

STATE OF MINNESOTA

EIGHTY-FIRST SESSION — 1999

 FORTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 20, 1999

The House of Representatives convened at 12:00 noon and was called to order by Steve Sviggum, Speaker of the House.

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

A quorum was present.

Munger was excused.

Olson was excused until 4:00 p.m. Solberg was excused until 5:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Skoglund 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. 148 and H. F. No. 478, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Haas moved that the rules be so far suspended that S. F. No. 148 be substituted for H. F. No. 478 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 383 and H. F. No. 949, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Abeler moved that the rules be so far suspended that S. F. No. 383 be substituted for H. F. No. 949 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1202 and H. F. No. 1631, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Goodno moved that the rules be so far suspended that S. F. No. 1202 be substituted for H. F. No. 1631 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1357 and H. F. No. 1384, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Wolf moved that the rules be so far suspended that S. F. No. 1357 be substituted for H. F. No. 1384 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 16, 1999

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 1132, relating to courts; eliminating filing of duplicate documents; updating the law governing court administrators.

H. F. No. 643, relating to civil commitment; providing the same legal rights for all persons under commitment status.

H. F. No. 408, relating to health; modifying the definition of practice of pharmacy.

H. F. No. 1714, relating to occupations and professions; allowing the board of pharmacy to grant waivers to pharmacists regarding the ratio of pharmacists to pharmacy technicians.

H. F. No. 735, relating to crime; expanding the scope of the crime of adulteration to include adulterations capable of causing death or bodily harm; increasing penalties for certain acts of adulteration.

Sincerely,

JESSE VENTURA
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1999 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 1999</i>	<i>Date Filed 1999</i>
	1132	60	12:08 p.m. April 16	April 16
	643	61	3:35 p.m. April 16	April 16
	408	62	12:11 p.m. April 16	April 16
	1714	63	12:15 p.m. April 16	April 16
	735	64	12:16 p.m. April 16	April 16
881		65	12:20 p.m. April 16	April 16

Sincerely,

MARY KIFFMEYER
Secretary of State

SECOND READING OF SENATE BILLS

S. F. Nos. 148, 383, 1202 and 1357 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Boudreau and Tuma introduced:

H. F. No. 2413, A bill for an act relating to appropriations; authorizing state bonds; appropriating money for repairs at Minnesota correctional facility-Faribault.

The bill was read for the first time and referred to the Committee on Crime Prevention.

Tuma and Olson introduced:

H. F. No. 2414, A bill for an act proposing an amendment to the Minnesota Constitution; repealing article XIII, section 3; repealing the constitutional autonomy of the University of Minnesota.

The bill was read for the first time and referred to the Committee on Education Policy.

Wenzel; Jaros; Anderson, I.; Abrams; Workman; Lieder; Kahn; Rhodes; Seifert, M.; Sviggum; Pugh; Otremba; Winter; Greenfield; Luther; Clark, K.; Mares; Kielkucki; Wilkin; Rest; Seagren; Kelliher; Kubly; Mulder; Larsen, P.; Davids; Abeler; Molnau; Nornes; McCollum; Finseth; Ozment; Rostberg; Kalis and Rukavina introduced:

H. F. No. 2415, A resolution memorializing the United States government to act with all speed to provide humanitarian aid to Kosovo.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1, A bill for an act relating to taxation; providing for an income and property tax rebate; providing for agricultural assistance; exempting certain storm-damaged tree trimming and removal services from the sales tax; providing for automatic rebates in enacted budget; appropriating money; amending Minnesota Statutes 1998, sections 297A.15, subdivision 6; and 297A.25, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16A.

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

PATRICK E. FLAHAVEN, Secretary of 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. 1568, A bill for an act relating to the state building code; transferring authority to adopt energy portions of the building code from the commissioner of public service to the commissioner of administration; providing for conformity with a code for building conservation; requiring implementation of locally adopted optional code provisions; requiring a report; amending Minnesota Statutes 1998, sections 16B.61, subdivisions 1 and 1a; 16B.62, subdivision 2; 16B.64, subdivision 4; 216C.19, subdivision 8; and 216C.195, subdivision 1; repealing Minnesota Statutes 1998, section 16B.165.

The Senate has appointed as such committee:

Senators Wiener, Johnson, J. B., and Robertson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

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. 1467, A bill for an act relating to education; family and early childhood education; providing for children and family support programs, community and systems change, prevention and intervention, and self-sufficiency and lifelong learning; appropriating money; amending Minnesota Statutes 1998, sections 13.46, subdivision 2; 16B.405, subdivision 2; 119A.31, subdivision 1, and by adding a subdivision; 119B.01, subdivisions 1, 2, 10, 12, 12a, 13, 16, 17, and by adding subdivisions; 119B.02, subdivision 1, and by adding subdivisions; 119B.03, subdivisions 1, 2, 3, 4, 6, and 9; 119B.04, subdivision 1; 119B.05, subdivision 1; 119B.06, subdivision 1; 119B.061; 119B.07; 119B.08, subdivision 3; 119B.09, subdivisions 1, 3, and 7; 119B.10, subdivision 1; 119B.11, subdivision 2a; 119B.12, subdivision 2; 119B.13; 119B.14; 119B.15; 119B.18, subdivision 3; 119B.19, subdivision 1, and by adding subdivisions; 119B.20, subdivisions 7, 8, 12, and by adding a subdivision; 119B.21, subdivisions 1, 2, 3, 5, 8, 9, 10, and 11; 119B.23, subdivision 1; 119B.24; 119B.25, subdivision 3; 121A.19; 122A.26, by adding a subdivision; 124D.13, subdivision 2; 124D.135, subdivisions 1 and 3; 124D.19, subdivision 11; 124D.20, subdivision 5; 124D.22; 124D.23, by adding a subdivision; 124D.33, subdivision 3; 124D.52, subdivision 2, and by adding subdivisions; 124D.53, subdivision 3, and by adding a subdivision; 124D.54, subdivision 1; 125A.35, subdivision 5; 171.29, subdivision 2; 256.01, subdivision 4; 256.045, subdivisions 6, 7, and by adding a subdivision; 256.046, subdivision 1; 256.98, subdivisions 1, 7, and 8; 256.983, subdivisions 3 and 4; and 466.01, subdivision 1; Laws 1997, First Special Session chapter 4, article 1, section 61, subdivisions 2 and 3, as amended; Laws 1998, First Special Session chapter 1, article 1, sections 10 and 11; proposing coding for new law in Minnesota Statutes, chapter 124D; repealing Minnesota Statutes 1998, sections 119B.01, subdivision 15; 119B.03, subdivision 7; 119B.05, subdivisions 6 and 7; 119B.075; 119B.17; 119B.18, subdivisions 1 and 2; 119B.19, subdivisions 3, 4, and 5; 119B.20, subdivisions 1, 2, 3, 4, 5, 6, 9, 10, and 11; 119B.21, subdivisions 4, 6, and 12; 119B.22; 124D.14; and 124D.53, subdivision 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sykora moved that the House refuse to concur in the Senate amendments to H. F. No. 1467, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. 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. 1125, A bill for an act relating to crime prevention; authorizing local correctional agencies rather than courts to impose local correctional fees for offenders under the supervision and control of the local agency; amending Minnesota Statutes 1998, sections 244.18, subdivisions 3, 4, and 5; and 609.102, subdivision 2; repealing Minnesota Statutes 1998, section 609.102, subdivisions 3 and 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

McGuire moved that the House concur in the Senate amendments to H. F. No. 1125 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1125, A bill for an act relating to crime prevention; authorizing local correctional agencies rather than courts to impose local correctional fees for offenders under the supervision and control of the local agency; requiring a report; amending Minnesota Statutes 1998, sections 244.18, subdivisions 3, 4, and 5; and 609.102, subdivision 2; repealing Minnesota Statutes 1998, section 609.102, subdivisions 3 and 4.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Trimble	Vandev eer	Wenzel	Westrom	Wolf
Tuma	Wagenius	Westerberg	Wilkin	Workman
Tunheim	Wejcman	Westfall	Winter	Spk. Sviggum

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

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. 2387, A bill for an act relating to transportation; appropriating money for the department of transportation and other agencies; providing for a maximum percentage of the motorcycle safety fund that may be spent for certain activities; authorizing suspension of a vehicle's registration in certain circumstances; requiring a detachable postcard to be provided in a vehicle's certificate of title and completed on transfer of the vehicle; modifying provisions relating to disability parking privileges; abolishing certain credit for vehicle registration fee; specifically authorizing cities to enact ordinances regulating long-term parking; requiring the department of public safety to provide photo identification equipment to certain driver's license agents; reducing cost of Minnesota identification card for persons with serious and persistent mental illness; authorizing siting of public safety radio communications towers; directing commissioner of transportation to establish a southern railway corridor improvement plan; clarifying snowmobile gas tax provision; regulating advertising in department of public safety publications; modifying provisions relating to special number plates for collector aircraft; amending Minnesota Statutes 1998, sections 121A.36, subdivision 3; 168.021, subdivision 2; 168.17; 168.301, subdivisions 3 and 4; 168A.05, subdivision 5; 168A.10, subdivisions 1, 2, and 5; 168A.30, subdivision 2; 169.345, subdivisions 1, 2, 3, and 4; 169.346, subdivision 3, and by adding a subdivision; 171.061, subdivision 4; 171.07, subdivision 3; 174.70; 296A.18, subdivision 3; 299A.01, by adding a subdivision; and 360.55, subdivision 4; Laws 1997, chapter 159, article 1, sections 2, subdivision 7; and 4, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 174; and 219.

PATRICK E. FLAHAVEN, Secretary of the Senate

Molnau moved that the House refuse to concur in the Senate amendments to H. F. No. 2387, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 2223 and 2221.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2223, A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative and administrative expenses of state government with certain conditions; amending Minnesota Statutes 1998, sections 3.17; 3C.12, subdivision 2; 8.15, subdivisions 1, 2, and 3; 13.03, subdivision 2;

13.05, by adding a subdivision; 13.073, by adding a subdivision; 15.50, subdivision 2; 16A.102, subdivision 1; 16A.129, subdivision 3; 16A.45, subdivision 1; 16A.85, subdivision 1; 16B.03; 16B.104; 16B.24, subdivision 5; 16B.31, subdivision 2; 16B.32, subdivision 2; 16B.42, subdivision 1; 16B.465, subdivision 3; 16B.72; 16B.73; 16C.14, subdivision 1; 16D.04, subdivision 2; 16E.01, subdivision 1; 16E.02; 16E.08; 43A.047; 43A.22; 43A.23, subdivisions 1 and 2; 43A.30, by adding a subdivision; 43A.31, subdivision 2, and by adding a subdivision; 138.17, subdivisions 7 and 8; 192.49, subdivision 3; 197.79, subdivision 10; 204B.25, subdivision 2, and by adding a subdivision; 204B.27, by adding a subdivision; 204B.28, subdivision 1; 240A.09; 297F.08, by adding a subdivision; 325K.03, by adding a subdivision; 325K.04; 325K.05, subdivision 1; 325K.09, by adding a subdivision; 325K.10, subdivision 5; 325K.14, by adding a subdivision; 325K.15, by adding a subdivision; and 349.163, subdivision 4; Laws 1993, chapter 192, section 16; Laws 1994, chapter 643, section 69, subdivision 1; Laws 1995, First Special Session chapter 3, article 12, section 7, subdivision 1, as amended; Laws 1997, chapter 202, article 2, section 61; and Laws 1998, chapter 366, section 2; proposing coding for new law in Minnesota Statutes, chapters 16B; 43A; 240A; and 325F; repealing Minnesota Statutes 1998, sections 16A.103, subdivision 3; 16E.11; 16E.12; and 16E.13; Laws 1991, chapter 235, article 5, section 3, as amended; Minnesota Rules, part 8275.0045, subpart 2.

The bill was read for the first time and referred to the Committee on Ways and Means.

S. F. No. 2221, A bill for an act relating to crime prevention and judiciary finance; appropriating money for the judicial branch, public safety, corrections, public defense, human rights, crime victims, and related purposes; establishing grant programs, task forces, and pilot projects; requiring reports and studies; increasing the number of judges; transferring responsibility for the office of drug policy and violence prevention, the Asian-Pacific juvenile crime intervention and prevention grant program, the juvenile weekend program at Camp Ripley, and the operation and maintenance of the state land and buildings that compose MCF-Sauk Centre; increasing the membership and expanding the duties of the criminal and juvenile justice policy group; authorizing a lease-purchase agreement for a northern satellite laboratory facility and additional work related to a new facility in St. Paul for the bureau of criminal apprehension; clarifying and expanding certain criminal and civil penalties; establishing a work program for certain repeat DWI offenders and repealing the existing work program for nonviolent offenders; requiring counties to pay the costs of placing juvenile females at Minnesota correctional facility-Sauk Centre; requiring the department of corrections to submit an annual performance report; imposing criminal penalties for persons taking responsibility for criminal acts; providing for sanction conference procedures to dispose of technical violations of probation; providing a posttraumatic stress syndrome benefit; providing for recovery of damages when there is an unauthorized release of animals; privatizing the educational program at Minnesota correctional facility-Red Wing; making certain changes related to part-time peace officers; requiring policies and training and making certain other changes related to police pursuits; increasing the state's fiscal responsibility for certain persons prior to civil commitment; establishing requirements relating to out-of-home placements of juveniles; providing for state funding of certain programs and personnel; providing for state funding of court administration costs in specified judicial districts; establishing collective bargaining provisions for court employees; extending the sunset date for a juvenile records provision; requiring that the continued operation of the new Rush City prison beyond July 1, 2001, be specifically authorized by law; amending Minnesota Statutes 1998, sections 2.722, subdivision 1; 3.739, subdivision 1; 43A.02, subdivision 25; 43A.24, subdivision 2; 119A.26; 119A.28, subdivisions 2 and 3; 119A.29, subdivision 1; 119A.31, subdivision 3; 119A.32; 119A.33; 119A.34, subdivisions 3 and 4; 169.121, subdivisions 3, 3e, and by adding subdivisions; 169.129, subdivision 2; 179A.03, subdivisions 7, 14, 15, and by adding a subdivision; 179A.06, subdivision 2; 179A.10, subdivision 4; 179A.12, subdivision 4; 179A.22, subdivisions 2 and 3; 241.016; 242.192; 243.05, subdivision 1; 243.50; 244.052, subdivision 1, and by adding a subdivision; 244.19, subdivision 3a; 253B.185, by adding a subdivision; 253B.23, subdivisions 1 and 8; 256.01, subdivision 2; 256.486, subdivisions 1 and 2; 257.69, subdivision 2; 260.151, subdivision 3; 260.161, subdivision 1; 260.181, by adding a subdivision; 260.185, by adding a subdivision; 260.251, subdivisions 2 and 5; 260.56; 299C.65, subdivisions 2, 5, and by adding subdivisions; 340A.415; 340A.703; 346.56; 346.56; 466.01, subdivision 6; 480.181, subdivision 1; 484.64, subdivision 3; 484.65, subdivision 3; 485.018, subdivisions 2 and 6; 485.03; 485.27; 487.02, subdivision 2; 487.10, subdivision 4; 518.165, subdivision 3; 546.13; 546.44, subdivision 3; 563.01, subdivisions 2, 9, and 10; 609.035, subdivisions 1, 2, and by adding a subdivision; 609.135, subdivisions 1 and 2; 609.495, by adding a subdivision; 609.531, subdivision 1; 609.5315, by adding a subdivision; 611.33, subdivision 3; 626.5532, subdivision 1; 626.845, subdivision 1; 626.8462; 626.8463, subdivision 1; and 626.8465, subdivision 2; Laws 1997,

chapter 85, article 3, section 53; proposing coding for new law in Minnesota Statutes, chapters 179A; 241; 243; 244; 260; 299A; 299L; 401; 480; and 626; repealing Minnesota Statutes 1998, sections 119A.04, subdivision 5; 241.277; 256D.05, subdivisions 3 and 3a; 357.021, subdivision 2a; 401.02, subdivision 5; 563.01, subdivision 1; 609.113; 626.5532, subdivision 2; and 626.8463, subdivision 2; Laws 1997, chapter 238, section 4.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Broecker moved that the rule therein be suspended and an urgency be declared so that S. F. No. 2221 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Broecker moved that the rules of the House be so far suspended that S. F. No. 2221 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 2221 was read for the second time.

Broecker moved to amend S. F. No. 2221 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2404, the first engrossment:

"ARTICLE 1

APPROPRIATIONS

Section 1. [CRIMINAL JUSTICE APPROPRIATIONS.]

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another fund named, to the agencies and for the purposes specified in this act, to be available for the fiscal years indicated for each purpose. The figures "1999," "2000," and "2001," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1999, June 30, 2000, or June 30, 2001, respectively.

SUMMARY BY FUND

	1999	2000	2001	TOTAL
General	\$ 2,074,000	\$ 546,645,000	\$ 582,744,000	\$1,129,389,000
Special Revenue		8,625,000	8,876,000	17,501,000
State Government Special Revenue		7,000	7,000	14,000
Environmental		44,000	46,000	90,000
Trunk Highway		1,626,000	1,656,000	3,282,000
TOTAL	\$ 2,074,000	\$ 556,947,000	\$ 593,329,000	\$1,150,276,000

APPROPRIATIONS
Available for the Year
Ending June 30
2000 2001

Sec. 2. SUPREME COURT

Subdivision 1. Total Appropriation	\$ 24,808,000	\$ 25,131,000
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The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Supreme Court Operations

4,401,000	4,481,000
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\$14,000 the first year is for a judicial salary supplement.

\$5,000 the first year and \$5,000 the second year are for a contingent account for expenses necessary for the normal operation of the court for which no other reimbursement is provided.

When purchasing furniture or fixtures, the Supreme Court must consider purchasing furniture or fixtures that were made as part of an industrial and commercial activity authorized by Minnesota Statutes, section 241.27.

Subd. 3. Civil Legal Services

6,250,000	6,250,000
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This appropriation is for legal services to low-income clients and for family farm legal assistance under Minnesota Statutes, section 480.242. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium. A qualified legal services program, as defined in Minnesota Statutes, section 480.24, subdivision 3, may provide legal services to persons eligible for family farm legal assistance under Minnesota Statutes, section 480.242.

Of this appropriation, \$877,000 the first year and \$877,000 the second year are to improve the access of low-income clients to legal representation in family law matters. This appropriation must be distributed under Minnesota Statutes, section 480.242, to the qualified legal services programs described in Minnesota Statutes, section 480.242, subdivision 2, paragraph (a). Any unencumbered balance remaining in the first year does not cancel and is available for the second year of the biennium.

Subd. 4. State Court Administration

12,370,000	12,595,000
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\$1,500,000 the first year and \$1,500,000 the second year are for the expanded use of technology.

\$50,000 each year is for a grant writer.

APPROPRIATIONS
Available for the Year
Ending June 30
2000 2001

\$80,000 the second year is for state court takeover costs under article 6. This paragraph does not take effect unless an appropriation and offsetting state aids and fine transfers specified in the 1999 omnibus tax bill take effect in fiscal year 2001.

\$75,000 each year is transferred from the base amount to the Center for Crime Victim Services to operate the mediation programs for crime victims and offenders under Minnesota Statutes, section 611A.77.

The appropriation in Laws 1998, chapter 367, article 1, section 2, subdivision 4, for the parental cooperation task force is available until expended.

Subd. 5. Law Library Operations

1,787,000 1,805,000

Sec. 3. COURT OF APPEALS

6,527,000 6,647,000

\$29,000 the first year is for the judicial salary supplement.

Sec. 4. DISTRICT COURT

77,151,000 79,241,000

\$433,000 the first year is for the judicial salary supplement.

\$2,969,000 is for human resources enhancements, including one trial court judge unit each in the seventh, ninth, and tenth judicial districts beginning July 1, 1999; and two trial court judge units in the first judicial district and one trial court judge unit in the tenth judicial district beginning July 1, 2000. Each judge unit consists of a judge, court reporter, and law clerk. This appropriation also is to fund six new law clerk positions beginning on or after July 1, 1999. This appropriation shall be annualized for the 2000-2001 biennium.

\$200,000 each year is for judicial branch infrastructure. This appropriation is for:

- (1) the replacement of workstations and telephone systems;
- (2) the maintenance of equipment;
- (3) the purchase of online computer services;
- (4) employee development;
- (5) increased rent and moving expenses; and
- (6) increased staffing.

\$75,000 the first year and \$75,000 the second year are for guardian ad litem coordinators.

APPROPRIATIONS
Available for the Year
Ending June 30
2000 2001

\$225,000 the first year and \$200,000 the second year are for continued funding for the community courts in the second and fourth judicial districts. This funding shall be split equally between the two judicial districts. This is a one-time appropriation.

The second judicial district and fourth judicial district shall each report quarterly to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over criminal justice funding on:

- (1) how money appropriated for this initiative was spent; and
- (2) the cooperation of other criminal justice agencies and county units of government in the community courts' efforts.

The first report is due on October 1, 1999. None of this appropriation may be used for the purpose of complying with these reporting requirements.

The appropriation to operate a community court in the fourth judicial district is available only if the court is designed to focus on and give priority to property offenses and other misdemeanor-level offenses, excluding prostitution offenses, that affect the quality of life in urban neighborhoods. After the community court is fully operational, the district may expand the court to include misdemeanor-level prostitution offenses in addition to its existing caseload.

Sec. 5. BOARD ON JUDICIAL STANDARDS	235,000	241,000
Sec. 6. TAX COURT	664,000	680,000
Sec. 7. PUBLIC SAFETY		
Subdivision 1. Total Appropriation	42,344,000	36,729,000

Summary by Fund

	2000	2001
General	40,147,000	34,488,000
Special Revenue	520,000	532,000
Trunk Highway	1,626,000	1,656,000
Environmental	44,000	46,000
State Government Special Revenue	7,000	7,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Emergency Management

Summary by Fund

General	3,840,000	3,875,000
Environmental	44,000	46,000

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\$30,000 the first year and \$25,000 the second year are one-time appropriations to provide the bomb disposal reimbursements authorized by Minnesota Statutes, section 299C.063, subdivision 2. During each fiscal year, if requests for reimbursement exceed these appropriations, the commissioner shall pay the additional reimbursements from the base budget of the emergency management division, not to exceed \$50,000 in total reimbursements in each fiscal year.

The commissioner shall develop an implementation plan under which the division of emergency management makes bomb disposal and bio-hazard response services available to requesting local governments and agencies on a statewide basis. The statewide plan shall identify and establish a service delivery system that is based on regional needs and resources and through which the necessary services are provided in an efficient and cost-effective manner by state agencies, local municipalities, and private service providers. The commissioner shall submit the implementation plan to the chairs and ranking minority members of the senate and house committees with jurisdiction over criminal justice funding and policy by January 15, 2001.

Subd. 3. Criminal Apprehension

Summary by Fund

General	23,570,000	22,387,000
Special Revenue	520,000	532,000
State Government		
Special Revenue	7,000	7,000
Trunk Highway	1,626,000	1,656,000

\$5,500,000 the first year and \$3,500,000 the second year are for the criminal justice data network upgrade.

\$210,000 the first year and \$210,000 the second year are to be transferred to the commissioner of corrections for a statewide probation system component of the criminal justice information system. This appropriation must be included in the budget base for the 2002-2003 biennium.

\$99,000 the first year and \$99,000 the second year from the Bureau of Criminal Apprehension account in the special revenue fund are for grants to local officials for the cooperative investigation of cross-jurisdictional criminal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

\$421,000 the first year and \$433,000 the second year from the Bureau of Criminal Apprehension account in the special revenue fund are for laboratory activities.

\$500,000 the first year and \$55,000 the second year are for a lab information management system.

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The commissioner of public safety and the Minnesota safety council are directed to work with the commissioner of transportation and local governmental officials to develop a plan to implement the crosswalk safety law. By January 1, 2000, the commissioner shall report back to the chairs and ranking minority members of the house and senate committees with jurisdiction over public safety issues.

\$200,000 each year is a one-time appropriation for a grant to the center for reducing rural violence to continue the technical assistance and related rural violence prevention services the center offers to rural communities. This is a one-time appropriation.

\$30,000 the first year is to assist volunteer ambulance services, licensed under Minnesota Statutes, chapter 144E, in purchasing automatic external defibrillators. Ambulance services are eligible for a grant under this provision if they do not already possess an automatic external defibrillator and if they provide a 25 percent match in nonstate funds. This is a one-time appropriation.

The commissioner of public safety shall administer a program to distribute computer-controlled driving simulators to local or state law enforcement agencies or POST-certified skills programs selected by the commissioner of public safety.

Before any decisions are made on which law enforcement agencies will receive driving simulators, a committee consisting of a representative from the Minnesota chiefs of police association, a representative from the Minnesota sheriffs association, a representative from the state patrol, and a representative from the Minnesota police and peace officers association shall evaluate the applications. The commissioner shall consult with the committee concerning its evaluation and recommendations on distribution proposals prior to making a final decision on distribution.

Law enforcement agencies or POST-certified skills programs that receive a computer-controlled driving simulator under this section must:

- (1) provide necessary training to their employees in emergency vehicle operations and in the conduct of police pursuits;
- (2) provide a five-year plan for maintaining the hardware necessary to operate the driving simulators;
- (3) provide a five-year plan to update software necessary to operate the driving simulators;
- (4) provide a plan to make the driving simulators available at a reasonable cost and with reasonable availability to other law enforcement agencies to train their officers; and
- (5) provide an estimate of the availability of the driving simulators for use by other law enforcement agencies.

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By January 15, 2001, the commissioner shall report to the chairs and ranking minority members of the house and senate committees and divisions having jurisdiction over criminal justice matters on the driving simulators distributed under this section.

The commissioner of public safety shall administer a program to distribute tire deflators to local or state law enforcement agencies selected by the commissioner of public safety. The number of tire deflators distributed to each local or state law enforcement agency may not exceed the number of marked squad cars used by the agency.

Before any decisions are made on which law enforcement agencies will receive tire deflators, a committee consisting of a representative from the Minnesota chiefs of police association, a representative from the Minnesota sheriffs association, a representative from the state patrol, and a representative from the Minnesota police and peace officers association shall evaluate the applications. The commissioner shall consult with the committee concerning its evaluation and recommendations on distribution proposals prior to making a final decision on distribution.

Law enforcement agencies that receive tire deflators under this section must: (i) provide any necessary training to their employees concerning use of the tire deflators; and (ii) compile statistics on use of the tire deflators and the results, and report this information to the commissioner as required.

By January 15, 2001, the commissioner shall report to the chairs and ranking minority members of the house and senate committees and divisions having jurisdiction over criminal justice matters on the tire deflators distributed under this section.

Sec. 8. CRIME VICTIM SERVICES CENTER

Subdivision 1. Total Appropriation	13,381,000	31,576,000
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The director of the agency and the commissioner of human services shall, in consultation with affected parties, report by October 15, 1999, to the governor, the commissioner of finance, and appropriate legislative committee chairs on a complete plan and legislation necessary for implementation of the transfer of payments to battered women's shelters from the department to the agency effective July 1, 2000. The plan must not exceed funding appropriated for that purpose in fiscal year 2001 and shall assume funding at that same level for the following biennium. For purposes of this section, "agency" means the center for crime victim services.

Subd. 2. Crime Victim Reparations Board		
	2,129,000	2,140,000

\$50,000 the first year and \$45,000 the second year are for computer system enhancements.

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Subd. 3. Crime Victims Assistance

11,252,000 29,436,000

\$103,000 each year is for a grant under Minnesota Statutes, section 611A.32, to Cornerstone Advocacy Services, Inc.

\$103,000 each year is for a grant under Minnesota Statutes, section 611A.32, to the American Indian Community Housing Organization.

\$109,000 the second year is for the administration of the battered women's shelter per diem payments.

\$100,000 the first year and \$75,000 the second year are for the pilot project grant program to provide neighborhood-based services to crime victims and witnesses described in article 5.

\$263,000 the first year and \$361,000 the second year shall be used to award a grant for the residential program for women leaving prostitution described in article 5.

Sec. 9. CRIME VICTIM OMBUDSMAN 387,000 395,000

Sec. 10. BOARD OF PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES 136,000 141,000

Sec. 11. BOARD OF PEACE OFFICER STANDARDS AND TRAINING

Summary by Fund

Special Revenue		
Fund Total	4,371,000	4,401,000
General Fund Total	400,000	400,000

This appropriation is from the peace officers training account in the special revenue fund. Any receipts credited to the peace officer training account in the special revenue fund in the first year in excess of \$4,371,000 must be transferred and credited to the general fund. Any receipts credited to the peace officer training account in the special revenue fund in the second year in excess of \$4,401,000 must be transferred and credited to the general fund.

\$400,000 each year is appropriated from the general fund for reimbursement to local law enforcement agencies for the cost of providing training in emergency vehicle operations and police pursuit.

Sec. 12. BOARD OF PUBLIC DEFENSE

Subdivision 1. Total Appropriation 46,268,000 47,097,000

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For the biennium ending June 30, 2001, the commissioner of corrections may, with the approval of the commissioner of finance, transfer funds to or from salaries.

The commissioner of corrections may transfer discretionary funds within management services or community services to hire a housing coordinator for the affordable housing project.

Subd. 2. Correctional Institutions

Summary by Fund

General Fund	208,446,000	224,730,000
Special Revenue Fund	865,000	785,000

\$1,000,000 the first year and \$1,500,000 the second year are appropriated from the general fund, for the fiscal biennium ending June 30, 2001, for asset preservation and facility repair. This funding may be transferred between programs, to the extent it is used for the same purpose. The commissioner may use any other available funding for this purpose, to the extent it is not inconsistent with any other law.

\$950,000 the second year is for the expansion of the mental health and the infirmary units at Oak Park Heights.

During the biennium ending June 30, 2001, the commissioner may enter into contracts with private corporations or governmental units of the state of Minnesota to house adult offenders committed to the commissioner of corrections. Every effort shall be made to house individuals committed to the commissioner of corrections in Minnesota correctional facilities.

Subd. 3. Juvenile Services

14,821,000	15,119,000
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\$100,000 the first year and \$100,000 the second year are appropriated from the general fund for the fiscal biennium ending June 30, 2001, for asset preservation and facility repair. This funding may be transferred between programs, to the extent it is used for the same purpose. The commissioner may use any other available funding for this purpose, to the extent it is not inconsistent with any other law.

\$650,000 the first year and \$690,000 the second year are for juvenile female programs.

\$150,000 each year is to expand aftercare and transition services to youth who are under the supervision of the department of corrections.

\$70,000 each year is for an additional academic teacher at Minnesota Correctional Facility-Red Wing.

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\$1,500,000 each year is for grants to eligible counties to increase supervision of sex offenders who are on probation, intensive community supervision, supervised release, or intensive supervised release by means of caseload reduction. Grants may be awarded to counties only if they (1) participate in the Community Corrections Act and (2) employ probation officers who have specialized caseloads consisting only of sex offenders. The grants shall be used to reduce the number of offenders supervised by officers with specialized caseloads to an average of 35 offenders. This funding shall be distributed according to the community corrections aid formula contained in Minnesota Statutes, section 401.10, except that any money that is not allocated due to a particular county's ineligibility shall be redistributed to the other participating counties in proportion to their usual shares under the community corrections aid formula.

\$25,000 each year is for sex offender transitional programming.

\$500,000 each year is for increased funding for intensive community services.

\$500,000 each year is for increased bed capacity for work release offenders.

\$112,500 each year is for programming for adult female offenders.

The following amounts are appropriated as base-level funding for the statewide productive day initiative program defined in Minnesota Statutes, section 241.275:

\$725,000 to the Hennepin county community corrections agency;

\$725,000 to the Ramsey county community corrections agency;

\$938,000 to the Arrowhead regional community corrections agency;

\$642,000 to the Dodge-Fillmore-Olmsted community corrections agency;

\$353,000 to the Anoka county community corrections agency; and

\$277,000 to the tri-county community corrections agency.

\$100,000 the first year and \$100,000 the second year are to support institution work crews in the Sentencing to Service program.

\$200,000 the first year is for youth intervention programs established under Minnesota Statutes, section 268.30, subdivisions 1 and 2. Funding may be used to expand existing programs to serve unmet needs or to create new programs in underserved areas of the state. Up to three percent of the total appropriation for youth intervention programs may be spent on

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administration, training, and technical assistance. One percent of the total appropriation for youth intervention programs is for a grant to the Minnesota Youth Intervention Programs Association (YIPA) to provide collaborative training and technical assistance to community-based grantees of the program. This is a one-time appropriation.

\$125,000 each year is for the juvenile mentoring project. This is a one-time appropriation.

\$230,000 the first year is for grants related to restorative justice programs. The commissioner may make grants to fund new as well as existing programs. This is a one-time appropriation.

The money appropriated for restorative justice program grants under this subdivision may be used to fund the use of restorative justice in domestic abuse cases, except in cases where the restorative justice process that is used includes a meeting at which the offender and victim are both present at the same time. "Domestic abuse" has the meaning given in Minnesota Statutes, section 518B.01, subdivision 2.

Subd. 6. Management Services

Summary by Fund

General Fund	10,540,000	11,500,000
Special Revenue Fund	167,000	247,000

\$40,000 the first year and \$750,000 the second year are for technology improvements.

Sec. 14. SENTENCING GUIDELINES COMMISSION	471,000	486,000
Sec. 15. HUMAN RIGHTS	3,889,000	3,980,000
Sec. 16. UNIFORM LAWS COMMISSION	37,000	38,000
Sec. 17. ADMINISTRATION	500,000	. . . ,000

\$500,000 is appropriated from the general fund to the commissioner of administration to administer enforcement of Minnesota Statutes, section 16B.616 and for the purpose of making grants to places of public accommodation in hardship cases to assist them in achieving compliance with the bleacher safety requirements of section 16B.616. State grants are available when the commissioner of administration has determined matching funds in an amount equal to the grant have been committed. This is a one-time appropriation.

Sec. 18. ATTORNEY GENERAL	100,000	-0-
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\$100,000 the first year is for a grant to the Drug Abuse Resistance Education Advisory Council. This is a one-time appropriation.

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Sec. 19. AUTO THEFT PREVENTION BOARD	2,612,000	2,821,000
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This appropriation is from the automobile theft prevention account in the special revenue fund.

Of this appropriation, up to \$485,000 the first year and up to \$935,000 the second year are transferred to the commissioner of public safety for the purchase of computer-controlled driving simulators. Any amount not spent by the commissioner of public safety for this purpose shall be returned to the automobile theft prevention account in the special revenue fund and may be used for other automobile theft prevention activities.

Of this appropriation, \$250,000 the first year is transferred to the commissioner of public safety for the purchase and distribution of tire deflators to local or state law enforcement agencies.

Sec. 20. DEFICIENCY APPROPRIATION

Fiscal Year 1999

General	2,074,000
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\$2,074,000 is added to the appropriation in Laws 1997, chapter 239, article 1, section 7, subdivision 2, to provide matching funds for federal emergency management assistance funds received for natural disaster assistance payments.

Sec. 21. SUNSET OF UNCODIFIED LANGUAGE

All uncodified language contained in this article expires on June 30, 2001, unless a different expiration date is explicit.

ARTICLE 2

SENTENCING PROVISIONS

Section 1. Minnesota Statutes 1998, section 244.05, subdivision 4, is amended to read:

Subd. 4. [MINIMUM IMPRISONMENT, LIFE SENTENCE.] An inmate serving a mandatory life sentence under section 609.106 must not be given supervised release under this section. An inmate serving a mandatory life sentence under section 609.185, clause (1), (3), (5), or (6); ~~or 609.109, subdivision 2a;~~ or 609.1095, subdivision 3a, must not be given supervised release under this section without having served a minimum term of 30 years. An inmate serving a mandatory life sentence under section 609.385 must not be given supervised release under this section without having served a minimum term of imprisonment of 17 years.

Sec. 2. Minnesota Statutes 1998, section 244.05, subdivision 5, is amended to read:

Subd. 5. [SUPERVISED RELEASE, LIFE SENTENCE.] (a) The commissioner of corrections may, under rules promulgated by the commissioner, give supervised release to an inmate serving a mandatory life sentence under section 609.185, clause (1), (3), (5), or (6); 609.109, subdivision 2a; ~~609.1095, subdivision 3a;~~ or 609.385 after the inmate has served the minimum term of imprisonment specified in subdivision 4.

(b) The commissioner shall require the preparation of a community investigation report and shall consider the findings of the report when making a supervised release decision under this subdivision. The report shall reflect the sentiment of the various elements of the community toward the inmate, both at the time of the offense and at the present time. The report shall include the views of the sentencing judge, the prosecutor, any law enforcement personnel who may have been involved in the case, and any successors to these individuals who may have information relevant to the supervised release decision. The report shall also include the views of the victim and the victim's family unless the victim or the victim's family chooses not to participate.

(c) The commissioner shall make reasonable efforts to notify the victim, in advance, of the time and place of the inmate's supervised release review hearing. The victim has a right to submit an oral or written statement at the review hearing. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the inmate should be given supervised release at this time. The commissioner must consider the victim's statement when making the supervised release decision.

(d) As used in this subdivision, "victim" means the individual who suffered harm as a result of the inmate's crime or, if the individual is deceased, the deceased's surviving spouse or next of kin.

Sec. 3. Minnesota Statutes 1998, section 609.035, subdivision 1, is amended to read:

Subdivision 1. Except as provided in subdivisions 2, 3, ~~and 4~~, and 5, and in sections 609.251, 609.585, 609.21, subdivisions 3 and 4, 609.2691, 609.486, 609.494, and 609.856, if a person's conduct constitutes more than one offense under the laws of this state, the person may be punished for only one of the offenses and a conviction or acquittal of any one of them is a bar to prosecution for any other of them. All the offenses, if prosecuted, shall be included in one prosecution which shall be stated in separate counts.

Sec. 4. Minnesota Statutes 1998, section 609.035, subdivision 2, is amended to read:

Subd. 2. (a) When a person is being sentenced for a violation of a provision listed in paragraph (f), the court may sentence the person to a consecutive term of imprisonment for a violation of any other provision listed in paragraph (f), notwithstanding the fact that the offenses arose out of the same course of conduct, subject to the limitation on consecutive sentences contained in section 609.15, subdivision 2, and except as provided in paragraphs (b), (c), and (d) of this subdivision.

(b) When a person is being sentenced for a violation of section 169.129 the court may not impose a consecutive sentence for a violation of a provision of section 169.121, subdivision 1, or for a violation of a provision of section 171.20, 171.24, or 171.30.

(c) When a person is being sentenced for a violation of section 171.20, 171.24, or 171.30, the court may not impose a consecutive sentence for another violation of a provision in chapter 171.

(d) When a person is being sentenced for a violation of section 169.791 or 169.797, the court may not impose a consecutive sentence for another violation of a provision of sections 169.79 to 169.7995.

(e) This subdivision does not limit the authority of the court to impose consecutive sentences for crimes arising on different dates or to impose a consecutive sentence when a person is being sentenced for a crime and is also in violation of the conditions of a stayed or otherwise deferred sentence under section 609.135.

(f) This subdivision applies to misdemeanor and gross misdemeanor violations of the following if the offender has two or more prior impaired driving convictions as defined in section 169.121, subdivision 3:

(1) section 169.121, subdivision 1, driving while intoxicated;

(2) section 169.121, subdivision 1a, testing refusal;

- (3) section 169.129, aggravated driving while intoxicated;
- (4) section 169.791, failure to provide proof of insurance;
- (5) section 169.797, failure to provide vehicle insurance;
- (6) section 171.20, subdivision 2, operation after revocation, suspension, cancellation, or disqualification;
- (7) section 171.24, driving without valid license; and
- (8) section 171.30, violation of condition of limited license; ~~and~~
- (9) ~~section 609.487, fleeing a peace officer.~~

Sec. 5. Minnesota Statutes 1998, section 609.035, is amended by adding a subdivision to read:

Subd. 5. [EXCEPTION; FLEEING A PEACE OFFICER.] Notwithstanding subdivision 1, a prosecution or conviction for violating section 609.487 is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct. If an offender is punished for more than one crime as authorized by this subdivision and the court imposes consecutive sentences for the crimes, the consecutive sentences are not a departure from the sentencing guidelines.

Sec. 6. Minnesota Statutes 1998, section 609.1095, is amended by adding a subdivision to read:

Subd. 3a. [THIRD VIOLENT FELONY; LIFE SENTENCE.] (a) Unless a longer mandatory minimum sentence is otherwise provided by law, a person who is convicted of a violent crime that is a felony must be sentenced to imprisonment for life, notwithstanding the statutory maximum sentence otherwise applicable to the offense, if the court determines on the record at the time of sentencing that the person has two or more prior felony convictions for violent crimes. The court may waive the mandatory life imprisonment penalty and sentence the person as provided in subdivision 3 if the court finds, on the record, substantial and compelling mitigating reasons for doing so.

(b) For purposes of this subdivision, "violent crime" does not include a violation of section 152.023, 152.024, 609.165, 609.222, 609.223, 609.24, 609.245, 609.255, 609.562, 609.687, or 624.713.

Sec. 7. Minnesota Statutes 1998, section 609.3461, subdivision 1, is amended to read:

Subdivision 1. [UPON SENTENCING.] The court shall order an offender to provide a biological specimen for the purpose of DNA analysis as defined in section 299C.155 when:

(1) the court sentences a person charged with violating or attempting to violate ~~section 609.185, clause (2), 609.342, 609.343, 609.344, 609.345, or 617.23, subdivision 3, clause (2), who is convicted of violating one of those sections any of the following, and the person is convicted of that offense~~ or of any offense arising out of the same set of circumstances;:

(i) murder under section 609.185, 609.19, or 609.195;

(ii) manslaughter under section 609.20 or 609.205;

(iii) assault under section 609.221, 609.222, or 609.223;

(iv) robbery under section 609.24 or aggravated robbery under section 609.245;

(v) kidnapping under section 609.25;

(vi) false imprisonment under section 609.255;

(vii) criminal sexual conduct under section 609.342, 609.343, 609.344, or 609.345;

(viii) incest under section 609.365;

(ix) burglary under section 609.582, subdivision 1; or

(x) indecent exposure under section 617.23, subdivision 3, clause (2);

(2) the court sentences a person as a patterned sex offender under section 609.108; or

(3) the juvenile court adjudicates a person a delinquent child who is the subject of a delinquency petition for violating or attempting to violate ~~section 609.185, clause (2), 609.342, 609.343, 609.344, 609.345, or 617.23, subdivision 3, clause (2)~~ any of the following, and the delinquency adjudication is based on a violation of one of those sections or of any offense arising out of the same set of circumstances:

(i) murder under section 609.185, 609.19, or 609.195;

(ii) manslaughter under section 609.20 or 609.205;

(iii) assault under section 609.221, 609.222, or 609.223;

(iv) robbery under section 609.24 or aggravated robbery under section 609.245;

(v) kidnapping under section 609.25;

(vi) false imprisonment under section 609.255;

(vii) criminal sexual conduct under section 609.342, 609.343, 609.344, or 609.345;

(viii) incest under section 609.365;

(ix) burglary under section 609.582, subdivision 1; or

(x) indecent exposure under section 617.23, subdivision 3, clause (2).

The biological specimen or the results of the analysis shall be maintained by the bureau of criminal apprehension as provided in section 299C.155.

Sec. 8. Minnesota Statutes 1998, section 609.3461, subdivision 2, is amended to read:

Subd. 2. [BEFORE RELEASE.] ~~If a person convicted of violating or attempting to violate section 609.185, clause (2), 609.342, 609.343, 609.344, 609.345, or 617.23, subdivision 3, clause (2), or initially charged with violating one of those sections and convicted of another offense arising out of the same set of circumstances, or sentenced as a patterned sex offender under section 609.108, and committed to the custody of the commissioner of corrections, or serving a term of imprisonment in this state under a reciprocal agreement although convicted in another state of an offense described in this subdivision or a similar law of the United States or any other state, has not provided a biological specimen for the purpose of DNA analysis, The commissioner of corrections or local corrections authority shall order the a person to provide a biological specimen for the purpose of DNA analysis before completion of the person's term of imprisonment: when the person has not provided a biological specimen for the purpose of DNA analysis and the person:~~

(1) was convicted of violating or attempting to violate any of the following or initially charged with violating one of the following sections and convicted of another offense arising out of the same set of circumstances:

- (i) murder under section 609.185, 609.19, or 609.195;
- (ii) manslaughter under section 609.20 or 609.205;
- (iii) assault under section 609.221, 609.222, or 609.223;
- (iv) robbery under section 609.24 or aggravated robbery under section 609.245;
- (v) kidnapping under section 609.25;
- (vi) false imprisonment under section 609.255;
- (vii) criminal sexual conduct under section 609.342, 609.343, 609.344, or 609.345;
- (viii) incest under section 609.365;
- (ix) burglary under section 609.582, subdivision 1; or
- (x) indecent exposure under section 617.23, subdivision 3, clause (2); or

(2) was sentenced as a patterned sex offender under section 609.108, and committed to the custody of the commissioner of corrections; or

(3) is serving a term of imprisonment in this state under a reciprocal agreement although convicted in another state of an offense described in this subdivision or a similar law of the United States or any other state. The commissioner of corrections or local corrections authority shall forward the sample to the bureau of criminal apprehension.

Sec. 9. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall renumber Minnesota Statutes 1998, section 609.3461, as section 609.117.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 6 are effective August 1, 1999, and apply to crimes committed on or after that date. The court shall consider convictions occurring before August 1, 1999, as prior convictions in sentencing offenders under sections 1, 2, and 6.

Sections 7 to 9 are effective July 1, 2000, and apply to offenders sentenced or released on or after that date.

ARTICLE 3

PUBLIC SAFETY

Section 1. [12.38] [AID FOR EXTRAORDINARY LOCAL DISASTER EXPENSES.]

(a) A political subdivision as defined in section 12.03, subdivision 9, that meets the eligibility requirements of this subdivision may be considered for state aid for necessary extraordinary expenses incurred or to be incurred because of a natural or other disaster defined in section 12.03, subdivision 2.

(b) The eligibility requirements are:

(1) the governor must declare that the disaster is subject to this section;

(2) the political subdivision or part of it must be within the area of the governor's declaration;

(3) the expenses must be necessitated by the disaster referred to in the declaration and spent for that disaster's effect within the declared disaster area that is within the political subdivision;

(4) the expenses must be for effects arising during a defined period of time or in a defined incident referred to in the governor's declaration;

(5) the expenses must not be eligible for federal disaster assistance, of any kind, if any;

(6) extraordinary expenses, unreimbursed from any other source, must exceed five percent of the gross tax levy of the political subdivision for the political subdivision's tax year in which the eligible expenses are incurred or to be incurred; and

(7) the expenses must be for a public purpose.

Sec. 2. [ASSISTANCE FOR DISASTERS AND EXTRAORDINARY EXPENSES.]

Subdivision 1. [STUDY.] The commissioners of public safety and finance shall establish a work group to study the issues of disasters and extraordinary emergency expenses caused by natural or other disasters. The study shall make findings and recommendations that address the following:

(a) situations that meet the definition of a disaster or an extraordinary expense that may include:

(1) federal, state, or local disaster declarations;

(2) the events that trigger extraordinary emergency expenses; and

(3) the process of determining extraordinary costs;

(b) eligible recipients for assistance that may include:

(1) state agencies;

(2) counties;

(3) political subdivisions;

(4) individuals;

(5) businesses; and

(6) private nonprofits;

(c) propose appropriate types of funding and funding sources to provide assistance in the situations identified in paragraph (1);

(d) identify measures to prevent or reduce the costs of disasters and extraordinary emergency expenses that may include:

(1) increasing the capability of local entities to respond;

(2) hazard mitigation; and

(3) a cost-benefit analysis of the measures proposed.

Subd. 2. [MEMBERSHIP.] The commissioners shall seek participation in the work group from representatives of the following groups:

- (1) Association of Minnesota Counties;
- (2) League of Minnesota Cities;
- (3) Minnesota Townships Association;
- (4) Association of Minnesota Emergency Managers; and
- (5) Metropolitan Emergency Managers Association.

The commissioners may appoint other members as they deem necessary.

Subd. 3. [REPORT.] By October 1, 1999, the commissioners shall submit their report containing specific findings and recommendations to the chairs and ranking minority members of the house judiciary finance committee, the house transportation finance committee, the senate crime prevention and judicial budget division and the senate transportation budget division.

Sec. 3. Minnesota Statutes 1998, section 119A.26, is amended to read:

119A.26 [OFFICE OF DRUG POLICY AND VIOLENCE PREVENTION.]

Subdivision 1. [~~OFFICE; ASSISTANT COMMISSIONER.~~] The office of drug policy and violence prevention is an office in the department of ~~children, families, and learning~~ public safety, headed by an ~~assistant commissioner appointed by the commissioner to serve in the unclassified service.~~ The ~~assistant~~ commissioner may appoint other employees. The ~~assistant~~ commissioner shall coordinate the violence prevention activities and the prevention and supply reduction activities of state and local agencies and ~~provide one professional staff member to assist on a full-time basis the work of the chemical abuse prevention resource council~~ use the resources of the office to conduct activities related to crime prevention and enforcement as deemed necessary.

Subd. 2. [DUTIES.] (a) The ~~assistant~~ commissioner shall:

(1) gather, develop, and make available throughout the state information and educational materials on preventing and reducing violence in the family and in the community, both directly and by serving as a clearinghouse for information and educational materials from schools, state and local agencies, community service providers, and local organizations;

(2) foster collaboration among schools, state and local agencies, community service providers, and local organizations that assist in violence intervention or prevention;

(3) assist schools, state and local agencies, service providers, and organizations, on request, with training and other programs designed to educate individuals about violence and reinforce values that contribute to ending violence;

(4) after consulting with all state agencies involved in preventing or reducing violence within the family or community, develop a statewide strategy for preventing and reducing violence that encompasses the efforts of those agencies and takes into account all money available for preventing or reducing violence from any source;

(5) submit the strategy to the governor by January 15 of each calendar year, along with a summary of activities occurring during the previous year to prevent or reduce violence experienced by children, young people, and their families; ~~and~~

(6) assist appropriate professional and occupational organizations, including organizations of law enforcement officers, prosecutors, and educators, in developing and operating informational and training programs to improve the effectiveness of activities to prevent or reduce violence within the family or community; and

(7) take other actions deemed necessary to reduce the incidence of crime.

The commissioner also may, through this program, support activities and strategies of the criminal gang council and strike force as specified in sections 299A.64, 299A.65, and 299A.66.

(b) The ~~assistant~~ commissioner shall gather and make available information on prevention and supply reduction activities throughout the state, foster cooperation among involved state and local agencies, and assist agencies and public officials in training and other programs designed to improve the effectiveness of prevention and supply reduction activities.

(c) The ~~assistant~~ commissioner shall coordinate the distribution of funds received by the state of Minnesota through the federal Anti-Drug Abuse Act. The ~~assistant~~ commissioner shall ~~recommend to the commissioner~~ determine recipients of grants under sections 119A.30 and 299A.33, after consultation with the chemical abuse prevention resource council.

(d) The ~~assistant~~ commissioner shall:

(1) after consultation with all state agencies involved in prevention or supply reduction activities, develop a state chemical abuse and dependency strategy encompassing the efforts of those agencies and taking into account all money available for prevention and supply reduction activities, from any source;

(2) submit the strategy to the governor by January 15 of each year, along with a summary of prevention and supply reduction activities during the preceding calendar year;

(3) assist appropriate professional and occupational organizations, including organizations of law enforcement officers, prosecutors, and educators, in developing and operating informational and training programs to improve the effectiveness of prevention and supply reduction activities;

(4) provide information, including information on drug trends, and assistance to state and local agencies, both directly and by functioning as a clearinghouse for information from other agencies;

(5) facilitate cooperation among drug program agencies; and

(6) in coordination with the chemical abuse prevention resource council, review, approve, and coordinate the administration of prevention, criminal justice, and treatment grants.

Sec. 4. Minnesota Statutes 1998, section 119A.28, subdivision 2, is amended to read:

Subd. 2. [SPECIFIC DUTIES AND RESPONSIBILITIES.] In furtherance of the general purpose specified in subdivision 1, the council shall:

(1) assist state agencies in the coordination of drug policies and programs and in the provision of services to other units of government, communities, and citizens;

(2) promote among state agencies policies to achieve uniformity in state and federal grant programs and to streamline those programs;

(3) oversee comprehensive data collection and research and evaluation of alcohol and drug program activities;

(4) seek the advice and counsel of appropriate interest groups and advise the ~~assistant~~ commissioner of ~~the office of drug policy and violence prevention~~ public safety;

(5) seek additional private funding for community-based programs and research and evaluation;

(6) evaluate whether law enforcement narcotics task forces should be reduced in number and increased in geographic size, and whether new sources of funding are available for the task forces;

(7) continue to promote clarity of roles among federal, state, and local law enforcement activities; and

(8) establish criteria to evaluate law enforcement drug programs.

Sec. 5. Minnesota Statutes 1998, section 119A.28, subdivision 3, is amended to read:

Subd. 3. [GRANT PROGRAMS.] The council shall, in coordination with the ~~assistant~~ commissioner of ~~the office of drug policy and violence prevention~~, review and approve state agency plans regarding the use of federal funds for programs to reduce chemical abuse or reduce the supply of controlled substances. The appropriate state agencies would have responsibility for management of state and federal drug grant programs.

Sec. 6. Minnesota Statutes 1998, section 119A.29, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT; REQUIREMENTS.] The commissioner of ~~children, families, and learning~~ public safety may establish pilot projects at neighborhood centers serving youths between the ages of 11 to 21. The centers may offer recreational activities, social services, meals, job skills and career services, and provide referrals for youths to other available services outside the centers. The commissioner may consult with other appropriate agencies and, to the extent possible, use existing resources and staff in creating the programs. The commissioner shall ensure that the programs, if offered, are adequately staffed by specially trained personnel and outreach street workers. Each center may integrate community volunteers into the program's activities and services and cooperate with local law enforcement agencies. The centers must be open during hours convenient to youths including evenings, weekends, and extended summer hours. However, there may not be any conflicts with truancy laws. Each center must have a plan for evaluation designed to measure the program's effectiveness in aiding youths.

Sec. 7. Minnesota Statutes 1998, section 119A.32, is amended to read:

119A.32 [OTHER DUTIES.]

The ~~assistant~~ commissioner ~~assigned to the office of drug policy and violence prevention~~ of public safety, in consultation with the chemical abuse and violence prevention council, shall:

(1) provide information and assistance upon request to school preassessment teams established under section 121A.26 and school and community advisory teams established under section 121A.27;

(2) provide information and assistance upon request to the state board of pharmacy with respect to the board's enforcement of chapter 152;

(3) cooperate with and provide information and assistance upon request to the alcohol and other drug abuse section in the department of human services;

(4) ~~assist in coordinating~~ coordinate the policy of the office with that of the narcotic enforcement unit in the bureau of criminal apprehension; and

(5) coordinate the activities of the regional drug task forces, provide assistance and information to them upon request, and assist in the formation of task forces in areas of the state in which no task force operates.

Sec. 8. Minnesota Statutes 1998, section 119A.33, is amended to read:

119A.33 [COOPERATION OF OTHER AGENCIES.]

State agencies, and agencies and governing bodies of political subdivisions, shall cooperate with the ~~assistant commissioner assigned to the office of drug policy~~ commissioner of public safety and shall provide any public information requested by the ~~assistant commissioner assigned to the office of drug policy~~.

Sec. 9. Minnesota Statutes 1998, section 119A.34, subdivision 3, is amended to read:

Subd. 3. [GRANTS FOR DEMONSTRATION PROGRAM.] The ~~assistant commissioner of the office of drug policy~~ public safety may award a grant to a county, multicounty organization, or city, as described in subdivision 1, for establishing and operating a multidisciplinary chemical abuse prevention team. The ~~assistant commissioner~~ may approve up to five applications for grants under this subdivision. The grant funds must be used to establish a multidisciplinary chemical abuse prevention team to carry out the duties in subdivision 2.

Sec. 10. Minnesota Statutes 1998, section 119A.34, subdivision 4, is amended to read:

Subd. 4. [~~ASSISTANT COMMISSIONER; ADMINISTRATION OF GRANTS.~~] The ~~assistant commissioner~~ shall develop a process for administering grants under subdivision 3. The process must be compatible with the community grant program under the Drug Free Schools and Communities Act, Public Law Number 100-690. The process for administering the grants must include establishing criteria the ~~assistant commissioner~~ shall apply in awarding grants. The ~~assistant commissioner~~ shall issue requests for proposals for grants under subdivision 3. The request must be designed to obtain detailed information about the applicant and other information the ~~assistant commissioner~~ considers necessary to evaluate and select a grant recipient. The applicant shall submit a proposal for a grant on a form and in a manner prescribed by the ~~assistant commissioner~~. The ~~assistant commissioner~~ shall award grants under this section so that 50 percent of the funds appropriated for the grants go to the metropolitan area comprised of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties, and 50 percent of the funds go to the area outside the metropolitan area. The process for administering the grants must also include procedures for monitoring the recipients' use of grant funds and reporting requirements for grant recipients.

Sec. 11. Minnesota Statutes 1998, section 168A.40, subdivision 2, is amended to read:

Subd. 2. [PROGRAM DUTIES.] The automobile theft prevention board shall:

(1) develop and sponsor the implementation of statewide plans, programs, and strategies to combat automobile theft, improve the administration of the automobile theft laws, and provide a forum for identification of critical problems for those persons dealing with automobile theft;

(2) coordinate the development, adoption, and implementation of plans, programs, and strategies relating to interagency and intergovernmental cooperation with respect to automobile theft enforcement;

(3) audit at its own discretion the plans and programs that it has funded in whole or in part to evaluate the effectiveness of the plans and programs and withdraw funding should the board determine that a plan or program is ineffective or is no longer in need of further financial support from the fund;

(4) develop a plan of operation including an assessment of the scope of the problem of automobile theft, including areas of the state where the problem is greatest; an analysis of various methods of combating the problem of automobile theft; a plan for providing financial support to combat automobile theft; a plan for eliminating car hijacking; and an estimate of the funds required to implement the plan; and

(5) distribute money from the automobile theft prevention special revenue account for automobile theft prevention activities, including:

(i) paying the administrative costs of the board;

(ii) providing financial support to the state patrol and local law enforcement agencies for automobile theft enforcement teams;

(iii) providing financial support to state or local law enforcement agencies for programs designed to reduce the incidence of automobile theft and for improved equipment and techniques for responding to automobile thefts;

(iv) providing financial support to local prosecutors for programs designed to reduce the incidence of automobile theft;

(v) providing financial support to judicial agencies for programs designed to reduce the incidence of automobile theft;

(vi) providing financial support for neighborhood or community organizations or business organizations for programs designed to reduce the incidence of automobile theft;

(vii) providing financial support for automobile theft educational and training programs for state and local law enforcement officials, driver and vehicle services exam and inspections staff, and members of the judiciary; and

(viii) conducting educational programs designed to inform automobile owners of methods of preventing automobile theft and to provide equipment, for experimental purposes, to enable automobile owners to prevent automobile theft.

By January 15 of each year, the board shall report to the governor and legislature on its activities and expenditures in the preceding year.

Sec. 12. [299A.015] [TRANSFER FROM OTHER AGENCY; CHILDREN, FAMILIES, AND LEARNING.]

The powers and duties of the department of children, families, and learning with respect to the office of drug policy and violence prevention and community advisory violence prevention council under Minnesota Statutes 1998, sections 119A.25, 119A.26, 119A.27, 119A.28, 119A.29, 119A.32, 119A.33, and 119A.34, are transferred to the department of public safety under Minnesota Statutes, section 15.039.

Sec. 13. [299A.67] [DEMONSTRATION GRANT PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] A demonstration grant program is established under the commissioner of public safety to assist the city of Minneapolis or Hennepin county to implement a coordinated criminal justice system response to the CODEFOR (Computer Optimized Development-Focus On Results) law enforcement strategy. The commissioner shall act as the fiscal agent for the grant program and shall be responsible for receiving applications for grants and awarding grants under this section.

Subd. 2. [APPLICATION FOR GRANT.] The city of Minneapolis, Hennepin county, or the state board of public defense may apply for a grant under this section by submitting an application to the commissioner on a form prescribed by the commissioner. The applicant must:

(1) identify the increased need for human and other resources needed by the city or the county to implement its response to the CODEFOR strategy;

(2) describe the amount of funding needed to meet the projected increase in workloads under CODEFOR; and

(3) include the city or county plan for use of the grant funds.

Sec. 14. Minnesota Statutes 1998, section 299C.063, subdivision 2, is amended to read:

Subd. 2. [EXPENSE REIMBURSEMENT.] The commissioner may reimburse bomb disposal units for reasonable expenses incurred to dispose of or neutralize bombs or other similar hazardous explosives for their employer-municipality or for another municipality outside the jurisdiction of the employer-municipality but within the state. ~~Reimbursement is limited to the extent of appropriated funds.~~

Sec. 15. Minnesota Statutes 1998, section 299C.65, subdivision 2, is amended to read:

Subd. 2. [REPORT, TASK FORCE.] The policy group shall file an annual report with the governor, supreme court, and legislature by December 1 of each even-numbered year.

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

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

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

Sec. 16. Minnesota Statutes 1998, section 299C.65, subdivision 5, is amended to read:

Subd. 5. [REVIEW OF FUNDING REQUEST AND GRANT REQUESTS.] (a) The criminal and juvenile justice information policy group shall review the funding requests for criminal justice information systems from state, county, and municipal government agencies. The policy group shall review the requests for compatibility to statewide criminal justice information systems. The review shall be forwarded to the chairs of the house judiciary committee and judiciary finance division, and the chairs of the senate crime prevention committee and crime prevention and judiciary finance division.

(b) The policy group shall also review funding requests for criminal justice information systems grants to be made by the commissioner of public safety as provided in this section. Within the limits of available appropriations, the commissioner of public safety shall make grants for projects that have been approved by the policy group.

(c) If a funding request is for development of a comprehensive criminal justice information integration plan, the policy group shall ensure that the request contains the components specified in subdivision 6. If a funding request is for implementation of a plan or other criminal justice information systems project, the policy group shall ensure that:

- (1) the government agency has adopted a comprehensive plan that complies with subdivision 6;
- (2) the request contains the components specified in subdivision 7; and
- (3) the request demonstrates that it is consistent with the government agency's comprehensive plan.

Sec. 17. Minnesota Statutes 1998, section 299C.65, is amended by adding a subdivision to read:

Subd. 6. [DEVELOPMENT OF INTEGRATION PLAN.] (a) If a funding request is for funds to develop a comprehensive criminal justice information integration plan to integrate all systems within a jurisdiction, the requesting agency must submit to the policy group a request that contains the following components:

- (1) the vision, mission, goals, objectives, and scope of the integration plan;
- (2) a statement of need identifying problems, inefficiencies, gaps, overlaps, and barriers within the requesting agency's jurisdiction, including those related to current systems and interfaces, business practices, policies, laws, and rules;
- (3) a list of agency heads and staff who will direct the effort and a statement demonstrating collaboration among all of the agencies involved;
- (4) a statement of how the integration plan would integrate all systems within the six major business functions of the criminal justice community, including incident reporting, investigation, arrest, detention, adjudication, and disposition, including postsentence supervision and treatment, and related civil, family, and human services proceedings, processes, and services;
- (5) a statement demonstrating that the requesting agency has consulted with individuals involved in day-to-day business practices, use, and operation of current criminal justice information systems so as to identify barriers and gaps;
- (6) a planning methodology that results in at least the following deliverables:
 - (i) proposed adjustments to the state's criminal justice data model, including data policy problems and proposed changes;

(ii) a function and process model that includes business process improvement and redesign opportunities, prioritized business change objectives, and short-term opportunities for improvement that can be pursued immediately while developing and implementing the long-range integration plan;

(iii) a technology model that includes network, communication, and security standards and guidelines;

(iv) an application architecture;

(v) a complete gap analysis that includes identification of gaps, omissions, and redundancies in the collection and dissemination of criminal justice information in the requesting agency's jurisdiction;

(vi) an assessment of current and alternative directions for business practices, applications, and technology, ranging from simple modifications to complete redesign;

(vii) a business process redesign model, showing existing and redesigned process and process vision, future performance targets, design principles, new process flow, and benefits; and

(viii) a long-range integration plan that includes time frames for the retirement, renewal, or redevelopment of systems and applications identified in clauses (i) to (vii) along with justification based on age, business processes not supported, and data deficiencies;

(7) projected timelines for developing and implementing the plan;

(8) a preliminary evaluation and discussion of candidate solutions and outcomes;

(9) an estimate of the resources needed to develop, implement, operate, and maintain the integration plan and resulting systems, including, but not limited to, financial, personnel, technology, and training resources;

(10) a statement that the final integration plan will contain all the components in this subdivision in final form rather than as estimates or projections;

(11) an identification of how the applicant will satisfy the match requirements of subdivision 8; and

(12) any other matters the policy group deems necessary for successful development or implementation of the integration plan and resulting systems.

(b) An agency may submit an interim integration plan to the policy group if it identifies high priority integration tasks during the development of the integration plan. The interim plan shall identify the tasks and the business case for completing these tasks in advance of completing the entire plan.

Sec. 18. Minnesota Statutes 1998, section 299C.65, is amended by adding a subdivision to read:

Subd. 7. [IMPLEMENTATION OF INTEGRATION PLAN.] If the request is for funds to implement an integration plan, the requesting agency must submit the following to the policy group:

(1) an integration plan containing the components described in subdivision 6;

(2) a description of how implementation of the integration plan will improve operation of the criminal justice system in the requesting agency's jurisdiction;

(3) an identification of how the applicant will satisfy the match requirement in subdivision 8; and

(4) a means for evaluating outcomes of the plan's implementation.

Sec. 19. Minnesota Statutes 1998, section 299C.65, is amended by adding a subdivision to read:

Subd. 8. [LOCAL MATCH.] The policy group may approve grants only if the applicant provides matching funds to pay one-half of the costs of developing or implementing the integration plan. The policy group shall adopt policies concerning the use of in-kind resources to satisfy a portion of the match requirement and the sources from which matching funds may be obtained.

Sec. 20. Minnesota Statutes 1998, section 299C.65, is amended by adding a subdivision to read:

Subd. 9. [DOCUMENTATION AND REPORTING REQUIREMENTS.] Every recipient of matching funds to develop or implement an integration plan shall submit to the policy group all requested documentation, including final plans and a report evaluating whether and how the development or implementation of the integration plan improved the operation of the criminal justice system in the requesting agency's jurisdiction. The policy group shall establish the recipient's reporting dates at the time funds are awarded.

Sec. 21. [477A.055] [CRIMINAL JUSTICE INFORMATION SYSTEM IMPROVEMENT AID.]

Criminal justice system improvement aid is intended to provide for increased efficiency in the criminal justice system by encouraging the development of integrated criminal justice information systems. The commissioner of public safety shall make grants for projects approved by the criminal and juvenile justice information policy group as provided in section 299C.65.

Sec. 22. Minnesota Statutes 1998, section 626.5532, is amended to read:

626.5532 [PURSUIT OF FLEEING SUSPECTS BY PEACE OFFICERS; REPORTS.]

~~Subdivision 1. [REPORTS.]~~ If a peace officer pursues a fleeing suspect, the officer's department head must file a notice of the incident with the commissioner of public safety within 30 days following the pursuit. A pursuit must be reported under this section if it is a pursuit by a peace officer of a motor vehicle being operated in violation of section 609.487. The notice must contain information concerning the reason for and circumstances surrounding the pursuit, including the alleged offense, the length of the pursuit in distance and time, the outcome of the pursuit, any charges filed against the suspect as a result of the pursuit, injuries and property damage resulting from the pursuit, and other information deemed relevant by the commissioner.

~~Subd. 2. [LOCAL GOVERNMENTS TO ADOPT PROCEDURES AND TRAINING REQUIREMENTS.]~~ Each political subdivision and state law enforcement agency that employs persons licensed by the peace officer standards and training board under section 626.845 must establish written procedures to govern the conduct of peace officers who are in pursuit of a vehicle being operated in violation of section 609.487, and requirements for the training of peace officers in conducting pursuits. The procedures must state how peace officers will provide assistance to a person injured during the course of a pursuit. A political subdivision or agency that does not establish procedures and requirements by October 1, 1989, is subject to licensing sanctions of the peace officer standards and training board.

Sec. 23. Minnesota Statutes 1998, section 626.845, subdivision 1, is amended to read:

Subdivision 1. [POWERS AND DUTIES.] The board shall have the following powers and duties:

(a) To certify peace officers' training schools or programs administered by state, county and municipalities located within this state in whole or in part no later than 90 days after receipt of an application for certification. The reasons for noncertification of any school or program or part thereof shall be transmitted to the school within 90 days and shall contain a detailed explanation of the reasons for which the school or program was disapproved and an explanation of what supporting material or other requirements are necessary for the board to reconsider. Disapproval of a school or program shall not preclude the reapplication for certification of the school or program;

(b) To issue certificates to schools, and to revoke such certification when necessary to maintain the objectives and purposes of sections 626.841 to 626.863;

(c) To certify, as qualified, instructors at peace officer training schools, and to issue appropriate certificates to such instructors;

(d) To license peace officers who have satisfactorily completed certified basic training programs, and passed examinations as required by the board;

(e) To cause studies and surveys to be made relating to the establishment, operation, and approval of state, county, and municipal peace officer training schools;

(f) To consult and cooperate with state, county, and municipal peace officer training schools for the development of in-service training programs for peace officers;

(g) To consult and cooperate with universities, colleges, and technical colleges for the development of specialized courses of instruction and study in the state for peace officers and part-time peace officers in police science and police administration;

(h) To consult and cooperate with other departments and agencies of the state and federal government concerned with peace officer standards and training;

(i) To perform such other acts as may be necessary and appropriate to carry out the powers and duties as set forth in the provisions of sections 626.841 to 626.863;

(j) To coordinate the provision, on a regional basis, of skills oriented basic training courses to graduates of certified law enforcement training schools or programs;

(k) To obtain criminal conviction data for persons seeking a license to be issued or possessing a license issued by the board. The board shall have authority to obtain criminal conviction data to the full extent that any other law enforcement agency, as that term is defined by state or federal law, has to obtain the data;

(l) To prepare and transmit annually to the governor a report of its activities with respect to allocation of moneys appropriated to it for peace officers training, including the name and address of each recipient of money for that purpose, the amount awarded, and the purpose of the award; and

(m) To assist and cooperate with any political subdivision or state law enforcement agency which employs persons licensed by the board to establish written procedures for the investigation and resolution of allegations of misconduct of persons licensed by the board, and to enforce licensing sanctions for failure to implement such procedures; ~~and~~

~~(n) To assist and cooperate with political subdivisions and state law enforcement agencies that employ persons licensed by the board in establishing written procedures to govern the conduct of peace officers who are in pursuit of a vehicle in violation of section 609.487, and requirements for the training of peace officers in conducting pursuits. The board may impose licensing sanctions for failure to establish pursuit procedures and training requirements by October 1, 1989.~~

In addition, the board may maintain data received from law enforcement agencies under section 626.87, subdivision 5, provide the data to requesting law enforcement agencies who are conducting background investigations, and maintain data on applicants and licensees as part of peace officer license data. The data that may be maintained include the name of the law enforcement agency conducting the investigation and data on the candidate provided under section 626.87, subdivision 5, clauses (1) and (2).

Sec. 24. [626.8458] [VEHICLE PURSUITS; POLICIES AND INSTRUCTION REQUIRED.]

Subdivision 1. [PURPOSE.] The legislature finds that emergency vehicle operations are an integral part of law enforcement's commitment to public safety. Law enforcement agencies shall make reasonable efforts to guide their officers in the safe and responsible performance of their emergency response duties. Although laws and rules provide the foundation for the conduct of law enforcement officers, continuous and effective training is essential to ensure proper law enforcement action during emergency vehicle operations, including police pursuits. This training must be designed to give officers both skills and decision-making ability so that emergency vehicle operations can be resolved safely and successfully.

Subd. 2. [STATEWIDE MODEL POLICY.] (a) By July 1, 1999, the board shall adopt a new or revised model policy governing the conduct of peace officers who are in pursuit of a vehicle being operated in violation of section 609.487. In order to assist peace officers in responding to the complex and unpredictable factors associated with police pursuits, the model policy shall, at a minimum, contain the following components:

(1) a statement describing the philosophy of the model policy. This philosophy must state that the safety of all persons involved in or by a police pursuit is of primary importance. It also must balance the risks of the pursuit to the public and peace officers with the consequences of failing to pursue;

(2) the factors to be considered in initiating and terminating a pursuit, and the standards for evaluating the need to initiate or terminate a pursuit;

(3) the procedures, tactics, and technologies used during pursuits;

(4) the various responsibilities of the pursuing officers, the officer supervising the pursuit, the dispatcher, and air support;

(5) the procedures governing interjurisdictional pursuits;

(6) the procedures governing care of any persons injured in the course of the pursuit;

(7) the contents of pursuit reports filed under section 626.5532; and

(8) the procedures used to evaluate each pursuit.

(b) The board shall review and, as necessary, revise the model pursuit policy in collaboration with the Minnesota chiefs of police association, the Minnesota sheriffs association, the Minnesota police and peace officers association, a representative from the state patrol, and other interested law enforcement industry groups.

Subd. 3. [AGENCY POLICIES REQUIRED.] (a) The chief law enforcement officer of every state and local law enforcement agency must establish and enforce a written policy governing the conduct of peace officers employed by the agency who are in pursuit of a vehicle being operated in violation of section 609.487. The policy must, at a minimum, comply with the requirements of any new or revised model pursuit policy adopted by the board under subdivision 2 and must take into account any pursuit vehicle technology that is available to the agency.

(b) Every state and local law enforcement agency must certify annually to the board that it has adopted a written policy in compliance with the board's model pursuit policy.

(c) The board shall assist the chief law enforcement officer of each state and local law enforcement agency in developing and implementing pursuit policies under this subdivision.

Subd. 4. [PRESERVICE TRAINING IN POLICE PURSUITS REQUIRED.] (a) The board shall prepare learning objectives for instructing peace officers in emergency vehicle operations and in the conduct of police pursuits. The course shall consist of at least seven hours of classroom and skills-based training.

(b) An individual is not eligible to take the peace officer licensing examination on or after July 1, 2000, unless the individual has received the training described in paragraph (a).

Subd. 5. [IN-SERVICE TRAINING IN POLICE PURSUITS REQUIRED.] The chief law enforcement officer of every state and local law enforcement agency shall provide in-service training in emergency vehicle operations and in the conduct of police pursuits to every peace officer and part-time peace officer employed by the agency. The training shall comply with learning objectives developed and approved by the board and shall consist of at least eight hours of classroom and skills-based training every two years.

Subd. 6. [LICENSING SANCTIONS; INJUNCTIVE RELIEF.] The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section.

Sec. 25. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall renumber each section of Minnesota Statutes listed in column A with the number listed in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

<u>Column A</u>	<u>Column B</u>
<u>119A.25</u>	<u>299A.281</u>
<u>119A.26</u>	<u>299A.282</u>
<u>119A.27</u>	<u>299A.283</u>
<u>119A.28</u>	<u>299A.284</u>
<u>119A.29</u>	<u>299A.285</u>
<u>119A.32</u>	<u>299A.287</u>
<u>119A.33</u>	<u>299A.288</u>
<u>119A.34</u>	<u>299A.289</u>

Sec. 26. [REPEALER.]

Minnesota Statutes 1998, section 119A.04, subdivision 5, is repealed.

ARTICLE 4

CORRECTIONS

Section 1. [241.272] [FEE COLLECTION.]

Subdivision 1. [DEFINITION.] (a) As used in this section, the following terms have the meanings given them:

(b) "Correctional fees" include fees for the following correctional services:

(1) community service work placement and supervision;

(2) restitution collection;

(3) supervision;

(4) court-ordered investigations; or

(5) any other service provided by a probation officer or parole agency for offenders supervised by the commissioner of corrections.

(c) "Probation" has the meaning given in section 609.02, subdivision 15.

(d) "Supervised release" has the meaning given in section 244.01, subdivision 7.

Subd. 2. [CORRECTIONAL FEES ESTABLISHED.] To defray costs associated with correctional services, the commissioner of corrections may establish a schedule of correctional fees to charge persons convicted of a crime and supervised by the commissioner. The correctional fees on the schedule must be reasonably related to offenders' abilities to pay and the actual cost of correctional services.

Subd. 3. [FEE COLLECTION.] (a) The commissioner of corrections may impose and collect fees from individuals on probation and supervised release at any time while the offender is under sentence or after the sentence has been discharged.

(b) The commissioner may use any available civil means of debt collection in collecting a correctional fee.

Subd. 4. [EXEMPTION FROM FEE.] The commissioner of corrections may waive payment of the fee if the commissioner determines that the offender does not have the ability to pay the fee, the prospects for payment are poor, or there are extenuating circumstances justifying waiver of the fee. Instead of waiving the fee, the commissioner may require the offender to perform community work service as a means of paying the fee.

Subd. 5. [RESTITUTION PAYMENT PRIORITY.] If an offender has been ordered by a court to pay restitution, the offender shall be obligated to pay the restitution ordered before paying the correctional fee. However, if the offender is making reasonable payments to satisfy the restitution obligation, the commissioner may also collect a correctional fee.

Subd. 6. [USE OF FEES.] Correctional fees collected under this section go to the general fund.

Sec. 2. Minnesota Statutes 1998, section 241.275, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM ESTABLISHMENT.] (a) As used in this section, "correctional facility" includes a community-based day program ~~to in~~ which an adult or juvenile offender is ~~sentenced in lieu of incarceration~~ placed as part of a sentence or disposition order, if the program provides close supervision of offenders through such means as electronic monitoring and drug and alcohol testing.

(b) ~~The All~~ All counties of ~~Hennepin, Ramsey, and St. Louis shall each~~ are encouraged to establish a productive day initiative program ~~in their correctional facilities as described in this section for adult and juvenile offenders under their jurisdiction.~~ The productive day program shall be designed to motivate ~~sentenced offenders in local correctional facilities~~ offenders to develop basic life and work skills through training and education, thereby creating opportunities for offenders to achieve more successful integration into the community upon their release.

Sec. 3. Minnesota Statutes 1998, section 241.275, subdivision 2, is amended to read:

Subd. 2. [PROGRAM COMPONENTS.] The productive day initiative programs ~~shall~~ may include, ~~but are not limited to,~~ components described in paragraphs (a) to (c).

(a) The initiative programs ~~shall~~ may contain programs designed to promote the offender's self-esteem, self-discipline, and economic self-sufficiency by providing structured training and education with respect to basic life skills, including hygiene, personal financial budgeting, literacy, and conflict management.

(b) The programs ~~shall~~ may contain individualized educational, vocational, and work programs designed to productively occupy an offender for at least eight hours a day.

(c) The program administrators ~~shall~~ may develop correctional industry programs, including marketing efforts to attract work opportunities both inside correctional facilities and outside in the community. Program options may include expanding and reorganizing on-site industry programs, locating off-site industry work areas, community service work programs, and employment programs. To develop innovative work programs, program administrators may enlist members of the business and labor community to help target possible productive enterprises for offender work programs.

(d) Whenever offenders are assigned to work within the correctional facility or with any state department or agency, local unit of government, or other government subdivision, the program administrator must certify to the appropriate bargaining agent that work performed by offenders will not result in the displacement of current employed workers or workers on seasonal layoff or layoff from a substantially equivalent position, including partial displacement such as reduction in hours of work other than overtime work, wages, or other employment benefits.

Sec. 4. Minnesota Statutes 1998, section 242.192, is amended to read:

242.192 [CHARGES TO COUNTIES.]

The commissioner shall charge counties or other appropriate jurisdictions for the actual per diem cost of confinement, excluding educational costs, of juveniles at the Minnesota correctional facility-Red Wing and of juvenile females committed to the commissioner of corrections. This charge applies to both counties that participate in the Community Corrections Act and those that do not. The commissioner shall annually determine costs, making necessary adjustments to reflect the actual costs of confinement. All money received under this section must be deposited in the state treasury and credited to the general fund.

Sec. 5. [243.95] [MINNESOTA CORRECTIONAL FACILITY-RUSH CITY.]

There is established the Minnesota correctional facility-Rush City at Rush City, Minnesota, in which may be placed persons committed to the commissioner of corrections by the courts of this state who, in the opinion of the commissioner, may benefit from the programs available in the facility. The general control and management of the facility shall be under the commissioner of corrections.

Sec. 6. Minnesota Statutes 1998, section 244.18, subdivision 3, is amended to read:

Subd. 3. [FEE COLLECTION.] The chief executive officer of a local correctional agency may collect local correctional fees assessed under section 609.102. The local correctional agency may collect the fee at any time while the offender is under sentence or after the sentence has been discharged. A local probation and parole agency established under section 244.19 or community corrections agency established under section 401.02 may not impose a fee under this section if the offender is supervised by the commissioner of corrections and the commissioner of corrections imposes and collects a fee under section 241.272. The agency may use any available civil means of debt collection in collecting a local correctional fee.

Sec. 7. Minnesota Statutes 1998, section 609.102, is amended by adding a subdivision to read:

Subd. 2a. [IMPOSITION OF CORRECTIONAL FEE.] When a person convicted of a crime is supervised by the commissioner of corrections, the commissioner may collect a correctional fee under section 241.672.

Sec. 8. [CAMP RIPLEY WORK PROGRAM; CLOSURE.]

By June 30, 1999, all offenders sentenced to the Camp Ripley work program under Minnesota Statutes, section 609.113, must be transferred back to the sentencing county to complete their sentences in a local facility.

Sec. 9. [REPEALER.]

Minnesota Statutes 1998, sections 241.275, subdivision 5; 241.277; 241.41; 241.42; 241.43; 241.44; 241.441; 241.45; and 609.113, are repealed.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective July 1, 1999.

ARTICLE 5

CRIME VICTIM SERVICES

Section 1. Minnesota Statutes 1998, section 611A.77, is amended to read:

611A.77 [MEDIATION PROGRAMS FOR CRIME VICTIMS AND OFFENDERS.]

Subdivision 1. [GRANTS.] ~~The state court administrator~~ executive director of the center for crime victim services shall award grants to nonprofit organizations to create or expand mediation programs for crime victims and offenders. For purposes of this section, "offender" means an adult charged with a nonviolent crime or a juvenile who has been referred to a mediation program before or after a petition for delinquency has been filed in connection with a nonviolent offense, and "nonviolent crime" and "nonviolent offense" exclude any offense in which the victim is a family or household member, as defined in section 518B.01, subdivision 2.

Subd. 2. [PROGRAMS.] ~~The state court administrator~~ executive director of the center for crime victim services shall award grants to further the following goals:

- (1) to expand existing mediation programs for crime victims and juvenile offenders to also include adult offenders;
- (2) to initiate victim-offender mediation programs in areas that have no victim-offender mediation programs;
- (3) to expand the opportunities for crime victims to be involved in the criminal justice process;
- (4) to evaluate the effectiveness of victim-offender mediation programs in reducing recidivism and encouraging the payment of court-ordered restitution; and
- (5) to evaluate the satisfaction of victims who participate in the mediation programs.

Subd. 3. [MEDIATOR QUALIFICATIONS.] ~~The state court administrator~~ executive director of the center for crime victim services shall establish criteria to ensure that mediators participating in the program are qualified.

Subd. 4. [MATCH REQUIRED.] A nonprofit organization may not receive a grant under this section unless the group has raised a matching amount from other sources.

Sec. 2. Laws 1997, chapter 85, article 3, section 53, is amended to read:

Sec. 53. [TRANSFER OF RESPONSIBILITIES FOR PROVIDING SECURE CRISIS SHELTER.]

In state fiscal year ~~2000~~ 2001, all the powers, duties, and functions of the commissioner of human services relating to the operation and funding of shelters for battered women are transferred to the ~~commissioner of corrections~~ director of the Minnesota center for crime victim services in accordance with Minnesota Statutes, section 15.039, subdivision 7.

No payments by the general assistance program under Minnesota Statutes 1998, section 256D.05, subdivision 3 or 3a, will be made after June 30, 2000.

Sec. 3. [RESIDENTIAL PROGRAMS FOR WOMEN LEAVING PROSTITUTION; GRANT.]

Subdivision 1. [GRANT AUTHORIZED.] The executive director of the center for crime victim services shall award a grant to a nonprofit organization to develop and administer a residential program for women leaving prostitution. The executive director shall award a grant to a nonprofit organization that can demonstrate a 25 percent funding match. The funding match may come from local or federal sources, the nonprofit organization, or any other source. Residential program services include, but are not limited to, chemical dependency services, sexual trauma mental health services, and independent living skills preparation, including living skills development and coordination of community resources for personal and family stability and success.

Subd. 2. [GRANT ADMINISTRATION.] The executive director shall develop a process for administering the grant, including criteria for the grant. The executive director shall issue a request for proposals for a grant under subdivision 1. The request must be designed to obtain detailed information about the applicant and other information the executive director considers necessary to evaluate and select a grant recipient. The applicant shall submit a proposal grant on a form and in a manner prescribed by the executive director.

Sec. 4. [PILOT PROJECT GRANT PROGRAM TO PROVIDE SERVICES TO CRIME VICTIMS AND WITNESSES.]

Subdivision 1. [PROGRAM ESTABLISHED.] The executive director of the center for crime victim services shall administer a pilot project grant program and make grants to nonprofit organizations to provide neighborhood-based services to victims and witnesses of crime during the period between the occurrence of the crime and the filing of charges against the alleged perpetrator. Grant recipients must target victims and witnesses of crime from groups that currently underreport crime, including recent immigrants or refugees, communities of color, and victims of bias-motivated crime. Services must be provided in locations and at times typically convenient to prospective clients. The types of services that may be offered by grant recipients are those that attempt to address the lack of trust and understanding that prospective clients have of the criminal justice system and include legal advice and advocacy services. The executive director shall ensure that grants under this section fund pilot projects offering the described services in at least five locations throughout the state.

Subd. 2. [REQUIRED REPORT.] By January 15, 2002, the executive director shall report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice funding on the grants made and pilot projects funded under this section.

Sec. 5. [REPEALER.]

Minnesota Statutes 1998, section 256D.05, subdivisions 3 and 3a, are repealed.

Sec. 6. [EFFECTIVE DATE.]

Section 5 is effective July 1, 2000.

ARTICLE 6

COURTS PROVISIONS

Section 1. Minnesota Statutes 1998, section 2.722, subdivision 1, is amended to read:

Subdivision 1. [DESCRIPTION.] Effective July 1, 1959, the state is divided into ten judicial districts composed of the following named counties, respectively, in each of which districts judges shall be chosen as hereinafter specified:

1. Goodhue, Dakota, Carver, Le Sueur, McLeod, Scott, and Sibley; ~~28~~ 31 judges; and four permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, and Glencoe and one other shall be maintained at the place designated by the chief judge of the district;

2. Ramsey; ~~24~~ 26 judges;
3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower, and Fillmore; 22 judges; and permanent chambers shall be maintained in Faribault, Albert Lea, Austin, Rochester, and Winona;
4. Hennepin; ~~57~~ 58 judges;
5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; ~~17~~ 16 judges; and permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, and Mankato;
6. Carlton, St. Louis, Lake, and Cook; 15 judges;
7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and Wadena; ~~22~~ 23 judges; and permanent chambers shall be maintained in Moorhead, Fergus Falls, Little Falls, and St. Cloud;
8. Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, Yellow Medicine, Big Stone, Grant, Pope, Stevens, Traverse, and Wilkin; 11 judges; and permanent chambers shall be maintained in Morris, Montevideo, and Willmar;
9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahnommen, Pennington, Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and Koochiching; ~~20~~ 21 judges; and permanent chambers shall be maintained in Crookston, Thief River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls; and
10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; ~~35~~ 37 judges; and permanent chambers shall be maintained in Anoka, Stillwater, and other places designated by the chief judge of the district.

Sec. 2. Minnesota Statutes 1998, section 43A.02, subdivision 25, is amended to read:

Subd. 25. [JUDICIAL BRANCH.] "Judicial branch" means all judges of the appellate courts, all employees of the appellate courts, including commissions, boards, and committees established by the supreme court, the board of law examiners, the law library, the office of the state public defender, district public defenders and their employees, all judges of all courts of law, district court referees, judicial officers, court reporters, law clerks, district administration employees under section 484.68, court administrator or employee of the court ~~and guardian ad litem program employees in the eighth~~ a judicial district under section 480.181, subdivision 1, paragraph (b), guardian ad litem program employees, and other agencies placed in the judicial branch by law. Judicial branch does not include district administration or public defenders or their employees in the second and fourth judicial districts, court administrators not under section 480.181, subdivision 1, paragraph (b), or their staff under chapter 485, ~~guardians ad litem~~, or other employees within the court system whose salaries are paid by the county, other than employees who remain on the county payroll under section 480.181, subdivision 2.

Sec. 3. Minnesota Statutes 1998, section 43A.24, subdivision 2, is amended to read:

Subd. 2. [OTHER ELIGIBLE PERSONS.] The following persons are eligible for state paid life insurance and hospital, medical, and dental benefits as determined in applicable collective bargaining agreements or by the commissioner or by plans pursuant to section 43A.18, subdivision 6, or by the board of regents for employees of the University of Minnesota not covered by collective bargaining agreements. Coverages made available, including optional coverages, are as contained in the plan established pursuant to section 43A.18, subdivision 2:

(a) a member of the state legislature, provided that changes in benefits resulting in increased costs to the state shall not be effective until expiration of the term of the members of the existing house of representatives. An eligible member of the state legislature may decline to be enrolled for state paid coverages by filing a written waiver with the commissioner. The waiver shall not prohibit the member from enrolling the member or dependents for optional coverages, without cost to the state, as provided for in section 43A.26. A member of the state legislature who returns from a leave of absence to a position previously occupied in the civil service shall be eligible to receive the life insurance and hospital, medical, and dental benefits to which the position is entitled;

(b) a permanent employee of the legislature or a permanent employee of a permanent study or interim committee or commission or a state employee on leave of absence to work for the legislature, during a regular or special legislative session;

(c) a judge of the appellate courts or an officer or employee of these courts; a judge of the district court, a judge of county court, or a judge of county municipal court; a district court referee, judicial officer, court reporter, or law clerk; a district administrator; an employee of the office of the district administrator that is not in the second or fourth judicial district; a court administrator or employee of the court administrator in ~~the eighth a judicial district under section 480.181, subdivision 1, paragraph (b), and a guardian ad litem program administrator in the eighth judicial district~~ employee;

(d) a salaried employee of the public employees retirement association;

(e) a full-time military or civilian officer or employee in the unclassified service of the department of military affairs whose salary is paid from state funds;

(f) a salaried employee of the Minnesota historical society, whether paid from state funds or otherwise, who is not a member of the governing board;

(g) an employee of the regents of the University of Minnesota;

(h) notwithstanding section 43A.27, subdivision 3, an employee of the state of Minnesota or the regents of the University of Minnesota who is at least 60 and not yet 65 years of age on July 1, 1982, who is otherwise eligible for employee and dependent insurance and benefits pursuant to section 43A.18 or other law, who has at least 20 years of service and retires, earlier than required, within 60 days of March 23, 1982; or an employee who is at least 60 and not yet 65 years of age on July 1, 1982, who has at least 20 years of state service and retires, earlier than required, from employment at Rochester state hospital after July 1, 1981; or an employee who is at least 55 and not yet 65 years of age on July 1, 1982, and is covered by the Minnesota state retirement system correctional employee retirement plan or the state patrol retirement fund, who has at least 20 years of state service and retires, earlier than required, within 60 days of March 23, 1982. For purposes of this clause, a person retires when the person terminates active employment in state or University of Minnesota service and applies for a retirement annuity. Eligibility shall cease when the retired employee attains the age of 65, or when the employee chooses not to receive the annuity that the employee has applied for. The retired employee shall be eligible for coverages to which the employee was entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established pursuant to section 43A.18, for employees in positions equivalent to that from which retired, provided that the retired employee shall not be eligible for state-paid life insurance. Coverages shall be coordinated with relevant health insurance benefits provided through the federally sponsored Medicare program;

(i) an employee of an agency of the state of Minnesota identified through the process provided in this paragraph who is eligible to retire prior to age 65. The commissioner and the exclusive representative of state employees shall enter into agreements under section 179A.22 to identify employees whose positions are in programs that are being permanently eliminated or reduced due to federal or state policies or practices. Failure to reach agreement identifying these employees is not subject to impasse procedures provided in chapter 179A. The commissioner must prepare a plan identifying eligible employees not covered by a collective bargaining agreement in accordance with the process outlined in section 43A.18, subdivisions 2 and 3. For purposes of this paragraph, a person retires when the person terminates active employment in state service and applies for a retirement annuity. Eligibility ends as provided in the agreement or plan, but must cease at the end of the month in which the retired employee chooses not to receive an annuity, or the employee is eligible for employer-paid health insurance from a new employer. The retired employees shall be eligible for coverages to which they were entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established under section 43A.18 for employees in positions equivalent to that from which they retired, provided that the retired employees shall not be eligible for state-paid life insurance;

(j) employees of the ~~state public defender's office, and district public defenders and their employees other than in the second and fourth judicial districts~~ state board of public defense, with eligibility determined by the state board of public defense in consultation with the commissioner of employee relations; and

(k) employees of the health data institute under section 62J.451, subdivision 12, as paid for by the health data institute.

Sec. 4. Minnesota Statutes 1998, section 243.50, is amended to read:

243.50 [PAYMENT OF COURT REPORTER.]

Such transcripts and tapes shall be furnished by the court reporter who shall be paid therefor by the ~~county state courts~~, on certificates duly certified to by the judge presiding at the sentence, ~~and filed with the county auditor~~; the same fee per folio provided by statute for transcripts of testimony furnished to parties ordering the same in civil proceedings and for tapes on a costs basis.

Sec. 5. Minnesota Statutes 1998, section 253B.23, subdivision 1, is amended to read:

Subdivision 1. [COSTS OF HEARINGS.] (a) In each proceeding under this chapter the court shall allow and order paid to each witness subpoenaed the fees and mileage prescribed by law; to each examiner a reasonable sum for services and for travel; to persons conveying the patient to the place of detention, disbursements for the travel, board, and lodging of the patient and of themselves and their authorized assistants; and to the patient's counsel, when appointed by the court, a reasonable sum for travel and for the time spent in court or in preparing for the hearing. Upon the court's order, the county auditor shall issue a warrant on the county treasurer for payment of the amounts allowed, excluding the costs of the examiner, which must be paid by the state courts.

(b) Whenever venue of a proceeding has been transferred under this chapter, the costs of the proceedings shall be reimbursed to the county where the proceedings were conducted by the county of the patient's residence.

Sec. 6. Minnesota Statutes 1998, section 253B.23, subdivision 8, is amended to read:

Subd. 8. [TRANSCRIPTS.] For purposes of taking an appeal or petition for habeas corpus or for a judicial determination of mental competency or need for commitment, transcripts of commitment proceedings, or portions of them, shall be made available to the parties upon written application to the court. Upon a showing by a party that the party is unable to pay the cost of a transcript, it shall be made available at no expense to the party. The state courts shall pay the cost of the transcript.

Sec. 7. Minnesota Statutes 1998, section 257.69, subdivision 2, is amended to read:

Subd. 2. [GUARDIAN; LEGAL FEES.] (a) The court may order expert witness and guardian ad litem fees and other costs of the trial and pretrial proceedings, including appropriate tests, to be paid by the parties in proportions and at times determined by the court. The court shall require a party to pay part of the fees of court-appointed counsel according to the party's ability to pay, but if counsel has been appointed the appropriate agency shall pay the party's proportion of all other fees and costs. The agency responsible for child support enforcement shall pay the fees and costs for blood or genetic tests in a proceeding in which it is a party, is the real party in interest, or is acting on behalf of the child. However, at the close of a proceeding in which paternity has been established under sections 257.51 to 257.74, the court shall order the adjudicated father to reimburse the public agency, if the court finds he has sufficient resources to pay the costs of the blood or genetic tests. When a party bringing an action is represented by the county attorney, no filing fee shall be paid to the court administrator.

(b) In each fiscal year, the state treasurer shall deposit guardian ad litem reimbursements in the general fund and credit them to a separate account with the trial courts. The balance of this account is appropriated to the trial courts and does not cancel but is available until expended. Expenditures by the state court administrator's office from this account must be based on the amount of the guardian ad litem reimbursements received by the state from the courts in each judicial district.

Sec. 8. Minnesota Statutes 1998, section 260.251, subdivision 2, is amended to read:

Subd. 2. [COURT EXPENSES.] The following expenses are a charge upon the county in which proceedings are held upon certification of the judge of juvenile court or upon such other authorization provided by law:

(a) The fees and mileage of witnesses, and the expenses and mileage of officers serving notices and subpoenas ordered by the court, as prescribed by law.

~~(b) The expenses for travel and board of the juvenile court judge when holding court in places other than the county seat.~~

~~(c)~~ The expense of transporting a child to a place designated by a child-placing agency for the care of the child if the court transfers legal custody to a child-placing agency.

~~(c)~~ The expense of transporting a minor to a place designated by the court.

~~(d)~~ Reasonable compensation for an attorney appointed by the court to serve as counsel ~~or guardian ad litem.~~

The state courts shall pay for guardian ad litem expenses.

Sec. 9. Minnesota Statutes 1998, section 260.251, subdivision 5, is amended to read:

Subd. 5. [GUARDIAN AD LITEM FEES.] (a) In proceedings in which the court appoints a guardian ad litem pursuant to section 260.155, subdivision 4, clause (a), the court may inquire into the ability of the parents to pay for the guardian ad litem's services and, after giving the parents a reasonable opportunity to be heard, may order the parents to pay guardian fees.

(b) In each fiscal year, the state treasurer shall deposit guardian ad litem reimbursements in the general fund and credit them to a separate account with the trial courts. The balance of this account is appropriated to the trial courts and does not cancel but is available until expended. Expenditures by the state court administrator's office from this account must be based on the amount of the guardian ad litem reimbursements received by the state from the courts in each judicial district.

Sec. 10. Minnesota Statutes 1998, section 260.56, is amended to read:

260.56 [COUNSEL OR GUARDIAN AD LITEM FOR JUVENILE, FEES.]

Any judge of this state who appoints counsel or a guardian ad litem pursuant to the provisions of the Interstate Compact on Juveniles may allow a reasonable fee ~~to be paid by the county~~ on order of the court. The costs of the counsel must be paid by the county and the cost of the guardian ad litem, if any, must be paid by the state courts.

Sec. 11. Minnesota Statutes 1998, section 466.01, subdivision 6, is amended to read:

Subd. 6. [EMPLOYEE, OFFICER, OR AGENT.] For the purposes of sections 466.01 to 466.15, "employee," "officer," or "agent" means a present or former employee, officer, or agent of a municipality, or other person acting on behalf of the municipality in an official capacity, temporarily or permanently, with or without compensation, but does not include an independent contractor other than a nonprofit firefighting corporation that has associated with it a relief association as defined in section 424A.001, subdivision 4. "Employee" includes court administrators who are not under section 480.181, subdivision 1, paragraph (b), and their staff under chapter 485, district administration staff in the second and fourth judicial districts, guardians ad litem, and other employees within the court system whose salaries are paid by the county, other than employees who remain on the county payroll under section 480.181, subdivision 2.

Sec. 12. [480.175] [QUALIFIED COURT INTERPRETERS.]

Subdivision 1. [ESTABLISHMENT.] The supreme court, through the office of the state court administrator, shall establish a program for training, testing, registering, and certifying qualified court interpreters.

Subd. 2. [FEES.] The supreme court may adopt rules to assess fees for training, testing, registering, and certifying court interpreters. Any fees imposed and collected shall be deposited with the state treasurer and shall constitute a special fund in the state treasury. The money in this fund shall not cancel back to the general fund and is appropriated annually to the supreme court for the cost of training, testing, certifying, and registering court interpreters.

Sec. 13. Minnesota Statutes 1998, section 480.181, subdivision 1, is amended to read:

Subdivision 1. [STATE EMPLOYEES; COMPENSATION.] (a) District court referees, judicial officers, court reporters, law clerks, and district administration staff, other than district administration staff in the second and fourth judicial districts, guardian ad litem program coordinators and staff, and other court employees under paragraph (b), are state employees and are governed by the judicial branch personnel rules adopted by the supreme court. The supreme court, in consultation with the conference of chief judges, shall establish the salary range of these employees under the judicial branch personnel rules. In establishing the salary ranges, the supreme court shall consider differences in the cost of living in different areas of the state.

(b) The court administrator and employees of the court administrator who are in the fifth, seventh, eighth, or ninth judicial district are state employees.

Sec. 14. [480.182] [STATE ASSUMPTION OF CERTAIN COURT COSTS.]

Notwithstanding any law to the contrary, the state courts will pay for the following court-related programs and costs:

(1) court interpreter program costs;

(2) guardian ad litem program and personnel costs;

(3) examination costs, not including hospitalization or treatment costs, for mental commitments and related proceedings under chapter 253B;

(4) examination costs under rule 20 of the Rules of Criminal Procedure;

(5) in forma pauperis costs;

(6) costs for transcripts mandated by statute, except in appeal cases and postconviction cases handled by the board of public defense; and

(7) jury program costs, not including personnel.

Sec. 15. Minnesota Statutes 1998, section 484.013, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] (a) A program is established in the second and fourth judicial districts to consolidate the hearing and determination of matters related to residential rental housing and to ensure continuity and consistency in the disposition of cases.

(b) Outside the second and fourth judicial districts, a district court may establish the program described in paragraph (a) in counties that it specifies in the district.

Sec. 16. Minnesota Statutes 1998, section 484.013, subdivision 2, is amended to read:

Subd. 2. [JURISDICTION.] The housing calendar program may consolidate the hearing and determination of all proceedings under chapters 504 and 566; criminal and civil proceedings related to violations of any state, county or city health, safety, housing, building, fire prevention or housing maintenance code; escrow of rent proceedings; ~~landlord-tenant damage actions~~; and actions for rent ~~and rent~~ abatement. A proceeding under sections 566.01 to 566.17 may not be delayed because of the consolidation of matters under the housing calendar program.

The program must provide for the consolidation of landlord-tenant damage actions and actions for rent at the request of either party.

Sec. 17. Minnesota Statutes 1998, section 484.64, subdivision 3, is amended to read:

Subd. 3. [CHAMBERS AND SUPPLIES.] The board of county commissioners of Ramsey county shall provide suitable chambers and courtroom space, clerks, bailiffs, and other personnel to assist said judge, together with necessary library, supplies, stationery and other expenses necessary thereto. The state shall provide referees, court reporters, ~~and~~ law clerks, and guardian ad litem program coordinators and staff.

Sec. 18. Minnesota Statutes 1998, section 484.65, subdivision 3, is amended to read:

Subd. 3. [SPACE; PERSONNEL; SUPPLIES.] The board of county commissioners of Hennepin county shall provide suitable chambers and courtroom space, clerks, bailiffs, and other personnel to assist said judge, together with necessary library, supplies, stationery and other expenses necessary thereto. The state shall provide referees, court reporters, ~~and~~ law clerks, and guardian ad litem program coordinators and staff.

Sec. 19. Minnesota Statutes 1998, section 485.018, subdivision 2, is amended to read:

Subd. 2. [SET BY BOARD.] Except in counties in a judicial district under section 480.181, subdivision 1, paragraph (b), the county board of each of the counties specified in subdivision 1 annually shall set by resolution the salary of the court administrator of district court which shall be paid to the court administrator of district court at such intervals as the board shall determine but not less often than once each month. At the January meeting the board shall set by resolution the minimum salary to be paid the court administrator of district court for the term next following. In the event a vacancy occurs in the office of the court administrator of district court the board may set the annual salary for the remainder of the calendar year at an amount less than was set for that year. The board in any case specified in this subdivision may not set the annual salary at an amount less than the minimums provided in subdivision 1 but it may set the salary in excess of such minimums. The salary of the court administrator of district court shall not be reduced during the term for which the court administrator is appointed.

In the event that duties are assigned to the court administrator of district court which are in addition to the court administrator's duties as court administrator, additional compensation may be provided for the additional duties. The county board by resolution shall determine the additional compensation which shall be paid and specify the duties for which the additional compensation is to be paid.

Sec. 20. Minnesota Statutes 1998, section 485.018, subdivision 6, is amended to read:

Subd. 6. [BUDGET FOR OFFICE.] Except in counties in a judicial district under section 480.181, subdivision 1, paragraph (b), the county board by resolution shall provide the budget for (1) the salaries of deputies, court administrators and other employees in the office of the court administrator of district court; (2) other expenses necessary in the performance of the duties of said office and (3) the payment of premiums of any bonds required of the court administrator of district court or any deputy, court administrator or employee in said office and the board is authorized to appropriate funds therefor and for the salary of the court administrator of district court.

Sec. 21. Minnesota Statutes 1998, section 485.03, is amended to read:

485.03 [DEPUTIES.]

(a) The county board shall determine the number of permanent full time deputies, clerks and other employees in the office of the court administrator of district court and shall fix the compensation for each position. The county board shall also budget for temporary deputies and other employees and shall fix their rates of compensation. This paragraph does not apply to a county in a judicial district under section 480.181, subdivision 1, paragraph (b).

(b) The court administrator shall appoint in writing the deputies and other employees, for whose acts the court administrator shall be responsible, and whom the court administrator may remove at pleasure. Before each enters upon official duties, the appointment and oath of each shall be filed with the county recorder.

Sec. 22. Minnesota Statutes 1998, section 485.27, is amended to read:

485.27 [DUTIES; ASSIGNMENT.]

The court administrator, with approval of the county board of commissioners, may transfer to the county board of commissioners duties of the court administrator relating to vital statistics under sections 144.211 to 144.227, to notaries public under section 359.061, to hospital liens under sections 514.69 and 514.70, and to marriage licenses under chapter 517. The county board of commissioners shall assign these duties to the appropriate county department. In the event of full state funding of ~~all the~~ court administrator's offices in ~~the state a~~ judicial district, the functions shall become county functions in that judicial district.

Sec. 23. Minnesota Statutes 1998, section 487.10, subdivision 4, is amended to read:

Subd. 4. Except in a county in a judicial district under section 480.181, subdivision 1, paragraph (b), the county board shall determine the number of permanent full time deputies, clerks and other employees in the office of the clerk of county court and shall fix the compensation for each position. The county board shall also budget for temporary deputies and other employees and shall fix their rates of compensation. The clerk shall appoint in writing the deputies and other employees for whose acts the clerk shall be responsible, and whom the clerk may remove at pleasure. Before entering upon official duties, the appointment and oath of each such employee shall be filed with the county recorder.

Sec. 24. Minnesota Statutes 1998, section 518.165, subdivision 3, is amended to read:

Subd. 3. [FEES.] (a) A guardian ad litem appointed under either subdivision 1 or 2 may be appointed either as a volunteer or on a fee basis. If a guardian ad litem is appointed on a fee basis, the court shall enter an order for costs, fees, and disbursements in favor of the child's guardian ad litem. The order may be made against either or both parties, except that any part of the costs, fees, or disbursements which the court finds the parties are incapable of paying shall be borne by the county in which the proceeding is being held. In no event may the court order that costs, fees, or disbursements be paid by a party receiving public assistance or legal assistance or by a party whose annual income falls below the poverty line as established under United States Code, title 42, section 9902(2).

(b) In each fiscal year, the state treasurer shall deposit guardian ad litem reimbursements in the general fund and credit them to a separate account with the trial courts. The balance of this account is appropriated to the trial courts and does not cancel but is available until expended. Expenditures by the state court administrator's office from this account must be based on the amount of the guardian ad litem reimbursements received by the state from the courts in each judicial district.

Sec. 25. Minnesota Statutes 1998, section 546.13, is amended to read:

546.13 [SICKNESS OF JUROR; FOOD AND LODGING.]

If a juror becomes sick or otherwise unable to perform duty, the court may discharge the juror. In that case, unless the parties consent to accept the verdict of the remaining jurors, another may be sworn in place of the discharged juror and the trial begun anew, or the jury may be discharged and another then or afterward impaneled. If the court, while a jury is kept together, shall order that they be provided with food and lodging, the sheriff shall furnish the same at the expense of the county state courts.

Sec. 26. Minnesota Statutes 1998, section 546.44, subdivision 3, is amended to read:

Subd. 3. The fees and expenses of a qualified interpreter shall be determined by the presiding official and paid by the court, board, commission, agency or licensing authority before whom the proceeding is taking place. The fees and expenses of a qualified per diem interpreter for a court must be paid by the state courts.

Sec. 27. Minnesota Statutes 1998, section 563.01, subdivision 2, is amended to read:

Subd. 2. Whenever pursuant to this section the court directs expenses to be paid, the expenses shall be paid by the proper governing body in the same manner as other claims are paid state.

Sec. 28. Minnesota Statutes 1998, section 563.01, subdivision 9, is amended to read:

Subd. 9. Upon motion, the court may rescind its permission to proceed in forma pauperis if it finds the allegations of poverty contained in the affidavit are untrue, or if, following commencement of the action, the party becomes able to pay the fees, costs and security for the costs. In such cases, the court may direct the party to pay to the court administrator any costs allowing the action to proceed. The court administrator shall transmit the costs to the state treasurer for deposit in the state treasury and credit them to the general fund.

Sec. 29. Minnesota Statutes 1998, section 563.01, subdivision 10, is amended to read:

Subd. 10. Judgment may be rendered for costs at the conclusion of the action as in other cases. In the event any person recovers moneys by either settlement or judgment as a result of commencing or defending an action in forma pauperis, the costs deferred and the expenses directed by the court to be paid under this section shall be included in such moneys and shall be paid directly to the court administrator by the opposing party. The court administrator shall transmit the costs to the state treasurer for deposit in the state treasury and credit them to the general fund.

Sec. 30. Minnesota Statutes 1998, section 611.33, subdivision 3, is amended to read:

Subd. 3. The fees and expenses of a qualified interpreter shall be fixed and ordered paid by the presiding official before whom the proceeding is taking place out of the general revenue fund of the county in which the proceeding occurs. The fees and expenses must be paid by the state courts. Payment for any activities requiring interpreter services on behalf of law enforcement, the board of public defense, prosecutors, or corrections agents other than court appearances shall be the responsibility of the agency which requested the services.

Sec. 31. [STUDY OF SYSTEM FOR FUNDING AND ADMINISTRATION OF COURT-APPOINTED ATTORNEYS.]

Subdivision 1. [TASK FORCE; GOALS.] The supreme court is requested to establish a task force to study and make recommendations regarding a system for funding and administering court-appointed attorney functions in civil cases, including attorneys and related personnel for civil commitments and proceedings under Minnesota Statutes, chapter 253B, child protection cases, paternity cases, guardianship or conservatorship cases, and other civil proceedings where indigent persons are entitled to court-appointed counsel. The goal of the task force is to design a system that is independent from court and county administration and funding and that promotes equal access to justice and equal representation for indigent persons across the state.

Subd. 2. [RECOMMENDATIONS; REPORT.] (a) The task force shall consider options that address the goals in subdivision 1, including:

(1) creation of an independent court-appointed attorney board to manage civil court-appointed attorney functions; and

(2) other options identified by the task force.

(b) The supreme court is requested to report to the legislature by January 15, 2001, with the report and recommendations of the task force.

Sec. 32. [TRANSITIONAL PROVISIONS.]

Subdivision 1. [HIRING AND SALARY MORATORIUM.] A county may not increase the number of employees in the county in a position that is being transferred to state employment under this article without approval of the supreme court, unless the increase was authorized before January 1, 1999. A county may not increase the salaries of these employees without approval of the supreme court, unless the increase is made under a plan adopted before January 1, 1999.

Subd. 2. [TRANSFER OF PROPERTY.] The title to all personal property that is used by employees being transferred to state employment under this article in the scope of their employment is transferred to the state when they become state employees.

Subd. 3. [RULES.] The supreme court, in consultation with the conference of chief judges, may adopt rules to implement this article.

Subd. 4. [BUDGETS.] Notwithstanding any law to the contrary, the fiscal year 2000 budgets for the court administrators' offices being transferred to state employment under this article, including the number of complement positions and salaries, must be submitted by the court administrators to the supreme court. The budgets must include the current levels of funding and positions at the time of submission as well as any requests for increases in funding and positions.

Sec. 33. [REPEALER.]

Minnesota Statutes 1998, sections 357.021, subdivision 2a; and 563.01, subdivision 1, are repealed.

Sec. 34. [EFFECTIVE DATES.]

Subdivision 1. [STATE TAKEOVER OF COURT ADMINISTRATION AND RELATED COSTS.] The provisions of this article continuing the state takeover of court administration costs in the eighth judicial district are effective January 1, 2000. The other provisions of this article relating to the state takeover of court administration costs in the fifth, seventh, and ninth judicial districts are effective July 1, 2000.

Subd. 2. [JURY AND COURT REPORTER TRANSCRIPT COSTS.] The provisions of this article relating to the state takeover of miscellaneous court reporter transcript and jury costs are effective July 1, 2000.

Subd. 3. [MISCELLANEOUS COST.] The provisions of this article relating to the state takeover of court interpreter costs, guardian ad litem costs, rule 20 and mental commitment examination costs, and in forma pauperis costs are effective January 1, 2000, in the eighth judicial district; July 1, 2000, in the fifth, seventh, and ninth judicial districts; and July 1, 2001, in the remaining judicial districts.

Subd. 4. [EFFECTIVE DATE CONTINGENCY.] Notwithstanding subdivisions 1 to 3, sections 2 to 11, 13 to 15, and 17 to 33 do not take effect unless an appropriation and offsetting state aids and fine transfers specified in the 1999 omnibus tax bill take effect in fiscal year 2001.

Subd. 5. [EFFECTIVE DATE; NEW JUDGESHIPS.] Three of the additional judgeships authorized for judicial districts in section 1 are established July 1, 1999, and three of the additional judgeships are established effective July 1, 2000.

Subd. 6. [EFFECTIVE DATE; QUALIFIED COURT INTERPRETERS.] Section 12 is effective July 1, 1999.

ARTICLE 7

OTHER PROVISIONS RELATING TO STATE FINANCING OF JUDICIAL DISTRICTS

Section 1. Minnesota Statutes 1998, section 179A.03, subdivision 7, is amended to read:

Subd. 7. [ESSENTIAL EMPLOYEE.] "Essential employee" means firefighters, peace officers subject to licensure under sections 626.84 to 626.863, 911 system and police and fire department public safety dispatchers, guards at correctional facilities, confidential employees, supervisory employees, assistant county attorneys, assistant city attorneys, principals, and assistant principals. However, for state employees, "essential employee" means all employees in law enforcement, health care professionals, correctional guards, professional engineering, and supervisory collective bargaining units, irrespective of severance, and no other employees. For University of Minnesota employees, "essential employee" means all employees in law enforcement, nursing professional and supervisory units, irrespective of severance, and no other employees. "Firefighters" means salaried employees of a fire department whose duties include, directly or indirectly, controlling, extinguishing, preventing, detecting, or investigating fires. Employees for whom the state court administrator is the negotiating employer are not essential employees.

Sec. 2. Minnesota Statutes 1998, section 179A.03, subdivision 14, is amended to read:

Subd. 14. [PUBLIC EMPLOYEE.] "Public employee" or "employee" means any person appointed or employed by a public employer except:

- (a) elected public officials;
- (b) election officers;
- (c) commissioned or enlisted personnel of the Minnesota national guard;
- (d) emergency employees who are employed for emergency work caused by natural disaster;
- (e) part-time employees whose service does not exceed the lesser of 14 hours per week or 35 percent of the normal work week in the employee's appropriate unit;
- (f) employees whose positions are basically temporary or seasonal in character and: (1) are not for more than 67 working days in any calendar year; or (2) are not for more than 100 working days in any calendar year and the employees are under the age of 22, are full-time students enrolled in a nonprofit or public educational institution prior to being hired by the employer, and have indicated, either in an application for employment or by being enrolled at an educational institution for the next academic year or term, an intention to continue as students during or after their temporary employment;
- (g) employees providing services for not more than two consecutive quarters to the board of trustees of the Minnesota state colleges and universities under the terms of a professional or technical services contract as defined in section 16C.08, subdivision 1;
- (h) employees of charitable hospitals as defined by section 179.35, subdivision 3;

(i) full-time undergraduate students employed by the school which they attend under a work-study program or in connection with the receipt of financial aid, irrespective of number of hours of service per week;

(j) an individual who is employed for less than 300 hours in a fiscal year as an instructor in an adult vocational education program;

(k) an individual hired by a school district or the board of trustees of the Minnesota state colleges and universities to teach one course for up to four credits for one quarter in a year;

(l) with respect to court employees:

(1) personal secretaries to judges;

(2) court reporters;

(3) law clerks;

(4) managerial employees;

(5) confidential employees; and

(6) supervisory employees.

The following individuals are public employees regardless of the exclusions of clauses (e) and (f):

~~(i)~~ (i) An employee hired by a school district or the board of trustees of the Minnesota state colleges and universities except at the university established in section 136F.13 or for community services or community education instruction offered on a noncredit basis: ~~(i)~~ (A) to replace an absent teacher or faculty member who is a public employee, where the replacement employee is employed more than 30 working days as a replacement for that teacher or faculty member; or ~~(ii)~~ (B) to take a teaching position created due to increased enrollment, curriculum expansion, courses which are a part of the curriculum whether offered annually or not, or other appropriate reasons; and

~~(ii)~~ (ii) An employee hired for a position under clause (f)(1) if that same position has already been filled under clause (f)(1) in the same calendar year and the cumulative number of days worked in that same position by all employees exceeds 67 calendar days in that year. For the purpose of this paragraph, "same position" includes a substantially equivalent position if it is not the same position solely due to a change in the classification or title of the position.

Sec. 3. Minnesota Statutes 1998, section 179A.03, subdivision 15, is amended to read:

Subd. 15. [PUBLIC EMPLOYER.] "Public employer" or "employer" means:

(a) the state of Minnesota for employees of the state not otherwise provided for in this subdivision or section 179A.10 for executive branch employees;

(b) the board of regents of the University of Minnesota for its employees; ~~and~~

(c) the state court administrator for court employees; and

(d) notwithstanding any other law to the contrary, the governing body of a political subdivision or its agency or instrumentality which has final budgetary approval authority for its employees. However, the views of elected appointing authorities who have standing to initiate interest arbitration, and who are responsible for the selection, direction, discipline, and discharge of individual employees shall be considered by the employer in the course of the discharge of rights and duties under sections 179A.01 to 179A.25.

When two or more units of government subject to sections 179A.01 to 179A.25 undertake a project or form a new agency under law authorizing common or joint action, the employer is the governing person or board of the created agency. The governing official or body of the cooperating governmental units shall be bound by an agreement entered into by the created agency according to sections 179A.01 to 179A.25.

"Public employer" or "employer" does not include a "charitable hospital" as defined in section 179.35, subdivision 2.

Nothing in this subdivision diminishes the authority granted pursuant to law to an appointing authority with respect to the selection, direction, discipline, or discharge of an individual employee if this action is consistent with general procedures and standards relating to selection, direction, discipline, or discharge which are the subject of an agreement entered into under sections 179A.01 to 179A.25.

Sec. 4. Minnesota Statutes 1998, section 179A.03, is amended by adding a subdivision to read:

Subd. 20. [COURT EMPLOYEE.] "Court employee" means a public employee employed by the supreme court, court of appeals, or a judicial district that is under section 480.181, subdivision 1, paragraph (b).

Sec. 5. Minnesota Statutes 1998, section 179A.06, subdivision 2, is amended to read:

Subd. 2. [RIGHT TO ORGANIZE.] Public employees have the right to form and join labor or employee organizations, and have the right not to form and join such organizations. Public employees in an appropriate unit have the right by secret ballot to designate an exclusive representative to negotiate grievance procedures and the terms and conditions of employment with their employer. Confidential employees of the state, confidential court employees, and the confidential University of Minnesota employees are excluded from bargaining. Supervisory and managerial court employees are excluded from bargaining. Other confidential employees, supervisory employees, principals, and assistant principals may form their own organizations. An employer shall extend exclusive recognition to a representative of or an organization of supervisory or confidential employees, or principals and assistant principals, for the purpose of negotiating terms or conditions of employment, in accordance with sections 179A.01 to 179A.25, applicable to essential employees.

Supervisory or confidential employee organizations shall not participate in any capacity in any negotiations which involve units of employees other than supervisory or confidential employees. Except for organizations which represent supervisors who are: (1) firefighters, peace officers subject to licensure under sections 626.84 to 626.863, guards at correctional facilities, or employees at hospitals other than state hospitals; and (2) not state or University of Minnesota employees, a supervisory or confidential employee organization which is affiliated with another employee organization which is the exclusive representative of nonsupervisory or nonconfidential employees of the same public employer shall not be certified, or act as, an exclusive representative for the supervisory or confidential employees. For the purpose of this subdivision, affiliation means either direct or indirect and includes affiliation through a federation or joint body of employee organizations.

Sec. 6. Minnesota Statutes 1998, section 179A.10, subdivision 4, is amended to read:

Subd. 4. [OTHER ASSIGNMENTS.] The commissioner shall assign state employee classifications, court employee classifications, University of Minnesota employee classifications, and supervisory positions to the appropriate units when the classifications or positions have not been assigned under subdivision 2 or section 179A.101 or 179A.11 or have been significantly modified in occupational content subsequent to assignment under these sections. The assignment of the classes shall be made on the basis of the community of interest of the majority of employees in these classes with the employees within the statutory units. All the employees in a class, excluding supervisory and confidential employees, shall be assigned to a single appropriate unit.

Sec. 7. [179A.101] [COURT UNITS.]

Subdivision 1. [COURT EMPLOYEE UNITS.] (a) The state court administrator shall meet and negotiate with the exclusive representative of each of the units specified in this section. The units provided in this section are the only appropriate units for court employees. Court employees, unless otherwise excluded, are included within the units which include the classifications to which they are assigned for purposes of compensation. Initial assignment of classifications to bargaining units shall be made by the state court administrator by August 15, 1999. An exclusive representative may appeal the initial assignment decision of the state court administrator by filing a petition with the commissioner within 45 days of being certified as the exclusive representative for a judicial district. The units in this subdivision are the appropriate units of court employees.

(b) The judicial district unit consists of clerical, administrative, and technical employees of a judicial district under section 480.181, subdivision 1, paragraph (b), or of two or more of these districts that are represented by the same employee organization or one or more subordinate bodies of the same employee organization. The judicial district unit includes individuals, not otherwise excluded, whose work is typically clerical or secretarial in nature, including nontechnical data recording and retrieval and general office work, and individuals, not otherwise excluded, whose work is not typically manual and which requires specialized knowledge or skills acquired through two-year academic programs or equivalent experience or on-the-job training.

(c) The appellate courts unit consists of clerical, administrative, and technical employees of the court of appeals and clerical, administrative, and technical employees of the supreme court. The appellate courts unit includes individuals, not otherwise excluded, whose work is typically clerical or secretarial in nature, including nontechnical data recording and retrieval and general office work, and individuals, not otherwise excluded, whose work is not typically manual and which requires specialized knowledge or skills acquired through two-year academic programs or equivalent experience or on-the-job training.

(d) The court employees professional employee unit consists of professional employees, not otherwise excluded, that are employed by the supreme court, the court of appeals, or a judicial district under section 480.181, subdivision 1, paragraph (b).

Subd. 2. [EXCLUSIONS.] The following employees are excluded from the appropriate units under subdivision 1:

- (1) personal secretaries to judges;
- (2) court reporters;
- (3) law clerks;
- (4) managerial employees;
- (5) confidential employees; and
- (6) supervisory employees.

Subd. 3. [EMPLOYEE ORGANIZATIONS REPRESENTING MORE THAN ONE JUDICIAL DISTRICT UNIT.] Whenever an employee organization or one or more subordinate bodies of the same employee organization is certified as the exclusive representative of the employees in more than one judicial district unit, all judicial district units for which the employee organization or one or more subordinate bodies of the same employee organization has been certified will be combined into one unit and the employee organization certified as exclusive representative of the employees of the new, combined unit. The commissioner shall issue a certification within 45 days of receipt of a petition demonstrating that an employee organization or one or more subordinate bodies of the same employee organization is certified as the exclusive representative of employees in more than one judicial district unit.

Sec. 8. [179A.102] [TRANSITION TO NEW BARGAINING UNIT STRUCTURE.]

Subdivision 1. [APPLICATION OF SECTION.] Notwithstanding the provisions of section 179A.12 or any other law, this section governs, where contrary to other law, the initial certification and decertification, if any, of exclusive representatives for the appropriate units established by section 7. Subsequent to the initial certification and decertification, if any, pursuant to this section, this section does not apply.

Subd. 2. [EXISTING MAJORITY.] The commissioner shall certify an employee organization as exclusive representative for an appropriate unit established under section 7 upon a petition filed with the commissioner by the organization within 30 days of the effective date of the judicial district coming under section 480.181, subdivision 1, paragraph (b), demonstrating that the petitioner is certified pursuant to section 179A.12 as the exclusive representative of a majority of the employees included within the unit established by section 7 as of that effective date. Two or more employee organizations that represent the employees in a unit established by section 7 may petition jointly under this subdivision, provided that any organization may withdraw from a joint certification in favor of the remaining organizations on 30 days' notice to the remaining organizations, the employer, and the commissioner, without affecting the rights and obligations of the remaining organizations or the employer. The commissioner shall make a determination on a timely petition within 45 days of its receipt.

Subd. 3. [NO EXISTING MAJORITY.] (a) If no exclusive representative is certified under subdivision 2, the commissioner shall certify an employee organization as exclusive representative for an appropriate unit established under section 7 upon a petition filed by the organization within the time period provided in subdivision 2 demonstrating that the petitioner is certified under section 179A.12 as the exclusive representative of fewer than a majority of the employees included within the unit established by section 7, if no other employee organization so certified has filed a petition within the time period provided in subdivision 2 and a majority of the employees in the unit established by section 7 are represented by employee organizations under section 179A.12 on the effective date of the judicial district coming under section 480.181, subdivision 1, paragraph (b). Two or more employee organizations, each of which represents employees included in the unit established by section 7, may petition jointly under this paragraph, provided that any organization may withdraw from a joint certification in favor of the remaining organizations on 30 days' notice to the remaining organizations, the employer, and the commissioner without affecting the rights and obligations of the remaining organizations or the employer. The commissioner shall make a determination on a timely petition within 45 days of its receipt.

(b) If no exclusive representative is certified under subdivision 2 or paragraph (a), and an employee organization petitions the commissioner within 90 days of the effective date of the judicial district coming under section 480.181, subdivision 1, paragraph (b), demonstrating that a majority of the employees included within a unit established by section 7 wish to be represented by the petitioner, where this majority is evidenced by current dues deduction rights, signed statements from court employees in counties within the district that are not currently represented by any employee organization plainly indicating that the signatories wish to be represented for collective bargaining purposes by the petitioner rather than by any other organization, or a combination of those, the commissioner shall certify the petitioner as exclusive representative of the employees in the unit established by section 7. The commissioner shall make a determination on a timely petition within 45 days of its receipt.

(c) If no exclusive representative is certified under subdivision 2 or paragraph (a) or (b), and an employee organization petitions the commissioner subsequent to the effective date of the judicial district coming under section 480.181, subdivision 1, paragraph (b), demonstrating that at least 30 percent of the employees included within a unit established by section 7 wish to be represented by the petitioner, where this 30 percent is evidenced by current dues deduction rights, signed statements from court employees in counties within the district that are not currently represented by any employee organization plainly indicating that the signatories wish to be represented for collective bargaining purposes by the petitioner rather than by any other organization, or a combination of those, the commissioner shall conduct a secret ballot election to determine the wishes of the majority. The election must be conducted within 45 days of receipt or final decision on any petitions filed pursuant to subdivision 2, whichever is later. The election is governed by section 179A.12, where not inconsistent with other provisions of this section.

Subd. 4. [DECERTIFICATION.] The commissioner may not consider a petition for decertification of an exclusive representative certified under this section for one year after certification. After that time a petition must be considered under the provisions of section 179A.12.

Subd. 5. [EXISTING COLLECTIVE BARGAINING AGREEMENTS.] The terms and conditions of collective bargaining agreements covering judicial district employees in districts that come under section 480.181, subdivision 1, paragraph (b), remain in effect until a successor agreement becomes effective.

Subd. 6. [CONTRACT AND REPRESENTATION RESPONSIBILITIES.] (a) Notwithstanding the provisions of section 7, the exclusive representatives of units of court employees certified prior to the effective date of the judicial district coming under section 480.181, subdivision 1, paragraph (b), remain responsible for administration of their contracts and for other contractual duties and have the right to dues and fair share fee deduction and other contractual privileges and rights until a contract is agreed upon with the state court administrator for a new unit established under section 7 or until June 30, 2001, whichever is earlier. Exclusive representatives of court employees certified after the effective date of this section in the judicial district are immediately upon certification responsible for bargaining on behalf of employees within the unit. They are also responsible for administering grievances arising under previous contracts covering employees included within the unit which remain unresolved on June 30, 2001, or upon agreement with the state court administrator on a contract for a new unit established under section 7, whichever is earlier. Where the employer does not object, these responsibilities may be varied by agreement between the outgoing and incoming exclusive representatives. All other rights and duties of representation begin on July 1, 2001, except that exclusive representatives certified after the effective date of this section shall immediately, upon certification, have the right to all employer information and all forms of access to employees within the bargaining unit which would be permitted to the current contract holder, including the rights in section 179A.07, subdivision 6. This section does not affect an existing collective bargaining contract. Incoming exclusive representatives of court employees from judicial districts that come under section 480.181, subdivision 1, paragraph (b), are immediately, upon certification, responsible for bargaining on behalf of all previously unrepresented employees assigned to their units. All other rights and duties of exclusive representatives begin on July 1, 2001.

(b) Nothing in sections 1 to 13 prevents an exclusive representative certified after the effective date of section 1 to 13 from assessing fair share or dues deductions immediately upon certification for employees in a unit established under section 7 if the employees were unrepresented for collective bargaining purposes before that certification.

Sec. 9. [179A.103] [GENERAL PROVISIONS FOR COURT EMPLOYEES.]

Subdivision 1. [CONTRACTS.] Contracts for the period commencing July 1, 2000, for the judicial district court employees of judicial districts that are under section 480.181, subdivision 1, paragraph (b), must be negotiated with the state court administrator. Negotiations for those contracts may begin any time after July 1, 1999, and may be initiated by either party notifying the other of the desire to begin the negotiating process. Negotiations are subject to this chapter.

Subd. 2. [DATE OF EMPLOYMENT.] The date of first employment by the state court system is the date on which services were first performed by the employee for the employer from which the employee is being transferred.

Subd. 3. [PROBATIONARY PERIODS.] Except as otherwise provided in a successor contract, probationary periods are not affected by the transfer of employees to the state court system.

Subd. 4. [WAGE PROTECTION.] Court employees in judicial districts coming under section 480.181, subdivision 1, paragraph (b), may not have a decrease in wages as a result of their transfer to state employment. Wage scales negotiated in a judicial district contract are not to be applied to a court employee of a judicial district who was a court employee of a county within the judicial district at the time the judicial district came under section 480.181, subdivision 1, paragraph (b), until the wage for the employee under the scale is equal to or greater than the wage the employee was receiving on the date the judicial district came under section 480.181, subdivision 1, paragraph (b).

Sec. 10. Minnesota Statutes 1998, section 179A.12, subdivision 4, is amended to read:

Subd. 4. [STATE UNIT ELECTIONS.] The commissioner shall not consider a petition for a decertification election during the term of a contract covering employees of the executive ~~branch or judicial~~ branches of the state of Minnesota except for a period ~~for from~~ not more than 270 to not less than 210 days before its date of termination.

Sec. 11. Minnesota Statutes 1998, section 179A.22, subdivision 2, is amended to read:

Subd. 2. [EMPLOYER.] The employer of state executive branch employees shall be, for purposes of sections 179A.01 to 179A.25, the commissioner of employee relations or the commissioner's representative.

Sec. 12. Minnesota Statutes 1998, section 179A.22, subdivision 3, is amended to read:

Subd. 3. [DUTIES.] In all negotiations between the executive branch of the state and exclusive representatives, the state executive branch shall be represented by the commissioner of employee relations or the commissioner's representative. The attorney general, and each appointing authority shall cooperate with the commissioner of employee relations in conducting negotiations and shall make available any personnel and other resources necessary to enable the commissioner to conduct effective negotiations.

Sec. 13. [179A.225] [COURT EMPLOYEES; NEGOTIATIONS.]

Subdivision 1. [EMPLOYER.] The employer of court employees is, for purposes of sections 179A.01 to 179A.25, the state court administrator or designated representative.

Subd. 2. [DUTIES.] In all negotiations between the state court system and exclusive representatives of court employees, the state court system must be represented by the state court administrator or designated representative. All judges and managerial, confidential, and supervisory personnel of the supreme court, the court of appeals, and the judicial districts that are under section 480.181, subdivision 1, paragraph (b), shall cooperate with the designated representative of the state court administrator in conducting negotiations and shall make available any personnel and other resources necessary to enable the representative of the state court administrator to conduct effective negotiations.

Subd. 3. [AGREEMENTS.] The state court administrator is authorized to enter into agreements with exclusive representatives.

Sec. 14. [EFFECTIVE DATE.]

Sections 1 to 13 do not take effect unless an appropriation and offsetting state aids and fine transfers specified in the 1999 omnibus tax bill take effect in fiscal year 2001."

Delete the title and insert:

"A bill for an act relating to the operation of state government; crime prevention and judiciary finance; appropriating money for the judicial branch, public safety, public defense, corrections, human rights, and related purposes; increasing and prescribing criminal penalties for certain offenses; expanding the categories of offenders that must provide a biological specimen for DNA testing; allowing separate sentences and consecutive sentences in certain situations; requiring a statewide model policy governing police pursuits; requiring training on emergency vehicle operations; providing for integrated criminal justice information systems; transferring the office of drug policy and violence prevention from the department of children, families, and learning to the department of public safety; clarifying certain public safety procedures; establishing the Rush city correctional facility; modifying productive day programs; delaying the transfer of per diem funding for battered women shelters; transferring victim and offender mediation programs from the supreme court to the center for crime victim services; establishing a residential program for women leaving prostitution; establishing a neighborhood-based crime victim and witness

services program; providing for the state takeover of costs of certain court-related programs; providing for the state takeover of court administration employees and costs in certain judicial districts; increasing the number of judges in certain judicial districts; creating a program to license qualified court interpreters; identifying collective bargaining rights and processes for court employees; amending Minnesota Statutes 1998, sections 2.722, subdivision 1; 43A.02, subdivision 25; 43A.24, subdivision 2; 119A.26; 119A.28, subdivisions 2 and 3; 119A.29, subdivision 1; 119A.32; 119A.33; 119A.34, subdivisions 3 and 4; 168A.40, subdivision 2; 179A.03, subdivisions 7, 14, 15, and by adding a subdivision; 179A.06, subdivision 2; 179A.10, subdivision 4; 179A.12, subdivision 4; 179A.22, subdivisions 2 and 3; 241.275, subdivisions 1 and 2; 242.192; 243.50; 244.05, subdivisions 4 and 5; 244.18, subdivision 3; 253B.23, subdivisions 1 and 8; 257.69, subdivision 2; 260.251, subdivisions 2 and 5; 260.56; 299C.063, subdivision 2; 299C.65, subdivisions 2, 5, and by adding subdivisions; 466.01, subdivision 6; 480.181, subdivision 1; 484.013, subdivisions 1 and 2; 484.64, subdivision 3; 484.65, subdivision 3; 485.018, subdivisions 2 and 6; 485.03; 485.27; 487.10, subdivision 4; 518.165, subdivision 3; 546.13; 546.44, subdivision 3; 563.01, subdivisions 2, 9, and 10; 609.035, subdivisions 1, 2, and by adding a subdivision; 609.102, by adding a subdivision; 609.1095, by adding a subdivision; 609.3461, subdivisions 1 and 2; 611.33, subdivision 3; 611A.77; 626.5532; and 626.845, subdivision 1; Laws 1997, chapter 85, article 3, section 53; proposing coding for new law in Minnesota Statutes, chapters 12; 179A; 241; 243; 299A; 477A; 480; and 626; repealing Minnesota Statutes 1998, sections 119A.04, subdivision 5; 241.275, subdivision 5; 241.277; 241.41; 241.42; 241.43; 241.44; 241.441; 241.45; 256D.05, subdivisions 3 and 3a; 357.021, subdivision 2a; 563.01, subdivision 1; and 609.113."

The motion prevailed and the amendment was adopted.

Broecker moved to amend S. F. No. 2221, as amended, as follows:

Page 25, line 17, delete "five" and insert "one"

Page 25, line 17, after "levy" insert ", excluding levies for debt."

The motion prevailed and the amendment was adopted.

Koskinen moved to amend S. F. No. 2221, as amended, as follows:

Page 7, delete lines 18 to 25

Page 15, line 17, delete "\$1,500,000" and insert "\$1,900,000"

Adjust the totals accordingly

A roll call was requested and properly seconded.

The question was taken on the Koskinen amendment and the roll was called. There were 61 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Abeler	Carlson	Dawkins	Gleason	Hausman	Jennings
Anderson, I.	Carruthers	Dorn	Gray	Hilty	Johnson
Bakk	Chaudhary	Entenza	Greenfield	Huntley	Juhnke
Biernat	Clark, K.	Folliard	Greiling	Jaros	Kahn

Kalis	Lieder	Milbert	Paymar	Skoglund	Westerberg
Kelliher	Luther	Mullery	Pelowski	Tingelstad	Winter
Koskinen	Mahoney	Murphy	Peterson	Tomassoni	
Kubly	Mariani	Opatz	Pugh	Trimble	
Larson, D.	Marko	Orfield	Rest	Tunheim	
Leighton	McCollum	Osthoff	Rukavina	Wagenius	
Lenczewski	McGuire	Otremba	Schumacher	Wejcman	

Those who voted in the negative were:

Abrams	Dempsey	Harder	McElroy	Rostberg	Van Dellen
Anderson, B.	Dorman	Holberg	Molnau	Seagren	Vandever
Bishop	Erhardt	Holsten	Mulder	Seifert, J.	Wenzel
Boudreau	Erickson	Hoves	Ness	Seifert, M.	Westfall
Bradley	Finseth	Kielkucki	Nornes	Skoe	Westrom
Broecker	Fuller	Knoblach	Osskopp	Smith	Wilkin
Buesgens	Gerlach	Krinkie	Ozment	Stanek	Wolf
Cassell	Goodno	Kuisle	Paulsen	Stang	Workman
Clark, J.	Gunther	Larsen, P.	Pawlenty	Storm	Spk. Sviggum
Daggett	Haake	Leppik	Reuter	Swenson	
Davids	Haas	Lindner	Rhodes	Sykora	
Dehler	Hackbarth	Mares	Rifenberg	Tuma	

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

Schumacher moved to amend S. F. No. 2221, as amended, as follows:

Page 7, line 18, delete "\$800,000" and insert "\$300,000"

Page 17, line 6, after "\$500,000" insert "each year"

Page 17, line 12, delete "in hardship cases" and insert "that demonstrate need"

Adjust totals accordingly

A roll call was requested and properly seconded.

The question was taken on the Schumacher amendment and the roll was called. There were 59 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Folliard	Jennings	Lenczewski	Murphy	Schumacher
Bakk	Gleason	Johnson	Lieder	Opatz	Skoglund
Biernat	Gray	Juhnke	Luther	Orfield	Smith
Carlson	Greenfield	Kahn	Mahoney	Osthoff	Tingelstad
Carruthers	Greiling	Kalis	Mariani	Paymar	Tomassoni
Chaudhary	Hasskamp	Kelliher	Marko	Pelowski	Trimble
Clark, K.	Hausman	Koskinen	McCollum	Peterson	Wagenius
Dawkins	Hilty	Kubly	McGuire	Pugh	Wejcman
Dorn	Huntley	Larson, D.	Milbert	Rest	Winter
Entenza	Jaros	Leighton	Mullery	Rukavina	

Those who voted in the negative were:

Abeler	Dehler	Hackbarth	Mares	Rifenberg	Van Dellen
Abrams	Dempsey	Harder	McElroy	Rostberg	Vandever
Anderson, B.	Dorman	Holberg	Molnau	Seagren	Wenzel
Bishop	Erhardt	Holsten	Mulder	Seifert, J.	Westerberg
Boudreau	Erickson	Howes	Ness	Seifert, M.	Westfall
Bradley	Finseth	Kielkucki	Nornes	Skoe	Westrom
Broecker	Fuller	Knoblach	Osskopp	Stanek	Wilkin
Buesgens	Gerlach	Krinkie	Ozment	Stang	Wolf
Cassell	Goodno	Kuisle	Paulsen	Storm	Workman
Clark, J.	Gunther	Larsen, P.	Pawlenty	Swenson	Spk. Sviggum
Daggett	Haake	Leppik	Reuter	Sykora	
Davids	Haas	Lindner	Rhodes	Tuma	

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

Anderson, I.; Otremba and Tunheim were excused between the hours of 1:05 p.m. and 3:50 p.m.

Mullery moved to amend S. F. No. 2221, as amended, as follows:

Page 34, after line 7, insert:

"Sec. 12. Minnesota Statutes 1998, section 244.052, is amended by adding a subdivision to read:

Subd. 4a. [LEVEL III OFFENDERS; LIMITATION ON APPROVED RELEASE PLAN.] When an offender assigned to risk level III is released from confinement or from a licensed residential facility to reside in the community, the offender's approved release plan must prohibit the offender from residing within 1,500 feet of a park zone, a school zone, or another offender assigned to risk level III."

Page 46, after line 19, insert:

"Sec. 28. [EFFECTIVE DATE.]

Section 12 is effective August 1, 1999, and applies to offenders released from confinement or licensed residential facilities on or after that date, and to changes of residence by offenders after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

McElroy raised a point of order pursuant to rule 3.21 that the Mullery amendment was not in order. The Speaker ruled the point of order not well taken and the Mullery amendment in order.

Pawlenty moved to amend the Mullery amendment to S. F. No. 2221, as amended, as follows:

Page 1, line 11, after the first comma, insert "or"

Page 1, line 11, delete everything after the second "zone" and insert a period

Page 1, delete line 12

A roll call was requested and properly seconded.

The Speaker called Abrams to the Chair.

The question recurred on the amendment to the amendment and the roll was called. There were 65 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holberg	McElroy	Rifenberg	Tuma
Abrams	Erhardt	Holsten	Molnau	Rostberg	Van Dellen
Anderson, B.	Finseth	Howes	Mulder	Seagren	Vandever
Bishop	Fuller	Kalis	Ness	Seifert, M.	Westerberg
Boudreau	Gerlach	Kielkucki	Nornes	Smith	Westfall
Bradley	Goodno	Knoblach	Osskopp	Stanek	Westrom
Broecker	Gunther	Krinkie	Ozment	Stang	Wilkin
Buesgens	Haake	Kuisle	Paulsen	Storm	Wolf
Cassell	Haas	Leppik	Pawlenty	Swenson	Workman
Daggett	Hackbarth	Lindner	Reuter	Sykora	Spk. Sviggum
Dauids	Harder	Mares	Rhodes	Tingelstad	

Those who voted in the negative were:

Bakk	Entenza	Jaros	Lenczewski	Opatz	Skoe
Biernat	Erickson	Jennings	Lieder	Orfield	Skoglund
Carlson	Folliard	Johnson	Luther	Osthoff	Tomassoni
Carruthers	Gleason	Juhnke	Mahoney	Paymar	Trimble
Chaudhary	Gray	Kahn	Mariani	Pelowski	Wagenius
Clark, J.	Greenfield	Kelliher	Marko	Peterson	Wejzman
Clark, K.	Greiling	Koskinen	McCollum	Pugh	Wenzel
Dawkins	Hasskamp	Kubly	McGuire	Rest	Winter
Dehler	Hausman	Larsen, P.	Milbert	Rukavina	
Dempsey	Hilty	Larson, D.	Mullery	Schumacher	
Dom	Huntley	Leighton	Murphy	Seifert, J.	

The motion prevailed and the amendment to the amendment was adopted.

The Mullery amendment, as amended by the Pawlenty amendment, and as further modified by the Larsen, P., language reads as follows:

Page 34, after line 7, insert:

"Sec. 12. Minnesota Statutes 1998, section 244.052, is amended by adding a subdivision to read:

Subd. 4a. [LEVEL III OFFENDERS; LIMITATION ON APPROVED RELEASE PLAN.] When an offender assigned to risk level III is released from confinement or from a licensed residential facility to reside in the community, the offender's approved release plan must prohibit the offender from residing within 1,500 feet of a park zone, or a school zone, and day care facilities."

Page 46, after line 19, insert:

"Sec. 28. [EFFECTIVE DATE.]

Section 12 is effective August 1, 1999, and applies to offenders released from confinement or licensed residential facilities on or after that date, and to changes of residence by offenders after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

The question recurred on the Mullery amendment, as amended, and the roll was called. There were 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Holberg

The motion prevailed and the amendment, as amended, was adopted.

Osthoff was excused between the hours of 1:40 p.m. and 3:00 p.m.

Schumacher moved to amend S. F. No. 2221, as amended, as follows:

Page 7, line 18, delete "\$800,000" and insert "\$116,000"

Page 15, after line 42, insert:

"\$250,000 the first year and \$434,000 the second year are for county probation officer reimbursement under Minnesota Statutes, section 244.19, subdivision 6."

Adjust the totals accordingly

A roll call was requested and properly seconded.

The question was taken on the Schumacher amendment and the roll was called. There were 57 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Bakk	Folliard	Jaros	Leighton	Mullery	Schumacher
Biernat	Gleason	Jennings	Lenczewski	Murphy	Skoglund
Carlson	Gray	Johnson	Lieder	Opatz	Tomassoni
Carruthers	Greenfield	Juhnke	Luther	Orfield	Trimble
Chaudhary	Greiling	Kahn	Mahoney	Paymar	Wagenius
Clark, K.	Hasskamp	Kalis	Mariani	Pelowski	Wejzman
Dawkins	Hausman	Kelliher	Marko	Peterson	Winter
Dorman	Hilty	Koskinen	McCollum	Pugh	
Dorn	Howes	Kubly	McGuire	Rest	
Entenza	Huntley	Larson, D.	Milbert	Rukavina	

Those who voted in the negative were:

Abeler	Dehler	Harder	Molnau	Seagren	Van Dellen
Abrams	Dempsey	Holberg	Mulder	Seifert, J.	Vandever
Anderson, B.	Erhardt	Holsten	Ness	Seifert, M.	Wenzel
Bishop	Erickson	Kielkucki	Nornes	Skoe	Westerberg
Boudreau	Finseth	Knoblach	Osskopp	Smith	Westfall
Bradley	Fuller	Krinkie	Ozment	Stanek	Westrom
Broecker	Gerlach	Kuisle	Paulsen	Stang	Wilkin
Buesgens	Goodno	Larsen, P.	Pawlenty	Storm	Wolf
Cassell	Gunther	Leppik	Reuter	Swenson	Workman
Clark, J.	Haake	Lindner	Rhodes	Sykora	Spk. Sviggum
Daggett	Haas	Mares	Rifenberg	Tingelstad	
Davids	Hackbarth	McElroy	Rostberg	Tuma	

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

Reuter moved to amend S. F. No. 2221, as amended, as follows:

Page 17, after line 20, insert:

"If Minnesota Statutes section 16B.616 which imposes bleacher safety requirements is not enacted into law in the 1999 session, then the appropriation specified in this section is canceled and returned to the general fund."

The motion prevailed and the amendment was adopted.

Paymar moved to amend S. F. No. 2221, as amended, as follows:

Page 6, line 46, delete "\$5,500,000" and insert "\$5,300,000"

Page 6, line 47, delete "\$3,500,000" and insert "\$3,300,000"

Page 8, line 5, delete "\$1,000,000" and insert "\$600,000"

Page 16, after line 58, insert:

"Sec. 14. CORRECTIONS OMBUDSMAN 400,000 400,000

If the reduction in the base level funding causes a reduction in the number of employees, then the commissioner of corrections and commissioner of public safety shall make reasonable efforts to transfer the affected employees to positions within the department of corrections or department of public safety."

Page 50, line 24, delete "241.41; 241.42; 241.43; 241.44; 241.441; 241.45;"

Adjust the totals accordingly

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Paymar amendment and the roll was called. There were 44 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abeler	Folliard	Jaros	Lieder	Opatz	Koe
Bakk	Gleason	Jennings	Luther	Orfield	Tomassoni
Biernat	Gray	Johnson	Mahoney	Paymar	Trimble
Carlson	Greenfield	Juhnke	Mariani	Pelowski	Wejcmam
Chaudhary	Greiling	Kahn	Marko	Pugh	
Clark, K.	Hausman	Kalis	McGuire	Rest	
Dorn	Hilty	Koskinen	Milbert	Rukavina	
Entenza	Huntley	Leighton	Murphy	Schumacher	

Those who voted in the negative were:

Abrams	Dempsey	Hasskamp	Leppik	Reuter	Tingelstad
Anderson, B.	Dorman	Holberg	Lindner	Rhodes	Tuma
Bishop	Erhardt	Holsten	Mares	Rifenberg	Van Dellen
Boudreau	Erickson	Howes	McElroy	Rostberg	Vandever
Bradley	Finseth	Kelliher	Molnau	Seagren	Wenzel
Broecker	Fuller	Kielkucki	Mulder	Seifert, J.	Westerberg
Buesgens	Gerlach	Knoblach	Ness	Seifert, M.	Westrom
Carruthers	Goodno	Krinkie	Nornes	Smith	Wilkin
Cassell	Gunther	Kubly	Osskopp	Stanek	Wolf
Clark, J.	Haake	Kuisle	Ozment	Stang	Workman
Daggett	Haas	Larsen, P.	Paulsen	Storm	Spk. Sviggum
Davids	Hackbarth	Larson, D.	Pawlenty	Swenson	
Dehler	Harder	Lenzewski	Peterson	Sykora	

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

Kahn, Dehler, Gunther, Rostberg, Cassell, Osskopp, Greenfield and Trimble offered an amendment to S. F. No. 2221, as amended.

POINT OF ORDER

Goodno raised a point of order pursuant to rule 3.21 that the Kahn et al amendment was not in order. The Speaker ruled the point of order well taken and the Kahn et al amendment out of order.

Kahn appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 76 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Harder	Mares	Rhodes	Tingelstad
Abrams	Dorman	Holberg	Mariani	Rifenberg	Tuma
Anderson, B.	Dorn	Holsten	McElroy	Rostberg	Van Dellen
Bishop	Erhardt	Howes	Molnau	Seagren	Vandever
Boudreau	Erickson	Kalis	Mulder	Seifert, J.	Westerberg
Bradley	Finseth	Kielkucki	Ness	Seifert, M.	Westfall
Broecker	Fuller	Knoblach	Nornes	Skoglund	Westrom
Buesgens	Gerlach	Krinkie	Opatz	Smith	Wilkin
Carlson	Goodno	Kuisle	Ozment	Stanek	Wolf
Cassell	Gunther	Larsen, P.	Paulsen	Stang	Workman
Clark, J.	Haake	Larson, D.	Pawlenty	Storm	Spk. Sviggung
Daggett	Haas	Leppik	Pelowski	Swenson	
Davids	Hackbarth	Lindner	Reuter	Sykora	

Those who voted in the negative were:

Biernat	Gleason	Jennings	Leighton	Paymar	Trimble
Chaudhary	Gray	Johnson	Lieder	Peterson	Wagenius
Clark, K.	Greiling	Juhnke	Mahoney	Pugh	Wenzel
Dawkins	Hausman	Kahn	McGuire	Rukavina	
Dehler	Hilty	Kelliher	Milbert	Schumacher	
Entenza	Huntley	Koskinen	Orfield	Skoe	
Folliard	Jaros	Kubly	Osskopp	Tomassoni	

So it was the judgment of the House that the decision of the Speaker should stand.

The Speaker called Carruthers to the Chair.

Biernat was excused between the hours of 2:30 p.m. and 4:20 p.m.

McGuire and Seifert, M., offered an amendment to S. F. No. 2221, as amended.

Skoglund requested a division of the McGuire and Seifert, M., amendment to S. F. No. 2221, as amended.

The first portion of the McGuire and Seifert, M., amendment to S. F. No. 2221, as amended, reads as follows:

Page 46, after line 21, insert:

"Section 1. Minnesota Statutes 1998, section 16B.35, is amended by adding a subdivision to read:

Subd. 1b. [EXCEPTION.] A prohibition on using state appropriations to pay for art in correctional facilities does not apply to art produced through programming in correctional facilities.

Sec. 2. Minnesota Statutes 1998, section 241.0221, subdivision 4, is amended to read:

Subd. 4. [MINIMUM STANDARDS.] (a) The commissioner shall establish, under chapter 14, minimum standards for the construction or rehabilitation of all local detention facilities and their operations by July 1, 1993. Interim standards developed by the commissioner may be used until that time.

(b) The commissioner shall establish requirements for alternative detention program subsidies and the maximum amount of funding each eligible participating county can receive. These subsidy requirements are not subject to chapter 14 procedures. Compliance with requirements established by the commissioner constitutes a minimum requirement for the granting of subsidy funding.

(c) The commissioner may administratively establish minimum training service requirements and the maximum amount of funding that will be annually expended by the department of corrections for such training."

Reorder the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the first portion of the McGuire and Seifert, M., amendment and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The motion prevailed and the first portion of the McGuire and Seifert, M., amendment was adopted.

The second portion of the McGuire and Seifert, M., amendment to S. F. No. 2221, as amended, reads as follows:

Page 50, after line 10, insert:

"Sec. 9. Minnesota Statutes 1998, section 326.84, subdivision 3, is amended to read:

Subd. 3. [EXEMPTIONS.] The license requirement does not apply to:

- (1) an employee of a licensee performing work for the licensee;
- (2) a material person, manufacturer, or retailer furnishing finished products, materials, or articles of merchandise who does not install or attach the items;
- (3) an owner or owners of residential real estate who build or improve residential real estate and who do the work themselves or jointly with the owner's own bona fide employees. This exemption does not apply to a person who engages in a pattern of building or improving real estate for purposes of resale. Such a pattern is presumed to exist if the person constructs or improves more than one property within any 24-month period;
- (4) an architect or engineer engaging in professional practice as defined in this chapter;
- (5) a person whose total gross annual receipts from projects regulated under this section do not exceed \$15,000;
- (6) a mechanical contractor;
- (7) a plumber, electrician, or other person whose profession is otherwise subject to statewide licensing, when engaged in the activity which is the subject of licensure;
- (8) specialty contractors who provide only one special skill as defined in section 326.83;
- (9) a school district, or a technical college governed under chapter 136F;
- (10) manufactured housing installers; ~~and~~
- (11) Habitat for Humanity and Builders Outreach Foundation, and their individual volunteers when engaged in activities on their behalf; and
- (12) Minnesota department of corrections institution community work crew (ICWC) affordable housing program, and a person or governmental agency engaged in activities on their behalf.

To qualify for the exemption in clause (5), a person must obtain a certificate of exemption from licensing from the commissioner.

A certificate of exemption will be issued upon the applicant's filing with the commissioner, an affidavit stating that the applicant does not expect to exceed \$15,000 in gross annual receipts derived from contracting activities during the calendar year for which the exemption is requested.

To renew the exemption in clause (5), the applicant must file an affidavit stating that the applicant did not exceed \$15,000 in gross annual receipts during the past calendar year, and the applicant does not expect to exceed \$15,000 in gross annual receipts during the calendar year for which the exemption is requested.

If a person, operating under the exemption in clause (5), exceeds \$15,000 in gross receipts during any calendar year, the person must immediately surrender the exemption certificate and apply for the appropriate license. The person must remain licensed until such time as the person's gross annual receipts during a calendar year fall below \$15,000. The person may then apply for this exemption for the next calendar year."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the second portion of the McGuire and Seifert, M., amendment and the roll was called. There were 49 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Harder	McGuire	Rifenberg	Van Dellen
Abrams	Dehler	Holberg	Molnau	Rostberg	Westrom
Bishop	Erhardt	Kielkucki	Mulder	Seagren	Wilkin
Boudreau	Gerlach	Knoblach	Ness	Seifert, M.	Spk. Sviggum
Bradley	Goodno	Krinkie	Nornes	Stanek	
Broecker	Gunther	Kuisle	Paulsen	Stang	
Buesgens	Haake	Leppik	Pawlenty	Storm	
Cassell	Haas	Lindner	Reuter	Sykora	
Daggett	Hackbarth	McElroy	Rhodes	Tingelstad	

Those who voted in the negative were:

Anderson, B.	Finseth	Jaros	Lieder	Ozment	Tomassoni
Bakk	Folliard	Jennings	Luther	Paymar	Trimble
Carlson	Fuller	Johnson	Mahoney	Pelowski	Tuma
Carruthers	Gleason	Juhnke	Mares	Peterson	Vandever
Chaudhary	Gray	Kahn	Mariani	Pugh	Wagenius
Clark, J.	Greenfield	Kalis	Marko	Rest	Wejcmán
Clark, K.	Greiling	Kelliher	McCollum	Rukavina	Wenzel
Dawkins	Hasskamp	Koskinen	Milbert	Schumacher	Westerberg
Dempsey	Hausman	Kubly	Mullery	Seifert, J.	Westfall
Dorman	Hilty	Larsen, P.	Murphy	Skoe	Winter
Dorn	Holsten	Larson, D.	Opatz	Skoglund	Wolf
Entenza	Howes	Leighton	Orfield	Smith	Workman
Erickson	Huntley	Lenczewski	Osskopp	Swenson	

The motion did not prevail and the second portion of the McGuire and Seifert, M., amendment was not adopted.

The Speaker resumed the Chair.

Peterson and Trimble moved to amend S. F. No. 2221, as amended, as follows:

Page 10, after line 24, insert:

"\$100,000 each year is for grants to requesting local law enforcement agencies to purchase no more than one dog per county that is trained for multiple uses including detecting and locating controlled substances, detecting and locating bombs, and search and rescue. Only counties that do not currently have a dog trained for these purposes or have no dog trained for these purposes available from a municipality within the county are eligible for these grants."

Page 14, line 6, delete "\$400,000" and insert "\$300,000"

Adjust amounts accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Trimble raised a point of order pursuant to section 124 of "Mason's Manual of Legislative Procedure," relating to Personalities Not Permitted in Debate. The Speaker ruled the point of order not well taken.

The question was taken on the Peterson and Trimble amendment and the roll was called. There were 19 yeas and 104 nays as follows:

Those who voted in the affirmative were:

Boudreau	Gray	Krinkie	Osskopp	Trimble
Entenza	Greiling	Mahoney	Peterson	Wagenius
Folliard	Juhnke	Marko	Schumacher	Wejcman
Gleason	Koskinen	Milbert	Smith	

Those who voted in the negative were:

Abeler	Davids	Haas	Kielkucki	McElroy	Rest
Abrams	Dawkins	Hackbarth	Knoblach	McGuire	Reuter
Anderson, B.	Dehler	Harder	Kubly	Molnau	Rhodes
Bakk	Dempsey	Hasskamp	Kuisle	Mulder	Rifenberg
Bishop	Dorman	Hausman	Larsen, P.	Mullery	Rostberg
Bradley	Dorn	Hilty	Larson, D.	Ness	Rukavina
Broecker	Erhardt	Holberg	Leighton	Nornes	Seagren
Buesgens	Erickson	Holsten	Lenczewski	Opatz	Seifert, J.
Carlson	Finseth	Howes	Leppik	Orfield	Seifert, M.
Carruthers	Fuller	Huntley	Lieder	Ozment	Skoe
Cassell	Gerlach	Jaros	Lindner	Paulsen	Skoglund
Chaudhary	Goodno	Jennings	Luther	Pawlenty	Stanek
Clark, J.	Greenfield	Johnson	Mares	Paymar	Stang
Clark, K.	Gunther	Kalis	Mariani	Pelowski	Storm
Daggett	Haake	Kelliher	McCollum	Pugh	Swenson

Sykora	Tuma	Wenzel	Westrom	Workman
Tingelstad	Van Dellen	Westerberg	Wilkin	Spk. Sviggum
Tomassoni	Vandever	Westfall	Wolf	

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

Fuller and Broecker offered an amendment to S. F. No. 2221, as amended.

POINT OF ORDER

Skoglund raised a point of order pursuant to rule 4.03 relating to the Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills. The Speaker ruled the point of order well taken and the Fuller and Broecker amendment out of order.

Haas and Larsen, P., moved to amend S. F. No. 2221, as amended, as follows:

Page 3, line 33, after the period, insert:

"None of this appropriation shall be used to pay for lawsuits against public agencies or public officials to change social or public policy."

The motion prevailed and the amendment was adopted.

S. F. No. 2221, A bill for an act relating to crime prevention and judiciary finance; appropriating money for the judicial branch, public safety, corrections, public defense, human rights, crime victims, and related purposes; establishing grant programs, task forces, and pilot projects; requiring reports and studies; increasing the number of judges; transferring responsibility for the office of drug policy and violence prevention, the Asian-Pacific juvenile crime intervention and prevention grant program, the juvenile weekend program at Camp Ripley, and the operation and maintenance of the state land and buildings that compose MCF-Sauk Centre; increasing the membership and expanding the duties of the criminal and juvenile justice policy group; authorizing a lease-purchase agreement for a northern satellite laboratory facility and additional work related to a new facility in St. Paul for the bureau of criminal apprehension; clarifying and expanding certain criminal and civil penalties; establishing a work program for certain repeat DWI offenders and repealing the existing work program for nonviolent offenders; requiring counties to pay the costs of placing juvenile females at Minnesota correctional facility-Sauk Centre; requiring the department of corrections to submit an annual performance report; imposing criminal penalties for persons taking responsibility for criminal acts; providing for sanction conference procedures to dispose of technical violations of probation; providing a posttraumatic stress syndrome benefit; providing for recovery of damages when there is an unauthorized release of animals; privatizing the educational program at Minnesota correctional facility-Red Wing; making certain changes related to part-time peace officers; requiring policies and training and making certain other changes related to police pursuits; increasing the state's fiscal responsibility for certain persons prior to civil commitment; establishing requirements relating to out-of-home placements of juveniles; providing for state funding of certain programs and personnel; providing for state funding of court administration costs in specified judicial districts; establishing collective bargaining provisions for court employees; extending the sunset date for a juvenile records provision; requiring that the continued operation of the new Rush City prison beyond July 1, 2001, be specifically authorized by law; amending Minnesota Statutes 1998, sections 2.722, subdivision 1; 3.739, subdivision 1; 43A.02, subdivision 25; 43A.24, subdivision 2; 119A.26; 119A.28, subdivisions 2 and 3; 119A.29, subdivision 1; 119A.31, subdivision 3; 119A.32; 119A.33; 119A.34, subdivisions 3 and 4; 169.121, subdivisions 3, 3e, and by adding subdivisions; 169.129, subdivision 2; 179A.03, subdivisions 7, 14, 15, and by adding a subdivision; 179A.06, subdivision 2; 179A.10, subdivision 4; 179A.12, subdivision 4; 179A.22, subdivisions 2 and 3; 241.016; 242.192; 243.05, subdivision 1; 243.50; 244.052, subdivision 1, and by adding a subdivision; 244.19, subdivision 3a;

253B.185, by adding a subdivision; 253B.23, subdivisions 1 and 8; 256.01, subdivision 2; 256.486, subdivisions 1 and 2; 257.69, subdivision 2; 260.151, subdivision 3; 260.161, subdivision 1; 260.181, by adding a subdivision; 260.185, by adding a subdivision; 260.251, subdivisions 2 and 5; 260.56; 299C.65, subdivisions 2, 5, and by adding subdivisions; 340A.415; 340A.703; 346.56; 346.56; 466.01, subdivision 6; 480.181, subdivision 1; 484.64, subdivision 3; 484.65, subdivision 3; 485.018, subdivisions 2 and 6; 485.03; 485.27; 487.02, subdivision 2; 487.10, subdivision 4; 518.165, subdivision 3; 546.13; 546.44, subdivision 3; 563.01, subdivisions 2, 9, and 10; 609.035, subdivisions 1, 2, and by adding a subdivision; 609.135, subdivisions 1 and 2; 609.495, by adding a subdivision; 609.531, subdivision 1; 609.5315, by adding a subdivision; 611.33, subdivision 3; 626.5532, subdivision 1; 626.845, subdivision 1; 626.8462; 626.8463, subdivision 1; and 626.8465, subdivision 2; Laws 1997, chapter 85, article 3, section 53; proposing coding for new law in Minnesota Statutes, chapters 179A; 241; 243; 244; 260; 299A; 299L; 401; 480; and 626; repealing Minnesota Statutes 1998, sections 119A.04, subdivision 5; 241.277; 256D.05, subdivisions 3 and 3a; 357.021, subdivision 2a; 401.02, subdivision 5; 563.01, subdivision 1; 609.113; 626.5532, subdivision 2; and 626.8463, subdivision 2; Laws 1997, chapter 238, section 4.

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 119 yeas and 13 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bakk	Hausman	Kahn	Rukavina	Wejcman
Gray	Hilty	Mahoney	Tomassoni	
Greenfield	Jaros	Mariani	Trimble	

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

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Pawlenty from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day, immediately following the remaining bills on the Calendar for the Day, for Tuesday, April 20, 1999:

S. F. Nos. 496, 296 and 834; H. F. No. 310; S. F. Nos. 1204 and 1202; H. F. No. 16; S. F. Nos. 841, 283 and 1562; H. F. Nos. 700, 1235, 441 and 861; S. F. No. 1144; H. F. No. 1346; S. F. Nos. 1060 and 1715; H. F. No. 90; and S. F. No. 521.

Paymar was excused for the remainder of today's session.

CALENDAR FOR THE DAY

S. F. No. 1012 was reported to the House.

Pawlenty moved that S. F. No. 1012 be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 1471 was reported to the House.

Storm moved to amend S. F. No. 1471 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [504.301] [APPLICANT SCREENING FEE.]

Subdivision 1. [LIMIT ON NUMBER OF APPLICANT SCREENING FEES.] A landlord or the landlord's agent may not charge an applicant a screening fee when the landlord knows or should have known that no rental unit is available at that time or will be available within a reasonable future time.

Subd. 2. [RETURN OF APPLICANT SCREENING FEE.] If the landlord or the landlord's agent does not perform a personal reference check or does not obtain a consumer credit report or tenant screening report, the landlord or the landlord's agent shall return any amount of the screening fee that is not used for the purposes authorized by this section to the applicant. The screening fee may be returned by mail, may be destroyed upon the applicant's request if paid by check, or may be made available for the applicant to retrieve.

Subd. 3. [DISCLOSURES TO APPLICANT.] A landlord or the landlord's agent, prior to taking an application fee from a prospective tenant, must disclose on the application form or orally the name, address, and telephone number of the tenant screening service the owner will use, unless the owner does not use a tenant screening service.

Subd. 4. [REMEDIES.] In addition to any other remedies, a landlord who violates this section is liable to the applicant for the application fee plus a civil penalty of up to \$100, civil court filing costs, and reasonable attorney fees incurred to enforce this remedy.

Sec. 2. [REPEALER.]

Minnesota Statutes 1998, section 504.30, subdivision 5, is repealed."

The motion prevailed and the amendment was adopted.

S. F. No. 1471, A bill for an act relating to landlords and tenants; requiring certain limitations on tenant screening fees; proposing coding for new law in Minnesota Statutes, chapter 504.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 1463, A bill for an act relating to townships; authorizing creation of a capital reserve fund; amending Minnesota Statutes 1998, section 365.10, 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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Boudreau	Chaudhary	Dempsey	Folliard	Greiling
Abrams	Bradley	Clark, J.	Dorman	Fuller	Gunther
Anderson, B.	Broecker	Clark, K.	Dorn	Gerlach	Haake
Anderson, I.	Buesgens	Daggett	Entenza	Gleason	Haas
Bakk	Carlson	Davids	Erhardt	Goodno	Hackbarth
Biernat	Carruthers	Dawkins	Erickson	Gray	Harder
Bishop	Cassell	Dehler	Finseth	Greenfield	Hasskamp

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

The bill was passed and its title agreed to.

Carruthers was excused for the remainder of today's session.

S. F. No. 480, A bill for an act relating to transportation; allowing port authorities to retain lease or management contract revenues from commercial navigation projects financed by the state; amending Minnesota Statutes 1998, section 457A.04, 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

There being no objection, S. F. No. 1012, which was continued earlier today on the Calendar for the Day, was again reported to the House.

S. F. No. 1012, A bill for an act relating to Itasca county; modifying certain accounting and expenditure requirements for road and bridge fund tax money derived from unorganized townships.

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 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Olson

The bill was passed and its title agreed to.

S. F. No. 1368, A bill for an act relating to commerce; regulating contracts for architects, engineers, surveyors, landscape architects, geoscientists, and interior designers; amending Minnesota Statutes 1998, sections 16C.08, subdivision 5; and 337.10, subdivision 4.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 556 was reported to the House.

Leighton moved to amend S. F. No. 556 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 805, the second engrossment:

"Section 1. Minnesota Statutes 1998, section 3.736, subdivision 3, is amended to read:

Subd. 3. [EXCLUSIONS.] Without intent to preclude the courts from finding additional cases where the state and its employees should not, in equity and good conscience, pay compensation for personal injuries or property losses, the legislature declares that the state and its employees are not liable for the following losses:

(a) a loss caused by an act or omission of a state employee exercising due care in the execution of a valid or invalid statute or rule;

(b) a loss caused by the performance or failure to perform a discretionary duty, whether or not the discretion is abused;

(c) a loss in connection with the assessment and collection of taxes;

(d) a loss caused by snow or ice conditions on a highway or public sidewalk that does not abut a publicly owned building or a publicly owned parking lot, except when the condition is affirmatively caused by the negligent acts of a state employee;

(e) a loss caused by wild animals in their natural state, except as provided in section 3.7371;

(f) a loss other than injury to or loss of property or personal injury or death;

(g) a loss caused by the condition of unimproved real property owned by the state, which means land that the state has not improved, state land that contains idled or abandoned mine pits or shafts, and appurtenances, fixtures, and attachments to land that the state has neither affixed nor improved;

(h) a loss involving or arising out of the use or operation of a recreational motor vehicle, as defined in section 84.90, subdivision 1, within the right-of-way of a trunk highway, as defined in section 160.02, except that the state is liable for conduct that would entitle a trespasser to damages against a private person;

(i) a loss incurred by a user arising from the construction, operation, or maintenance of the outdoor recreation system, as defined in section 86A.04, or for a loss arising from the construction, operation, maintenance, or administration of grants-in-aid trails as defined in section 85.018, or for a loss arising from the construction, operation, or maintenance of a water access site created by the iron range resources and rehabilitation board, except that the state is liable for conduct that would entitle a trespasser to damages against a private person. For the purposes of this clause, a water access site, as defined in section 86A.04 or created by the iron range resources and rehabilitation board, that provides access to an idled, water filled mine pit, also includes the entire water filled area of the pit and, further, includes losses caused by the caving or slumping of the mine pit walls;

~~(j)~~ (j) a loss of benefits or compensation due under a program of public assistance or public welfare, except if state compensation for loss is expressly required by federal law in order for the state to receive federal grants-in-aid;

~~(j)~~ (k) a loss based on the failure of a person to meet the standards needed for a license, permit, or other authorization issued by the state or its agents;

~~(k)~~ (l) a loss based on the usual care and treatment, or lack of care and treatment, of a person at a state hospital or state corrections facility where reasonable use of available appropriations has been made to provide care;

~~(h)~~ (m) loss, damage, or destruction of property of a patient or inmate of a state institution;

~~(m)~~ (n) a loss for which recovery is prohibited by section 169.121, subdivision 9;

~~(n)~~ (o) a loss caused by an aeration, bubbler, water circulation, or similar system used to increase dissolved oxygen or maintain open water on the ice of public waters, that is operated under a permit issued by the commissioner of natural resources;

~~(o)~~ (p) a loss incurred by a visitor to the Minnesota zoological garden, except that the state is liable for conduct that would entitle a trespasser to damages against a private person;

~~(p)~~ (q) a loss arising out of a person's use of a logging road on public land that is maintained exclusively to provide access to timber on that land by harvesters of the timber, and is not signed or otherwise held out to the public as a public highway; and

~~(q)~~ (r) a loss incurred by a user of property owned, leased, or otherwise controlled by the Minnesota National Guard or the department of military affairs, except that the state is liable for conduct that would entitle a trespasser to damages against a private person.

The state will not pay punitive damages.

Sec. 2. Minnesota Statutes 1998, section 604A.20, is amended to read:

604A.20 [POLICY.]

It is the policy of this state, in furtherance of the public health and welfare, to encourage and promote the use of land owned by a municipal power agency and privately owned lands and waters by the public for beneficial recreational purposes, and the provisions of sections 604A.20 to 604A.27 are enacted to that end.

Sec. 3. Minnesota Statutes 1998, section 604A.21, is amended by adding a subdivision to read:

Subd. 2a. [DEDICATED.] "Dedicated" means made available by easement, license, permit, or other authorization.

Sec. 4. Minnesota Statutes 1998, section 604A.21, subdivision 3, is amended to read:

Subd. 3. [LAND.] "Land" means ~~privately owned or leased~~ any of the following which is privately owned or leased or in which a municipal power agency has rights: land, roads, water, watercourses, private ways and buildings, structures, and other improvements to land, and machinery or equipment when attached to the land.

Sec. 5. Minnesota Statutes 1998, section 604A.21, subdivision 4, is amended to read:

Subd. 4. [OWNER.] "Owner" means the possessor of a fee interest or a life estate, tenant, lessee, occupant, holder of a utility easement, or person in control of the land.

Sec. 6. Minnesota Statutes 1998, section 604A.24, is amended to read:

604A.24 [LIABILITY; LEASED LAND, WATER-FILLED MINE PITS; MUNICIPAL POWER AGENCY LAND.]

Unless otherwise agreed in writing, sections 604A.22 and 604A.23 also apply to the duties and liability of an owner of the following land:

- (1) land leased to the state or any political subdivision for recreational purpose; or
- (2) idled or abandoned, water-filled mine pits whose pit walls may slump or cave, and to which water the public has access from a water access site operated by a public entity; or
- (3) land of which a municipal power agency is an owner and that is used for recreational trail purposes, and other land of a municipal power agency which is within 300 feet of such land if the entry onto such land was from land that is dedicated for recreational purposes or recreational trail use.

Sec. 7. Minnesota Statutes 1998, section 604A.25, is amended to read:

604A.25 [OWNER'S LIABILITY; NOT LIMITED.]

Except as set forth in this section, nothing in sections 604A.20 to 604A.27 limits liability that otherwise exists:

- (1) for conduct which, at law, entitles a trespasser to maintain an action and obtain relief for the conduct complained of; or
- (2) for injury suffered in any case where the owner charges the persons who enter or go on the land for the recreational purpose, except that in the case of land leased or dedicated to the state or a political subdivision, any consideration received from the state or political subdivision by the owner for the lease or dedication is not considered a charge within the meaning of this section.

Except for conduct set forth in section 604A.22, clause (3), a person may not maintain an action and obtain relief at law for conduct referred to by clause (1) in this section if the entry upon the land is incidental to or arises from access granted for the recreational trail use of land dedicated, leased, or permitted by the owners for recreational trail use."

Delete the title and insert:

"A bill for an act relating to liability; providing an exclusion from state liability and an exception to it; limiting liability on certain municipal power agency land; amending Minnesota Statutes 1998, sections 3.736, subdivision 3; 604A.20; 604A.21, subdivisions 3, 4, and by adding a subdivision; 604A.24; and 604A.25."

The motion prevailed and the amendment was adopted.

S. F. No. 556, A bill for an act relating to municipal power agencies; limiting liability for recreational purposes; amending Minnesota Statutes 1998, section 604A.24.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 496, A bill for an act relating to crime; allowing courts to extend the time period for search warrants for financial records; amending Minnesota Statutes 1998, section 626.15.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 296 was reported to the House.

Tuma moved to amend S. F. No. 296 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 483, the second engrossment:

"Section 1. Minnesota Statutes 1998, section 121A.41, subdivision 10, is amended to read:

Subd. 10. [SUSPENSION.] "Suspension" means an action by the school administration, under rules promulgated by the school board, prohibiting a pupil from attending school for a period of no more than ten school days. If a suspension is longer than five days, the suspending administrator must provide the superintendent with a reason for the longer suspension. This definition does not apply to dismissal from school for one school day or less, except as provided in federal law for a student with a disability. Each suspension action may include a readmission plan. The readmission plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension. The school administration may not impose consecutive suspensions against the same pupil for the same course of conduct, or incident of misconduct, except where the pupil will create an immediate and substantial danger to self or to surrounding persons or property, or where the district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of 15 days. In the case of a pupil student with a disability, school districts must comply with applicable federal law; the student's individual education plan team must meet immediately but not more than ten school days after the date on which the decision to remove the student from the student's current education placement

is made. The individual education plan team shall at that meeting: conduct a review of the relationship between the child's disability and the behavior subject to disciplinary action; and determine the appropriateness of the child's education plan.

The requirements of the individual education plan team meeting apply when:

(1) the parent requests a meeting;

(2) the student is removed from the student's current placement for five or more consecutive days; or

(3) the student's total days of removal from the student's placement during the school year exceed ten cumulative days in a school year. The school administration shall implement alternative educational services when the suspension exceeds five days. A separate administrative conference is required for each period of suspension.

Sec. 2. Minnesota Statutes 1998, section 121A.43, is amended to read:

121A.43 [EXCLUSION AND EXPULSION OF PUPILS WITH A DISABILITY.]

When a pupil who has an individual education plan is excluded or expelled under sections 121A.40 to 121A.56 for misbehavior that is not a manifestation of the pupil's disability, the district shall continue to provide special education and related services after a period of suspension, if suspension is imposed. The district shall initiate a review of the student's individual education plan within five school days of and conduct a review of the relationship between the student's disability and the behavior subject to disciplinary action and determine the appropriateness of the student's education plan before commencing an expulsion, or exclusion, or a suspension.

Sec. 3. Minnesota Statutes 1998, section 125A.023, is amended to read:

125A.023 [COORDINATED INTERAGENCY SERVICES.]

Subdivision 1. [CITATION.] This section and section 125A.027 shall be cited as the "Interagency Services for Children with Disabilities Act."

Subd. 2. [PURPOSE.] It is the policy of the state to develop and implement a coordinated, multidisciplinary, interagency intervention service system for children ages three to ~~22~~ 21 with disabilities.

Subd. 3. [DEFINITIONS.] For purposes of this section and section 125A.027, the following terms have the meanings given them:

(a) "Health plan" means:

(1) a health plan under section 62Q.01, subdivision 3;

(2) a county-based purchasing plan under section 256B.692;

(3) a self-insured health plan established by a local government under section 471.617; or

(4) self-insured health coverage provided by the state to its employees or retirees.

(b) For purposes of this section, "health plan company" means an entity that issues a health plan as defined in paragraph (a).

(c) "Individual interagency intervention plan" means a standardized written plan describing those programs or services and the accompanying funding sources available to eligible children with disabilities.

(d) "Interagency intervention service system" means a system that coordinates services and programs required in state and federal law to meet the needs of eligible children with disabilities ages three to ~~22~~ 21, including:

(1) services provided under the following programs or initiatives administered by state or local agencies:

(i) the maternal and child health program under title V of the Social Security Act, United States Code, title 42, sections 701 to 709;

(ii) the Individuals with Disabilities Education Act under United States Code, title 20, chapter 33, subchapter II, sections 1411 to 1420;

(iii) medical assistance under the Social Security Act, United States Code, title 42, chapter 7, subchapter XIX, section 1396, et seq.;

(iv) the Developmental Disabilities Assistance and Bill of Rights Act, United States Code, title 42, chapter 75, subchapter II, sections 6021 to 6030, Part B;

(v) the Head Start Act, United States Code, title 42, chapter 105, subchapter II, sections 9831 to 9852;

(vi) rehabilitation services provided under chapter 268A;

(vii) Juvenile Court Act services provided under sections 260.011 to 260.301;

(viii) the children's mental health collaboratives under section 245.493;

(ix) the family service collaboratives under section 124D.23;

(x) the family community support plan under section 245.4881, subdivision 4;

(xi) the MinnesotaCare program under chapter 256L;

(xii) the community health services grants under chapter 145;

(xiii) the Community Social Services Act funding under the Social Security Act, United States Code, title 42, sections 1397 to 1397f; and

(xiv) the community interagency transition committees under section 125A.22;

(2) services provided under a health plan in conformity with an individual family service plan or an individual education plan; and

(3) additional appropriate services that local agencies and counties provide on an individual need basis upon determining eligibility and receiving a request from the interagency early intervention committee and the child's parent.

(e) "Children with disabilities" has the meaning given in section 125A.02.

(f) A "standardized written plan" means those individual services or programs available through the interagency intervention service system to an eligible child other than the services or programs described in the child's individual education plan or the child's individual family service plan.

Subd. 4. [STATE INTERAGENCY COMMITTEE.] (a) The governor shall convene an 18-member interagency committee to develop and implement a coordinated, multidisciplinary, interagency intervention service system for children ages three to ~~22~~ 21 with disabilities. The commissioners of commerce, children, families, and learning,

health, human rights, human services, economic security, and corrections shall each appoint two committee members from their departments; the association of Minnesota counties shall appoint two county representatives, one of whom must be an elected official, as committee members; and the Minnesota school boards association and the school nurse association of Minnesota shall each appoint one committee member. The committee shall select a chair from among its members.

(b) The committee shall:

(1) identify and assist in removing state and federal barriers to local coordination of services provided to children with disabilities;

(2) identify adequate, equitable, and flexible funding sources to streamline these services;

(3) develop guidelines for implementing policies that ensure a comprehensive and coordinated system of all state and local agency services, including multidisciplinary assessment practices for children with disabilities ages three to ~~22~~ 21;

(4) develop, consistent with federal law, a standardized written plan for providing services to a child with disabilities;

(5) identify how current systems for dispute resolution can be coordinated and develop guidelines for that coordination;

(6) develop an evaluation process to measure the success of state and local interagency efforts in improving the quality and coordination of services to children with disabilities ages three to ~~22~~ 21;

(7) develop guidelines to assist the governing boards of the interagency early intervention committees in carrying out the duties assigned in section 125A.027, subdivision 1, paragraph (b); and

(8) carry out other duties necessary to develop and implement within communities a coordinated, multidisciplinary, interagency intervention service system for children with disabilities.

(c) The committee shall consult on an ongoing basis with the state education advisory committee for special education and the governor's interagency coordinating council in carrying out its duties under this section, including assisting the governing boards of the interagency early intervention committees.

Subd. 5. [INTERVENTION DEMONSTRATION PROJECTS.] (a) The commissioner of children, families, and learning, based on recommendations from the state interagency committee, shall issue a request for proposals by January 1, 1999, for grants to the governing boards of interagency intervention committees under section 125A.027 or a combination of one or more counties and school districts to establish five voluntary interagency intervention demonstration projects. One grant shall be used to implement a coordinated service system for all eligible children with disabilities up to age five who received services under sections 125A.26 to 125A.48. One grant shall be used to implement a coordinated service system for a population of minority children with disabilities from ages 12 to ~~22~~ 21, who may have behavioral problems and are in need of transitional services. Each project must be operational by July 1, 1999. The governing boards of the interagency early intervention committees and the counties and school districts receiving project grants must develop efficient ways to coordinate services and funding for children with disabilities ages three to ~~22~~ 21, consistent with the requirements of this section and section 125A.027 and the guidelines developed by the state interagency committee under this section.

(b) The state interagency committee shall evaluate the demonstration projects and provide the evaluation results to interagency early intervention committees.

Subd. 6. [THIRD-PARTY LIABILITY.] Nothing in this section and section 125A.027 relieves a health plan company, third party administrator or other third-party payer of an obligation to pay for, or changes the validity of an obligation to pay for, services provided to children with disabilities ages three to ~~22~~ 21 and their families.

Subd. 7. [AGENCY OBLIGATION.] Nothing in this section and section 125A.027 removes the obligation of the state, counties, local school districts, a regional agency, or a local agency or organization to comply with any federal or state law that mandates responsibility for finding, assessing, delivering, assuring, or paying for education or related services for children with disabilities and their families.

Sec. 4. Minnesota Statutes 1998, section 125A.027, is amended to read:

125A.027 [INTERAGENCY EARLY INTERVENTION COMMITTEE RESPONSIBILITIES.]

Subdivision 1. [ADDITIONAL DUTIES.] (a) The governing boards of the interagency early intervention committees are responsible for developing and implementing interagency policies and procedures to coordinate services at the local level for children with disabilities ages three to ~~22~~ 21 under guidelines established by the state interagency committee under section 125A.023, subdivision 4. Consistent with the requirements in this section and section 125A.023, the governing boards of the interagency early intervention committees shall organize as a joint powers board under section 471.59 or enter into an interagency agreement that establishes a governance structure.

(b) The governing board of each interagency early intervention committee as defined in section 125A.30, paragraph (a), which may include a juvenile justice professional, shall:

(1) identify and assist in removing state and federal barriers to local coordination of services provided to children with disabilities;

(2) identify adequate, equitable, and flexible use of funding by local agencies for these services;

(3) implement policies that ensure a comprehensive and coordinated system of all state and local agency services, including multidisciplinary assessment practices, for children with disabilities ages three to ~~22~~ 21;

(4) use a standardized written plan for providing services to a child with disabilities developed under section 125A.023;

(5) access the coordinated dispute resolution system and incorporate the guidelines for coordinating services at the local level, consistent with section 125A.023;

(6) use the evaluation process to measure the success of the local interagency effort in improving the quality and coordination of services to children with disabilities ages three to ~~22~~ 21 consistent with section 125A.023;

(7) develop a transitional plan for children moving from the interagency early childhood intervention system under sections 125A.259 to 125A.48 into the interagency intervention service system under this section;

(8) coordinate services and facilitate payment for services from public and private institutions, agencies, and health plan companies; and

(9) share needed information consistent with state and federal data practices requirements.

Subd. 2. [APPROPRIATE AND NECESSARY SERVICES.] (a) Parents, physicians, other health care professionals including school nurses, and education and human services providers jointly must determine appropriate and necessary services for eligible children with disabilities ages three to ~~22~~ 21. The services provided to the child under this section must conform with the child's standardized written plan. The governing board of an interagency early intervention committee must provide those services contained in a child's individual education plan and those services for which a legal obligation exists.

(b) Nothing in this section or section 125A.023 increases or decreases the obligation of the state, county, regional agency, local school district, or local agency or organization to pay for education, health care, or social services.

(c) A health plan may not exclude any medically necessary covered service solely because the service is or could be identified in a child's individual family service plan, individual education plan, a plan established under section 504 of the federal Rehabilitation Act of 1973, or a student's individual health plan. This paragraph reaffirms the obligation of a health plan company to provide or pay for certain medically necessary covered services, and encourages a health plan company to coordinate this care with any other providers of similar services. Also, a health plan company may not exclude from a health plan any medically necessary covered service such as an assessment or physical examination solely because the resulting information may be used for an individual education plan or a standardized written plan.

Subd. 3. [IMPLEMENTATION TIMELINE.] By July 1, 2000, all governing boards of interagency early intervention committees statewide must implement a coordinated service system for children up to age five with disabilities consistent with the requirements of this section and section 125A.023 and the evaluation results from the demonstration projects under section 125A.023, subdivision 5. Children with disabilities up to the age of ~~22~~ 21 shall be eligible for coordinated services and their eligibility to receive such services under this section shall be phased in over a four-year period as follows:

- (1) July 1, 2001, children up to age nine become eligible;
- (2) July 1, 2002, children up to age 14 become eligible; and
- (3) July 1, 2003, children up to age ~~22~~ 21 become eligible.

Sec. 5. Minnesota Statutes 1998, section 125A.03, is amended to read:

125A.03 [SPECIAL INSTRUCTION FOR CHILDREN WITH A DISABILITY.]

(a) As defined in paragraph (b), ~~to the extent required in federal law as of July 1, 1999~~, every district must provide special instruction and services, either within the district or in another district, for children with a disability who are residents of the district and who are disabled as set forth in section 125A.02.

(b) Notwithstanding any age limits in laws to the contrary, special instruction and services must be provided from birth until ~~September~~ July 1 after the child with a disability becomes ~~22~~ 21 years old but shall not extend beyond secondary school or its equivalent, except as provided in section 124D.68, subdivision 2. Local health, education, and social service agencies must refer children under age five who are known to need or suspected of needing special instruction and services to the school district. Districts with less than the minimum number of eligible children with a disability as determined by the state board must cooperate with other districts to maintain a full range of programs for education and services for children with a disability. This section does not alter the compulsory attendance requirements of section 120A.22.

Sec. 6. Minnesota Statutes 1998, section 125A.07, is amended to read:

125A.07 [RULES OF STATE BOARD.]

(a) As defined in this paragraph, ~~but not to exceed the extent required by federal law as of July 1, 1999~~, the state board must adopt rules relative to qualifications of essential personnel, courses of study, methods of instruction, pupil eligibility, size of classes, rooms, equipment, supervision, parent consultation, and other necessary rules for instruction of children with a disability. These rules must provide standards and procedures appropriate for the implementation of and within the limitations of sections 125A.08 and 125A.09. These rules must also provide standards for the discipline, control, management, and protection of children with a disability. The state board must not adopt rules for pupils served primarily in the regular classroom establishing either case loads or the maximum number of pupils that may be assigned to special education teachers. The state board, in consultation with the departments of health and human services, must adopt permanent rules for instruction and services for children under age five and their families. These rules are binding on state and local education, health, and human services agencies. The state board must adopt rules to determine eligibility for special education services. The rules must

include procedures and standards by which to grant variances for experimental eligibility criteria. The state board must, according to section 14.05, subdivision 4, notify a district applying for a variance from the rules within 45 calendar days of receiving the request whether the request for the variance has been granted or denied. If a request is denied, the board must specify the program standards used to evaluate the request and the reasons for denying the request.

(b) As provided in this paragraph, ~~but not to exceed the extent required by federal law as of July 1, 1999~~, the state's regulatory scheme should support schools by assuring that all state special education rules adopted by the state board result in one or more of the following outcomes:

(1) increased time available to teachers and, where appropriate, to support staff including school nurses for educating students through direct and indirect instruction;

(2) consistent and uniform access to effective education programs for students with disabilities throughout the state;

(3) reduced inequalities and conflict, appropriate due process hearing procedures and reduced court actions related to the delivery of special education instruction and services for students with disabilities;

(4) clear expectations for service providers and for students with disabilities;

(5) increased accountability for all individuals and agencies that provide instruction and other services to students with disabilities;

(6) greater focus for the state and local resources dedicated to educating students with disabilities; and

(7) clearer standards for evaluating the effectiveness of education and support services for students with disabilities.

Sec. 7. Minnesota Statutes 1998, section 125A.08, is amended to read:

125A.08 [SCHOOL DISTRICT OBLIGATIONS.]

(a) As defined in this section, ~~to the extent required by federal law as of July 1, 1999~~, every district must ensure the following:

(1) all students with disabilities are provided the special instruction and services which are appropriate to their needs. Where the individual education plan team has determined appropriate goals and objectives based on the student's needs, including the extent to which the student can be included in the least restrictive environment, and where there are essentially equivalent and effective instruction, related services, or assistive technology devices available to meet the student's needs, cost to the district may be among the factors considered by the team in choosing how to provide the appropriate services, instruction, or devices that are to be made part of the student's individual education plan. The student's needs and the special education instruction and services to be provided must be agreed upon through the development of an individual education plan. The plan must address the student's need to develop skills to live and work as independently as possible within the community. By grade 9 or age 14, the plan must address the student's needs for transition from secondary services to post-secondary education and training, employment, community participation, recreation, and leisure and home living. In developing the plan, districts must inform parents of the full range of transitional goals and related services that should be considered. The plan must include a statement of the needed transition services, including a statement of the interagency responsibilities or linkages or both before secondary services are concluded;

(2) children with a disability under age five and their families are provided special instruction and services appropriate to the child's level of functioning and needs;

(3) children with a disability and their parents or guardians are guaranteed procedural safeguards and the right to participate in decisions involving identification, assessment including assistive technology assessment, and educational placement of children with a disability;

(4) eligibility and needs of children with a disability are determined by an initial assessment or reassessment, which may be completed using existing data under United States Code, title 20, section 33, et seq.;

(5) to the maximum extent appropriate, children with a disability, including those in public or private institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with a disability from the regular educational environment occurs only when and to the extent that the nature or severity of the disability is such that education in regular classes with the use of supplementary services cannot be achieved satisfactorily;

(6) in accordance with recognized professional standards, testing and evaluation materials, and procedures used for the purposes of classification and placement of children with a disability are selected and administered so as not to be racially or culturally discriminatory; and

(7) the rights of the child are protected when the parents or guardians are not known or not available, or the child is a ward of the state.

(b) For paraprofessionals employed to work in programs for students with disabilities, the school board in each district shall ensure that:

(1) before or immediately upon employment, each paraprofessional develops sufficient knowledge and skills in emergency procedures, building orientation, roles and responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin meeting the needs of the students with whom the paraprofessional works;

(2) annual training opportunities are available to enable the paraprofessional to continue to further develop the knowledge and skills that are specific to the students with whom the paraprofessional works, including understanding disabilities, following lesson plans, and implementing follow-up instructional procedures and activities; and

(3) a districtwide process obligates each paraprofessional to work under the ongoing direction of a licensed teacher and, where appropriate and possible, the supervision of a school nurse.

Sec. 8. Minnesota Statutes 1998, section 125A.09, subdivision 1, is amended to read:

Subdivision 1. [DISTRICT OBLIGATION.] As defined in this section, ~~but not to exceed the extent required by federal law as of July 1, 1999~~, every district must use the following procedures for decisions involving identification, assessment, and educational placement of children with a disability.

Sec. 9. Minnesota Statutes 1998, section 125A.09, subdivision 6, is amended to read:

Subd. 6. [IMPARTIAL DUE PROCESS HEARING.] Parents, guardians, and the district must have an opportunity to obtain an impartial due process hearing initiated and conducted by and in the district responsible for assuring that an appropriate program is provided in accordance with state board rules, if the parent or guardian continues to object to:

(1) a proposed formal educational assessment or proposed denial of a formal educational assessment of their child;

(2) the proposed placement of their child in, or transfer of their child to a special education program;

(3) the proposed denial of placement of their child in a special education program or the transfer of their child from a special education program;

- (4) the proposed provision or addition of special education services for their child; or
- (5) the proposed denial or removal of special education services for their child.

A hearing officer may limit an impartial due process hearing to an amount of time sufficient for each party to present its case. The party requesting the hearing shall plead with specificity as to what issues are in dispute and all issues not pleaded with specificity are deemed waived. Parties must limit evidence to the issues specifically pleaded. A hearing officer, at the officer's discretion, may exclude cumulative evidence or may encourage parties to present only essential witnesses.

Within five business days after the request for a hearing, or as directed by the hearing officer, the objecting party must provide the other party with a brief written statement of particulars of the objection, the reasons for the objection, and the specific remedies sought. The other party shall provide the objecting party with a written response to the statement of objections within five business days of receipt of the statement.

The hearing must take place before an impartial hearing officer mutually agreed to by the school board and the parent or guardian. Within ~~four~~ three business days of the receipt of the request for the hearing, if the parties have not agreed on the hearing officer, the board must request the commissioner to appoint a hearing officer from a list maintained for that purpose. If the parties have not agreed upon a hearing officer, and the board has not requested that a hearing officer be appointed by the commissioner within four business days after the receipt of the request, the commissioner shall appoint a hearing officer upon the request of either party. A retired judge, retired court referee, or retired federal magistrate judge who is otherwise qualified under this section and wishes to be a hearing officer may be put on the list. The board must include with the request the name of the person requesting the hearing, the name of the student, the attorneys involved, if any, and the date the hearing request was received. The hearing officer must not be a board member or employee of the district where the child resides or of the child's district of residence, an employee of any other public agency involved in the education or care of the child, or any person with a personal or professional interest that would conflict with the person's objectivity at the hearing. A person who otherwise qualifies as a hearing officer is not an employee of the district solely because the person is paid by the district to serve as a hearing officer. Any party to a hearing, except an expedited hearing under federal law, may make and serve upon the opposing party and the commissioner a notice to remove a hearing officer appointed by the commissioner. The notice shall be served and filed within two business days after the party receives notice of the appointment of the hearing officer by the commissioner.

No such notice may be filed by a party against a hearing officer who has presided at a motion or any other proceeding of which the party had notice. A hearing officer who has presided at a motion or other proceeding may not be removed except upon an affirmative showing of prejudice on the part of the hearing officer.

After the party has once disqualified a hearing officer as a matter of right, that party may disqualify the substitute hearing officer only by making an affirmative showing of prejudice or bias to the commissioner, or to the chief administrative law judge if the hearing officer is an administrative law judge.

Upon the filing of a notice to remove or if a party makes an affirmative showing of prejudice against a substitute hearing officer, the commissioner shall assign any other hearing officer to hear the matter.

If the hearing officer requests an independent educational assessment of a child, the cost of the assessment must be at district expense. The proceedings must be recorded and preserved, at the expense of the school district, pending ultimate disposition of the action.

Sec. 10. Minnesota Statutes 1998, section 125A.10, is amended to read:

125A.10 [COORDINATING INTERAGENCY SERVICES.]

If at the time of initial referral for an educational assessment, or a reassessment, the district determines that a child with disabilities who is age 3 through 21 may be eligible for interagency services, the district may request that the county of residence provide a representative to the initial assessment or reassessment team meeting or the first individual education plan team meeting following the assessment or reassessment. The district may request to have

a county representative attend other individual education plan team meetings when it is necessary to facilitate coordination between district and county provided services. Upon request from a district, the resident county shall provide a representative to assist the individual education plan team in determining the child's eligibility for existing health, mental health, or other support services administered or provided by the county. The individual education plan team and the county representative must develop an interagency plan of care for an eligible child and the child's family to coordinate services required under the child's individual education plan with county services. The interagency plan of care must include appropriate family information with the consent of the family, a description of how services will be coordinated between the district and county, a description of service coordinator responsibilities and services, and a description of activities for obtaining third-party payment for eligible services, including medical assistance payments. Any state, county, or city government agency responsible for providing services or resources to students with disabilities under this section is subject to the same dispute resolution systems as local school districts, and all such agencies must comply with corrective action requirements that ensue from these systems.

Sec. 11. Minnesota Statutes 1998, section 125A.18, is amended to read:

125A.18 [SPECIAL INSTRUCTION; NONPUBLIC SCHOOLS.]

No resident of a district who is eligible for special instruction and services under this section may be denied instruction and service on a shared time basis consistent with section 126C.19, subdivision 4, because of attending a nonpublic school defined in section 123B.41, subdivision 9. If a resident pupil with a disability attends a nonpublic school located within the district of residence, the district must provide necessary transportation for that pupil within the district between the nonpublic school and the educational facility where special instruction and services are provided on a shared time basis. If a resident pupil with a disability attends a nonpublic school located in another district and if no agreement exists under section 126C.19, subdivision 1 or 2, for providing special instruction and services on a shared time basis to that pupil by the district of attendance and where the special instruction and services are provided within the district of residence, the district of residence must provide necessary transportation for that pupil between the boundary of the district of residence and the educational facility. The district of residence may provide necessary transportation for that pupil between its boundary and the nonpublic school attended, but the nonpublic school must pay the cost of transportation provided outside the district boundary.

Parties serving students on a shared time basis have access to the due process hearing system described under United States Code, title 20, and the complaint system under Code of Federal Regulations, title 34, section 300.660-662. In the event it is determined under these systems that the nonpublic school or staff impeded the public school district's provision of a free appropriate education, the commissioner may withhold public funds available to the nonpublic school proportionally applicable to that student under section 123B.42.

Sec. 12. Minnesota Statutes 1998, section 125A.21, subdivision 2, is amended to read:

Subd. 2. [THIRD PARTY REIMBURSEMENT.] Beginning July 1, ~~1999~~ 2000, districts shall seek reimbursement from insurers and similar third parties for the cost of services provided by the district whenever the services provided by the district are otherwise covered by the child's health coverage. Districts shall request, but may not require, the child's family to provide information about the child's health coverage when a child with a disability begins to receive services from the district of a type that may be reimbursable, and shall request, but may not require, updated information after that as needed. Districts shall request, but may not require, the child's parent or legal representative to sign a consent form, permitting the school district to apply for and receive reimbursement directly from the insurer or other similar third party, to the extent permitted by the insurer or other third party and subject to their networking credentialing, prior authorization, and determination of medical necessity criteria.

Sec. 13. Minnesota Statutes 1998, section 125A.24, is amended to read:

125A.24 [PARENT ADVISORY ~~COMMITTEES~~ COUNCILS.]

~~Provisions of Minnesota Rules, part 3525.1100, regarding parent advisory committees apply to local boards or cooperative boards carrying out the provisions of this section.~~ In order to increase the involvement of parents of

children with disabilities in district policymaking and decision making, school districts must have a special education advisory council that is incorporated into the district's special education system plan.

(1) This advisory council may be established either for individual districts or in cooperation with other districts who are members of the same special education cooperative.

(2) A district may set up this council as a subgroup of an existing board, council, or committee.

(3) At least half of the designated council members must be parents of students with a disability. The number of members, frequency of meetings, and operational procedures are to be locally determined.

Sec. 14. Minnesota Statutes 1998, section 125A.30, is amended to read:

125A.30 [INTERAGENCY EARLY INTERVENTION COMMITTEES.]

(a) A school district, group of districts, or special education cooperative, in cooperation with the health and human service agencies located in the county or counties in which the district or cooperative is located, must establish an interagency early intervention committee for children with disabilities under age five and their families under this section, and for children with disabilities ages three to 22 consistent with the requirements under sections 125A.023 and 125A.027. Committees must include representatives of local and regional health, education, and county human service agencies, county boards, school boards, early childhood family education programs, parents of young children with disabilities under age 12, current service providers, and may also include representatives from other private or public agencies and school nurses. The committee must elect a chair from among its members and must meet at least quarterly.

(b) The committee must develop and implement interagency policies and procedures concerning the following ongoing duties:

(1) develop public awareness systems designed to inform potential recipient families of available programs and services;

(2) implement interagency child find systems designed to actively seek out, identify, and refer infants and young children with, or at risk of, disabilities and their families;

(3) establish and evaluate the identification, referral, child and family assessment systems, procedural safeguard process, and community learning systems to recommend, where necessary, alterations and improvements;

(4) assure the development of individualized family service plans for all eligible infants and toddlers with disabilities from birth through age two, and their families, and individual education plans and individual service plans when necessary to appropriately serve children with disabilities, age three and older, and their families and recommend assignment of financial responsibilities to the appropriate agencies;

(5) encourage agencies to develop individual family service plans for children with disabilities, age three and older;

(6) implement a process for assuring that services involve cooperating agencies at all steps leading to individualized programs;

(7) facilitate the development of a transitional plan if a service provider is not recommended to continue to provide services;

(8) identify the current services and funding being provided within the community for children with disabilities under age five and their families;

(9) develop a plan for the allocation and expenditure of additional state and federal early intervention funds under United States Code, title 20, section 1471 et seq. (Part H, Public Law Number 102-119) and United States Code, title 20, section 631, et seq. (Chapter I, Public Law Number 89-313); and

(10) develop a policy that is consistent with section 13.05, subdivision 9, and federal law to enable a member of an interagency early intervention committee to allow another member access to data classified as not public.

(c) The local committee shall also:

(1) participate in needs assessments and program planning activities conducted by local social service, health and education agencies for young children with disabilities and their families; and

(2) review and comment on the early intervention section of the total special education system for the district, the county social service plan, the section or sections of the community health services plan that address needs of and service activities targeted to children with special health care needs, and the section of the maternal and child health special project grants that address needs of and service activities targeted to children with chronic illness and disabilities; ~~and.~~

~~(3) prepare a yearly summary on the progress of the community in serving young children with disabilities, and their families, including the expenditure of funds.~~

~~(d) The summary must be organized following a format prescribed by the commissioner of the state lead agency and must be submitted to each of the local agencies and to the state interagency coordinating council by October 1 of each year.~~

~~The departments of children, families, and learning, health, and human services must provide assistance to the local agencies in developing cooperative plans for providing services.~~

Sec. 15. Minnesota Statutes 1998, section 125A.33, is amended to read:

125A.33 [SERVICE COORDINATION.]

(a) The team developing the IFSP under section 125A.32 must select a service coordinator to carry out service coordination activities on an interagency basis. Service coordination must actively promote a family's capacity and competency to identify, obtain, coordinate, monitor, and evaluate resources and services to meet the family's needs. Service coordination activities include:

- (1) coordinating the performance of evaluations and assessments;
- (2) facilitating and participating in the development, review, and evaluation of individualized family service plans;
- (3) assisting families in identifying available service providers;
- (4) coordinating and monitoring the delivery of available services;
- (5) informing families of the availability of advocacy services;
- (6) coordinating with medical, health, and other service providers;
- (7) facilitating the development of a transition plan at least ~~six months~~ 90 days before the time the child is no longer eligible for early intervention services, if appropriate;
- (8) managing the early intervention record and submitting additional information to the local primary agency at the time of periodic review and annual evaluations; and

(9) notifying a local primary agency when disputes between agencies impact service delivery required by an IFSP.

(b) A service coordinator must be knowledgeable about children and families receiving services under this section, requirements of state and federal law, and services available in the interagency early childhood intervention system.

Sec. 16. Minnesota Statutes 1998, section 125A.44, is amended to read:

125A.44 [COMPLAINT PROCEDURE.]

(a) An individual or organization may file a written signed complaint with the commissioner of the state lead agency alleging that one or more requirements of the Code of Federal Regulations, title 34, part 303, is not being met. The complaint must include:

(1) a statement that the state has violated the Individuals with Disabilities Education Act, United States Code, title 20, section 1471 et seq. (Part H, Public Law Number 102-119) or Code of Federal Regulations, title 34, section 303; and

(2) the facts on which the complaint is based.

(b) The commissioner of the state lead agency shall receive and coordinate with other state agencies the review and resolution of a complaint within 60 calendar days according to the state interagency agreement required under section 125A.48. The development and disposition of corrective action orders for nonschool agencies shall be determined by the State Agency Committee (SAC). Failure to comply with corrective orders may result in fiscal actions or other measures.

Sec. 17. Minnesota Statutes 1998, section 125A.52, subdivision 1, is amended to read:

Subdivision 1. [EDUCATIONAL SCREENING.] Secure and nonsecure residential treatment facilities licensed by the department of human services or the department of corrections must screen each juvenile who is held in a facility for at least 72 hours, excluding weekends or holidays, using an educational screening tool identified by the department, unless the facility determines that the juvenile has a current individual education plan and obtains a copy of it. ~~The department must develop or identify an education screening tool for use in residential facilities. The tool must include a life skills development component.~~

Sec. 18. Minnesota Statutes 1998, section 125A.75, subdivision 8, is amended to read:

Subd. 8. [LITIGATION AND HEARING COSTS.] (a) For fiscal year 1999 and thereafter, the commissioner of children, families, and learning, or the commissioner's designee, shall use state funds to pay school districts for the administrative costs of a due process hearing incurred under section 125A.09, subdivisions 6, 10, and 11, including hearing officer fees, court reporter fees, mileage costs, transcript costs, interpreter and transliterator fees, independent evaluations ordered by the hearing officer, and rental of hearing rooms, but not including district attorney fees. To receive state aid under this paragraph, a school district shall submit to the commissioner at the end of the school year an itemized list of unreimbursed actual costs for fees and other expenses under this paragraph. State funds used for aid to school districts under this paragraph shall be based on the unreimbursed actual costs and fees submitted by a district from previous school years.

(b) ~~For fiscal year 1999 and thereafter, a school district, to the extent to which it prevails under United States Code, title 20, section 1415(i)(3)(B)(D) and Rule 68 of the Federal Rules of Civil Procedure, shall receive state aid equal to 50 percent of the total actual cost of attorney fees incurred after a request for a due process hearing under section 125A.09, subdivisions 6, 9, and 11, is served upon the parties. A district is eligible for reimbursement for attorney fees under this paragraph only if:~~

~~(1) a court of competent jurisdiction determines that the parent is not the prevailing party under United States Code, title 20, section 1415(i)(3)(B)(D), or the parties stipulate that the parent is not the prevailing party;~~

(2) the district has made a good faith effort to resolve the dispute through mediation, but the obligation to mediate does not compel the district to agree to a proposal or make a concession; and

~~(3) the district made an offer of settlement under Rule 68 of the Federal Rules of Civil Procedure.~~

To receive aid, a school district that meets the criteria of this paragraph shall submit to the commissioner at the end of the school year an itemized list of unreimbursed actual attorney fees associated with a due process hearing under section 125A.09, subdivisions 6, 9, and 11. Aid under this paragraph for each school district is based on unreimbursed actual attorney fees submitted by the district from previous school years.

(c) For fiscal year 1999 and thereafter, a school district is eligible to receive state aid for 50 percent of the total actual cost of attorney fees it incurs in appealing to a court of competent jurisdiction the findings, conclusions, and order of a due process hearing under section 125A.09, subdivisions 6, 9, and 11. The district is eligible for reimbursement under this paragraph only if the commissioner authorizes the reimbursement after evaluating the merits of the case. In a case where the commissioner is a named party in the litigation, the commissioner of the bureau of mediation services shall make the determination regarding reimbursement. The commissioner's decision is final.

~~(d)~~ The commissioner shall provide districts with a form on which to annually report litigation costs under this section and shall base aid estimates on those reports.

Sec. 19. [SPECIAL EDUCATION RULES.]

Beginning no later than July 1, 1999, the commissioner shall amend Minnesota Rules, chapter 3525, for special education using the expedited process under Minnesota Statutes 1998, section 14.389. In addition to technical changes, corrections, clarifications, and similarly needed revisions, specific rules shall be modified or repealed as indicated below:

(1) repeal Minnesota Rules, part 3525.0200, subpart 6a, on definition of IEP;

(2) repeal Minnesota Rules, part 3525.0200, subpart 11a, on definition of parent;

(3) amend Minnesota Rules, part 3525.0750, to include children enrolled in nonpublic schools for child find purposes;

(4) amend Minnesota Rules, part 3525.0800, subpart 8, on district responsibility for choice options in accordance with legislation;

(5) amend Minnesota Rules, part 3525.0800, subpart 9, on district responsibility for upper age limit in accordance with legislation;

(6) repeal Minnesota Rules, part 3525.1150;

(7) amend Minnesota Rules, part 3525.1310, to add program coordination and due process facilitation to list of reimbursable activities;

(8) amend Minnesota Rules, part 3525.1325, to revise eligibility criteria for autism to reflect professional standards;

(9) amend Minnesota Rules, part 3525.1327, to make minor revisions necessary to update eligibility criteria for deaf-blindness;

(10) amend Minnesota Rules, part 3525.1331, to make minor revisions necessary to update eligibility criteria for deaf and hard-of-hearing;

(11) amend Minnesota Rules, part 3525.1333, to revise eligibility criteria for cognitive impairment to reflect professional standards;

(12) amend Minnesota Rules, part 3525.1335, to revise eligibility criteria for other health-impaired to reflect professional standards;

(13) amend Minnesota Rules, part 3525.1337, to make minor revisions necessary to update eligibility criteria for physical impairment;

(14) amend Minnesota Rules, part 3525.1341, to make minor revisions necessary to update eligibility criteria for specific learning disability;

(15) amend Minnesota Rules, part 3525.1343, to make minor revisions necessary to update eligibility criteria for speech and language impairments;

(16) amend Minnesota Rules, part 3525.1345, to make minor revisions necessary to update eligibility criteria for blind and vision impaired;

(17) amend Minnesota Rules, part 3525.1350, to make minor revisions necessary to update eligibility criteria for early childhood: special education;

(18) amend Minnesota Rules, part 3525.1352, to make minor revisions necessary to update eligibility criteria for developmental adapted physical education: special education;

(19) amend Minnesota Rules, part 3525.1354, to repeal subpart 2 to drop documentation requirement on override decisions;

(20) repeal Minnesota Rules, part 3525.1356, on exit procedures;

(21) amend Minnesota Rules, part 3525.2335, to make minor revisions to update standards for early childhood program options, and repeal subpart 2, item C;

(22) amend Minnesota Rules, part 3525.2340, to revise caseload standard for young children to clarify how caseload is determined and to reflect supervision and safety needs of very small children in various settings;

(23) amend Minnesota Rules, part 3525.2405, to repeal subparts 2 and 3 on reimbursement standards for directors of special education;

(24) repeal Minnesota Rules, part 3525.2420, on variance request for director of special education;

(25) repeal Minnesota Rules, part 3525.2650, as duplicative notice requirements;

(26) repeal Minnesota Rules, part 3525.3000, on periodic reviews and documentation requirement;

(27) repeal Minnesota Rules, part 3525.3150, as duplicative diploma requirements;

(28) repeal Minnesota Rules, part 3525.3200, as duplicative notice requirement;

(29) amend Minnesota Rules, part 3525.3500, to repeal duplicative notice requirements and mandate for districts to initiate a hearing when refusing request for assessment; and

(30) amend Minnesota Rules, parts 3525.3800 to 3525.4700, on due process hearings to make them compatible with state and federal legislation.

The rules that must be repealed under this section remain in effect until repealed through the rulemaking process.

Sec. 20. [SPECIAL EDUCATION RULES.]

The commissioner shall adopt rules to update Minnesota Rules, chapter 3525, for special education. Provisions of this chapter that exceed federal requirements are deemed valid for the purposes of providing special instruction and services to children with a disability. In addition to technical changes, corrections, clarifications, and similarly needed revisions, specific rules shall be modified or repealed as indicated below:

- (1) Minnesota Rules, part 3525.0200, add definition of caseload;
- (2) revise Minnesota Rules, part 3525.0550, to update role of IEP manager;
- (3) repeal Minnesota Rules, part 3525.1100, subpart 2, item D, on parent advisory council as duplicative;
- (4) Minnesota Rules, part 3525.1329, amend eligibility criteria for emotional or behavior disorders so that the standards reflect severe emotional disorder and professional standards;
- (5) amend Minnesota Rules, part 3525.2325, to revise outdated standards for students placed for care and treatment to be compatible with related legislation;
- (6) repeal Minnesota Rules, part 3525.2550, on conduct before assessment except for subpart 2, item C;
- (7) add a rule to make the responsibilities of the IEP team for assessment, IEP development, and placement decisions consistent with federal requirements;
- (8) repeal Minnesota Rules, part 3525.2750, on educational assessment as duplicative;
- (9) repeal Minnesota Rules, part 3525.2900, on IEP development and content except subparts 4 and 5 on regulated interventions; and
- (10) repeal Minnesota Rules, part 3525.3300, except item B, on contents of notice as duplicative.

The rules that must be repealed under this section remain in effect until repealed through the rulemaking process.

Sec. 21. [REPEALER.]

Laws 1998, chapter 398, article 2, section 53, and Minnesota Rules, part 3525.2470, are repealed.

Sec. 22. [EFFECTIVE DATE.]

Sections 1, 2, 5 to 18, 20, and 21 are effective July 1, 1999, except that the requirement under section 3 to provide special instruction and services until the child with a disability becomes 21 years old, instead of 22 years old, is effective July 1, 2002. Sections 3 and 4 are effective July 1, 2002. Section 19 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to education; modifying special education provisions; providing for rulemaking; amending Minnesota Statutes 1998, sections 121A.41, subdivision 10; 121A.43; 125A.023; 125A.027; 125A.03; 125A.07; 125A.08; 125A.09, subdivisions 1 and 6; 125A.10; 125A.18; 125A.21, subdivision 2; 125A.24; 125A.30; 125A.33; 125A.44; 125A.52, subdivision 1; and 125A.75, subdivision 8; repealing Laws 1998, chapter 398, article 2, section 53; Minnesota Rules, part 3525.2470."

The motion prevailed and the amendment was adopted.

Pawlenty moved that S. F. No. 296, as amended, be continued on the Calendar for the Day. The motion prevailed.

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

MOTIONS AND RESOLUTIONS

Wenzel moved that his name be stricken as an author on H. F. No. 1052. The motion prevailed.

REPORT FROM THE CHAIR OF THE COMMITTEE ON WAYS AND MEANS

April 20, 1999

Edward A. Burdick
Chief Clerk of the House of Representatives
The State of Minnesota

Dear Mr. Burdick:

House Rule 4.03 requires the Chair of the Committee on Ways and Means to certify to the House of Representatives that the Committee has reconciled any finance and revenue bills with the budget resolution and targets.

Please accept this letter as certification that H. F. No. 2388 reconciles with the budget resolution and targets.

Sincerely,

REPRESENTATIVE DAVE BISHOP
Chair, House Ways and Means Committee

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 12:00 noon, Wednesday, April 21, 1999. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Wednesday, April 21, 1999.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

