.F. No. 3137: A bill for an act relating to traffic regulations; allowing motorcyclist to run red light under certain circumstances; amending Minnesota Statutes 2000, section 169.06, by adding a subdivision.

Referred to the Committee on Transportation.

Senator Johnson, Doug introduced--

S.F. No. 3138: A bill for an act relating to state lands; authorizing public sale of school trust land bordering public water.

Referred to the Committee on Environment and Natural Resources.

Senator Ring introduced--

S.F. No. 3139: A bill for an act relating to capital improvements; appropriating money to the board of water and soil resources to acquire lands adjacent to the Rush City correctional facility for wetlands mitigation and drainage and for ultimate transfer to natural resources for a wildlife management area; authorizing issuance of bonds.

Referred to the Committee on Finance.

Senators Ring and Anderson introduced--

S.F. No. 3140: A bill for an act relating to employment; providing that wage credits earned by certain school food service employees may be used for unemployment benefit purposes; amending Minnesota Statutes 2000, section 268.085, subdivision 8.

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

Senator Johnson, Dave introduced--

S.F. No. 3141: A bill for an act relating to pensions; adding an exception to restrictions on local government pension levies or contributions; amending Minnesota Statutes 2001 Supplement, section 356.24, subdivision 1.

Referred to the Committee on State and Local Government Operations.

Senator Neuville introduced--

S.F. No. 3142: A bill for an act relating to education; modifying tuition provisions for the Minnesota state academies; amending Minnesota Statutes 2000, section 125A.65, subdivisions 1, 3, 8, 9.

Referred to the Committee on Education.

Senators Fowler, Hottinger and Frederickson introduced--

S.F. No. 3143: A bill for an act relating to capital improvements; providing for a grant to Blue Earth county for renovation of the Rapidan dam; authorizing issuance of bonds; appropriating money.

Referred to the Committee on Finance.

Senator Lessard introduced--

S.F. No. 3144: A bill for an act relating to gambling; licenses; modifying certain license terms; amending Minnesota Statutes 2000, sections 349.161, subdivision 4; 349.163, subdivision 2; 349.164, subdivision 4.

Referred to the Committee on State and Local Government Operations.

Senators Foley, Cohen, Betzold, Ranum and Orfield introduced--

S.F. No. 3145: A bill for an act relating to the military; revising the Minnesota code of military justice; amending Minnesota Statutes 2000, sections 192A.015; 192A.02, subdivision 3, by adding a subdivision; 192A.025; 192A.045, subdivisions 2, 3; 192A.05; 192A.055; 192A.07; 192A.08, subdivision 1; 192A.085, subdivisions 1, 3, 5, 7; 192A.09; 192A.095; 192A.10; 192A.105; 192A.11, subdivisions 1, 3; 192A.115; 192A.13; 192A.135; 192A.14; 192A.15, subdivisions 3, 5; 192A.155; 192A.16; 192A.205; 192A.235, subdivision 3; 192A.25, subdivision 3; 192A.28; 192A.31, subdivision 1; 192A.384; 192A.385; 192A.39; 192A.415; 192A.43, subdivisions 1, 2; 192A.46; 192A.47; 192A.48; 192A.485; 192A.50; 192A.51; 192A.525; 192A.54; 192A.55; 192A.555; 192A.56; 192A.57; 192A.575; 192A.585; 192A.59; 192A.60; 192A.605; 192A.61, subdivision 3; 192A.612; 192A.615, subdivisions 1, 2; 192A.62; 192A.635; 192A.64, subdivisions 1, 2; 192A.645; 192A.65; 192A.66; 192A.665; proposing coding for new law in Minnesota Statutes, chapter 192A; repealing Minnesota Statutes 2000, sections 192A.045, subdivision 1; 192A.06; 192A.075; 192A.145; 192A.165; 192A.17; 192A.175; 192A.18; 192A.185; 192A.19; 192A.195; 192A.21; 192A.215; 192A.22; 192A.225; 192A.23; 192A.235, subdivision 2; 192A.245; 192A.265; 192A.27; 192A.275; 192A.285; 192A.29; 192A.295; 192A.305; 192A.31, subdivision 2; 192A.315; 192A.32; 192A.325; 192A.33; 192A.335; 192A.34; 192A.345; 192A.35; 192A.355; 192A.36; 192A.365; 192A.37; 192A.375; 192A.38; 192A.43, subdivision 3; 192A.505; 192A.52; 192A.53; 192A.58; 192A.611; 192A.655.

Referred to the Committee on Agriculture, General Legislation and Veterans Affairs.

Senators Metzen, Johnson, Dave and Krentz introduced--

S.F. No. 3146: A bill for an act relating to telecommunications; defining certain terms; promoting competition within local exchange marketplace; providing standards of conduct applicable to telecommunications service providers and their affiliates, including incumbent local exchange carriers and competitive local exchange carriers; requiring consent to use private customer's information for marketing purposes by telecommunications service providers; promoting improved customer service; creating standards of conduct and required practices governing the relations between telecommunications service providers and their customers; providing criteria for structural separation of retail and wholesale activities of large incumbent local exchange carriers into affiliated companies for violations of standards of conduct; making clarifying and technical changes; amending Minnesota Statutes 2000, sections 237.01, by adding subdivisions; 237.035; 237.09, subdivision 2; 237.462, subdivisions 1, 2, 11, 12; 237.66; 237.661; 237.771; 325F.693; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Statutes 2000, section 237.121.

Referred to the Committee on Telecommunications, Energy and Utilities.

Senators Orfield, Knutson, Robertson and Solon, Y.P. introduced--

S.F. No. 3147: A bill for an act relating to state employment; modifying the statewide affirmative action program; amending Minnesota Statutes 2000, sections 43A.02, subdivision 6a, by adding subdivisions; 43A.19, subdivision 1; 43A.191.

Referred to the Committee on State and Local Government Operations.

Senator Berglin introduced--

S.F. No. 3148: A bill for an act relating to housing; affordable housing; providing for accessory dwelling units; requiring municipalities to report separate permit totals for certain types of residential units; amending Minnesota Statutes 2000, sections 462.352, by adding a subdivision; 462.357, by adding a subdivision; 462A.33, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 16B.685.

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

Senators Anderson, Ranum, Moua, Pappas and Samuelson introduced--

S.F. No. 3149: A bill for an act relating to taxation; extending the time during which certain improvements to certain older homesteads are excluded from valuation for property tax purposes; amending Minnesota Statutes 2000, section 273.11, subdivision 16.

Referred to the Committee on Taxes.

Senators Robling, Schwab and Foley introduced--

S.F. No. 3150: A bill for an act relating to public safety; modifying DWI test provisions; permitting electronic forms; authorizing expedited rulemaking for commissioner of public safety to approve DWI testing devices; granting discretion to commissioner of public safety to administer and enforce various department duties; authorizing rules; making clarifying changes; amending Minnesota Statutes 2000, sections 169A.03, subdivision 11; 169A.45, subdivision 4; 169A.51, subdivision 5; 169A.75; 634.16; proposing coding for new law in Minnesota Statutes, chapter 299A.

Referred to the Committee on Crime Prevention.

Senators Reiter and Limmer introduced--

S.F. No. 3151: A bill for an act relating to land use planning; modifying housing requirements for local comprehensive plans in metropolitan areas; amending Minnesota Statutes 2000, section 473.859, subdivision 4; Minnesota Statutes 2001 Supplement, section 473.859, subdivision 2.

Referred to the Committee on State and Local Government Operations.

Senator Scheevel introduced--

S.F. No. 3152: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money to acquire the Fillmore county farm.

Referred to the Committee on Finance.

Senator Scheevel introduced--

S.F. No. 3153: A bill for an act relating to insurance; applying the Minnesota No-Fault Automobile Insurance Act to horse-drawn vehicles regularly operated on public roads; amending Minnesota Statutes 2000, sections 65B.43, by adding a subdivision; 169.791, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 65B.

Referred to the Committee on Commerce.

Senator Robertson introduced--

S.F. No. 3154: A bill for an act relating to occupational safety and health; eliminating certain responsibilities of the commissioner of health; increasing penalty limits for certain violations; amending Minnesota Statutes 2000, sections 182.65, subdivision 2; 182.656, subdivision 1; 182.666, subdivision 2.

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

Senators Kiscaden, Langseth and Robertson introduced--

S.F. No. 3155: A bill for an act relating to health occupations; establishing guest licenses for dentists and dental hygienists; establishing guest registration for dental assistants; amending Minnesota Statutes 2000, section 150A.06, by adding a subdivision.

Referred to the Committee on Health and Family Security.

Senators Schwab, Ourada, Day and Sams introduced--

S.F. No. 3156: A bill for an act relating to motor vehicles; requiring same titling standard for motorcycle with new engine as similarly situated automobile; amending Minnesota Statutes 2000, section 168A.15, by adding a subdivision.

Referred to the Committee on Transportation.

Senators Schwab, Sams and Day introduced--

S.F. No. 3157: A bill for an act relating to crimes; imposing criminal penalties for failing to yield the right of way resulting in injury or death; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Crime Prevention.

Senators Terwilliger and Belanger introduced--

S.F. No. 3158: A bill for an act relating to waters; repealing the prohibition on diminishing water flow from Camp Coldwater Springs; repealing Laws 2001, chapter 101, section 1.

Referred to the Committee on State and Local Government Operations.

Senators Terwilliger, Belanger and Oliver introduced--

S.F. No. 3159: A bill for an act relating to liquor; authorizing Eden Prairie to issue up to five on-sale intoxicating liquor licenses in addition to the number authorized by law.

Referred to the Committee on Commerce.

Senator Tomassoni introduced--

S.F. No. 3160: A bill for an act relating to state lands; authorizing private and public sales of certain tax-forfeited lands that border public water in St. Louis county.

Referred to the Committee on Environment and Natural Resources.

Senator Tomassoni introduced--

S.F. No. 3161: A bill for an act relating to sanitary sewer districts; establishing the central iron range sanitary sewer district.

Referred to the Committee on Environment and Natural Resources.

Senator Vickerman introduced--

S.F. No. 3162: A bill for an act relating to Murray county; permitting the appointment of the county recorder.

Referred to the Committee on State and Local Government Operations.

Senator Scheid introduced--

S.F. No. 3163: A bill for an act relating to health; requiring health insurance coverage for surveillance testing for ovarian cancer; amending Minnesota Statutes 2000, section 62A.30, subdivision 2, by adding a subdivision.

Referred to the Committee on Health and Family Security.

Senators Betzold and Scheid introduced--

S.F. No. 3164: A bill for an act relating to real property; specifying limitation of actions based on breach of statutory home warranties; amending Minnesota Statutes 2000, section 541.051, subdivision 4.

Referred to the Committee on Commerce.

Senator Higgins introduced--

S.F. No. 3165: A bill for an act relating to taxation; sales and use; exempting materials and equipment incorporated into certain low-income public housing units and developments; amending Minnesota Statutes 2001 Supplement, section 297A.71, subdivision 23.

Referred to the Committee on Taxes.

Senators Fowler, Sams, Frederickson and Murphy introduced--

S.F. No. 3166: A bill for an act relating to taxation; mortgage registry; exempting certain agricultural loans; amending Minnesota Statutes 2001 Supplement, section 287.04.

Referred to the Committee on Taxes.

Senator Betzold introduced--

S.F. No. 3167: A bill for an act relating to corrections; providing access to data for purposes of the commissioner's preliminary determination whether a petition of civil commitment as a sexual psychopathic personality or sexually dangerous person is appropriate; amending Minnesota Statutes 2000, section 244.05, subdivision 7.

Referred to the Committee on Judiciary.

Senator Stevens introduced--

S.F. No. 3168: A bill for an act relating to municipalities; providing for a bidding exception for certain water tank service contracts; amending Minnesota Statutes 2000, section 471.345, by adding a subdivision.

Referred to the Committee on State and Local Government Operations.

Senators Rest, Anderson, Sabo and Robertson introduced--

S.F. No. 3169: A bill for an act relating to housing; defining mixed housing development; requiring negotiation on proposed mixed income developments; changing the burden of proof under certain circumstances; requiring housing fiscal impact notes; authorizing collector street utilities; amending Minnesota Statutes 2000, section 462.361, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 462; proposing coding for new law as Minnesota Statutes, chapter 444A.

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

Senators Higgins, Hottinger, Pogemiller and Langseth introduced--

S.F. No. 3170: A bill for an act relating to elections; changing certain provisions on restoration of civil rights and eligibility to vote; amending Minnesota Statutes 2000, sections 201.014, subdivision 2; 609.165, subdivision 1; repealing Minnesota Statutes 2000, section 609.165, subdivision 2.

Referred to the Committee on Crime Prevention.

Senators Kiscaden and Berglin introduced--

S.F. No. 3171: A bill for an act relating to human services; modifying requirements for medical assistance coverage of prescription drugs; amending Minnesota Statutes 2001 Supplement, section 256B.0625, subdivision 13.

Referred to the Committee on Health and Family Security.

Senator Knutson introduced--

S.F. No. 3172: A bill for an act relating to crimes; requiring a ten-year conditional release period when a person has a previous sex offense conviction regardless of the state in which it occurred; making it a ten-year felony when a person commits certain prohibited acts when the act is committed with sexual or aggressive intent; defining aggravated harassing conduct to include acts of criminal sexual conduct as predicate offenses for a pattern of harassing conduct; prescribing penalties; amending Minnesota Statutes 2000, sections 609.109, subdivision 7; 609.749, subdivision 3; Minnesota Statutes 2001 Supplement, section 609.749, subdivisions 4, 5.

Referred to the Committee on Crime Prevention.

Senator Knutson introduced--

S.F. No. 3173: A bill for an act relating to crimes; making it a felony to assault a school official and inflict demonstrable bodily harm; amending Minnesota Statutes 2000, section 609.2231, subdivision 5.

Referred to the Committee on Crime Prevention.

Senator Kelley, S.P. introduced--

S.F. No. 3174: A bill for an act relating to commerce; creating a small business category under the Money Transmitter Act; modifying regulations; amending Minnesota Statutes 2001 Supplement, sections 53B.05, subdivision 1; 53B.08, subdivision 1.

Referred to the Committee on Commerce.

Senator Pappas introduced--

S.F. No. 3175: A bill for an act relating to data privacy; providing for the disclosure of data on individuals approved for free and reduced-price school meals; amending Minnesota Statutes 2000, section 13.41, subdivision 5; Minnesota Statutes 2001 Supplement, sections 13.32, subdivision 3; 13.46, subdivision 2.

Referred to the Committee on Judiciary.

Senators Frederickson, Price, Anderson, Krentz and Schwab introduced--

S.F. No. 3176: A bill for an act relating to economic development; repealing obsolete provisions relating to the Minnesota export finance authority and a business migration report; modifying conference and service center use in the Minnesota world trade center; modifying the urban initiative program; coordinating funding for wastewater and drinking water funding; extending availability of funding for travel information centers; increasing bonding authority for the public facilities authority; reinstating a repealed law; amending Minnesota Statutes 2000, sections 48.24, subdivision 5; 116J.58, subdivision 1; 116J.9665, subdivisions 1, 4, 6; 116M.14, subdivision 4; 116M.18, subdivisions 2, 3, 4, 5, 8, by adding a subdivision; 446A.07, subdivisions 4, 11; 446A.12, subdivision 1; Laws 2001, First Special Session chapter 4, article 1, section 2, subdivision 5; repealing Minnesota Statutes 2000, sections 116J.9672; 116J.9673.

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

Senators Frederickson, Krentz, Price, Anderson and Schwab introduced--

S.F. No. 3177: A bill for an act relating to economic development; modifying the wastewater infrastructure funding program; amending Minnesota Statutes 2000, section 446A.072, subdivisions 1, 3, 6, 7, 8, 9, 11, 12, by adding subdivisions; repealing Minnesota Statutes 2000, section 446A.072, subdivisions 2, 4, 5, 10, 13.

Referred to the Committee on Environment and Natural Resources.

Senators Johnson, Dean and Frederickson introduced--

S.F. No. 3178: A bill for an act relating to drivers' licenses; requiring certain young males to be registered with selective service system, or to have personal information submitted to selective service system, upon applying for issuance or renewal of a driver's license or instruction permit or a Minnesota identification card; amending Minnesota Statutes 2000, section 171.04, by adding a subdivision.

Referred to the Committee on Transportation.

Senator Murphy introduced--

S.F. No. 3179: A bill for an act relating to aggregate material; providing for a municipal aggregate material removal fee in the metropolitan area; proposing coding for new law in Minnesota Statutes, chapter 298.

Referred to the Committee on Taxes.

Senator Moe, R.D. introduced--

S.F. No. 3180: A bill for an act relating to human services; providing rate increases for certain nursing facilities to offset a county assessment; appropriating money; amending Minnesota Statutes 2000, sections 256B.431, by adding a subdivision; 256B.434, by adding a subdivision.

Referred to the Committee on Health and Family Security.

Senator Tomassoni introduced--

S.F. No. 3181: A bill for an act relating to education; permitting the Minnesota state high school league to enter into corporate partnerships and similar agreements; amending Minnesota Statutes 2000, section 128C.01, subdivision 5.

Referred to the Committee on Education.

Senator Murphy introduced--

S.F. No. 3182: A bill for an act relating to capital improvements; providing for a grant to the city of Hastings for capital improvements on the city's hydro-electric plant; authorizing issuance of bonds; appropriating money.

Referred to the Committee on Finance.

Senator Tomassoni introduced--

S.F. No. 3183: A bill for an act relating to crimes; making it a crime to plan, encourage, or commit certain terroristic acts intending to affect the conduct of government or advance an ideological or other system of belief; prescribing penalties; amending Minnesota Statutes 2000, section 609.713, by adding a subdivision.

Referred to the Committee on Crime Prevention.

Senators Tomassoni; Johnson, Doug and Lessard introduced--

S.F. No. 3184: A bill for an act relating to traffic regulations; modifying provisions governing road inspections, first hauls, and weight allowances for commercial motor vehicles; transferring certain authority relating to weight restrictions on county routes to county road authorities; reallocating proceeds of fines for violations occurring on county roads; reducing an appropriation; making technical and clarifying changes; amending Minnesota Statutes 2000, sections 168.011, subdivision 17; 168.013, subdivision 3; 169.771, subdivisions 2, 3; 169.832, subdivision 11; 169.85, subdivisions 1, 2; 169.851, subdivision 3; 169.86, subdivision 5; Minnesota Statutes 2001 Supplement, sections 169.825, subdivision 11; 299D.03, subdivision 5.

Referred to the Committee on Transportation.

Senators Chaudhary and Marty introduced--

S.F. No. 3185: A bill for an act relating to natural resources; authorizing bonds and appropriating money to the suburban Hennepin regional park district to construct the Silver Lake environmental education center.

Referred to the Committee on Finance.

Senators Moe, R.D.; Johnson, Dean and Langseth introduced--

S.F. No. 3186: A bill for an act relating to capital improvements; authorizing issuance of state transportation bonds for replacement, rehabilitation, and repair of local bridges; appropriating money.

Referred to the Committee on Finance.

Senators Pappas, Robertson and Lourey introduced--

S.F. No. 3187: A bill for an act relating to education; amending and repealing unneeded and obsolete education provisions; amending Minnesota Statutes 2000, sections 120B.11, subdivision 5; 121A.15, as amended; 121A.55; 122A.09, subdivision 6; 122A.15; 122A.22; 122A.40, subdivisions 5, 8; 122A.58, subdivision 1; 122A.60, subdivision 1; 122A.68, subdivisions 1, 7; 122A.69; 122A.70, subdivision 2; 122A.91; 122A.92; 123A.06, subdivision 1; 123B.02, subdivision 1; 123B.04, subdivision 5; 123B.147; 123B.43; 123B.49, subdivision 1; 123B.51, subdivisions 1, 5; 123B.83, subdivision 1; 123B.90, subdivision 2; 124D.02, subdivision 1; 124D.09, subdivisions 5, 6; 124D.10, subdivisions 1, 6; 124D.115, subdivision 3; 124D.118, subdivisions 2, 3; 124D.37; 124D.40, subdivision 2; 124D.41; 124D.42, subdivision 7; 124D.46, subdivision 1; 124D.47, subdivision 2; 124D.50, subdivisions 2, 3; 124D.65, subdivision 6; 124D.892, as amended; 124D.94, subdivision 4; 125B.05, subdivisions 1, 2; 127A.05, subdivision 3; 127A.06; 127A.41, subdivision 7; Minnesota Statutes 2001 Supplement, sections 123B.36, subdivision 1; 129C.10, subdivision 3; repealing Minnesota Statutes 2000, sections 121A.03, subdivision 3; 121A.16; 122A.19, subdivision 2; 122A.32; 122A.40, subdivision 6; 122A.52; 122A.53; 122A.71; 122A.72; 122A.75; 123A.15, subdivision 1; 123A.35; 123A.36; 123A.37; 123A.38; 123A.39, subdivisions 1, 2, 4; 123A.40; 123A.41, subdivisions 1, 4; 123A.43; 123B.02, subdivisions 5, 9, 10, 13; 123B.15; 123B.16; 123B.17; 123B.18; 123B.19; 123B.744; 123B.93; 123B.95, subdivision 3; 124D.02, subdivision 4; 124D.06; 124D.081, subdivision 1; 124D.118, subdivision 1; 124D.124; 124D.47; 124D.91; 124D.92; 124D.93, subdivisions 2, 3, 6; 125B.02; 127A.41, subdivision 4; Minnesota Rules, parts 3505.4300; 3520.0400; 3545.0600; 3545.0700; 3545.0800; 3545.0900; 3550.0100.

Referred to the Committee on Education.

Senator Pappas introduced--

S.F. No. 3188: A bill for an act relating to rulemaking; allowing the commissioner of children, families, and learning to amend rules relating to the profile of learning.

Referred to the Committee on State and Local Government Operations.

Senator Pappas introduced--

S.F. No. 3189: A bill for an act relating to local government; establishing a retroactive effective date for St. Paul civil service separation.

Referred to the Committee on State and Local Government Operations.

Senator Lesewski introduced--

S.F. No. 3190: A bill for an act relating to taxation; production tax; exempting wind energy conversion systems installed after January 1, 2002, from the property tax; providing for a production tax on electricity from wind energy conversion systems installed after January 1, 2002; amending Minnesota Statutes 2001 Supplement, section 272.02, subdivision 22; proposing coding for new law in Minnesota Statutes, chapter 272; repealing Minnesota Statutes 2001 Supplement, section 272.028.

Referred to the Committee on Telecommunications, Energy and Utilities.

Senator Murphy introduced--

S.F. No. 3191: A bill for an act relating to transportation; abolishing provisions related to joint county state-aid highway and municipal state-aid street status; deleting requirement for department of transportation to send copies of certain rules to county auditors; abolishing requirement that department of transportation maintain a list of highway engineers; abolishing obsolete statute related to highway jurisdiction studies; repealing authority of commissioner of transportation over pipeline carriers; repealing rules governing design standards of driveways next to highways; amending Minnesota Statutes 2000, sections 162.02, subdivisions 1, 2, 4; 162.09, subdivision 1; 163.07, subdivision 2; Minnesota Statutes 2001 Supplement, section 174.64, subdivision 4; repealing Minnesota Statutes 2000, sections 162.09, subdivision 5; 174.031; 221.54; Minnesota Statutes 2001 Supplement, section 221.55; Minnesota Rules, parts 8810.4200; 8810.4500; 8810.4600; 8810.4700; 8810.4800; 8810.4900; 8810.5000; 8810.5100; 8810.5500; 8810.9920; 8810.9921.

Referred to the Committee on Transportation.

Senators Krentz and Murphy introduced--

S.F. No. 3192: A bill for an act relating to public safety; providing for agriculture and pollution control, terrorist activity prevention, response, and investigation policies; appropriating money for antiterrorism initiatives; amending Minnesota Statutes 2000, sections 12.03, subdivision 4; 12.21, subdivisions 1, 3; 12.22, subdivision 2; 12.31, subdivision 2; 12.32; 12.34, subdivision 1; 12.36; 31.05, subdivision 1, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 28A.085, subdivision 4; 35.0661, subdivision 2; repealing Minnesota Statutes 2001 Supplement, section 35.0661, subdivision 4.

Referred to the Committee on Agriculture, General Legislation and Veterans Affairs.

Senators Samuelson, Hottinger and Moe, R.D. introduced--

S.F. No. 3193: A bill for an act relating to professions; modifying provisions relating to electricians; adding power limited licensing classifications; requiring rulemaking; amending Minnesota Statutes 2000, sections 326.01, subdivisions 5, 6d, 6g, by adding subdivisions; 326.241, subdivision 1; 326.242, subdivisions 1, 2, 3, 5, 6, 6a, 6b, 6c, 7, 8, 10, 12, by adding subdivisions;

326.2421, subdivisions 2, 3, 4, 9; 326.244, subdivisions 1a, 2, 5, 6; 326.245; Minnesota Statutes 2001 Supplement, section 326.243.

Referred to the Committee on Commerce.

Senators Samuelson, Vickerman, Fischbach, Fowler and Murphy introduced--

S.F. No. 3194: A bill for an act relating to capital improvements; authorizing spending to acquire and to better public land and buildings for the purpose of completing the design and construction of the World War II veterans memorial authorized for placement on the capitol mall, and for designing and constructing a kiosk in the capitol mall area to provide information on several public memorials; appropriating money; amending Laws 2000, chapter 492, article 1, section 12, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 197.

Referred to the Committee on Finance.

Senators Sabo; Moe, R.D.; Hottinger; Pappas and Moua introduced--

S.F. No. 3195: A bill for an act relating to education; modifying sexually transmitted diseases program provision; amending Minnesota Statutes 2000, section 121A.23.

Referred to the Committee on Education.

Senators Tomassoni; Solon, Y.P. and Pappas introduced--

S.F. No. 3196: A bill for an act relating to education finance; extending the levy for retired employee health benefits; amending Minnesota Statutes 2001 Supplement, section 126C.41, subdivision 2.

Referred to the Committee on Education.

Senators Tomassoni; Solon, Y.P.; Murphy and Pappas introduced--

S.F. No. 3197: A bill for an act relating to education finance; authorizing additional funding for the School Building Accessibility Capital Improvement Grant Act; modifying program criteria; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 2000, section 123B.69, subdivision 3.

Referred to the Committee on Education.

Senator Limmer introduced--

S.F. No. 3198: A bill for an act relating to education; providing for additional notice of school closings; amending Minnesota Statutes 2000, section 123B.51, subdivision 5.

Referred to the Committee on Education.

Senator Limmer introduced--

S.F. No. 3199: A bill for an act relating to education; authorizing a fund transfer for school districts.

Referred to the Committee on Education.

Senator Johnson, Dean introduced--

S.F. No. 3200: A bill for an act relating to civil actions; providing that a nonprofit organization operating an environmental learning center is a municipality for purposes of tort claims; amending Minnesota Statutes 2000, section 84.0875.

Referred to the Committee on Judiciary.

Senators Oliver, Scheid and Terwilliger introduced--

S.F. No. 3201: A bill for an act relating to general legislation; creating a task force to study the design of the state flag.

Referred to the Committee on Agriculture, General Legislation and Veterans Affairs.

Senator Oliver introduced--

S.F. No. 3202: A bill for an act relating to transportation; prescribing limitation on establishing recreational vehicle trail or bikeway.

Referred to the Committee on Transportation.

Senator Langseth, for the Committee on Capital Investment, introduced--

S.F. No. 3203: A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing spending to improve and rehabilitate railroad rights-of-way and other rail facilities whether public or private; requiring certain studies and reports; authorizing sale of state bonds; appropriating money; amending Minnesota Statutes 2000, sections 16A.11, subdivision 6; 16A.501; 16A.632, subdivision 2; 16A.86, subdivision 3; 16B.335, subdivision 3; 85.019, subdivisions 4a, 4c; 103F.205, subdivision 1; 135A.046, subdivision 2; 446A.072, subdivision 4; Laws 1998, chapter 404, section 18, subdivision 4; Laws 2000, chapter 492, article 1, section 15, subdivision 4; Laws 2000, chapter 492, article 1, section 22, subdivision 3, as amended; Laws 2000, chapter 492, article 1, section 22, subdivision 4; Laws 2000, chapter 492, article 1, section 27; Laws 2001, First Special Session chapter 12, section 10; proposing coding for new law in Minnesota Statutes, chapters 103F; 116J; repealing Minnesota Statutes 2000, sections 116J.561; 116J.562; 116J.563; 116J.564; 116J.565; 116J.566; 116J.567.

Referred to the Committee on Finance.

Senators Neville and Samuelson introduced--

S.F. No. 3204: A bill for an act relating to human services; specifying that a county agency is not required to provide income support or cash assistance when specified state programs fail to do so; amending Minnesota Statutes 2000, section 261.063.

Referred to the Committee on Health and Family Security.

Senator Kelley, S.P. introduced--

S.F. No. 3205: A bill for an act relating to telecommunications; creating a public telecommunication services fund; providing support for various public telecommunication networks; providing for an access fee; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 237.

Referred to the Committee on Telecommunications, Energy and Utilities.

Senator Marty introduced--

S.F. No. 3206: A bill for an act relating to state employment; shifting social security administrative duties from the department of employee relations to the public employees retirement association; classifying data on employee's dependents as private; amending Minnesota Statutes 2000, sections 13.43, subdivision 4; 355.01, subdivision 5.

Referred to the Committee on State and Local Government Operations.

Senators Tomassoni; Johnson, Doug and Moe, R.D. introduced--

S.F. No. 3207: A resolution urging the Pension Benefit Guaranty Corporation to delay the termination of the LTV Steel Mining Pension Plan.

Senator Moe, R.D. moved that S.F. No. 3207 be laid on the table. The motion prevailed.

Senator Moe, R.D. introduced--

S.F. No. 3208: A bill for an act relating to public employment; eliminating a requirement that collective bargaining agreements with state employees be approved by the legislature; amending Minnesota Statutes 2000, sections 3.855, subdivision 2; 43A.18, subdivision 1.

Referred to the Committee on State and Local Government Operations.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Moe, R.D. moved that S.F. No. 3207 be taken from the table. The motion prevailed.

S.F. No. 3207: A resolution urging the Pension Benefit Guaranty Corporation to delay the termination of the LTV Steel Mining Pension Plan.

SUSPENSION OF RULES

Senator Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 3207 and that the rules of the Senate be so far suspended as to give S.F. No. 3207 its second and third reading and place it on its final passage. The motion prevailed.

S.F. No. 3207 was read the second time.

S.F. No. 3207 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Langseth	Orfield	Samuelson
Belanger	Hottinger	Larson	Pappas	Scheevel
Berg	Johnson, Dave	Lesewski	Pariseau	Scheid
Berglin	Johnson, Dean	Lessard	Pogemiller	Schwab
Betzold	Johnson, Debbie	Limmer	Price	Solon, Y.P.
Chaudhary	Johnson, Doug	Lourey	Ranum	Stevens
Cohen	Kelley, S.P.	Marty	Reiter	Stumpf
Day	Kierlin	Metzen	Rest	Terwilliger
Dille	Kinkel	Moe, R.D.	Ring	Tomassoni
Fischbach	Kiscaden	Moua	Robertson	Vickerman
Foley	Kleis	Murphy	Robling	Wiener
Fowler	Knutson	Neuville	Sabo	Wiger
Frederickson	Krentz	Oliver	Sams	

So the bill passed and its title was agreed to.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 11:45 a.m., Friday, February 15, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Thursday, February 14, 2002

MESSAGES FROM THE HOUSE AND FIRST READINGS OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
		2624	4293	4294

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
222	4330	4349			
368	4303	4349			
1226	4337	4349			
1861	4300	4349			
2421	4294				
2445	4298	4349			
2458	4298	4349			
2463	4299	4349			
2486	4302	4349			
2514	4297	4349			
2542	4308	4349			
2551	4306				
2562	4336				
2568	4303	4349			
2569	4337				
2572	4304	4349			
2578	4304	4349			
2589	4306				
2590	4304	4349			
2594	4337				
2614	4303	4349			
2622	4303				
2669	4314				
2670	4304	4349			
2671	4337	4349			
2676	4329				
2678	4297	4349			
2680	4334	4349			
2683	4339				
2838	4305				

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
1111	4349		
1542	4349		

2465	.....	4350
2474	.....	4349
2533	.....	4349
2547	.....	4349
2559	.....	4351
2597	.....	4349
2625	.....	4349
2629	.....	4349
2695	.....	4351
2807	.....	4350
2825	.....	4351
2881	.....	4349
2882	.....	4350
2894	.....	4349
2908	.....	4350
2911	.....	4349
2937	.....	4350
2956	.....	4350
2963	.....	4350
2994	.....	4350
2996	.....	4350
3007	.....	4351
3014	.....	4350
3015	.....	4350
3018	.....	4350
3029	.....	4350
3207	.....	4378
Sen. Res.		
No . 169	.....	4350
Sen. Res.		
No . 170	.....	4350
Sen. Res.		
No . 171	.....	4351
Sen. Res.		
No . 172	.....	4351
Sen. Res.		
No . 173	.....	4351

CONSENT CALENDAR

S.F. Nos.	Page	H.F. Nos.	Page
1471		4351
2655		4352

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F. Nos. 3042 to 3208 Pages 4352 to 4378