

STATE OF MINNESOTA

EIGHTY-FIRST SESSION — 2000

 ONE HUNDRED FOURTH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 10, 2000

The House of Representatives convened at 9:00 a.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by the Reverend Brian J. Schanil, Evangelical Covenant Church, Warren, Minnesota.

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

The roll was called and the following members were present:

Abeler	Entenza	Huntley	Luther	Pelowski	Sykora
Abrams	Erickson	Jaros	Mahoney	Peterson	Tingelstad
Anderson, B.	Finseth	Jennings	Mares	Pugh	Tomassoni
Anderson, I.	Folliard	Johnson	Mariani	Rest	Trimble
Bakk	Fuller	Juhnke	Marko	Reuter	Tuma
Biernat	Gerlach	Kahn	McCollum	Rhodes	Tunheim
Boudreau	Gleason	Kalis	McElroy	Rifenberg	Van Dellen
Bradley	Goodno	Kelliher	Milbert	Rostberg	Vandevveer
Broecker	Gray	Kielkucki	Molnau	Rukavina	Wagenius
Buesgens	Greenfield	Knoblach	Mulder	Seagren	Wejzman
Carlson	Greiling	Koskinen	Mullery	Seifert, J.	Wenzel
Cassell	Gunther	Krinkie	Murphy	Seifert, M.	Westerberg
Chaudhary	Haake	Kubly	Ness	Skoe	Westfall
Clark, J.	Hackbarth	Kuisle	Nornes	Skoglund	Westrom
Daggett	Harder	Larsen, P.	Orfield	Smith	Wilkin
Davids	Hasskamp	Larson, D.	Osskopp	Solberg	Winter
Dawkins	Hausman	Leighton	Otremba	Stanek	Wolf
Dehler	Hilty	Lenczewski	Ozment	Stang	Spk. Sviggum
Dempsey	Holberg	Leppik	Paulsen	Storm	
Dorman	Holsten	Lieder	Pawlenty	Swapinski	
Dorn	Howes	Lindner	Paymar	Swenson	

A quorum was present.

Bishop and Olson were excused.

Clark, K., and Osthoff were excused until 9:35 a.m. Workman was excused until 10:50 a.m. Carruthers, Erhardt, Haas and McGuire were excused until 10:55 a.m. Schumacher was excused until 11:05 a.m. Opatz was excused until 11:30 a.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Seifert, J., moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 2417 and H. F. No. 3041, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Leppik moved that the rules be so far suspended that S. F. No. 2417 be substituted for H. F. No. 3041 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2471 and H. F. No. 2791, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Abrams moved that S. F. No. 2471 be substituted for H. F. No. 2791 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3091 and H. F. No. 3234, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Abrams moved that the rules be so far suspended that S. F. No. 3091 be substituted for H. F. No. 3234 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Goodno from the Committee on Health and Human Services Finance to which was referred:

S. F. No. 689, A bill for an act relating to health; regulating complementary and alternative health care practitioners; establishing civil penalties; amending Minnesota Statutes 1999 Supplement, sections 13.99, by adding a subdivision; 147.09; and 214.01, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 146A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

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

Subd. 42c. [UNLICENSED COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONERS AND CLIENTS.] Data obtained by the commissioner of health on unlicensed complementary and alternative health care practitioners and clients are classified under sections 146A.06 and 146A.08.

Sec. 2. [146A.01] [DEFINITIONS.]

Subdivision 1. [TERMS.] As used in this chapter, the following terms have the meanings given them.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of health or the commissioner's designee.

Subd. 3. [COMPLEMENTARY AND ALTERNATIVE HEALTH CARE CLIENT.] "Complementary and alternative health care client" means an individual who receives services from an unlicensed complementary and alternative health care practitioner.

Subd. 4. [COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTICES.] (a) "Complementary and alternative health care practices" means the broad domain of complementary and alternative healing methods and treatments, including but not limited to: (1) acupressure; (2) anthroposophy; (3) aroma therapy; (4) ayurveda; (5) cranial sacral therapy; (6) culturally traditional healing practices; (7) detoxification practices and therapies; (8) energetic healing; (9) polarity therapy; (10) folk practices; (11) healing practices utilizing food, food supplements, nutrients, and the physical forces of heat, cold, water, touch, and light; (12) Gerson therapy and colostrum therapy; (13) healing touch; (14) herbology or herbalism; (15) homeopathy; (16) nondiagnostic iridology; (17) body work, massage, and massage therapy; (18) meditation; (19) mind-body healing practices; (20) naturopathy; (21) noninvasive instrumentalities; and (22) traditional Oriental practices, such as Qi Gong energy healing.

(b) Complementary and alternative health care practices do not include surgery, x-ray radiation, administering or dispensing legend drugs and controlled substances, practices that invade the human body by puncture of the skin, setting fractures, the use of medical devices as defined in section 147A.01, any practice included in the practice of dentistry as defined in section 150A.05, subdivision 1, or the manipulation or adjustment of articulations of joints or the spine as described in section 146.23 or 148.01.

(c) Complementary and alternative health care practices do not include practices that are permitted under section 147.09, clause (11), or 148.271, clause (5).

(d) This chapter does not apply to, control, prevent, or restrict the practice, service, or activity of lawfully marketing or distributing food products, including dietary supplements as defined in the federal Dietary Supplement Health and Education Act, educating customers about such products, or explaining the uses of such products. Under Minnesota law, an unlicensed complementary and alternative health care practitioner may not provide a medical diagnosis or recommend discontinuance of medically prescribed treatments.

Subd. 5. [OFFICE OF UNLICENSED COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTICE OR OFFICE.] "Office of unlicensed complementary and alternative health care practice" or "office" means the office of unlicensed complementary and alternative health care practice established in section 146A.02.

Subd. 6. [UNLICENSED COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONER.] (a) "Unlicensed complementary and alternative health care practitioner" means a person who:

(1) is not licensed or registered by a health-related licensing board or the commissioner of health, or does not hold oneself out to the public as licensed or registered by a health-related licensing board or the commissioner of health; or

(2) is licensed or registered by the commissioner of health or a health-related licensing board other than the board of medical practice, the board of dentistry, the board of chiropractic examiners, or the board of podiatric medicine, but does not hold oneself out to the public as being licensed or registered by the commissioner or a health-related licensing board when engaging in complementary and alternative health care; and

(3) has not had a license or registration issued by a health-related licensing board or the commissioner of health revoked or has not been disciplined in any manner at any time in the past, unless the right to engage in complementary and alternative health care practices has been established by order of the commissioner of health;

(4) is engaging in complementary and alternative health care practices; and

(5) is providing complementary and alternative health care services for remuneration or is holding oneself out to the public as a practitioner of complementary and alternative health care practices.

(b) A health care practitioner licensed or registered by the commissioner or a health-related licensing board, who engages in complementary and alternative health care while practicing under the practitioner's license or registration, shall be regulated by and be under the jurisdiction of the applicable health-related licensing board with regard to the complementary and alternative health care practices.

Sec. 3. [146A.02] [OFFICE OF UNLICENSED COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTICE.]

Subdivision 1. [CREATION.] The office of unlicensed complementary and alternative health care practice is created in the department of health to investigate complaints and take and enforce disciplinary actions against all unlicensed complementary and alternative health care practitioners for violations of prohibited conduct, as defined in section 146A.08. The office shall also serve as a clearinghouse on complementary and alternative health care practices and unlicensed complementary and alternative health care practitioners through the dissemination of objective information to consumers and through the development and performance of public education activities, including outreach, regarding the provision of complementary and alternative health care practices and unlicensed complementary and alternative health care practitioners who provide these services.

Subd. 2. [RULEMAKING.] The commissioner shall adopt rules necessary to implement, administer, or enforce provisions of this chapter pursuant to chapter 14.

Sec. 4. [146A.025] [MALTREATMENT OF MINORS.]

Nothing in this chapter shall restrict the ability of a local welfare agency, local law enforcement agency, the commissioner of human services, or the state to take action regarding the maltreatment of minors under section 609.378 or 626.556. A parent who obtains complementary and alternative health care for the parent's minor child is not relieved of the duty to seek necessary medical care consistent with the requirements of sections 609.378 and 626.556. A complementary or alternative health care practitioner who is providing services to a child who is not receiving necessary medical care must make a report under section 626.556. A complementary or alternative health care provider is a mandated reporter under section 626.556, subdivision 3.

Sec. 5. [146A.03] [REPORTING OBLIGATIONS.]

Subdivision 1. [PERMISSION TO REPORT.] A person who has knowledge of any conduct constituting grounds for disciplinary action relating to complementary and alternative health care practices under this chapter may report the violation to the office.

Subd. 2. [INSTITUTIONS.] A state agency, political subdivision, agency of a local unit of government, private agency, hospital, clinic, prepaid medical plan, or other health care institution or organization located in this state shall report to the office any action taken by the agency, institution, or organization or any of its administrators or medical or other committees to revoke, suspend, restrict, or condition an unlicensed complementary and alternative health care practitioner's privilege to practice or treat complementary and alternative health care clients in the institution or, as part of the organization, any denial of privileges or any other disciplinary action for conduct that might constitute grounds for disciplinary action by the office under this chapter. The institution, organization, or governmental entity shall also report the resignation of any unlicensed complementary and alternative health care practitioners prior to the conclusion of any disciplinary action proceeding for conduct that might constitute grounds for disciplinary action under this chapter or prior to the commencement of formal charges but after the practitioner had knowledge that formal charges were contemplated or were being prepared.

Subd. 3. [PROFESSIONAL SOCIETIES.] A state or local professional society for unlicensed complementary and alternative health care practitioners shall report to the office any termination, revocation, or suspension of membership or any other disciplinary action taken against an unlicensed complementary and alternative health care practitioner. If the society has received a complaint that might be grounds for discipline under this chapter against a member on which it has not taken any disciplinary action, the society shall report the complaint and the reason why it has not taken action on it or shall direct the complainant to the office.

Subd. 4. [LICENSED PROFESSIONALS.] A licensed health professional shall report to the office personal knowledge of any conduct that the licensed health professional reasonably believes constitutes grounds for disciplinary action under this chapter by any unlicensed complementary and alternative health care practitioner, including conduct indicating that the individual may be medically incompetent or may be medically or physically unable to engage safely in the provision of services. If the information was obtained in the course of a client relationship, the client is an unlicensed complementary and alternative health care practitioner, and the treating individual successfully counsels the other practitioner to limit or withdraw from practice to the extent required by the impairment, the office may deem this limitation of or withdrawal from practice to be sufficient disciplinary action.

Subd. 5. [INSURERS.] Four times each year as prescribed by the commissioner, each insurer authorized to sell insurance described in section 60A.06, subdivision 1, clause (13), and providing professional liability insurance to unlicensed complementary and alternative health care practitioners or the medical joint underwriting association under chapter 62F shall submit to the office a report concerning the unlicensed complementary and alternative health care practitioners against whom malpractice settlements or awards have been made. The response must contain at least the following information:

- (1) the total number of malpractice settlements or awards made;
- (2) the date the malpractice settlements or awards were made;
- (3) the allegations contained in the claim or complaint leading to the settlements or awards made;
- (4) the dollar amount of each malpractice settlement or award;
- (5) the regular address of the practice of the unlicensed complementary and alternative health care practitioner against whom an award was made or with whom a settlement was made; and
- (6) the name of the unlicensed complementary and alternative health care practitioner against whom an award was made or with whom a settlement was made.

The insurance company shall, in addition to the above information, submit to the office any information, records, and files, including clients' charts and records, it possesses that tend to substantiate a charge that an unlicensed complementary and alternative health care practitioner may have engaged in conduct violating this chapter.

Subd. 6. [COURTS.] The court administrator of district court or any other court of competent jurisdiction shall report to the office any judgment or other determination of the court that adjudges or includes a finding that an unlicensed complementary and alternative health care practitioner is mentally ill, mentally incompetent, guilty of a felony, guilty of a violation of federal or state narcotics laws or controlled substances act, or guilty of abuse or fraud under Medicare or Medicaid; or that appoints a guardian of the unlicensed complementary and alternative health care practitioner under sections 525.54 to 525.61 or commits an unlicensed complementary and alternative health care practitioner under chapter 253B.

Subd. 7. [SELF-REPORTING.] An unlicensed complementary and alternative health care practitioner shall report to the office any personal action that would require that a report be filed with the office by any person, health care facility, business, or organization pursuant to subdivisions 2 to 5. The practitioner shall also report the revocation, suspension, restriction, limitation, or other disciplinary action against the practitioner's license, certificate, registration, or right of practice in another state or jurisdiction for offenses that would be subject to disciplinary action in this state and also report the filing of charges regarding the practitioner's license, certificate, registration, or right of practice in another state or jurisdiction.

Subd. 8. [DEADLINES; FORMS.] Reports required by subdivisions 2 to 7 must be submitted not later than 30 days after the reporter learns of the occurrence of the reportable event or transaction. The office may provide forms for the submission of reports required by this section, may require that reports be submitted on the forms provided, and may adopt rules necessary to ensure prompt and accurate reporting.

Sec. 6. [146A.04] [IMMUNITY.]

Subdivision 1. [REPORTING.] Any person, other than the unlicensed complementary and alternative health care practitioner who committed the violation, health care facility, business, or organization is immune from civil liability or criminal prosecution for submitting a report to the office, for otherwise reporting to the office violations or alleged violations of this chapter, or for cooperating with an investigation of a report, except as provided in this subdivision. Any person who knowingly or recklessly makes a false report is liable in a civil suit for any damages suffered by the person or persons so reported and for any punitive damages set by the court or jury. An action requires clear and convincing evidence that the defendant made the statement with knowledge of falsity or with reckless disregard for its truth or falsity. The report or statement or any statement made in cooperation with an investigation or as part of a disciplinary proceeding is privileged except in an action brought under this subdivision.

Subd. 2. [INVESTIGATION.] The commissioner and employees of the department of health and other persons engaged in the investigation of violations and in the preparation, presentation, and management of and testimony pertaining to charges of violations of this chapter are immune from civil liability and criminal prosecution for any actions, transactions, or publications in the execution of, or relating to, their duties under this chapter.

Sec. 7. [146A.05] [DISCIPLINARY RECORD ON JUDICIAL REVIEW.]

Upon judicial review of any disciplinary action taken by the commissioner under this chapter, the reviewing court shall seal the portions of the administrative record that contain data on a complementary and alternative health care client or a complainant under section 146A.03, and shall not make those portions of the administrative record available to the public.

Sec. 8. [146A.06] [PROFESSIONAL COOPERATION; UNLICENSED PRACTITIONER.]

Subdivision 1. [COOPERATION.] An unlicensed complementary and alternative health care practitioner who is the subject of an investigation, or who is questioned in connection with an investigation, by or on behalf of the office, shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any question raised by or on behalf of the office relating to the subject of the investigation, whether tape recorded or not; providing copies of client records, as reasonably requested by the office, to assist the office in its investigation; and appearing at conferences or hearings scheduled by the commissioner. If the office does not have a written consent from a client permitting access to the client's records, the unlicensed complementary and alternative health care practitioner shall delete in the record any data that identifies the client before providing it to the office. If an unlicensed complementary and alternative health care practitioner refuses to give testimony or produce any documents, books, records, or correspondence on the basis of the fifth amendment to the Constitution of the United States, the commissioner may compel the unlicensed complementary and alternative health care practitioner to provide the testimony or information; however, the testimony or evidence may not be used against the practitioner in any criminal proceeding. Challenges to requests of the office may be brought before the appropriate agency or court.

Subd. 2. [DATA.] (a) Data relating to investigations of complaints and disciplinary actions involving unlicensed complementary and alternative health care practitioners are governed by this subdivision and section 13.41 does not apply. Except as provided in section 13.39, subdivision 2, and paragraph (b), data relating to investigations of complaints and disciplinary actions involving unlicensed complementary and alternative health care practitioners are public data, regardless of the outcome of any investigation, action, or proceeding.

(b) The following data are private data on individuals, as defined in section 13.02:

(1) data on a complementary and alternative health care client;

(2) data on a complainant under section 146A.03; and

(3) data on the nature or content of unsubstantiated complaints when the information is not maintained in anticipation of legal action.

Subd. 3. [EXCHANGING INFORMATION.] (a) The office shall establish internal operating procedures for:

(1) exchanging information with state boards; agencies, including the office of ombudsman for mental health and mental retardation; health-related and law enforcement facilities; departments responsible for licensing health-related occupations, facilities, and programs; and law enforcement personnel in this and other states; and

(2) coordinating investigations involving matters within the jurisdiction of more than one regulatory agency.

(b) The procedures for exchanging information must provide for the forwarding to the entities described in paragraph (a), clause (1), of information and evidence, including the results of investigations, that are relevant to matters within the regulatory jurisdiction of the organizations in paragraph (a). The data have the same classification in the hands of the agency receiving the data as they have in the hands of the agency providing the data.

(c) The office shall establish procedures for exchanging information with other states regarding disciplinary action against unlicensed complementary and alternative health care practitioners.

(d) The office shall forward to another governmental agency any complaints received by the office that do not relate to the office's jurisdiction but that relate to matters within the jurisdiction of the other governmental agency. The agency to which a complaint is forwarded shall advise the office of the disposition of the complaint. A complaint or other information received by another governmental agency relating to a statute or rule that the office is empowered to enforce must be forwarded to the office to be processed in accordance with this section.

(e) The office shall furnish to a person who made a complaint a description of the actions of the office relating to the complaint.

Sec. 9. [146A.07] [PROFESSIONAL ACCOUNTABILITY.]

The office shall maintain and keep current a file containing the reports and complaints filed against unlicensed complementary and alternative health care practitioners within the commissioner's jurisdiction. Each complaint filed with the office must be investigated. If the files maintained by the office show that a malpractice settlement or award has been made against an unlicensed complementary and alternative health care practitioner, as reported by insurers under section 146A.03, subdivision 5, the commissioner may authorize a review of the practitioner's practice by the staff of the office.

Sec. 10. [146A.08] [PROHIBITED CONDUCT.]

Subdivision 1. [PROHIBITED CONDUCT.] The commissioner may impose disciplinary action as described in section 146A.09 against any unlicensed complementary and alternative health care practitioner. The following conduct is prohibited and is grounds for disciplinary action:

(a) Conviction of a crime, including a finding or verdict of guilt, an admission of guilt, or a no-contest plea, in any court in Minnesota or any other jurisdiction in the United States, reasonably related to engaging in complementary and alternative health care practices. Conviction, as used in this subdivision, includes a conviction of an offense which, if committed in this state, would be deemed a felony, gross misdemeanor, or misdemeanor, without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilty is made or returned but the adjudication of guilt is either withheld or not entered.

(b) Conviction of any crime against a person. For purposes of this chapter, a crime against a person means violations of the following: sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.221; 609.222; 609.223; 609.224; 609.2242; 609.23; 609.231; 609.2325; 609.233; 609.2335; 609.235; 609.24; 609.245; 609.25; 609.255; 609.26, subdivision 1, clause (1) or (2); 609.265; 609.342; 609.343; 609.344; 609.345; 609.365; 609.498, subdivision 1; 609.50, subdivision 1, clause (1); 609.561; 609.562; 609.595; and 609.72, subdivision 3.

(c) Failure to comply with the self-reporting requirements of section 146A.03, subdivision 7.

(d) Engaging in sexual contact with a complementary and alternative health care client or former client, engaging in contact that may be reasonably interpreted by a client as sexual, engaging in any verbal behavior that is seductive or sexually demeaning to the patient, or engaging in sexual exploitation of a client or former client. For purposes of this clause, "former client" means a person who has obtained services from the unlicensed complementary and alternative health care practitioner within the past two years.

(e) Advertising that is false, fraudulent, deceptive, or misleading.

(f) Conduct likely to deceive, defraud, or harm the public or demonstrating a willful or careless disregard for the health, welfare, or safety of a complementary and alternative health care client; or any other practice that may create danger to any client's life, health, or safety, in any of which cases, proof of actual injury need not be established.

(g) Adjudication as mentally incompetent or as a person who is dangerous to self or adjudication pursuant to chapter 253B as chemically dependent, mentally ill, mentally retarded, mentally ill and dangerous to the public, or as a sexual psychopathic personality or sexually dangerous person.

(h) Inability to engage in complementary and alternative health care practices with reasonable safety to complementary and alternative health care clients.

(i) The habitual overindulgence in the use of or the dependence on intoxicating liquors.

(j) Improper or unauthorized personal or other use of any legend drugs as defined in chapter 151, any chemicals as defined in chapter 151, or any controlled substance as defined in chapter 152.

(k) Revealing a communication from, or relating to, a complementary and alternative health care client except when otherwise required or permitted by law.

(l) Failure to comply with a complementary and alternative health care client's request made under section 144.335 or to furnish a complementary and alternative health care client record or report required by law.

(m) Splitting fees or promising to pay a portion of a fee to any other professional other than for services rendered by the other professional to the complementary and alternative health care client.

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

(o) Failure to make reports as required by section 146A.03 or cooperate with an investigation of the office.

(p) Obtaining money, property, or services from a complementary and alternative health care client, other than reasonable fees for services provided to the client, through the use of undue influence, harassment, duress, deception, or fraud.

(q) Undertaking or continuing a professional relationship with a complementary and alternative health care client in which the objectivity of the unlicensed complementary and alternative health care practitioner would be impaired.

(r) Failure to provide a complementary and alternative health care client with a copy of the client bill of rights or violation of any provision of the client bill of rights.

(s) Violating any order issued by the commissioner.

(t) Failure to comply with any provision of sections 146A.01 to 146A.11 and the rules adopted under those sections.

(u) Failure to comply with any additional disciplinary grounds established by the commissioner by rule.

(v) Revocation, suspension, restriction, limitation, or other disciplinary action against any health care license, certificate, registration, or right to practice of the unlicensed complementary and alternative health care practitioner in this or another state or jurisdiction for offenses that would be subject to disciplinary action in this state or failure to report to the office that charges regarding the practitioner's license, certificate, registration, or right of practice have been brought in this or another state or jurisdiction.

(w) Use of the title "doctor," "Dr.," or "physician" alone or in combination with any other words, letters, or insignia to describe the complementary and alternative health care practices the practitioner provides.

(x) Failure to provide a complementary and alternative health care client with a recommendation that the client see a health care provider who is licensed or registered by a health-related licensing board or the commissioner of health, if there is a reasonable likelihood that the client needs to be seen by a licensed or registered health care provider.

Subd. 2. [LESS CUSTOMARY APPROACH.] The fact that a complementary and alternative health care practice may be a less customary approach to health care shall not constitute the basis of a disciplinary action per se.

Subd. 3. [EVIDENCE.] In disciplinary actions alleging a violation of subdivision 1, paragraph (a), (b), (c), or (g), a copy of the judgment or proceeding under the seal of the court administrator or of the administrative agency that entered the same is admissible into evidence without further authentication and constitutes prima facie evidence of its contents.

Subd. 4. [EXAMINATION; ACCESS TO MEDICAL DATA.] (a) If the commissioner has probable cause to believe that an unlicensed complementary and alternative health care practitioner has engaged in conduct prohibited by subdivision 1, paragraph (g), (h), (i), or (j), the commissioner may issue an order directing the practitioner to submit to a mental or physical examination or chemical dependency evaluation. For the purpose of this subdivision, every unlicensed complementary and alternative health care practitioner is deemed to have consented to submit to a mental or physical examination or chemical dependency evaluation when ordered to do so in writing by the commissioner and further to have waived all objections to the admissibility of the testimony or examination reports of the health care provider performing the examination or evaluation on the grounds that the same constitute a privileged communication. Failure of an unlicensed complementary and alternative health care practitioner to submit to an examination or evaluation when ordered, unless the failure was due to circumstances beyond the practitioner's control, constitutes an admission that the unlicensed complementary and alternative health care practitioner violated subdivision 1, paragraph (g), (h), (i), or (j), based on the factual specifications in the examination or evaluation order and may result in a default and final disciplinary order being entered after a contested case hearing. An unlicensed complementary and alternative health care practitioner affected under this paragraph shall at reasonable intervals be given an opportunity to demonstrate that the practitioner can resume the provision of complementary and alternative health care practices with reasonable safety to clients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the commissioner shall be used against an unlicensed complementary and alternative health care practitioner in any other proceeding.

(b) In addition to ordering a physical or mental examination or chemical dependency evaluation, the commissioner may, notwithstanding section 13.42; 144.651; 595.02; or any other law limiting access to medical or other health data, obtain medical data and health records relating to an unlicensed complementary and alternative health care practitioner without the practitioner's consent if the commissioner has probable cause to believe that a practitioner has engaged in conduct prohibited by subdivision 1, paragraph (g), (h), (i), or (j). The medical data may be requested from a provider as defined in section 144.335, subdivision 1, paragraph (b), an insurance company, or a government agency, including the department of human services. A provider, insurance company, or government agency shall comply with any written request of the commissioner under this subdivision and is not liable in any action for damages for releasing the data requested by the commissioner if the data are released pursuant to a written request under this subdivision, unless the information is false and the person or organization giving the information knew or had reason to believe the information was false. Information obtained under this subdivision is private data under section 13.41.

Sec. 11. [146A.09] [DISCIPLINARY ACTIONS.]

Subdivision 1. [FORMS OF DISCIPLINARY ACTION.] When the commissioner finds that an unlicensed complementary and alternative health care practitioner has violated any provision of this chapter, the commissioner may take one or more of the following actions, only against the individual practitioner:

(1) revoke the right to practice;

(2) suspend the right to practice;

(3) impose limitations or conditions on the practitioner's provision of complementary and alternative health care practices, impose rehabilitation requirements, or require practice under supervision;

(4) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the practitioner of any economic advantage gained by reason of the violation charged or to reimburse the office for all costs of the investigation and proceeding;

(5) censure or reprimand the practitioner;

(6) impose a fee on the practitioner to reimburse the office for all or part of the cost of the proceedings resulting in disciplinary action including, but not limited to, the amount paid by the office for services from the office of administrative hearings, attorney fees, court reports, witnesses, reproduction of records, staff time, and expense incurred by the staff of the office of unlicensed complementary and alternative health care practice; or

(7) any other action justified by the case.

Subd. 2. [DISCOVERY; SUBPOENAS.] In all matters relating to the lawful activities of the office, the commissioner may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documents, and other evidentiary material. Any person failing or refusing to appear or testify regarding any matter about which the person may be lawfully questioned or failing to produce any papers, books, records, documents, or other evidentiary materials in the matter to be heard, after having been required by order of the commissioner or by a subpoena of the commissioner to do so may, upon application to the district court in any district, be ordered to comply with the order or subpoena. The commissioner may administer oaths to witnesses or take their affirmation. Depositions may be taken within or without the state in the manner provided by law for the taking of depositions in civil actions. A subpoena or other process may be served upon a person it names anywhere within the state by any officer authorized to serve subpoenas or other process in civil actions in the same manner as prescribed by law for service of process issued out of the district court of this state.

Subd. 2a. [HEARINGS.] If the commissioner proposes to take action against the practitioner as described in subdivision 1, the commissioner must first notify the practitioner against whom the action is proposed to be taken and provide the practitioner with an opportunity to request a hearing under the contested case provisions of chapter 14. If the practitioner does not request a hearing by notifying the commissioner within 30 days after service of the notice of the proposed action, the commissioner may proceed with the action without a hearing.

Subd. 3. [REINSTATEMENT.] The commissioner may at the commissioner's discretion reinstate the right to practice and may impose any disciplinary measure listed under subdivision 1.

Subd. 4. [TEMPORARY SUSPENSION.] In addition to any other remedy provided by law, the commissioner may, acting through a person to whom the commissioner has delegated this authority and without a hearing, temporarily suspend the right of an unlicensed complementary and alternative health care practitioner to practice if the commissioner's delegate finds that the practitioner has violated a statute or rule that the commissioner is empowered to enforce and continued practice by the practitioner would create a serious risk of harm to others. The suspension is in effect upon service of a written order on the practitioner specifying the statute or rule violated. The order remains in effect until the commissioner issues a final order in the matter after a hearing or upon agreement

between the commissioner and the practitioner. Service of the order is effective if the order is served on the practitioner or counsel of record personally or by first class mail. Within ten days of service of the order, the commissioner shall hold a hearing on the sole issue of whether there is a reasonable basis to continue, modify, or lift the suspension. Evidence presented by the office or practitioner shall be in affidavit form only. The practitioner or the counsel of record may appear for oral argument. Within five working days after the hearing, the commissioner shall issue the commissioner's order and, if the suspension is continued, schedule a contested case hearing within 45 days after issuance of the order. The administrative law judge shall issue a report within 30 days after closing of the contested case hearing record. The commissioner shall issue a final order within 30 days after receipt of that report.

Subd. 5. [AUTOMATIC SUSPENSION.] The right of an unlicensed complementary and alternative health care practitioner to practice is automatically suspended if (1) a guardian of an unlicensed complementary and alternative health care practitioner is appointed by order of a court under sections 525.54 to 525.61, or (2) the practitioner is committed by order of a court pursuant to chapter 253B. The right to practice remains suspended until the practitioner is restored to capacity by a court and, upon petition by the practitioner, the suspension is terminated by the commissioner after a hearing or upon agreement between the commissioner and the practitioner.

Subd. 6. [LICENSED OR REGULATED PRACTITIONERS.] If a practitioner investigated under this section is licensed or registered by the commissioner of health or a health-related licensing board, and if the commissioner determines that the practitioner has violated any provision of this chapter, the commissioner, in addition to taking disciplinary action under this section:

(1) may, if the practitioner is licensed or regulated in another capacity by the commissioner, take further disciplinary action against the practitioner in that capacity; or

(2) shall, if the practitioner is licensed or registered in another capacity by a health-related licensing board, report the commissioner's findings under this section, and may make a nonbinding recommendation that the board take further action against the practitioner in that capacity.

Sec. 12. [146A.10] [ADDITIONAL REMEDIES.]

Subdivision 1. [CEASE AND DESIST.] (a) The commissioner may issue a cease and desist order to stop a person from violating or threatening to violate a statute, rule, or order which the office has issued or is empowered to enforce. The cease and desist order must state the reason for its issuance and give notice of the person's right to request a hearing under sections 14.57 to 14.62. If, within 15 days of service of the order, the subject of the order fails to request a hearing in writing, the order is the final order of the commissioner and is not reviewable by a court or agency.

(b) A hearing must be initiated by the office not later than 30 days from the date of the office's receipt of a written hearing request. Within 30 days of receipt of the administrative law judge's report, the commissioner shall issue a final order modifying, vacating, or making permanent the cease and desist order as the facts require. The final order remains in effect until modified or vacated by the commissioner.

(c) When a request for a stay accompanies a timely hearing request, the commissioner may, in the commissioner's discretion, grant the stay. If the commissioner does not grant a requested stay, the commissioner shall refer the request to the office of administrative hearings within three working days of receipt of the request. Within ten days after receiving the request from the commissioner, an administrative law judge shall issue a recommendation to grant or deny the stay. The commissioner shall grant or deny the stay within five days of receiving the administrative law judge's recommendation.

(d) In the event of noncompliance with a cease and desist order, the commissioner may institute a proceeding in Hennepin county district court to obtain injunctive relief or other appropriate relief, including a civil penalty payable to the office not exceeding \$10,000 for each separate violation.

Subd. 2. [INJUNCTIVE RELIEF.] In addition to any other remedy provided by law, including the issuance of a cease and desist order under subdivision 1, the commissioner may in the commissioner's own name bring an action in Hennepin county district court for injunctive relief to restrain an unlicensed complementary and alternative health care practitioner from a violation or threatened violation of any statute, rule, or order which the commissioner is empowered to regulate, enforce, or issue. A temporary restraining order must be granted in the proceeding if continued activity by a practitioner would create a serious risk of harm to others. The commissioner need not show irreparable harm.

Subd. 3. [ADDITIONAL POWERS.] The issuance of a cease and desist order or injunctive relief granted under this section does not relieve a practitioner from criminal prosecution by a competent authority or from disciplinary action by the commissioner.

Sec. 13. [146A.11] [COMPLEMENTARY AND ALTERNATIVE HEALTH CARE CLIENT BILL OF RIGHTS.]

Subdivision 1. [SCOPE.] All unlicensed complementary and alternative health care practitioners shall provide to each complementary and alternative health care client prior to providing treatment a written copy of the complementary and alternative health care client bill of rights. A copy must also be posted in a prominent location in the office of the unlicensed complementary and alternative health care practitioner. Reasonable accommodations shall be made for those clients who cannot read or who have communication impairments and those who do not read or speak English. The complementary and alternative health care client bill of rights shall include the following:

(1) the name, complementary and alternative health care title, business address, and telephone number of the unlicensed complementary and alternative health care practitioner;

(2) the degrees, training, experience, or other qualifications of the practitioner regarding the complimentary and alternative health care being provided, followed by the following statement in bold print:

"THE STATE OF MINNESOTA HAS NOT ADOPTED ANY EDUCATIONAL AND TRAINING STANDARDS FOR UNLICENSED COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONERS. THIS STATEMENT OF CREDENTIALS IS FOR INFORMATION PURPOSES ONLY.

Under Minnesota law, an unlicensed complementary and alternative health care practitioner may not provide a medical diagnosis or recommend discontinuance of medically prescribed treatments. If a client desires a diagnosis from a licensed physician, chiropractor, or acupuncture practitioner, or services from a physician, chiropractor, nurse, osteopath, physical therapist, dietitian, nutritionist, acupuncture practitioner, athletic trainer, or any other type of health care provider, the client may seek such services at any time.";

(3) the name, business address, and telephone number of the practitioner's supervisor, if any;

(4) notice that a complementary and alternative health care client has the right to file a complaint with the practitioner's supervisor, if any, and the procedure for filing complaints;

(5) the name, address, and telephone number of the office of unlicensed complementary and alternative health care practice and notice that a client may file complaints with the office;

(6) the practitioner's fees per unit of service, the practitioner's method of billing for such fees, the names of any insurance companies that have agreed to reimburse the practitioner, or health maintenance organizations with whom the practitioner contracts to provide service, whether the practitioner accepts Medicare, medical assistance, or general assistance medical care, and whether the practitioner is willing to accept partial payment, or to waive payment, and in what circumstances;

(7) a statement that the client has a right to reasonable notice of changes in services or charges;

(8) a brief summary, in plain language, of the theoretical approach used by the practitioner in providing services to clients;

(9) notice that the client has a right to complete and current information concerning the practitioner's assessment and recommended service that is to be provided, including the expected duration of the service to be provided;

(10) a statement that clients may expect courteous treatment and to be free from verbal, physical, or sexual abuse by the practitioner;

(11) a statement that client records and transactions with the practitioner are confidential, unless release of these records is authorized in writing by the client, or otherwise provided by law;

(12) a statement of the client's right to be allowed access to records and written information from records in accordance with section 144.335;

(13) a statement that other services may be available in the community, including where information concerning services is available;

(14) a statement that the client has the right to choose freely among available practitioners and to change practitioners after services have begun, within the limits of health insurance, medical assistance, or other health programs;

(15) a statement that the client has a right to coordinated transfer when there will be a change in the provider of services;

(16) a statement that the client may refuse services or treatment, unless otherwise provided by law; and

(17) a statement that the client may assert the client's rights without retaliation.

Subd. 2. [ACKNOWLEDGMENT BY CLIENT.] Prior to the provision of any service, a complementary and alternative health care client must sign a written statement attesting that the client has received the complementary and alternative health care client bill of rights.

Sec. 14. Minnesota Statutes 1999 Supplement, section 147.09, is amended to read:

147.09 [EXEMPTIONS.]

Section 147.081 does not apply to, control, prevent or restrict the practice, service, or activities of:

(1) A person who is a commissioned medical officer of, a member of, or employed by, the armed forces of the United States, the United States Public Health Service, the Veterans Administration, any federal institution or any federal agency while engaged in the performance of official duties within this state, if the person is licensed elsewhere.

(2) A licensed physician from a state or country who is in actual consultation here.

(3) A licensed or registered physician who treats the physician's home state patients or other participating patients while the physicians and those patients are participating together in outdoor recreation in this state as defined by section 86A.03, subdivision 3. A physician shall first register with the board on a form developed by the board for that purpose. The board shall not be required to promulgate the contents of that form by rule. No fee shall be charged for this registration.

(4) A student practicing under the direct supervision of a preceptor while the student is enrolled in and regularly attending a recognized medical school.

(5) A student who is in continuing training and performing the duties of an intern or resident or engaged in postgraduate work considered by the board to be the equivalent of an internship or residency in any hospital or institution approved for training by the board, provided the student has a residency permit issued by the board under section 147.0391.

(6) A person employed in a scientific, sanitary, or teaching capacity by the state university, the department of children, families, and learning, or by any public or private school, college, or other bona fide educational institution, a nonprofit organization, which has tax-exempt status in accordance with the Internal Revenue Code, section 501(c)(3), and is organized and operated primarily for the purpose of conducting scientific research directed towards discovering the causes of and cures for human diseases, or the state department of health, whose duties are entirely of a research, public health, or educational character, while engaged in such duties; provided that if the research includes the study of humans, such research shall be conducted under the supervision of one or more physicians licensed under this chapter.

(7) Physician's assistants registered in this state.

(8) A doctor of osteopathy duly licensed by the state board of osteopathy under Minnesota Statutes 1961, sections 148.11 to 148.16, prior to May 1, 1963, who has not been granted a license to practice medicine in accordance with this chapter provided that the doctor confines activities within the scope of the license.

(9) Any person licensed by a health related licensing board, as defined in section 214.01, subdivision 2, or registered by the commissioner of health pursuant to section 214.13, including psychological practitioners with respect to the use of hypnosis; provided that the person confines activities within the scope of the license.

(10) A person who practices ritual circumcision pursuant to the requirements or tenets of any established religion.

(11) A Christian Scientist or other person who endeavors to prevent or cure disease or suffering exclusively by mental or spiritual means or by prayer.

(12) A physician licensed to practice medicine in another state who is in this state for the sole purpose of providing medical services at a competitive athletic event. The physician may practice medicine only on participants in the athletic event. A physician shall first register with the board on a form developed by the board for that purpose. The board shall not be required to adopt the contents of the form by rule. The physician shall provide evidence satisfactory to the board of a current unrestricted license in another state. The board shall charge a fee of \$50 for the registration.

(13) A psychologist licensed under section 148.907 or a social worker licensed under section 148B.21 who uses or supervises the use of a penile or vaginal plethysmograph in assessing and treating individuals suspected of engaging in aberrant sexual behavior and sex offenders.

(14) Any person issued a training course certificate or credentialed by the emergency medical services regulatory board established in chapter 144E, provided the person confines activities within the scope of training at the certified or credentialed level.

(15) An unlicensed complementary and alternative health care practitioner practicing according to chapter 146A.

Sec. 15. Minnesota Statutes 1999 Supplement, section 214.01, subdivision 2, is amended to read:

Subd. 2. [HEALTH-RELATED LICENSING BOARD.] "Health-related licensing board" means the board of examiners of nursing home administrators established pursuant to section 144A.19, the office of unlicensed complementary and alternative health care practice established pursuant to section 146A.02, the board of medical practice created pursuant to section 147.01, the board of nursing created pursuant to section 148.181, the board of chiropractic examiners established pursuant to section 148.02, the board of optometry established pursuant to section 148.52, the board of physical therapy established pursuant to section 148.67, the board of psychology

established pursuant to section 148.90, the board of social work pursuant to section 148B.19, the board of marriage and family therapy pursuant to section 148B.30, the office of mental health practice established pursuant to section 148B.61, the alcohol and drug counselors licensing advisory council established pursuant to section 148C.02, the board of dietetics and nutrition practice established under section 148.622, the board of dentistry established pursuant to section 150A.02, the board of pharmacy established pursuant to section 151.02, the board of podiatric medicine established pursuant to section 153.02, and the board of veterinary medicine, established pursuant to section 156.01.

Sec. 16. [REPORT TO THE LEGISLATURE.]

The commissioner of health shall report to the legislature by January 1, 2003, on the number and types of complaints received against unlicensed complementary and alternative health care practitioners pursuant to Minnesota Statutes, chapter 146A, the types of practitioners against whom complaints were filed, and the locations of the practitioners, the number of investigations conducted, and the number and types of enforcement actions completed. The report must be filed in accordance with Minnesota Statutes, sections 3.195 and 3.197.

Sec. 17. [EFFECTIVE DATE.]

This act is effective July 1, 2001."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 2575, A bill for an act relating to economic development; regulating eligibility of farmers for the dislocated worker program; amending Minnesota Statutes 1999 Supplement, section 268.975, subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 2826, A bill for an act relating to public employment; ratifying certain labor agreements; making technical changes to the Public Employment Labor Relations Act; amending Minnesota Statutes 1998, sections 15A.0815, subdivisions 2 and 3; 85A.02, subdivision 5a; 179A.18, subdivision 1; and 349A.02, subdivision 1; Minnesota Statutes 1999 Supplement, section 179A.04, subdivision 3.

Reported the same back with the following amendments:

Page 9, after line 6, insert:

"Sec. 8. [MEMORANDUM OF UNDERSTANDING.]

The commissioner of employee relations may not execute a memorandum of understanding relating to employee compensation for travel time with an exclusive representative of a bargaining unit until after it has been approved by the legislative coordinating commission under Minnesota Statutes, section 3.855. When the legislature is not in session, failure of the commission to disapprove a memorandum of understanding within 30 days of submission constitutes approval."

Page 9, line 7, delete "8" and insert "9"

Page 9, line 8, delete "Section 7 is" and insert "Sections 3, 7, and 8 are"

With the recommendation that when so amended the bill pass.

The report was adopted.

Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

House Resolution No. 12, A house resolution proclaiming Tuesday, May 9, 2000, as Thank a Teacher Day.

Reported the same back without recommendation.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 2417, 2471, 3091, 2575 and 2826 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 3692, A bill for an act relating to agriculture; amending feedlot permit provisions; providing specific requirements for feedlot permit rules; adding requirements for administrative penalty orders; requiring a report; amending Minnesota Statutes 1998, sections 116.06, by adding a subdivision; 116.07, subdivision 7c; and 116.0713; Minnesota Statutes 1999 Supplement, sections 116.07, subdivision 7; and 116.072, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 18B.

The Senate has appointed as such committee:

Senators Sams, Lourey and Dille.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2484, A bill for an act relating to traffic regulations; requiring vehicles to be driven in the right-hand lane unless overtaking slower vehicles; modifying school zone speed limit provisions; amending Minnesota Statutes 1998, sections 169.14, subdivisions 4 and 5a; and 169.18, subdivision 7.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Day, Sams and Krentz.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Tomassoni moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2484. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 11, A bill for an act relating to domestic abuse; providing for a six-year statute of limitations for causes of action based on domestic abuse; amending Minnesota Statutes 1998, section 541.05, subdivision 1; Minnesota Statutes 1999 Supplement, section 541.07.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Betzold, Junge and Knutson.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Broecker moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 11. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2473, A bill for an act relating to family law; child custody; altering the standards for modifying sole physical custody of a child; amending Minnesota Statutes 1998, sections 518.175, subdivision 3; and 518.18.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Knutson, Cohen and Neuville.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Biernat moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2473. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2737, A bill for an act relating to drivers' licenses; allowing applicant for driver's license to donate \$1 for public information and education about anatomical gifts; requiring report; amending Minnesota Statutes 1998, section 171.06, subdivision 2.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Lourey, Robertson and Flynn.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Luther moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2737. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2456, A bill for an act relating to local government; authorizing Wright county to convey certain county ditches to the cities of St. Michael and Albertville.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Ourada, Lessard and Sams.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Anderson, B., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2456. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 3178, A bill for an act relating to public safety; authorizing commissioner of public safety to award public safety grants; continuing certain rule authority of commissioner of public safety; changing per diem payments to members of the board of private detectives and protective agents; requiring changes in rules regarding training programs; amending Minnesota Statutes 1998, sections 299A.01, subdivision 2, and by adding a subdivision; 326.33, subdivision 6; and 326.3361, subdivision 1.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Metzen, Junge and Knutson.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Hilty moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 3178. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 3036, A bill for an act relating to natural resources; providing for seizure and administrative forfeiture of certain firearms and abandoned property; modifying authority to issue trespass citations; modifying provisions for forfeited vehicles; modifying definition of peace officer; providing civil penalties; appropriating money;

amending Minnesota Statutes 1998, sections 97B.002, subdivision 1; and 609.5312, subdivision 4; Minnesota Statutes 1999 Supplement, sections 169.1217, subdivision 9; and 169.123, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 97A.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Johnson, D. H.; Krentz and Laidig.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Ozment moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 3036. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

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

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Neuville, Marty and Murphy.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Jennings moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 3160. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2731, A bill for an act relating to commerce; motor vehicle sales and distribution; regulating unfair practices by manufacturers, distributors, and factory branches; amending Minnesota Statutes 1998, sections 80E.13; and 80E.14, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Dauids moved that the House concur in the Senate amendments to H. F. No. 2731 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2731, A bill for an act relating to commerce; motor vehicle sales and distribution; regulating unfair practices by manufacturers, distributors, and factory branches; amending Minnesota Statutes 1998, sections 80E.13; and 80E.14, subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 115 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Jennings	Mares	Pugh	Trimble
Abrams	Erickson	Johnson	Marko	Rest	Tuma
Anderson, B.	Finseth	Juhnke	McCollum	Rhodes	Tunheim
Anderson, I.	Folliard	Kahn	McElroy	Rifenberg	Van Dellen
Bakk	Gerlach	Kalis	Milbert	Rostberg	Vandever
Biernat	Gleason	Kelliher	Molnau	Rukavina	Wagenius
Boudreau	Gray	Kielkucki	Mulder	Seagren	Wejcman
Bradley	Greenfield	Knobloch	Mullery	Seifert, J.	Wenzel
Broecker	Greiling	Koskinen	Murphy	Seifert, M.	Westerberg
Carlson	Gunther	Kubly	Ness	Skoe	Westfall
Cassell	Haake	Kuisle	Nornes	Skoglund	Westrom
Chaudhary	Hackbarth	Larsen, P.	Orfield	Smith	Wilkin
Clark, J.	Harder	Larson, D.	Osskopp	Solberg	Winter
Daggett	Hasskamp	Leighton	Otremba	Stanek	Wolf
Dauids	Hausman	Lenczewski	Ozment	Stang	Spk. Sviggum
Dawkins	Hilty	Leppik	Paulsen	Storm	
Dehler	Holberg	Lieder	Pawlenty	Swapinski	
Dempsey	Holsten	Lindner	Paymar	Swenson	
Dorman	Howes	Luther	Pelowski	Sykora	
Dorn	Jaros	Mahoney	Peterson	Tomassoni	

Those who voted in the negative were:

Buesgens	Goodno	Huntley	Krinkie	Reuter
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The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2363.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2363

A bill for an act relating to health; regulating dental benefit plans; proposing coding for new law in Minnesota Statutes, chapter 62Q.

April 4, 2000

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2363, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 2363 be further amended as follows:

Page 4, line 10, after "providers" insert "or addressing issues of fraud or errors in claims submissions"

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

Senate Conferees: DALLAS C. SAMS, LINDA BERGLIN AND WILLIAM V. BELANGER, JR.

House Conferees: PEG LARSEN, GREGORY M. DAVIDS AND DAVID J. TOMASSONI.

Larsen, P., moved that the report of the Conference Committee on S. F. No. 2363 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2363, A bill for an act relating to health; regulating dental benefit plans; proposing coding for new law in Minnesota Statutes, chapter 62Q.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Carlson	Dorman	Gray	Holberg	Kelliher
Abrams	Cassell	Dorn	Greenfield	Holsten	Kielkucki
Anderson, B.	Chaudhary	Entenza	Greiling	Howes	Knoblach
Anderson, I.	Clark, J.	Erickson	Gunther	Huntley	Koskinen
Bakk	Clark, K.	Finseth	Haake	Jaros	Krinkie
Biernat	Daggett	Folliard	Hackbarth	Jennings	Kubly
Boudreau	Davids	Fuller	Harder	Johnson	Kuisle
Bradley	Dawkins	Gerlach	Hasskamp	Juhnke	Larsen, P.
Broecker	Dehler	Gleason	Hausman	Kahn	Larson, D.
Buesgens	Dempsey	Goodno	Hilty	Kalis	Leighton

Lenczewski	Molnau	Pawlenty	Seagren	Swenson	Westerberg
Leppik	Mulder	Paymar	Seifert, J.	Sykora	Westfall
Lieder	Mullery	Pelowski	Seifert, M.	Tomassoni	Westrom
Lindner	Murphy	Peterson	Skoe	Trimble	Wilkin
Luther	Ness	Pugh	Skoglund	Tuma	Winter
Mahoney	Nornes	Rest	Smith	Tunheim	Wolf
Mares	Orfield	Reuter	Solberg	Van Dellen	Spk. Sviggum
Marko	Osskopp	Rhodes	Stanek	Vandever	
McCollum	Otremba	Rifenberg	Stang	Wagenius	
McElroy	Ozment	Rostberg	Storm	Wejcman	
Milbert	Paulsen	Rukavina	Swapinski	Wenzel	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2854 and 3230.

PATRICE DWORAK, First Assistant Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 2302.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2854, A bill for an act relating to civil commitment; requiring the commissioner of corrections before releasing persons convicted of criminal sexual conduct or sentenced as patterned offenders to send his determination whether a petition under the sexual psychopath law is necessary to certain county attorneys; allowing county attorneys or their designee to have access to certain information for purposes of determining whether good cause exists to file a commitment proceeding; amending Minnesota Statutes 1998, sections 244.05, subdivision 7; and 253B.185, by adding a subdivision.

The bill was read for the first time.

Skoglund moved that S. F. No. 2854 and H. F. No. 2880, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

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

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Policy.

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

The bill was read for the first time.

Boudreau moved that S. F. No. 2302 and H. F. No. 2610, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following change in membership of the Conference Committee on S. F. No. 2500:

Delete the name of Van Dellen and add the name of Anderson, B.

Abrams moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2456:

Anderson, B.; Hackbarth and Smith.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2484:

Tomassoni, Vandevveer and Molnau.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3036:

Haas, Tingelstad and McCollum.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3178:

Hilty, Holberg and Paymar.

CALENDAR FOR THE DAY

H. F. No. 3491 was reported to the House.

Davids moved that H. F. No. 3491 be returned to the General Register. The motion prevailed.

S. F. No. 3338 was reported to the House.

Erickson moved to amend S. F. No. 3338 as follows:

Page 6, line 7, delete "reservation lands" and insert "property held by the United States in trust for the Mille Lacs Band or the Minnesota Chippewa tribe"

Page 6, line 7, delete "lie" and insert "lies"

A roll call was requested and properly seconded.

The question was taken on the Erickson amendment and the roll was called. There were 49 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holsten	Ness	Seifert, M.	Westfall
Anderson, B.	Erickson	Kielkucki	Nornes	Stang	Wilkin
Bradley	Finseth	Knoblach	Paulsen	Storm	Workman
Broecker	Gerlach	Krinkie	Pawlenty	Swenson	Spk. Sviggum
Buesgens	Gunther	Kuisle	Reuter	Sykora	
Cassell	Haake	Lindner	Rifenberg	Tingelstad	
Clark, J.	Haas	McElroy	Rostberg	Van Dellen	
Davids	Harder	Molnau	Seagren	Vandever	
Dehler	Holberg	Mulder	Seifert, J.	Westerberg	

Those who voted in the negative were:

Anderson, I.	Folliard	Johnson	Luther	Ozment	Tomassoni
Bakk	Fuller	Juhnke	Mahoney	Paymar	Trimble
Biernat	Gleason	Kahn	Mares	Pelowski	Tuma
Boudreau	Goodno	Kalis	Mariani	Peterson	Tunheim
Carlson	Greenfield	Kelliher	Marko	Pugh	Wagenius
Carruthers	Greiling	Koskinen	McCollum	Rest	Wejzman
Chaudhary	Hackbarth	Kubly	McGuire	Rhodes	Wenzel
Clark, K.	Hasskamp	Larsen, P.	Milbert	Skoe	Westrom
Daggett	Hausman	Larson, D.	Mullery	Skoglund	Winter
Dempsey	Hilty	Leighton	Murphy	Smith	Wolf
Dorn	Howes	Lenczewski	Osskopp	Solberg	
Entenza	Huntley	Leppik	Osthoff	Stanek	
Erhardt	Jennings	Lieder	Otremba	Swapinski	

The motion did not prevail and the amendment was not adopted.

S. F. No. 3338, A bill for an act relating to crime prevention; defining the terms flee and peace officer for the crime of fleeing a peace officer in a motor vehicle; establishing an annual insurance cap for tribal police departments; amending Minnesota Statutes 1998, sections 609.487, subdivisions 1 and 2; 626.90, subdivision 2; 626.91, subdivision 2; and 626.92, subdivision 2; Minnesota Statutes 1999 Supplement, section 626.93, subdivisions 1 and 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Huntley	Mahoney	Peterson	Tingelstad
Abrams	Entenza	Jaros	Mares	Pugh	Tomassoni
Anderson, B.	Erhardt	Jennings	Mariani	Rest	Trimble
Anderson, I.	Finseth	Johnson	Marko	Reuter	Tuma
Bakk	Folliard	Juhnke	McCollum	Rhodes	Tunheim
Biernat	Fuller	Kahn	McElroy	Rifenberg	Van Dellen
Boudreau	Gerlach	Kalis	McGuire	Rostberg	Vandever
Bradley	Gleason	Kelliher	Milbert	Rukavina	Wagenius
Broecker	Goodno	Kielkucki	Molnau	Schumacher	Wejcmann
Buesgens	Greenfield	Knoblach	Mulder	Seagren	Wenzel
Carlson	Greiling	Koskinen	Mullery	Seifert, J.	Westerberg
Carruthers	Gunther	Krinkie	Murphy	Seifert, M.	Westfall
Cassell	Haake	Kubly	Ness	Skoe	Westrom
Chaudhary	Haas	Kuisle	Nornes	Skoglund	Wilkin
Clark, J.	Hackbarth	Larsen, P.	Osskopp	Smith	Winter
Clark, K.	Harder	Larson, D.	Osthoff	Solberg	Wolf
Daggett	Hasskamp	Leighton	Otremba	Stanek	Workman
Davids	Hausman	Lenczewski	Ozment	Stang	Spk. Sviggum
Dawkins	Hilty	Leppik	Paulsen	Storm	
Dehler	Holberg	Lieder	Pawlenty	Swapinski	
Dempsey	Holsten	Lindner	Paymar	Swenson	
Dorman	Howes	Luther	Pelowski	Sykora	

Those who voted in the negative were:

Erickson

The bill was passed and its title agreed to.

H. F. No. 3046 was reported to the House.

Holsten moved that H. F. No. 3046 be returned to the General Register. The motion prevailed.

S. F. No. 1699, A bill for an act relating to state government; authorizing payment by electronic means; proposing coding for new law in Minnesota Statutes, chapter 16A.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Boudreau	Buesgens	Cassell	Clark, K.
Abrams	Bakk	Bradley	Carlson	Chaudhary	Daggett
Anderson, B.	Biernat	Broecker	Carruthers	Clark, J.	Davids

Dawkins	Hackbarth	Krinkie	Milbert	Reuter	Tingelstad
Dempsey	Harder	Kubly	Molnau	Rhodes	Tomassoni
Dorman	Hasskamp	Kuisle	Mulder	Rifenberg	Trimble
Dorn	Hausman	Larsen, P.	Mullery	Rostberg	Tuma
Entenza	Hilty	Larson, D.	Murphy	Schumacher	Tunheim
Erhardt	Holberg	Leighton	Ness	Seagren	Van Dellen
Erickson	Holsten	Lenczewski	Nornes	Seifert, J.	Vandever
Finseth	Howes	Leppik	Osskopp	Seifert, M.	Wagenius
Folliard	Huntley	Lieder	Osthoff	Skoe	Wejzman
Fuller	Jennings	Lindner	Otremba	Skoglund	Wenzel
Gerlach	Johnson	Luther	Ozment	Smith	Westerberg
Gleason	Juhnke	Mahoney	Paulsen	Solberg	Westfall
Goodno	Kahn	Mares	Pawlenty	Stanek	Westrom
Greenfield	Kalis	Mariani	Paymar	Stang	Wilkin
Greiling	Kelliher	Marko	Pelowski	Storm	Winter
Gunther	Kielkucki	McCollum	Peterson	Swapinski	Wolf
Haake	Knoblach	McElroy	Pugh	Swenson	Workman
Haas	Koskinen	McGuire	Rest	Sykora	Spk. Sviggum

Those who voted in the negative were:

Dehler

The bill was passed and its title agreed to.

S. F. No. 1618, A bill for an act relating to liquor; modifying judicial remedies pertaining to brewers and wholesalers; providing for a right to jury trials; amending Minnesota Statutes 1998, section 325B.08.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dawkins	Haake	Knoblach	McElroy	Pugh
Abrams	Dehler	Haas	Koskinen	McGuire	Rest
Anderson, B.	Dempsey	Hackbarth	Krinkie	Milbert	Reuter
Anderson, I.	Dorman	Harder	Kubly	Molnau	Rhodes
Bakk	Dorn	Hasskamp	Kuisle	Mulder	Rifenberg
Biernat	Entenza	Hausman	Larsen, P.	Mullery	Rostberg
Boudreau	Erhardt	Hilty	Larson, D.	Murphy	Schumacher
Bradley	Erickson	Holberg	Leighton	Ness	Seagren
Broecker	Finseth	Holsten	Lenczewski	Nornes	Seifert, J.
Buesgens	Folliard	Howes	Leppik	Osskopp	Seifert, M.
Carlson	Fuller	Huntley	Lieder	Osthoff	Skoe
Carruthers	Gerlach	Jennings	Lindner	Otremba	Skoglund
Cassell	Gleason	Johnson	Luther	Ozment	Smith
Chaudhary	Goodno	Juhnke	Mahoney	Paulsen	Solberg
Clark, J.	Gray	Kahn	Mares	Pawlenty	Stanek
Clark, K.	Greenfield	Kalis	Mariani	Paymar	Stang
Daggett	Greiling	Kelliher	Marko	Pelowski	Storm
Davids	Gunther	Kielkucki	McCollum	Peterson	Swapinski

Swenson	Trimble	Vandev eer	Westerberg	Winter
Sykora	Tuma	Wagenius	Westfall	Wolf
Tingelstad	Tunheim	Wejzman	Westrom	Workman
Tomassoni	Van Dellen	Wenzel	Wilkin	Spk. Sviggum

The bill was passed and its title agreed to.

S. F. No. 2845 was reported to the House.

Leppik moved to amend S. F. No. 2845 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2655, the first engrossment:

"Section 1. Minnesota Statutes 1998, section 171.171, is amended to read:

171.171 [SUSPENSION; ILLEGAL PURCHASE OF ALCOHOL OR TOBACCO.]

The commissioner shall suspend for a period of 90 days the license of a person who:

(1) is under the age of 21 years and is convicted of purchasing or attempting to purchase an alcoholic beverage in violation of section 340A.503 if the person used a license ~~or~~ Minnesota identification card, or any type of false identification to purchase or attempt to purchase the alcoholic beverage;

(2) is convicted under section 171.22, subdivision 1, clause (2), or 340A.503, subdivision 2, clause (3), of lending or knowingly permitting a person under the age of 21 years to use the person's license ~~or~~ Minnesota identification card, or other type of identification to purchase or attempt to purchase an alcoholic beverage;

(3) is under the age of 18 years and is found by a court to have committed a petty misdemeanor under section 609.685, subdivision 3, if the person used a license ~~or~~ Minnesota identification card, or any type of false identification to purchase or attempt to purchase the tobacco product; or

(4) is convicted under section 171.22, subdivision 1, clause (2), of lending or knowingly permitting a person under the age of 18 years to use the person's license ~~or~~ Minnesota identification card, or other type of identification to purchase or attempt to purchase a tobacco product.

Sec. 2. Minnesota Statutes 1999 Supplement, section 260B.235, subdivision 4, is amended to read:

Subd. 4. [DISPOSITIONS.] If the juvenile court finds that a child is a petty offender, the court may:

(a) require the child to pay a fine of up to \$100;

(b) require the child to participate in a community service project;

(c) require the child to participate in a drug awareness program;

(d) place the child on probation for up to six months;

(e) order the child to undergo a chemical dependency evaluation and if warranted by this evaluation, order participation by the child in an outpatient chemical dependency treatment program;

(f) order the child to make restitution to the victim; or

(g) perform any other activities or participate in any other outpatient treatment programs deemed appropriate by the court.

In all cases where the juvenile court finds that a child has purchased or attempted to purchase an alcoholic beverage in violation of section 340A.503, if the child has a driver's license or permit to drive, and if the child used a driver's license, permit ~~or~~, Minnesota identification card, or any type of false identification to purchase or attempt to purchase the alcoholic beverage, the court shall forward its finding in the case and the child's driver's license or permit to the commissioner of public safety. Upon receipt, the commissioner shall suspend the child's license or permit for a period of 90 days.

In all cases where the juvenile court finds that a child has purchased or attempted to purchase tobacco in violation of section 609.685, subdivision 3, if the child has a driver's license or permit to drive, and if the child used a driver's license, permit, ~~or~~ Minnesota identification card, or any type of false identification to purchase or attempt to purchase tobacco, the court shall forward its finding in the case and the child's driver's license or permit to the commissioner of public safety. Upon receipt, the commissioner shall suspend the child's license or permit for a period of 90 days.

None of the dispositional alternatives described in clauses (a) to (f) shall be imposed by the court in a manner which would cause an undue hardship upon the child.

Sec. 3. Minnesota Statutes 1999 Supplement, section 340A.503, subdivision 6, is amended to read:

Subd. 6. [PROOF OF AGE; DEFENSE; SEIZURE OF FALSE IDENTIFICATION.] (a) Proof of age for purchasing or consuming alcoholic beverages may be established only by one of the following:

(1) a valid driver's license or identification card issued by Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person;

(2) a valid military identification card issued by the United States Department of Defense;

(3) a valid passport issued by the United States; or

(4) in the case of a foreign national, by a valid passport.

(b) In a prosecution under subdivision 2, clause (1), it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon representations of proof of age authorized in paragraph (a) in selling, bartering, furnishing, or giving the alcoholic beverage.

(c) A licensed retailer or municipal liquor store may seize a form of identification listed under paragraph (a) if the retailer or municipal liquor store has reasonable grounds to believe that the form of identification has been falsified or is being used to violate any law. A retailer or municipal liquor store that seizes a form of identification as authorized under this paragraph must return the identification to the person from whom it was seized or to the person's parent or guardian, or deliver it to a law enforcement agency, within 48 hours of seizing it.

Sec. 4. Minnesota Statutes 1998, section 340A.702, is amended to read:

340A.702 [GROSS MISDEMEANORS.]

It is a gross misdemeanor:

(1) to sell an alcoholic beverage without a license authorizing the sale;

(2) for a licensee to refuse or neglect to obey a lawful direction or order of the commissioner or the commissioner's agent, withhold information or a document the commissioner calls for examination, obstruct or mislead the commissioner in the execution of the commissioner's duties or swear falsely under oath;

(3) to violate the provisions of sections 340A.301 to 340A.312;

(4) to violate the provisions of section 340A.508;

(5) for any person, partnership, or corporation to knowingly have or possess direct or indirect interest in more than one off-sale intoxicating liquor license in a municipality in violation of section 340A.412, subdivision 3;

(6) to sell or otherwise dispose of intoxicating liquor within 1,000 feet of a state hospital, training school, reformatory, prison, or other institution under the supervision and control, in whole or in part, of the commissioner of human services or the commissioner of corrections;

(7) to violate the provisions of section 340A.502;

(8) except as otherwise provided in section 340A.701, to violate the provisions of section 340A.503, subdivision 2, clause (1) or (3);

(9) to withhold any information, book, paper, or other thing called for by the commissioner for the purpose of an examination;

(10) to obstruct or mislead the commissioner in the execution of the commissioner's duties; ~~or~~

(11) to swear falsely concerning any matter stated under oath; or

(12) to violate the provisions of section 340A.503, subdivision 5, a second or subsequent time.

Sec. 5. Minnesota Statutes 1998, section 609.685, subdivision 1a, is amended to read:

Subd. 1a. [GROSS MISDEMEANOR.] (a) Whoever sells tobacco to a person under the age of 18 years is guilty of a gross misdemeanor.

(b) It is an affirmative defense to a charge under this subdivision if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in section 340A.503, subdivision 6.

(c) A retailer may seize a form of identification listed in section 304A.503, subdivision 6, if the retailer has reasonable grounds to believe that the form of identification has been falsified or is being used to violate any law. A retailer that seizes a form of identification as authorized under this paragraph must return the identification to the person from whom it was seized or to the person's parent or guardian, or deliver it to a law enforcement agency, within 48 hours of seizing it.

Sec. 6. Minnesota Statutes 1998, section 609.685, subdivision 2, is amended to read:

Subd. 2. [MISDEMEANOR.] (a) Whoever furnishes tobacco or tobacco-related devices to a person under the age of 18 years is guilty of a misdemeanor.

(b) A person under the age of 18 years who purchases or attempts to purchase tobacco or tobacco-related devices and who uses a driver's license, permit, Minnesota identification card, or any type of false identification to misrepresent the person's age, is guilty of a misdemeanor.

Sec. 7. Minnesota Statutes 1998, section 609.685, subdivision 3, is amended to read:

Subd. 3. [PETTY MISDEMEANOR.] Except as otherwise provided in subdivision 2, whoever possesses, smokes, chews, or otherwise ingests, purchases, or attempts to purchase tobacco or tobacco related devices and is under the age of 18 years is guilty of a petty misdemeanor. This subdivision does not apply to a person under the age of 18 years who purchases or attempts to purchase tobacco or tobacco related devices while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective August 1, 2000, and apply to violations occurring on or after that date."

Delete the title and insert:

"A bill for an act relating to crimes; increasing criminal penalties and driver license sanctions for underage persons who use any type of false identification to purchase or attempt to purchase alcoholic beverages or tobacco; authorizing retailers to seize false identification; amending Minnesota Statutes 1998, sections 171.171; 340A.702; and 609.685, subdivisions 1a, 2, and 3; Minnesota Statutes 1999 Supplement, sections 260B.235, subdivision 4; and 340A.503, subdivision 6."

The motion prevailed and the amendment was adopted.

Leppik moved to amend S. F. No. 2845, as amended, as follows:

Page 4, line 5, before "falsified" insert "altered or"

Page 5, line 25, before "falsified" insert "altered or"

The motion prevailed and the amendment was adopted.

Dehler, Solberg and Gunther moved to amend S. F. No. 2845, as amended, as follows:

Page 5, line 15, strike "GROSS MISDEMEANOR" and insert "PENALTY TO SELL"

Page 5, line 16, after "years" insert "is guilty of a petty misdemeanor for the first and second violations. For a third or subsequent violation within five years of the first violation, the person" and strike "gross"

Page 5, line 32, strike "MISDEMEANOR" and insert "PENALTY TO FURNISH"

A roll call was requested and properly seconded.

The Speaker called Abrams to the Chair.

The question was taken on the Dehler et al amendment and the roll was called. There were 98 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Juhnke	Marko	Rifenberg	Tuma
Anderson, B.	Erhardt	Kalis	McCollum	Rostberg	Tunheim
Anderson, I.	Erickson	Kielkucki	McElroy	Rukavina	Van Dellen
Bakk	Finseth	Knoblach	Milbert	Schumacher	Vandever
Boudreau	Gerlach	Krinkie	Mulder	Seagren	Wejzman
Bradley	Gunther	Kubly	Murphy	Seifert, J.	Wenzel
Broecker	Haake	Kuisle	Ness	Seifert, M.	Westfall
Buesgens	Haas	Larsen, P.	Nornes	Skoe	Westrom
Cassell	Hackbarth	Larson, D.	Opatz	Smith	Wilkin
Clark, J.	Harder	Leighton	Osskopp	Solberg	Winter
Clark, K.	Hilty	Lenczewski	Osthoff	Stang	Wolf
Daggett	Holberg	Leppik	Otremba	Storm	Workman
Davids	Holsten	Lieder	Ozment	Swapinski	Spk. Sviggum
Dawkins	Howes	Lindner	Pelowski	Swenson	
Dehler	Huntley	Mahoney	Peterson	Sykora	
Dempsey	Jaros	Mares	Reuter	Tomassoni	
Dorman	Jennings	Mariani	Rhodes	Trimble	

Those who voted in the negative were:

Abrams	Folliard	Hausman	Molnau	Pugh	Westerberg
Biernat	Fuller	Johnson	Mullery	Rest	
Carlson	Goodno	Kahn	Orfield	Skoglund	
Carruthers	Greenfield	Koskinen	Paulsen	Stanek	
Chaudhary	Greiling	Luther	Pawlenty	Tingelstad	
Entenza	Hasskamp	McGuire	Paymar	Wagenius	

The motion prevailed and the amendment was adopted.

Rukavina moved to amend S. F. No. 2845, as amended, as follows:

Page 5, line 3, before the semicolon, insert "however, a person who violates clause (1) by selling alcoholic beverages to a person under 21 years of age who presents false identification is guilty of a misdemeanor, unless the requirements of the defense provided under section 340A.503, subdivision 6, paragraph (b), are met"

A roll call was requested and properly seconded.

The question was taken on the Rukavina amendment and the roll was called. There were 68 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Buesgens	Davids	Erhardt	Gleason	Hackbarth
Anderson, I.	Cassell	Dawkins	Finseth	Gray	Hilty
Bakk	Clark, J.	Dehler	Fuller	Gunther	Holsten
Biernat	Clark, K.	Dorn	Gerlach	Haas	Howes

Jaros	Kuisle	Marko	Pugh	Solberg	Wejcman
Jennings	Larson, D.	Milbert	Reuter	Stang	Westrom
Johnson	Leighton	Mullery	Rifenberg	Swapinski	Wilkin
Juhnke	Lieder	Ness	Rostberg	Swenson	Winter
Kielkucki	Lindner	Osthoff	Rukavina	Tomassoni	
Koskinen	Mahoney	Otremba	Schumacher	Trimble	
Krinkie	Mares	Pelowski	Seifert, M.	Tunheim	
Kubly	Mariani	Peterson	Skoe	Van Dellen	

Those who voted in the negative were:

Abeler	Entenza	Huntley	McGuire	Paymar	Tuma
Abrams	Erickson	Kahn	Molnau	Rest	Vandever
Boudreau	Folliard	Kalis	Mulder	Rhodes	Wagenius
Bradley	Goodno	Kelliher	Murphy	Seagren	Wenzel
Broecker	Greenfield	Knoblach	Nornes	Seifert, J.	Westerberg
Carlson	Greiling	Larsen, P.	Opatz	Skoglund	Westfall
Carruthers	Haake	Lenczewski	Orfield	Smith	Wolf
Chaudhary	Harder	Leppik	Osskopp	Stanek	Workman
Daggett	Hasskamp	Luther	Ozment	Storm	Spk. Sviggum
Dempsey	Hausman	McCollum	Paulsen	Sykora	
Dorman	Holberg	McElroy	Pawlenty	Tingelstad	

The motion prevailed and the amendment was adopted.

S. F. No. 2845, A bill for an act relating to crimes; increasing criminal penalties and driver license sanctions for underage persons who use any type of false identification to purchase or attempt to purchase alcoholic beverages or tobacco; authorizing peace officers to transport alleged truants from the child's home to school or to a truancy service center; authorizing retailers to seize false identification; amending Minnesota Statutes 1998, sections 171.171; 340A.702; and 609.685, subdivisions 1a, 2, and 3; Minnesota Statutes 1999 Supplement, sections 260B.235, subdivision 4; 260C.143, subdivision 4; and 340A.503, subdivision 6.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 84 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Abeler	Dehler	Gunther	Kalis	Marko	Ozment
Anderson, I.	Dempsey	Haake	Kielkucki	McCollum	Paulsen
Boudreau	Dorman	Haas	Knoblach	McElroy	Pelowski
Bradley	Entenza	Hackbarth	Kuisle	Molnau	Rest
Broecker	Erhardt	Hasskamp	Larsen, P.	Mulder	Reuter
Buesgens	Erickson	Hausman	Larson, D.	Murphy	Rifenberg
Carlson	Finseth	Holberg	Leighton	Ness	Rostberg
Cassell	Fuller	Holsten	Lenczewski	Nornes	Schumacher
Clark, J.	Gerlach	Howes	Leppik	Opatz	Seagren
Daggett	Goodno	Jennings	Lindner	Osskopp	Seifert, J.
Davids	Greenfield	Johnson	Mares	Osthoff	Seifert, M.

Skoe	Storm	Tingelstad	Van Dellen	Westfall	Wolf
Solberg	Swenson	Trimble	Wenzel	Westrom	Workman
Stang	Sykora	Tuma	Westerberg	Wilkin	Spk. Sviggum

Those who voted in the negative were:

Abrams	Dorn	Jaros	Luther	Pawlenty	Stanek
Anderson, B.	Folliard	Juhnke	Mahoney	Paymar	Swapinski
Bakk	Gleason	Kahn	Mariani	Peterson	Tomassoni
Biernat	Gray	Kelliher	McGuire	Pugh	Tunheim
Carruthers	Greiling	Koskinen	Milbert	Rhodes	Vandever
Chaudhary	Harder	Krinkie	Mullery	Rukavina	Wagenius
Clark, K.	Hilty	Kubly	Orfield	Skoglund	Wejcmn
Dawkins	Huntley	Lieder	Otremba	Smith	Winter

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

H. F. No. 2489, A bill for an act relating to bicycles; authorizing local units of government to require purchasers of impounded bicycles to register them as a condition of the sale; amending Minnesota Statutes 1998, section 168C.13, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 68 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Abrams	Folliard	Johnson	Luther	Otremba	Stanek
Anderson, I.	Gleason	Juhnke	Mahoney	Paymar	Swapinski
Bakk	Gray	Kahn	Mariani	Pelowski	Tomassoni
Biernat	Greenfield	Kalis	Marko	Peterson	Trimble
Carlson	Greiling	Kelliher	McCollum	Pugh	Tunheim
Carruthers	Haake	Koskinen	McGuire	Rest	Wagenius
Chaudhary	Hasskamp	Kubly	Milbert	Rhodes	Wejcmn
Clark, K.	Hausman	Larsen, P.	Mullery	Rukavina	Winter
Dawkins	Hilty	Larsen, D.	Murphy	Schumacher	
Dorn	Huntley	Leighton	Opatz	Skoe	
Entenza	Jaros	Lenczewski	Orfield	Skoglund	
Erhardt	Jennings	Lieder	Osthoff	Solberg	

Those who voted in the negative were:

Abeler	Daggett	Gerlach	Howes	McElroy	Pawlenty
Anderson, B.	Davids	Goodno	Kielkucki	Molnau	Reuter
Boudreau	Dehler	Gunther	Knoblach	Mulder	Rifenberg
Bradley	Dempsey	Haas	Krinkie	Ness	Rostberg
Broecker	Dorman	Hackbarth	Kuise	Nornes	Seagren
Buesgens	Erickson	Harder	Leppik	Osskopp	Seifert, J.
Cassell	Finseth	Holberg	Lindner	Ozment	Seifert, M.
Clark, J.	Fuller	Holsten	Mares	Paulsen	Smith

Stang	Sykora	Van Dellen	Westerberg	Wilkin	Spk. Sviggum
Storm	Tingelstad	Vanderveer	Westfall	Wolf	
Swenson	Tuma	Wenzel	Westrom	Workman	

The bill was passed and its title agreed to.

S. F. No. 2806 was reported to the House.

Holberg moved that S. F. No. 2806 be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 3016 was reported to the House.

Entenza moved to amend S. F. No. 3016 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3345, the third engrossment:

"Section 1. Minnesota Statutes 1999 Supplement, section 13B.06, subdivision 1, is amended to read:

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

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

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

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

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

(2) federal and state chartered credit unions;

(3) benefit associations;

(4) life insurance companies;

(5) safe deposit companies; and

(6) money market mutual funds.

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

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

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

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

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

Sec. 3. Minnesota Statutes 1998, section 518.64, subdivision 5, is amended to read:

Subd. 5. [FORM.] ~~The department of human services~~ state court administrator's office shall prepare and make available to ~~courts~~ court administrators, obligors and persons to whom child support is owed a form to be submitted by the obligor or the person to whom child support is owed in support of a motion for a modification of an order for support or maintenance or for contempt of court.

Sec. 4. Minnesota Statutes 1998, section 518.68, subdivision 2, is amended to read:

Subd. 2. [CONTENTS.] The required notices must be substantially as follows:

IMPORTANT NOTICE

1. PAYMENTS TO PUBLIC AGENCY

According to Minnesota Statutes, section 518.551, subdivision 1, payments ordered for maintenance and support must be paid to the public agency responsible for child support enforcement as long as the person entitled to receive the payments is receiving or has applied for public assistance or has applied for support and maintenance collection services. MAIL PAYMENTS TO:

2. DEPRIVING ANOTHER OF CUSTODIAL OR PARENTAL RIGHTS -- A FELONY

A person may be charged with a felony who conceals a minor child or takes, obtains, retains, or fails to return a minor child from or to the child's parent (or person with custodial or visitation rights), according to Minnesota Statutes, section 609.26. A copy of that section is available from any district court clerk.

3. RULES OF SUPPORT, MAINTENANCE, VISITATION

(a) Payment of support or spousal maintenance is to be as ordered, and the giving of gifts or making purchases of food, clothing, and the like will not fulfill the obligation.

(b) Payment of support must be made as it becomes due, and failure to secure or denial of rights of visitation is NOT an excuse for nonpayment, but the aggrieved party must seek relief through a proper motion filed with the court.

(c) Nonpayment of support is not grounds to deny visitation. The party entitled to receive support may apply for support and collection services, file a contempt motion, or obtain a judgment as provided in Minnesota Statutes, section 548.091.

(d) The payment of support or spousal maintenance takes priority over payment of debts and other obligations.

(e) A party who accepts additional obligations of support does so with the full knowledge of the party's prior obligation under this proceeding.

(f) Child support or maintenance is based on annual income, and it is the responsibility of a person with seasonal employment to budget income so that payments are made throughout the year as ordered.

(g) ~~If there the obligor is a layoff laid off from employment or receives a pay reduction, support may be reduced as of the time of the layoff or pay reduction, but only if a motion to reduce the support is served and filed with the court at that time, but.~~ Any such reduction must be will take effect only if ordered by the court and may only relate back to the time that the motion is filed. If a motion is not filed, the support obligation will continue at the current level. The court is not permitted to reduce support retroactively, except as provided in Minnesota Statutes, section 518.64, subdivision 2, paragraph (c).

(h) Reasonable visitation guidelines are contained in Appendix B, which is available from the court administrator.

(i) The nonpayment of support may be enforced through the denial of student grants; interception of state and federal tax returns; suspension of driver's, recreational, and occupational licenses; referral to the department of revenue or private collection agencies; seizure of assets, including bank accounts and other assets held by financial institutions; reporting to credit bureaus; interest charging, income withholding, and contempt proceedings; and other enforcement methods allowed by law.

4. PARENTAL RIGHTS FROM MINNESOTA STATUTES, SECTION 518.17, SUBDIVISION 3

Unless otherwise provided by the Court:

(a) Each party has the right of access to, and to receive copies of, school, medical, dental, religious training, and other important records and information about the minor children. Each party has the right of access to information regarding health or dental insurance available to the minor children. Presentation of a copy of this order to the custodian of a record or other information about the minor children constitutes sufficient authorization for the release of the record or information to the requesting party.

(b) Each party shall keep the other informed as to the name and address of the school of attendance of the minor children. Each party has the right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent teacher conferences. The school is not required to hold a separate conference for each party.

(c) In case of an accident or serious illness of a minor child, each party shall notify the other party of the accident or illness, and the name of the health care provider and the place of treatment.

(d) Each party has the right of reasonable access and telephone contact with the minor children.

5. WAGE AND INCOME DEDUCTION OF SUPPORT AND MAINTENANCE

Child support and/or spousal maintenance may be withheld from income, with or without notice to the person obligated to pay, when the conditions of Minnesota Statutes, section 518.6111 have been met. A copy of those sections is available from any district court clerk.

6. CHANGE OF ADDRESS OR RESIDENCE

Unless otherwise ordered, each party shall notify the other party, the court, and the public authority responsible for collection, if applicable, of the following information within ten days of any change: the residential and mailing address, telephone number, driver's license number, social security number, and name, address, and telephone number of the employer.

7. COST OF LIVING INCREASE OF SUPPORT AND MAINTENANCE

Child support and/or spousal maintenance may be adjusted every two years based upon a change in the cost of living (using Department of Labor Consumer Price Index , unless otherwise specified in this order) when the conditions of Minnesota Statutes, section 518.641, are met. Cost of living increases are compounded. A copy of Minnesota Statutes, section 518.641, and forms necessary to request or contest a cost of living increase are available from any district court clerk.

8. JUDGMENTS FOR UNPAID SUPPORT

If a person fails to make a child support payment, the payment owed becomes a judgment against the person responsible to make the payment by operation of law on or after the date the payment is due, and the person entitled to receive the payment or the public agency may obtain entry and docketing of the judgment WITHOUT NOTICE to the person responsible to make the payment under Minnesota Statutes, section 548.091. Interest begins to accrue on a payment or installment of child support whenever the unpaid amount due is greater than the current support due, according to Minnesota Statutes, section 548.091, subdivision 1a.

9. JUDGMENTS FOR UNPAID MAINTENANCE

A judgment for unpaid spousal maintenance may be entered when the conditions of Minnesota Statutes, section 548.091, are met. A copy of that section is available from any district court clerk.

10. ATTORNEY FEES AND COLLECTION COSTS FOR ENFORCEMENT OF CHILD SUPPORT

A judgment for attorney fees and other collection costs incurred in enforcing a child support order will be entered against the person responsible to pay support when the conditions of section 518.14, subdivision 2, are met. A copy of section 518.14 and forms necessary to request or contest these attorney fees and collection costs are available from any district court clerk.

11. VISITATION EXPEDITOR PROCESS

On request of either party or on its own motion, the court may appoint a visitation expeditor to resolve visitation disputes under Minnesota Statutes, section 518.1751. A copy of that section and a description of the expeditor process is available from any district court clerk.

12. VISITATION REMEDIES AND PENALTIES

Remedies and penalties for the wrongful denial of visitation rights are available under Minnesota Statutes, section 518.175, subdivision 6. These include compensatory visitation; civil penalties; bond requirements; contempt; and reversal of custody. A copy of that subdivision and forms for requesting relief are available from any district court clerk.

Sec. 5. Minnesota Statutes 1998, section 552.01, subdivision 3, is amended to read:

Subd. 3. [JUDGMENT DEBTOR.] "Judgment debtor" means ~~a party~~ an obligor against whom the public authority has a judgment for the recovery of money owed pursuant to a support order as defined in section 518.54.

Sec. 6. Minnesota Statutes 1998, section 552.01, is amended by adding a subdivision to read:

Subd. 7. [JUDGMENT.] "Judgment" means a child support judgment by operation of law under section 548.091, subdivision 1a, or under a proceeding under section 548.091, subdivision 2a.

Sec. 7. Minnesota Statutes 1998, section 552.03, is amended to read:

552.03 [SCOPE OF GENERAL AND SPECIFIC PROVISIONS.]

General provisions relating to the public authority's summary execution as authorized in this chapter are set forth in section 552.04. Specific provisions relating to summary execution on funds at a financial institution are set forth in section 552.05. When the public authority levies against funds at a financial institution, the specific provisions of section 552.05 must be complied with in addition to the general provisions of section 552.04 that are not inconsistent with the specific provisions of section 552.05. Provisions contained in the statutory forms are incorporated in this chapter and have the same force of law as any other provisions in this chapter.

Sec. 8. Minnesota Statutes 1998, section 552.04, subdivision 4, is amended to read:

Subd. 4. [~~SERVICE OF THIRD PARTY LEVY; NOTICE AND DISCLOSURE FORMS.~~] When levying upon money owed to the judgment debtor by a third party, the public authority shall serve a copy of the notice of support judgment levy upon the third party either by registered or certified mail, by personal service, or by electronic transmission. Along with a copy of the notice of support judgment levy, the public authority shall serve upon the third party a notice of support judgment levy and disclosure form that must be substantially in the form set forth below.

~~OFFICE OF ADMINISTRATIVE HEARINGS~~ DISTRICT COURT

File No.

. (Public authority)
against
. (Judgment Debtor)
and
. (Third Party)

NOTICE OF SUPPORT JUDGMENT
LEVY AND DISCLOSURE
(OTHER THAN EARNINGS)

PLEASE TAKE NOTICE that pursuant to Minnesota Statutes, chapters 518 and ~~522~~ 552, the undersigned, as representative of the public authority responsible for child support enforcement, makes demand and levies execution upon all money due and owing by you to the judgment debtor for the amount of the judgment specified below. A copy of the notice of support judgment levy is enclosed. The unpaid judgment balance is \$. . .

In responding to this levy, you are to complete the attached disclosure form and mail it to the public authority, together with your check payable to the public authority, for the nonexempt amount owed by you to the judgment debtor or for which you are obligated to the judgment debtor, within the time limits in chapter 552.

Public Authority
Address
(.)
Phone number

DISCLOSURE

On the day of , , the time of service of the execution levy herein, there was due and owing the judgment debtor from the third party the following:

(1) Money. Enter on the line below any amounts due and owing the judgment debtor, except earnings, from the third party.

.....

(2) Setoff. Enter on the line below the amount of any setoff, defense, lien, or claim which the third party claims against the amount set forth on line (1). State the facts by which the setoff, defense, lien, or claim is claimed. (Any indebtedness to you incurred by the judgment debtor within ten days prior to the receipt of the first execution levy on a debt may not be claimed as a setoff, defense, lien, or claim against the amount set forth on line (1).)

.....

(3) Exemption. Financial Institutions shall not complete this line. Enter on the line below any amounts or property claimed by the judgment debtor to be exempt from execution.

.....

(4) Adverse Interest. Enter on the line below any amounts claimed by other persons by reason of ownership or interest in the judgment debtor's property.

.....

(5) Enter on the line below the total of lines (2), (3), and (4).

.....

(6) Enter on the line below the difference obtained (never less than zero when line (5) is subtracted from the amount on line (1)).

.....

(7) Enter on the line below 100 percent of the amount of the public authority's claim which remains unpaid.

.....

(8) Enter on the line below the lesser of line (6) and line (7). You are instructed to remit this amount only if it is \$10 or more.

.....

AFFIRMATION

I, (person signing Affirmation), am the third party or I am authorized by the third party to complete this nonearnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated:

Signature
.....
Title
.....
Telephone Number

Sec. 9. Minnesota Statutes 1998, section 552.04, subdivision 6, is amended to read:

Subd. 6. [ORAL DISCLOSURE.] Before or after the service of a written disclosure by a third party under subdivision 5, upon a showing by affidavit upon information and belief that an oral examination of the third party would provide a complete disclosure of relevant facts, any party to the execution proceedings may obtain an ex parte order requiring the third party, or a representative of the third party designated by name or by title, to appear for oral examination before the court ~~or a referee appointed by the court~~. Notice of the examination must be given to all parties. This subdivision does not apply to financial institutions complying with section 552.06.

Sec. 10. Minnesota Statutes 1998, section 552.04, subdivision 11, is amended to read:

Subd. 11. [BAD FAITH CLAIM.] If, in a proceeding ~~brought under section 552.05, subdivision 9, or a similar proceeding under this chapter~~ to determine a claim of exemption, the claim of exemption is not upheld, and the court finds that it was asserted in bad faith, the public authority shall be awarded actual damages, costs, reasonable attorney's fees resulting from the additional proceedings, and an amount not to exceed \$100. If the claim of exemption is upheld, and the court finds that the public authority disregarded the claim of exemption in bad faith, the judgment debtor shall be awarded actual damages, costs, reasonable attorney's fees resulting from the additional proceedings, and an amount not to exceed \$100. If the exemption claim of the judgment debtor is found to be in bad faith, the underlying judgment shall be modified to reflect assessment of damages, costs, and attorney's fees. However, if the party in whose favor a penalty assessment is made is not actually indebted to that party's attorney for fees, the attorney's fee award shall be made directly to the attorney, and if not paid, an appropriate judgment in favor of the attorney shall be entered. Any action by a public authority made in bad faith and in violation of this chapter renders the execution levy void and the public authority liable to the judgment debtor named in the execution levy in the amount of \$100, actual damages, and reasonable attorney's fees and costs.

Sec. 11. Minnesota Statutes 1998, section 552.04, subdivision 16, is amended to read:

Subd. 16. [PRIORITY OF LEVY.] Notwithstanding section 52.12, a levy by the public authority made under this section on ~~an obligor's a judgment debtor's~~ funds on deposit in a financial institution located in this state has priority over any unexercised right of setoff of the financial institution to apply the levied funds toward the balance of an outstanding loan or loans owed by the ~~obligor judgment debtor~~ to the financial institution. A claim by the financial institution that it exercised its right to setoff prior to the levy by the public authority must be substantiated by evidence of the date of the setoff and must be verified by the sworn statement of a responsible corporate officer of the financial institution. For purposes of determining the priority of a levy made under this section, the levy must be treated as if it were an execution made under chapter 550.

Sec. 12. [552.06] [SUMMARY EXECUTION OF SUPPORT JUDGMENT UPON FUNDS AT A FINANCIAL INSTITUTION.]

Subdivision 1. [COMMENCEMENT OF SUMMARY EXECUTION.] (a) This section applies to a judgment debtor who is in arrears in court-ordered support payments in an amount equal to or greater than five times the judgment debtor's total support order.

(b) Section 518.5513 applies to this section, except if it conflicts with the specific provisions of this section, this section applies.

(c) Time frames set out in the rules of civil procedure that are inconsistent with this section do not apply to this section.

(d) The public authority may not proceed with a summary execution of support judgment proceeding until after the judgment has been submitted for federal or state tax intercept.

(e) Upon receipt of information under section 13B.06 that a judgment debtor holds an account at the financial institution, the public authority may send the financial institution a notice of support judgment levy.

(f) The support judgment levy and accompanying documentation must contain the name of the judgment debtor, the judgment debtor's social security number, any necessary verifying information, the amount of the judgment, and the procedures necessary for the financial institution to process the notice of support judgment levy and complete the disclosure form.

(g) Notice of support judgment levy under this section commences without notice to the judgment debtor and without the need for prior judicial notice or hearing.

(h) Within two business days after the public authority sends the notice of support judgment levy to the financial institution, the public authority shall send the judgment debtor a copy of the notice of support judgment levy by first class mail at the judgment debtor's last known address. In addition to the copy of the notice of support judgment levy, information must be provided that describes the exemptions a judgment debtor may claim and the form and procedure for claiming an exemption, the informal resolution process, the responsibilities of the judgment debtor, and the procedure and time frames to contest the levy.

Subd. 2. [RESPONSIBILITIES OF THE FINANCIAL INSTITUTION.] (a) Upon receipt by the financial institution of a notice of support judgment levy, the financial institution shall seize all funds up to and including the amount contained in the notice from the judgment debtor's account.

(b) Sixty days after receiving the levy, the financial institution shall complete the notice of support judgment levy and disclosure form and forward it together with the amount indicated on line 8 of the disclosure form, not to exceed the total amount seized, to the public authority at the address indicated in the notice of support judgment levy.

(c) If the judgment debtor and the public authority informally resolve a dispute under subdivision 3 and the public authority sends a notice of release to the financial institution, the financial institution shall release seized funds according to the notice of release.

(d) If the financial institution receives notice of a contest of the summary execution of support judgment, the financial institution shall continue to hold the funds during the period of contest inclusive of any applicable appeal period and, upon receipt of notice to release from the public authority, shall send the lesser of the amount indicated in the notice of release, or the amount indicated on line 8 of the notice of support judgment levy and disclosure form not to exceed the total amount seized.

(e) If a judgment debtor has multiple accounts within the financial institution, the financial institution shall seize funds in as many accounts of the judgment debtor as is necessary to equal the amount contained in the notice of support judgment levy.

(f) A financial institution that receives more than one notice of support judgment levy under this section shall withhold sufficient funds to satisfy all notices of support judgment levy, if possible.

(g) The Consumer Credit Protection Act, United States Code, title 15, section 1673(b), does not apply to funds withheld by a financial institution under this section.

(h) The public authority shall pay a fee of \$15 per levy to the financial institution. Financial institutions and the commissioner of human services shall establish procedures to automate the payment of this fee to the maximum extent possible. The fee may be recovered by the public authority from the judgment debtor as an allowable cost.

(i) No financial institution is liable for damages for complying with this section. The financial institution may rely on the date of mailing or delivery of a notice to it in computing any time periods in this section.

Subd. 3. [INFORMAL RESOLUTIONS OF DISPUTES.] (a) After the judgment debtor receives a notice of support judgment levy, the judgment debtor may contact the public authority with information regarding a mistake of fact or claim of exemption. In the event the matter is resolved, the public authority shall contact the financial institution and forward to the financial institution a notice of release regarding the appropriate transfer of funds and send a copy to the judgment debtor.

(b) Contact by the judgment debtor under this subdivision does not constitute a contest to the levy under subdivision 5. The time frame to contest the support judgment levy under subdivision 5 is not stayed while the judgment debtor contacts the public authority. The judgment debtor may contest the levy under subdivision 5.

Subd. 4. [RESPONSIBILITIES OF THE PUBLIC AUTHORITY.] (a) If a judgment debtor serves the public authority with a notice of motion and motion under subdivision 5, the public authority shall immediately notify:

(1) the financial institution, directing the financial institution to continue holding the funds pending resolution of the matter; and

(2) the obligee, by mailing by first class mail a copy of the notice of motion and motion.

(b) Upon final resolution of the matter, including the applicable appeal times, the public authority shall forward to the financial institution a notice of release regarding the appropriate transfer of funds.

(c) Funds received by the public authority must be applied to the judgment identified in the support judgment levy notice in compliance with federal regulations.

(d) In the event that multiple notices result in an amount of seized funds that is insufficient to satisfy all of the support judgment levies, the public authority shall distribute funds to satisfy each support judgment levy in the order in which they were sent to the financial institution.

Subd. 5. [EXEMPTION AND CONTEST.] (a) [PROCESS TO CLAIM EXEMPTION.] If the judgment debtor elects to claim an exemption, the judgment debtor shall complete the applicable portion of the exemption form, sign it under penalty of perjury, and deliver one copy to the public authority within 30 calendar days of the date postmarked on the correspondence mailed to the judgment debtor. Failure of the judgment debtor to deliver the executed exemption does not constitute a waiver of any claimed right to an exemption. Upon timely receipt of a claim of exemption by the public authority, funds not claimed to be exempt by the judgment debtor remain subject to the support judgment levy. If a claim of exemption is resolved informally, the public authority shall proceed according to section 552.05, subdivision 3.

(b) [PROCESS TO CONTEST.] (1) The judgment debtor may contest a support judgment levy on the limited grounds that the seizure or the amount seized is improper due to mistake of fact or that the funds held in the account are exempt from levy for child support purposes under state or federal law.

(2) If the judgment debtor chooses to contest the withholding, within 30 calendar days of notice of support judgment levy the judgment debtor shall:

(i) file a motion with the court administrator, including in the motion the alleged mistake of fact or the basis for any claim that the funds are exempt from withholding;

(ii) obtain a hearing date from the court administrator; and

(iii) serve the public authority, either personally or by fax, with a copy of the notice of motion and motion no later than two business days after obtaining a hearing date.

(c) [HEARING.] The hearing date shall be set at the earliest practicable time, but the matter must be heard no later than ten calendar days from the date a request for hearing is made. The court administrator shall schedule these matters to be heard in the expedited process before a child support magistrate, but may schedule these cases in district court if the availability of a child support magistrate does not permit a hearing to occur within the time frames of this section.

Subd. 6. [FORM.] The state court administrator's office shall prepare and make available to court administrators and judgment debtors a form to be submitted by the judgment debtor in support of a motion to contest the support judgment levy under this section.

Sec. 13. [INSTRUCTION TO REVISOR.]

In the next edition of Minnesota Statutes, the revisor of statutes shall change references to section 552.05 to section 552.06.

Sec. 14. [REPEALER.]

(a) Minnesota Statutes 1998, section 552.05, subdivisions 1, 2, 3, 6, 7, 8, and 9, are repealed.

(b) Minnesota Statutes 1999 Supplement, section 552.05, subdivisions 4, 5, and 10, are repealed.

(c) Minnesota Rules, parts 9500.1800; 9500.1805; 9500.1810; 9500.1811; 9500.1812; 9500.1815; 9500.1817; 9500.1820; and 9500.1821, are repealed effective October 1, 2001.

Delete the title and insert:

"A bill for an act relating to family law; changing certain child support enforcement provisions; amending Minnesota Statutes 1998, sections 256.979, by adding a subdivision; 518.64, subdivision 5; 518.68, subdivision 2; 552.01, subdivision 3, and by adding a subdivision; 552.03; and 552.04, subdivisions 4, 6, 11, and 16; Minnesota Statutes 1999 Supplement, section 13B.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 552; repealing Minnesota Statutes 1998, section 552.05, subdivisions 1, 2, 3, 6, 7, 8, and 9; Minnesota Statutes 1999 Supplement, section 552.05, subdivisions 4, 5, and 10; Minnesota Rules, parts 9500.1800; 9500.1805; 9500.1810; 9500.1811; 9500.1812; 9500.1815; 9500.1817; 9500.1820; and 9500.1821."

The motion prevailed and the amendment was adopted.

S. F. No. 3016, A bill for an act relating to family law; changing certain child support enforcement provisions; providing for notices; clarifying certain delegation of powers provisions; amending Minnesota Statutes 1998, sections 256.979, by adding a subdivision; 518.255; 518.64, subdivision 5; 518.68, subdivision 2; 524.5-505; 552.01, subdivision 3, and by adding a subdivision; 552.03; and 552.04, subdivisions 4, 6, 11, and 16; Minnesota Statutes 1999 Supplement, section 13B.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 518 and 552; repealing Minnesota Statutes 1998, section 552.05, subdivisions 1, 2, 3, 6, 7, 8, and 9; Minnesota Statutes 1999 Supplement, section 552.05, subdivisions 4, 5, and 10; Minnesota Rules, parts 9500.1800; 9500.1805; 9500.1810; 9500.1811; 9500.1812; 9500.1815; 9500.1817; 9500.1820; and 9500.1821.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Carlson	Dehler	Fuller	Haas	Huntley
Abrams	Carruthers	Dempsey	Gerlach	Hackbarth	Jaros
Anderson, I.	Cassell	Dorman	Gleason	Harder	Jennings
Bakk	Chaudhary	Dorn	Goodno	Hasskamp	Johnson
Biernat	Clark, J.	Entenza	Gray	Hausman	Juhnke
Boudreau	Clark, K.	Erhardt	Greenfield	Hilty	Kahn
Bradley	Daggett	Erickson	Greiling	Holberg	Kalis
Broecker	Davids	Finseth	Gunther	Holsten	Kelliher
Buesgens	Dawkins	Folliard	Haake	Howes	Kielkucki

Knoblach	Mares	Opatz	Reuter	Stanek	Wagenius
Koskinen	Mariani	Orfield	Rhodes	Stang	Wejcman
Krinkie	Marko	Osskopp	Rifenberg	Storm	Wenzel
Kubly	McCollum	Osthoff	Rostberg	Swapinski	Westerberg
Kuisle	McElroy	Otremba	Rukavina	Swenson	Westfall
Larsen, P.	McGuire	Ozment	Schumacher	Sykora	Westrom
Larson, D.	Milbert	Paulsen	Seagren	Tingelstad	Wilkin
Leighton	Molnau	Pawlenty	Seifert, J.	Tomassoni	Winter
Lenczewski	Mulder	Paymar	Seifert, M.	Trimble	Wolf
Leppik	Mullery	Pelowski	Skoe	Tuma	Workman
Lindner	Murphy	Peterson	Skoglund	Tunheim	Spk. Sviggum
Luther	Ness	Pugh	Smith	Van Dellen	
Mahoney	Nornes	Rest	Solberg	Vandever	

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

Pawlenty moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

The Speaker resumed the Chair.

MOTIONS AND RESOLUTIONS

Entenza moved that the name of Gleason be added as an author on H. F. No. 173. The motion prevailed.

Mullery moved that the name of Dempsey be added as an author on H. F. No. 2968. The motion prevailed.

Winter moved that the name of Otremba be added as an author on H. F. No. 3536. The motion prevailed.

Skoglund moved that the name of Rifenberg be added as an author on H. F. No. 4146. The motion prevailed.

House Resolution No. 12 was reported to the House.

HOUSE RESOLUTION NO. 12

A house resolution proclaiming Tuesday, May 9, 2000, as Thank a Teacher Day.

Whereas, a member of the teaching profession must believe in the ability of all students to learn; and

Whereas, teachers open the minds of students to the magic of ideas, knowledge, and dreams; and

Whereas, teachers keep American democracy alive by laying the foundation for good citizenship; and

Whereas, teachers fill many roles as listeners, explorers, role models, motivators, and mentors; and

Whereas, teachers continue to influence us long after our school days are only memories; *Now, Therefore*,

Be it Resolved by the House of Representatives of the State of Minnesota that it proclaims Tuesday, May 9, 2000, as Thank a Teacher Day and thanks teachers across the state for their devotion to Minnesota students.

Be it Further Resolved that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Speaker and transmit it to Education Minnesota.

Carlson moved that House Resolution No. 12 be now adopted. The motion prevailed and House Resolution No. 12 was adopted.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 11:

Bishop, Broecker and Dawkins.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2737:

Luther, Mulder and Hasskamp.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3160:

Jennings, Molnau and Workman.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2473:

Biernat; Larsen, P., and Dawkins.

The Speaker announced the following change in membership of the Conference Committee on S. F. No. 2484:

Delete the name of Vandever and add the name of Workman.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 9:00 a.m., Tuesday, April 11, 2000. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:00 a.m., Tuesday, April 11, 2000.

EDWARD A. BURDICK, Chief Clerk, House of Representatives