

## STATE OF MINNESOTA

## EIGHTY-SECOND SESSION — 2002

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 ONE HUNDRED FIRST DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 22, 2002

The House of Representatives convened at 1:00 p.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Pastor Dan Hall, City Hill Fellowship, Eden Prairie, 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	Leighton	Osskopp	Smith
Abrams	Dorn	Holsten	Lenczewski	Osthoff	Solberg
Anderson, B.	Eastlund	Howes	Leppik	Otremba	Stang
Anderson, I.	Entenza	Huntley	Lieder	Ozment	Swapinski
Bakk	Erhardt	Jacobson	Lindner	Paulsen	Swenson
Bernardy	Erickson	Jaros	Lipman	Pawlenty	Sykora
Bishop	Evans	Jennings	Mahoney	Paymar	Thompson
Blaine	Finseth	Johnson, J.	Mares	Pelowski	Tingelstad
Boudreau	Folliard	Johnson, R.	Mariani	Penas	Tuma
Bradley	Fuller	Johnson, S.	Marko	Peterson	Vandever
Buesgens	Gerlach	Jordan	Marquart	Pugh	Walker
Carlson	Gleason	Juhnke	McElroy	Rhodes	Walz
Cassell	Goodno	Kahn	McGuire	Rifenberg	Wasiluk
Clark, J.	Goodwin	Kalis	Milbert	Rukavina	Westerberg
Clark, K.	Greiling	Kelliher	Molnau	Ruth	Westrom
Daggett	Gunther	Kielkucki	Mulder	Schumacher	Wilkin
Davids	Haas	Knoblach	Mullery	Seagren	Winter
Davnie	Hackbarth	Koskinen	Murphy	Seifert	Wolf
Dawkins	Harder	Krinkie	Ness	Sertich	Workman
Dehler	Hausman	Kubly	Nornes	Skoe	Spk. Sviggum
Dempsey	Hilstrom	Kuisle	Olson	Skoglund	
Dibble	Hilty	Larson	Opatz	Slawik	

A quorum was present.

Biernat and Wagenius were excused.

Stanek was excused until 2:35 p.m. Gray was excused until 2:45 p.m.

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

## PETITIONS AND COMMUNICATIONS

The following communication was received:

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

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Don Samuelson  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2002 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 2002</i>	<i>Date Filed 2002</i>
1555		345	9:45 a.m. April 19	April 19
2909		346	9:47 a.m. April 19	April 19
2540		347	9:46 a.m. April 19	April 19

Sincerely,

MARY KIFFMEYER  
Secretary of State

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Mahoney; McElroy; Gray; Kelliher; Clark, K.; Davnie; Mariani; Pugh; Koskinen; Entenza; Sertich and Johnson, S., introduced:

H. F. No. 3717, A bill for an act relating to procurement; prohibiting state and political subdivisions of the state from purchasing products from Dakota Premium Foods.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2618

A bill for an act relating to crimes; requiring public employees and officers to make prompt reports of certain unlawful actions; authorizing providing certain data to the state auditor for audit or law enforcement purposes notwithstanding provisions of the data practices act; amending Minnesota Statutes 2000, sections 6.715, subdivision 3, by adding a subdivision; 13.82, subdivision 17; 609.456, subdivision 1; Minnesota Statutes 2001 Supplement, section 13.43, subdivision 2.

April 17, 2002

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Don Samuelson  
President of the Senate

We, the undersigned conferees for H. F. No. 2618, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2618 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 6.715, subdivision 3, is amended to read:

Subd. 3. [LAW ENFORCEMENT.] Notwithstanding any provision to the contrary in subdivision 2, chapter 13, or any other statute related to the classification of government data, the state auditor may share data relating to an audit with appropriate ~~local~~ law enforcement agencies, including data classified as not public.

Sec. 2. Minnesota Statutes 2000, section 6.715, is amended by adding a subdivision to read:

Subd. 4. [ACCESS TO DATA.] It is not a violation of chapter 13 or any other statute related to the classification of government data for a state agency, statewide system, or political subdivision, as defined in section 13.02, to provide data or information to the state auditor, including data classified as not public, for the purpose of an audit or pursuant to section 609.456, subdivision 1.

Sec. 3. Minnesota Statutes 2000, section 13.32, subdivision 7, is amended to read:

Subd. 7. [USES OF DATA.] School officials who receive data on juveniles, as authorized under ~~sections section 260B.171 and 260C.171~~, may use and share that data ~~within the school district or educational entity as necessary to protect persons and property or to address the educational and other needs of students as provided in section 121A.75~~. A school district, its agents, and employees who use and share this data in good faith are immune from civil or criminal liability that might otherwise result from their actions.

Sec. 4. Minnesota Statutes 2000, section 13.32, subdivision 8, is amended to read:

Subd. 8. [ACCESS BY JUVENILE JUSTICE SYSTEM.] (a) Upon request, the following education data shall be disclosed under subdivision 3, clause (i), to the juvenile justice system: a student's full name, home address, telephone number, date of birth; a student's school schedule, attendance record, and photographs, if any; and parents' names, home addresses, and telephone numbers.

(b) In addition, the existence of the following data on behavior by about a student who is on probation may be disclosed under subdivision 3, clause (i) or (1), to the juvenile justice system:

- (1) use of a controlled substance, alcohol, or tobacco;
- (2) assaultive or threatening conduct that could result in dismissal from school under section 121A.45, subdivision 2, clause (b) or (c);
- (3) possession or use of weapons or look-alike weapons;
- (4) participation in gang activity as defined by the criminal gang oversight council under section 299A.64, subdivision 2, paragraph (b);
- (5) theft; or
- (6) (5) vandalism or other damage to property.

Any request for access to data under this paragraph must contain an explanation of why access to the data is necessary to serve the student or to protect students or staff.

(c) A superintendent of a school district principal or chief administrative officer of a school who discloses receives a request to disclose information about a student to the juvenile justice system under this paragraph (b) shall, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the disclosure request to disclose information before disclosing the information. If the student's parent or guardian notifies the principal or chief administrative officer within ten days of receiving the certified notice that the parent or guardian objects to the disclosure, the principal or chief administrative officer must not disclose the information. The principal or chief administrative officer must inform the requesting member of the juvenile justice system of the objection.

(d) A principal or chief administrative officer is not required to create data under this subdivision. Information provided in response to a data request under paragraph (b) shall indicate only whether the data described in paragraph (b) exist. The principal or chief administrative officer is not authorized under paragraph (b) to disclose the actual data or other information contained in the student's education record. A principal or chief administrative officer is not required to provide data that are protected by court order. A principal or chief administrative officer must respond to a data request within 14 days if no objection is received from the parent or guardian.

(e) Nothing in this subdivision shall limit the disclosure of educational data pursuant to court order.

(f) A school district, its agents, and employees who provide data in good faith under this subdivision are not liable for compensatory or exemplary damages or an award of attorney fees in an action under section 13.08, or other law, or for a penalty under section 13.09.

(g) Section 13.03, subdivision 4, applies to data that are shared under this subdivision with a government entity. If data are shared with a member of the juvenile justice system who is not a government entity, the person receiving the shared data must treat the data consistent with the requirements of this chapter applicable to a government entity.

(h) A member of the juvenile justice system who falsely certifies a request for data under this section is subject to the penalties under section 13.09.

Sec. 5. Minnesota Statutes 2000, section 13.32, is amended by adding a subdivision to read:

Subd. 9. [FORMS.] To make a data request under subdivision 8, paragraph (b), a member of the juvenile justice system must use the following form:

REQUEST FOR INFORMATION

Family Educational Rights and Privacy Act/  
Minnesota Government Data Practices Act

DATE/TIME OF REQUEST .....

TO: .....  
(Superintendent of school district or chief administrative officer of school)

FROM: .....  
(Requester's name/agency)

STUDENT: .....

BASIS FOR REQUEST

- ... Juvenile delinquency investigation/prosecution
- ... Child protection assessment/investigation
- ... Investigation/filing of CHIPS or delinquency petition

REASON FOR REQUEST (requester must describe why information regarding existence of the data marked below is necessary to effectively serve the student). .....

RESPONSE TO REQUEST

The school must indicate whether it has data on the student that document any activity or behavior marked by the requester.

INFORMATION REQUESTED (mark all that apply)

RESPONSE

Indicate whether you have data that document the student's:

(yes or no)

- ... use of a controlled substance, alcohol, or tobacco ....
- ... assaultive or threatening conduct as defined in Minnesota Statutes, section 13.32, subdivision 8 ....
- ... possession or use of weapons or look-alike weapons ....
- ... theft ....
- ... vandalism and damage to property ....

CERTIFICATION: The undersigned certifies that the undersigned is a member of the juvenile justice system. The requested data are needed by the juvenile justice system so it may effectively serve, prior to adjudication, the student whose records are released. The undersigned will not disclose the information received to any other party, except

as provided under state law, without prior written consent as required by Code of Federal Regulations, title 34, section 99.38(b). The undersigned further certifies that the undersigned understands that by signing this request, the undersigned is subject to the penalties in Minnesota Statutes, section 13.09.

.....  
Signature/Title

Sec. 6. Minnesota Statutes 2000, section 13.43, is amended by adding a subdivision to read:

Subd. 15. [DISSEMINATION OF DATA TO LAW ENFORCEMENT.] Private personnel data, or data on employees that are confidential data under section 13.39, may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of a crime committed or allegedly committed by an employee.

Sec. 7. Minnesota Statutes 2000, section 13.82, subdivision 17, is amended to read:

Subd. 17. [PROTECTION OF IDENTITIES.] A law enforcement agency or a law enforcement dispatching agency working under direction of a law enforcement agency shall withhold public access to data on individuals to protect the identity of individuals in the following circumstances:

(a) when access to the data would reveal the identity of an undercover law enforcement officer, as provided in section 13.43, subdivision 5;

(b) when access to the data would reveal the identity of a victim or alleged victim of criminal sexual conduct or of a violation of section 617.246, subdivision 2;

(c) when access to the data would reveal the identity of a paid or unpaid informant being used by the agency if the agency reasonably determines that revealing the identity of the informant would threaten the personal safety of the informant;

(d) when access to the data would reveal the identity of a victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, unless the agency reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual;

(e) when access to the data would reveal the identity of a deceased person whose body was unlawfully removed from a cemetery in which it was interred;

(f) when access to the data would reveal the identity of a person who placed a call to a 911 system or the identity or telephone number of a service subscriber whose phone is used to place a call to the 911 system and: (1) the agency determines that revealing the identity may threaten the personal safety or property of any person; or (2) the object of the call is to receive help in a mental health emergency. For the purposes of this paragraph, a voice recording of a call placed to the 911 system is deemed to reveal the identity of the caller;

(g) when access to the data would reveal the identity of a juvenile witness and the agency reasonably determines that the subject matter of the investigation justifies protecting the identity of the witness; or

(h) when access to the data would reveal the identity of a mandated reporter under ~~sections~~ section 609.456, 626.556 and, or 626.557.

Data concerning individuals whose identities are protected by this subdivision are private data about those individuals. Law enforcement agencies shall establish procedures to acquire the data and make the decisions necessary to protect the identity of individuals described in clauses (c), (d), (f), and (g).

Sec. 8. Minnesota Statutes 2000, section 120A.22, subdivision 7, is amended to read:

Subd. 7. [EDUCATION RECORDS.] (a) A district from which a student is transferring must transmit the student's educational records, within ten business days of a request, to the district in which the student is enrolling. Districts must make reasonable efforts to determine the district in which a transferring student is next enrolling in order to comply with this subdivision.

(b) A school district that transmits a student's educational records to another school district or other educational entity to which the student is transferring must include in the transmitted records information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon.

(c) Notwithstanding section 138.17, a principal or chief administrative officer must remove from a student's educational record and destroy a probable cause notice received under section 260B.171, subdivision 5, or paragraph (d), if one year has elapsed since the date of the notice and the principal or chief administrative officer has not received a disposition or court order related to the offense described in the notice. This paragraph does not apply if the student no longer attends the school when this one-year period expires.

(d) A principal or chief administrative officer who receives a probable cause notice under section 260B.171, subdivision 5, or a disposition or court order, must include a copy of that data in the student's educational records if they are transmitted to another school, unless the data are required to be destroyed under paragraph (c) or section 121A.75.

Sec. 9. Minnesota Statutes 2000, section 121A.75, is amended to read:

121A.75 [RECEIPT OF ~~DISPOSITION ORDER~~ RECORDS; SHARING.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section "principal" means a principal or other person having general administrative control and supervision of a school.

(b) For purposes of this section, "school" means a public school under section 120A.22, subdivision 4; a nonpublic school under section 120A.22, subdivision 4, that elects to comply with this section; and a charter school under section 124D.10, but does not mean a home school.

Subd. 2. [DISPOSITION ORDERS.] (a) On receipt of a disposition order under section 260B.171, subdivision 3, the superintendent of the student's school district or chief administrative officer of the student's school must immediately transmit the order to the principal of the school where the student is in attendance. The principal must place the disposition order in the student's permanent education record. The principal must also immediately notify any counselor directly supervising or reporting on the behavior or progress of the student. In addition, the principal must immediately notify any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the data to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, and volunteers who are in direct contact with the student, if they determine these individuals need the data to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. When provided in the disposition order, the notice given under this paragraph by the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information.

(b) Information received under this subdivision is private data on individuals as defined in section 13.32 and is received for the limited purpose of serving the educational needs of the student and protecting students or staff. The data may not be further disseminated by the teacher, counselor, staff member, administrator, substitute, or volunteer, except as necessary to serve the student, to protect students or staff, or as otherwise required by law, and only to the following persons:

(1) the student; or

(2) the student's parent or guardian;

~~(3) law enforcement officers; or~~

~~(4) the student's probation officer.~~

~~(c)~~ (c) If a student is removed from school as part of the disposition order, the superintendent of the student's school district or chief administrative officer of the student's school must maintain the copy of the order in a secure file and shall notify the principal when the student is returned to school. If the student is returned to a different school district or school, the student's probation officer must send a copy of the disposition order to the superintendent of the new school district or the chief administrative officer of the new school.

~~(d)~~ (d) The disposition order must be included if the student's permanent education record is released to another school district or educational entity to which the student is transferring under section 120A.22, subdivision 7.

~~(e)~~ (e) Notwithstanding section 138.17, a disposition order received under section 260B.171, subdivision 3, paragraph (a), must be destroyed when the student graduates from school or at the end of the school year in which the student reaches age 23, whichever is earlier. A disposition order received under section 260B.171, subdivision 3, paragraph (b), must be destroyed when the student is discharged from probation.

Subd. 3. [PEACE OFFICER RECORDS OF CHILDREN.] (a) A law enforcement agency must transmit the notice required by section 260B.171, subdivision 5, to the superintendent of the student's school district who must immediately transmit the notice to the principal of the school the student attends, or to the principal of the school the student attends if there is no superintendent. The principal must place the notice in the student's educational record. The principal must immediately notify any teacher, counselor, or administrator directly supervising the student who the principal believes needs the data to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, or volunteers who are in direct contact with the student if the principal determines these individuals need the data to work with the juvenile in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. When provided in the peace officer notice, the notice from the principal must identify the student and describe the alleged offense.

(b) Data received under this subdivision are private data on individuals under section 13.32 and are received for the limited purpose of serving the student's educational needs and protecting students or staff. The teacher, counselor, staff member, administrator, substitute, or volunteer must not further disseminate the data, except to communicate with the student or the student's parent or guardian as needed to serve the student, protect students or staff, or as otherwise required by law.

(c) The principal must include the notice in the student's educational record as required by section 120A.22, subdivision 7.

(d) If the county attorney determines not to proceed with a petition alleging any offense in section 260B.171, subdivision 3, paragraph (a), clauses (1) to (3), or directs the student into a diversion or mediation program, the county attorney must notify the superintendent of the student's school district who must immediately transmit the notice to the principal of the school the student attends, or to the principal of the school that the student attends if there is no superintendent. The notice must contain the name of the student and a summary of the resolution of the case. Notwithstanding section 138.17, the principal must delete the peace officer's report and notice from the student's educational record and destroy the data and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received data from the peace officer notice.

(e) If the juvenile court makes a decision on a petition that alleges any offense in section 260B.171, subdivision 3, paragraph (a), clauses (1) to (3), and the decision affects a student and is not a disposition order, the court must notify the superintendent of the student's school district who must immediately transmit the notice to the principal of the school the student attends, or to the principal of the school that the student attends if there is no superintendent.

of the decision. Notwithstanding section 138.17, the principal must delete the peace officer's report and notice from the student's educational record and destroy the data and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received data from the peace officer notice.

(f) In addition to the data destruction requirements of this subdivision, a principal must comply with the requirements of section 120A.22, subdivision 7.

Sec. 10. Minnesota Statutes 2001 Supplement, section 124D.10, subdivision 8, is amended to read:

Subd. 8. [STATE AND LOCAL REQUIREMENTS.] (a) A charter school shall meet all applicable state and local health and safety requirements.

(b) A school sponsored by a school board may be located in any district, unless the school board of the district of the proposed location disapproves by written resolution.

(c) A charter school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or a religious institution.

(d) Charter schools must not be used as a method of providing education or generating revenue for students who are being home-schooled.

(e) The primary focus of a charter school must be to provide a comprehensive program of instruction for at least one grade or age group from five through 18 years of age. Instruction may be provided to people younger than five years and older than 18 years of age.

(f) A charter school may not charge tuition.

(g) A charter school is subject to and must comply with chapter 363 and section 121A.04.

(h) A charter school is subject to and must comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections 123B.34 to 123B.39.

(i) A charter school is subject to the same financial audits, audit procedures, and audit requirements as a district. Audits must be conducted in compliance with generally accepted governmental auditing standards, the Federal Single Audit Act, if applicable, and section 6.65. A charter school is subject to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06; 123B.52, subdivision 5; 471.38; 471.391; 471.392; 471.425; 471.87; 471.88, subdivisions 1, 2, 3, 4, 5, 6, 12, 13, and 15; 471.881; and 471.89. The audit must comply with the requirements of sections 123B.75 to 123B.83, except to the extent deviations are necessary because of the program at the school. Deviations must be approved by the commissioner. The department of children, families, and learning, state auditor, or legislative auditor may conduct financial, program, or compliance audits. A charter school determined to be in statutory operating debt under sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

(j) A charter school is a district for the purposes of tort liability under chapter 466.

(k) A charter school must comply with sections 13.32; 120A.22, subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

Sec. 11. Minnesota Statutes 2000, section 260B.171, subdivision 3, is amended to read:

Subd. 3. [DISPOSITION ORDER; COPY TO SCHOOL.] (a) If a juvenile is enrolled in school, the juvenile's probation officer shall transmit a copy of the court's disposition order to the superintendent of the juvenile's school district or the chief administrative officer of the juvenile's school if the juvenile has been adjudicated delinquent for committing an act on the school's property or an act:

(1) that would be a violation of section 609.185 (first-degree murder); 609.19 (second-degree murder); 609.195 (third-degree murder); 609.20 (first-degree manslaughter); 609.205 (second-degree manslaughter); 609.21 (criminal vehicular homicide and injury); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.3451 (fifth-degree criminal sexual conduct); 609.498 (tampering with a witness); 609.561 (first-degree arson); 609.582, subdivision 1 or 2 (burglary); 609.713 (terroristic threats); or 609.749 (harassment and stalking), if committed by an adult;

(2) that would be a violation of section 152.021 (first-degree controlled substance crime); 152.022 (second-degree controlled substance crime); 152.023 (third-degree controlled substance crime); 152.024 (fourth-degree controlled substance crime); 152.025 (fifth-degree controlled substance crime); 152.0261 (importing a controlled substance); or 152.027 (other controlled substance offenses), if committed by an adult; or

(3) that involved the possession or use of a dangerous weapon as defined in section 609.02, subdivision 6.

When a disposition order is transmitted under this subdivision, the probation officer shall notify the juvenile's parent or legal guardian that the disposition order has been shared with the juvenile's school.

(b) In addition, the juvenile's probation officer may transmit a copy of the court's disposition order to the superintendent of the juvenile's school district or the chief administrative officer of the juvenile's school if the juvenile has been adjudicated delinquent for offenses not listed in paragraph (a) and placed on probation. The probation officer shall notify the superintendent or chief administrative officer when the juvenile is discharged from probation.

(c) The disposition order must be accompanied by a notice to the school that the school may obtain additional information from the juvenile's probation officer with the consent of the juvenile or the juvenile's parents, as applicable. The disposition order must be maintained, shared, or released only as provided in section ~~121A.07~~ 121A.75.

(d) The juvenile's probation officer shall maintain a record of disposition orders released under this subdivision and the basis for the release.

(e) No later than September 1, 2002, the criminal and juvenile justice information policy group, in consultation with representatives of probation officers and educators, shall prepare standard forms for use by juvenile probation officers in forwarding information to schools under this subdivision and in maintaining a record of the information that is released. The group shall provide a copy of any forms or procedures developed under this paragraph to the legislature by January 15, 2003.

(f) As used in this subdivision, "school" means a charter school or a school as defined in section 120A.22, subdivision 4, except a home school.

Sec. 12. Minnesota Statutes 2000, section 260B.171, subdivision 5, is amended to read:

Subd. 5. [PEACE OFFICER RECORDS OF CHILDREN.] (a) Except for records relating to an offense where proceedings are public under section 260B.163, subdivision 1, peace officers' records of children who are or may be delinquent or who may be engaged in criminal acts shall be kept separate from records of persons 18 years of age or older and are private data but shall be disseminated: (1) by order of the juvenile court, (2) as required by section 121A.28, (3) as authorized under section 13.82, subdivision 2, (4) to the child or the child's parent or guardian unless disclosure of a record would interfere with an ongoing investigation, (5) to the Minnesota crime victims reparations board as required by section 611A.56, subdivision 2, clause (f), for the purpose of processing claims for crime victims reparations, or (6) as otherwise provided in this subdivision. Except as provided in paragraph (c), no photographs of a child taken into custody may be taken without the consent of the juvenile court unless the child is alleged to have

violated section 169A.20. Peace officers' records containing data about children who are victims of crimes or witnesses to crimes must be administered consistent with section 13.82, subdivisions 2, 3, 4, and 10. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

In the case of computerized records maintained about juveniles by peace officers, the requirement of this subdivision that records about juveniles must be kept separate from adult records does not mean that a law enforcement agency must keep its records concerning juveniles on a separate computer system. Law enforcement agencies may keep juvenile records on the same computer as adult records and may use a common index to access both juvenile and adult records so long as the agency has in place procedures that keep juvenile records in a separate place in computer storage and that comply with the special data retention and other requirements associated with protecting data on juveniles.

(b) Nothing in this subdivision prohibits the exchange of information by law enforcement agencies if the exchanged information is pertinent and necessary for law enforcement purposes.

(c) A photograph may be taken of a child taken into custody pursuant to section 260B.175, subdivision 1, clause (b), provided that the photograph must be destroyed when the child reaches the age of 19 years. The commissioner of corrections may photograph juveniles whose legal custody is transferred to the commissioner. Photographs of juveniles authorized by this paragraph may be used only for institution management purposes, case supervision by parole agents, and to assist law enforcement agencies to apprehend juvenile offenders. The commissioner shall maintain photographs of juveniles in the same manner as juvenile court records and names under this section.

(d) Traffic investigation reports are open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident. Identifying information on juveniles who are parties to traffic accidents may be disclosed as authorized under section 13.82, subdivision 4, and accident reports required under section 169.09 may be released under section 169.09, subdivision 13, unless the information would identify a juvenile who was taken into custody or who is suspected of committing an offense that would be a crime if committed by an adult, or would associate a juvenile with the offense, and the offense is not an adult court traffic offense under section 260B.225.

(e) The head of a law enforcement agency or a person specifically given the duty by the head of the law enforcement agency shall notify the principal superintendent or chief administrative officer of a juvenile's school of an incident occurring within the agency's jurisdiction if:

(1) the agency has probable cause to believe that the juvenile has committed an offense that would be a crime if committed as an adult, that the victim of the offense is a student or staff member of the school, and that notice to the school is reasonably necessary for the protection of the victim; or

(2) the agency has probable cause to believe that the juvenile has committed an offense described in subdivision 3, paragraph (a), clauses (1) to (3), that would be a crime if committed by an adult, regardless of whether the victim is a student or staff member of the school.

A law enforcement agency is not required to notify the school under this paragraph if the agency determines that notice would jeopardize an ongoing investigation. ~~Notwithstanding section 138.17, data from a notice received from a law enforcement agency under this paragraph must be destroyed when the juvenile graduates from the school or at the end of the academic year when the juvenile reaches age 23, whichever date is earlier.~~ For purposes of this paragraph, "school" means a public or private elementary, middle, or secondary, or charter school.

(f) In any county in which the county attorney operates or authorizes the operation of a juvenile prepetition or pretrial diversion program, a law enforcement agency or county attorney's office may provide the juvenile diversion program with data concerning a juvenile who is a participant in or is being considered for participation in the program.

(g) Upon request of a local social services agency, peace officer records of children who are or may be delinquent or who may be engaged in criminal acts may be disseminated to the agency to promote the best interests of the subject of the data.

(h) Upon written request, the prosecuting authority shall release investigative data collected by a law enforcement agency to the victim of a criminal act or alleged criminal act or to the victim's legal representative, except as otherwise provided by this paragraph. Data shall not be released if:

- (1) the release to the individual subject of the data would be prohibited under section 13.821; or
- (2) the prosecuting authority reasonably believes:
  - (i) that the release of that data will interfere with the investigation; or
  - (ii) that the request is prompted by a desire on the part of the requester to engage in unlawful activities.

Sec. 13. Minnesota Statutes 2000, section 609.415, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in sections 609.415 to 609.465, and 609.515,

(1) "Public officer" means:

(a) an executive or administrative officer of the state or of a county, municipality or other subdivision or agency of the state;

(b) a member of the legislature or of a governing board of a county, municipality, or other subdivision of the state, or other governmental instrumentality within the state;

(c) a judicial officer;

(d) a hearing officer;

(e) a law enforcement officer; or

(f) any other person exercising the functions of a public officer.

(2) "Public employee" means a person employed by or acting for the state or a county, municipality, or other subdivision or governmental instrumentality of the state for the purpose of exercising their respective powers and performing their respective duties, and who is not a public officer. Public employee includes a member of a charter commission.

(3) "Judicial officer" means a judge, court commissioner, referee, or any other person appointed by a judge or court to hear or determine a cause or controversy.

(4) "Hearing officer" means any person authorized by law or private agreement to hear or determine a cause or controversy who is not a judicial officer.

(5) "Political subdivision" means a county, town, statutory or home rule charter city, school district, special service district, or other municipal corporation of the state of Minnesota.

Sec. 14. Minnesota Statutes 2000, section 609.456, subdivision 1, is amended to read:

Subdivision 1. [STATE AUDITOR.] Whenever a public employee or public officer of a political subdivision or charter commission discovers evidence of theft, embezzlement, ~~or~~ unlawful use of public funds or property, or misuse of public funds by a charter commission or any person authorized to expend public funds, the employee or ~~elected~~

official officer shall, except when to do so would knowingly impede or otherwise interfere with an ongoing criminal investigation, promptly report to law enforcement and shall promptly report in writing to the state auditor a detailed description of the alleged incident or incidents. Notwithstanding chapter 13 or any other statute related to the classification of government data, the public employee or public officer shall provide data or information related to the alleged incident or incidents to the state auditor and law enforcement, including data classified as not public."

Delete the title and insert:

"A bill for an act relating to data practices; regulating the dissemination of data between schools, law enforcement, and the juvenile justice system; requiring public employees and officers to make prompt reports of certain unlawful actions; authorizing providing certain data to the state auditor for audit or law enforcement purposes; imposing criminal penalties; amending Minnesota Statutes 2000, sections 6.715, subdivision 3, by adding a subdivision; 13.32, subdivisions 7, 8, by adding a subdivision; 13.43, by adding a subdivision; 13.82, subdivision 17; 120A.22, subdivision 7; 121A.75; 260B.171, subdivisions 3, 5; 609.415, subdivision 1; 609.456, subdivision 1; Minnesota Statutes 2001 Supplement, section 124D.10, subdivision 8."

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

House Conferees: MARY LIZ HOLBERG, MARK BUESGENS AND JIM DAVNIE.

Senate Conferees: DAVID L. KNUTSON, DON BETZOLD AND LEONARD R. PRICE.

Holberg moved that the report of the Conference Committee on H. F. No. 2618 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2618, A bill for an act relating to crimes; requiring public employees and officers to make prompt reports of certain unlawful actions; authorizing providing certain data to the state auditor for audit or law enforcement purposes notwithstanding provisions of the data practices act; amending Minnesota Statutes 2000, sections 6.715, subdivision 3, by adding a subdivision; 13.82, subdivision 17; 609.456, subdivision 1; Minnesota Statutes 2001 Supplement, section 13.43, subdivision 2.

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

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Clark, J.	Finseth	Hilstrom	Juhnke	Lieder
Abrams	Daggett	Folliard	Hilty	Kahn	Lindner
Anderson, B.	Davids	Fuller	Holberg	Kalis	Lipman
Anderson, I.	Davnie	Gerlach	Holsten	Kelliher	Mahoney
Bakk	Dawkins	Gleason	Howes	Kielkucki	Mares
Bernardy	Dempsey	Goodno	Huntley	Knoblach	Mariani
Bishop	Dorman	Goodwin	Jacobson	Koskinen	Marko
Blaine	Dorn	Greiling	Jaros	Kubly	Marquart
Boudreau	Eastlund	Gunther	Jennings	Kuisle	McElroy
Bradley	Entenza	Haas	Johnson, J.	Larson	McGuire
Buesgens	Erhardt	Hackbarth	Johnson, R.	Leighton	Milbert
Carlson	Erickson	Harder	Johnson, S.	Lenczewski	Molnau
Cassell	Evans	Hausman	Jordan	Leppik	Mulder

Mullery	Otremba	Pugh	Sertich	Swenson	Westerberg
Murphy	Ozment	Rhodes	Skoe	Sykora	Westrom
Ness	Paulsen	Rifenberg	Skoglund	Thompson	Wilkin
Nornes	Pawlenty	Rukavina	Slawik	Tuma	Winter
Olson	Paymar	Ruth	Smith	Vandever	Wolf
Opatz	Pelowski	Schumacher	Solberg	Walker	Workman
Osskopp	Penas	Seagren	Stang	Walz	Spk. Sviggum
Osthoff	Peterson	Seifert	Swapinski	Wasiluk	

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

### MESSAGES FROM THE SENATE

The following messages were received from 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. 3183, A bill for an act relating to agriculture; clarifying and updating certain terms; changing certain requirements and procedures; limiting certain fees and payments; authorizing agreements; prohibiting tampering with farm tractor clock-hour meters; prescribing civil and criminal penalties; authorizing the northern counties land use coordinating board to initiate a land use management pilot project; amending Minnesota Statutes 2000, sections 17.90, subdivision 1a, by adding a subdivision; 17B.03, subdivision 1; 18B.315, subdivision 3; 18B.37, subdivisions 2, 5; 18E.02, by adding a subdivision; 18E.03, subdivision 4; 18E.04, subdivision 3; 18E.06; 21.111, by adding a subdivision; 31.101, as amended; 31.102, subdivision 1; 31.103, subdivision 1; 31.104; 38.331, subdivision 2; 41B.03, subdivisions 1, 3; 223.16, subdivision 5; Minnesota Statutes 2001 Supplement, sections 17.9442; 18B.36, subdivision 1; 18E.04, subdivisions 2, 4; 41B.046, subdivision 2; Laws 2001, chapter 206, section 14; proposing coding for new law in Minnesota Statutes, chapter 325E.

PATRICK E. FLAHAVEN, Secretary of the Senate

Finseth moved that the House refuse to concur in the Senate amendments to H. F. No. 3183, that the Speaker appoint a Conference Committee of 3 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 that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2960.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONFERENCE COMMITTEE REPORT ON S. F. NO. 2960

A bill for an act relating to employment; requiring that employers allow unpaid leave for employees to perform volunteer firefighter duties; proposing coding for new law in Minnesota Statutes, chapter 181.

April 17, 2002

The Honorable Don Samuelson  
President of the Senate

The Honorable Steve Sviggum  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2960, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 2960 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 624.20, subdivision 1, is amended to read:

Subdivision 1. (a) As used in sections 624.20 to 624.25, the term "fireworks" means any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, daygo bombs, sparklers other than those specified in paragraph (c), or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablets or other device containing any explosive substance and commonly used as fireworks.

(b) The term "fireworks" shall not include toy pistols, toy guns, in which paper caps containing 25/100 grains or less of explosive compound are used and toy pistol caps which contain less than 20/100 grains of explosive mixture.

(c) The term also does not include wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of 200 grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture. The use of items listed in this paragraph is not permitted on public property. This paragraph does not authorize the purchase of items listed in it by persons younger than 18 years of age. The age of a purchaser of items listed in this paragraph must be verified by photographic identification.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.

Delete the title and insert:

"A bill for an act relating to public safety; modifying the definition of fireworks; amending Minnesota Statutes 2000, section 624.20, subdivision 1."

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

Senate Conferees: DEBBIE J. JOHNSON, DAVID J. TOMASSONI AND JAMES P. METZEN.

House Conferees: TOM HACKBARTH, MARK WILLIAM HOLSTEN AND TOM RUKAVINA.

Hackbarth moved that the report of the Conference Committee on S. F. No. 2960 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2960, A bill for an act relating to employment; requiring that employers allow unpaid leave for employees to perform volunteer firefighter duties; proposing coding for new law in Minnesota Statutes, chapter 181.

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

The question was taken on the repassage of the bill and the roll was called. There were 78 yeas and 49 nays as follows:

Those who voted in the affirmative were:

Abeler	Dehler	Hackbarth	Krinkie	Olson	Stang
Anderson, B.	Dempsey	Hilstrom	Kuisle	Osskopp	Swenson
Anderson, I.	Dorman	Holberg	Leighton	Paulsen	Sykora
Bakk	Eastlund	Holsten	Leppik	Pawlenty	Thompson
Bernardy	Erickson	Howes	Lindner	Penas	Tuma
Bishop	Finseth	Jacobson	Lipman	Rifenberg	Vandever
Blaine	Fuller	Jaros	Mariani	Rukavina	Walz
Boudreau	Gerlach	Jennings	Marquart	Ruth	Westerberg
Bradley	Goodno	Johnson, J.	McElroy	Schumacher	Westrom
Buesgens	Goodwin	Jordan	Milbert	Seifert	Wilkin
Cassell	Greiling	Kahn	Molnau	Sertich	Wolf
Clark, J.	Gunther	Kielkucki	Mulder	Smith	Workman
Daggett	Haas	Knoblach	Nornes	Solberg	Spk. Sviggum

Those who voted in the negative were:

Abrams	Folliard	Kalis	Marko	Paymar	Tingelstad
Carlson	Gleason	Kelliher	McGuire	Pelowski	Walker
Davids	Harder	Koskinen	Mullery	Pugh	Wasiluk
Davnie	Hausman	Kubly	Murphy	Rhodes	Winter
Dawkins	Hilty	Larson	Ness	Seagren	
Dibble	Huntley	Lenczewski	Opatz	Skoe	
Dorn	Johnson, R.	Lieder	Osthoff	Skoglund	
Erhardt	Johnson, S.	Mahoney	Otremba	Slawik	
Evans	Juhnke	Mares	Ozment	Swapinski	

The bill was repassed, as amended by Conference, 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 Monday, April 22, 2002:

H. F. No. 3319; and S. F. Nos. 2568, 3030, 3099, 2125, 2963 and 3200.

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

RECESS

RECONVENED

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

**MESSAGES FROM THE SENATE, Continued**

The following message was received from the Senate:

Mr. Speaker:

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

S. F. No. 2448, A bill for an act relating to government data practices; providing for disclosure by the department of public safety of personal data related to operation of a motor vehicle; amending Minnesota Statutes 2000, section 168.346.

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

Senators Betzold, Limmer and Kiscaden.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Smith moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2448. The motion prevailed.

**CALENDAR FOR THE DAY**

S. F. No. 3098 was reported to the House.

Abeler moved that S. F. No. 3098 be continued on the Calendar for the Day. The motion prevailed.

H. F. No. 3350 was reported to the House.

Abeler moved to amend H. F. No. 3350, the fourth engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 148.235, is amended by adding a subdivision to read:

Subd. 8. [PRESCRIPTION BY PROTOCOL.] A registered nurse may implement a protocol that does not reference a specific patient and results in a prescription of a legend drug that has been predetermined and delegated by a licensed practitioner as defined under section 151.01, subdivision 23, when caring for a patient whose condition falls within the protocol and when the protocol specifies the circumstances under which the drug is to be prescribed or administered.

Sec. 2. Minnesota Statutes 2000, section 148.235, is amended by adding a subdivision to read:

Subd. 9. [VACCINE BY PROTOCOL.] A nurse may implement a protocol that does not reference a specific patient and results in the administration of a vaccine that has been predetermined and delegated by a licensed practitioner as defined in section 151.01, subdivision 23, when caring for a patient whose characteristics fall within the protocol and when the protocol specifies the contraindications for implementation, including patients or populations of patients for whom the vaccine must not be administered and the conditions under which the vaccine must not be administered.

Sec. 3. Minnesota Statutes 2001 Supplement, section 148.284, is amended to read:

148.284 [CERTIFICATION OF ADVANCED PRACTICE REGISTERED NURSES.]

(a) No person shall practice advanced practice registered nursing or use any title, abbreviation, or other designation tending to imply that the person is an advanced practice registered nurse, clinical nurse specialist, nurse anesthetist, nurse-midwife, or nurse practitioner unless the person is certified for such advanced practice registered nursing by a national nurse certification organization.

(b) Paragraph (a) does not apply to an advanced practice registered nurse who is within six months after completion of an advanced practice registered nurse course of study and is awaiting certification, provided that the person has not previously failed the certification examination.

(c) An advanced practice registered nurse who has completed a formal course of study as an advanced practice registered nurse and has been certified by a national nurse certification organization prior to January 1, 1999, may continue to practice in the field of nursing in which the advanced practice registered nurse is practicing as of July 1, 1999, regardless of the type of certification held if the advanced practice registered nurse is not eligible for the proper certification.

(d) Prior to July 1, 2007, a clinical nurse specialist may petition the board for waiver from the certification requirement in paragraph (a) if the clinical nurse specialist is academically prepared as a clinical nurse specialist in a specialty area for which there is no certification within the clinical nurse specialist role and specialty or a related specialty. The board may determine that an available certification as a clinical nurse specialist in a related specialty must be obtained in lieu of the specific specialty or subspecialty. The petitioner must be academically prepared as a clinical nurse specialist in a specific field of clinical nurse specialist practice with a master's degree in nursing that included clinical experience in the clinical specialty, and must have 1,000 hours of supervised clinical experience in the clinical specialty for which the individual was academically prepared with a minimum of 500 hours of supervised clinical practice after graduation. The board may grant a nonrenewable permit for no longer than 12

months for the supervised postgraduate clinical experience. The board may renew the waiver for three-year periods provided the clinical nurse specialist continues to be ineligible for certification as a clinical nurse specialist by an organization acceptable to the board.

**[EFFECTIVE DATE.]** This section is effective July 1, 2002.

Sec. 4. Minnesota Statutes 2000, section 151.37, subdivision 2, is amended to read:

Subd. 2. [PRESCRIBING AND FILING.] (a) A licensed practitioner in the course of professional practice only, may prescribe, administer, and dispense a legend drug, and may cause the same to be administered by a nurse, a physician assistant, or medical student or resident under the practitioner's direction and supervision, and may cause a person who is an appropriately certified, registered, or licensed health care professional to prescribe, dispense, and administer the same within the expressed legal scope of the person's practice as defined in Minnesota Statutes. A licensed practitioner may prescribe a legend drug, without reference to a specific patient, by directing a ~~registered~~ nurse, pursuant to section 148.235, subdivisions 8 and 9, physician assistant, or medical student or resident to adhere to a particular practice guideline or protocol when treating patients whose condition falls within such guideline or protocol, and when such guideline or protocol specifies the circumstances under which the legend drug is to be prescribed and administered. An individual who verbally, electronically, or otherwise transmits a written, oral, or electronic order, as an agent of a prescriber, shall not be deemed to have prescribed the legend drug. This paragraph applies to a physician assistant only if the physician assistant meets the requirements of section 147A.18.

(b) A licensed practitioner that dispenses for profit a legend drug that is to be administered orally, is ordinarily dispensed by a pharmacist, and is not a vaccine, must file with the practitioner's licensing board a statement indicating that the practitioner dispenses legend drugs for profit, the general circumstances under which the practitioner dispenses for profit, and the types of legend drugs generally dispensed. It is unlawful to dispense legend drugs for profit after July 31, 1990, unless the statement has been filed with the appropriate licensing board. For purposes of this paragraph, "profit" means (1) any amount received by the practitioner in excess of the acquisition cost of a legend drug for legend drugs that are purchased in prepackaged form, or (2) any amount received by the practitioner in excess of the acquisition cost of a legend drug plus the cost of making the drug available if the legend drug requires compounding, packaging, or other treatment. The statement filed under this paragraph is public data under section 13.03. This paragraph does not apply to a licensed doctor of veterinary medicine or a registered pharmacist. Any person other than a licensed practitioner with the authority to prescribe, dispense, and administer a legend drug under paragraph (a) shall not dispense for profit. To dispense for profit does not include dispensing by a community health clinic when the profit from dispensing is used to meet operating expenses.

Sec. 5. Minnesota Statutes 2000, section 256.01, is amended by adding a subdivision to read:

Subd. 20. [RYAN WHITE COMPREHENSIVE AIDS RESOURCES EMERGENCY ACT.] The commissioner shall act as the designated state agent for carrying out responsibilities required under Title II of the federal Ryan White Comprehensive AIDS Resources Emergency (CARE) Act. These responsibilities include:

- (1) coordinating statewide HIV/AIDS needs assessment activities;
- (2) developing the state's plan to meet identified health and support service needs of people living with HIV/AIDS;
- (3) administering federal funds designed to provide comprehensive health and support services to persons living with HIV/AIDS;
- (4) administering federal funds designated for the AIDS drug assistance program (ADAP);
- (5) collecting rebates from pharmaceutical manufacturers on drugs purchased with federal ADAP funds; and

(6) utilizing ADAP rebate funds in accordance with guidelines of the federal Health Resources and Services Administration.

Rebates collected under this subdivision shall be deposited into the ADAP account in the special revenue fund and are appropriated to the commissioner for purposes of this subdivision.

Sec. 6. Minnesota Statutes 2001 Supplement, section 256B.0625, subdivision 13, is amended to read:

Subd. 13. [DRUGS.] (a) Medical assistance covers drugs, except for fertility drugs when specifically used to enhance fertility, if prescribed by a licensed practitioner and dispensed by a licensed pharmacist, by a physician enrolled in the medical assistance program as a dispensing physician, or by a physician or a nurse practitioner employed by or under contract with a community health board as defined in section 145A.02, subdivision 5, for the purposes of communicable disease control. The commissioner, after receiving recommendations from professional medical associations and professional pharmacist associations, shall designate a formulary committee to advise the commissioner on the names of drugs for which payment is made, recommend a system for reimbursing providers on a set fee or charge basis rather than the present system, and develop methods encouraging use of generic drugs when they are less expensive and equally effective as trademark drugs. The formulary committee shall consist of nine members, four of whom shall be physicians who are not employed by the department of human services, and a majority of whose practice is for persons paying privately or through health insurance, three of whom shall be pharmacists who are not employed by the department of human services, and a majority of whose practice is for persons paying privately or through health insurance, a consumer representative, and a nursing home representative. Committee members shall serve three-year terms and shall serve without compensation. Members may be reappointed once.

(b) The commissioner shall establish a drug formulary. Its establishment and publication shall not be subject to the requirements of the Administrative Procedure Act, but the formulary committee shall review and comment on the formulary contents. The formulary committee shall review and recommend drugs which require prior authorization. The formulary committee may recommend drugs for prior authorization directly to the commissioner, as long as opportunity for public input is provided. Prior authorization may be requested by the commissioner based on medical and clinical criteria before certain drugs are eligible for payment. Before a drug may be considered for prior authorization at the request of the commissioner:

(1) the drug formulary committee must develop criteria to be used for identifying drugs; the development of these criteria is not subject to the requirements of chapter 14, but the formulary committee shall provide opportunity for public input in developing criteria;

(2) the drug formulary committee must hold a public forum and receive public comment for an additional 15 days; and

(3) the commissioner must provide information to the formulary committee on the impact that placing the drug on prior authorization will have on the quality of patient care and information regarding whether the drug is subject to clinical abuse or misuse. Prior authorization may be required by the commissioner before certain formulary drugs are eligible for payment. The formulary shall not include:

(i) drugs or products for which there is no federal funding;

(ii) over-the-counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, products for the treatment of lice, vitamins for adults with documented vitamin deficiencies, vitamins for children under the age of seven and pregnant or nursing women, and any other over-the-counter drug identified by the commissioner, in consultation with the drug formulary committee, as necessary, appropriate, and cost-effective for the treatment of certain specified chronic diseases, conditions or disorders, and this determination shall not be subject to the requirements of chapter 14;

(iii) anorectics, except that medically necessary anorectics shall be covered for a recipient previously diagnosed as having pickwickian syndrome and currently diagnosed as having diabetes and being morbidly obese;

(iv) drugs for which medical value has not been established; and

(v) drugs from manufacturers who have not signed a rebate agreement with the Department of Health and Human Services pursuant to section 1927 of title XIX of the Social Security Act.

The commissioner shall publish conditions for prohibiting payment for specific drugs after considering the formulary committee's recommendations. An honorarium of \$100 per meeting and reimbursement for mileage shall be paid to each committee member in attendance.

(c) The basis for determining the amount of payment shall be the lower of the actual acquisition costs of the drugs plus a fixed dispensing fee; the maximum allowable cost set by the federal government or by the commissioner plus the fixed dispensing fee; or the usual and customary price charged to the public. The pharmacy dispensing fee shall be \$3.65, except that the dispensing fee for intravenous solutions which must be compounded by the pharmacist shall be \$8 per bag, \$14 per bag for cancer chemotherapy products, and \$30 per bag for total parenteral nutritional products dispensed in one liter quantities, or \$44 per bag for total parenteral nutritional products dispensed in quantities greater than one liter. Actual acquisition cost includes quantity and other special discounts except time and cash discounts. The actual acquisition cost of a drug shall be estimated by the commissioner, at average wholesale price minus nine percent, except that where a drug has had its wholesale price reduced as a result of the actions of the National Association of Medicaid Fraud Control Units, the estimated actual acquisition cost shall be the reduced average wholesale price, without the nine percent deduction. The maximum allowable cost of a multisource drug may be set by the commissioner and it shall be comparable to, but no higher than, the maximum amount paid by other third-party payors in this state who have maximum allowable cost programs. The commissioner shall set maximum allowable costs for multisource drugs that are not on the federal upper limit list as described in United States Code, title 42, chapter 7, section 1396r-8(e), the Social Security Act, and Code of Federal Regulations, title 42, part 447, section 447.332. Establishment of the amount of payment for drugs shall not be subject to the requirements of the Administrative Procedure Act. An additional dispensing fee of \$.30 may be added to the dispensing fee paid to pharmacists for legend drug prescriptions dispensed to residents of long-term care facilities when a unit dose blister card system, approved by the department, is used. Under this type of dispensing system, the pharmacist must dispense a 30-day supply of drug. The National Drug Code (NDC) from the drug container used to fill the blister card must be identified on the claim to the department. The unit dose blister card containing the drug must meet the packaging standards set forth in Minnesota Rules, part 6800.2700, that govern the return of unused drugs to the pharmacy for reuse. The pharmacy provider will be required to credit the department for the actual acquisition cost of all unused drugs that are eligible for reuse. Over-the-counter medications must be dispensed in the manufacturer's unopened package. The commissioner may permit the drug clozapine to be dispensed in a quantity that is less than a 30-day supply. Whenever a generically equivalent product is available, payment shall be on the basis of the actual acquisition cost of the generic drug, unless the prescriber specifically indicates "dispense as written - brand necessary" on the prescription as required by section 151.21, subdivision 2.

(d) For purposes of this subdivision, "multisource drugs" means covered outpatient drugs, excluding innovator multisource drugs for which there are two or more drug products, which:

(1) are related as therapeutically equivalent under the Food and Drug Administration's most recent publication of "Approved Drug Products with Therapeutic Equivalence Evaluations";

(2) are pharmaceutically equivalent and bioequivalent as determined by the Food and Drug Administration; and

(3) are sold or marketed in Minnesota.

"Innovator multisource drug" means a multisource drug that was originally marketed under an original new drug application approved by the Food and Drug Administration.

(e) The basis for determining the amount of payment for drugs administered in an outpatient setting shall be the lower of the usual and customary cost submitted by the provider; the average wholesale price minus five percent; or the maximum allowable cost set by the federal government under United States Code, title 42, chapter 7, section 1396r-8(e), and Code of Federal Regulations, title 42, section 447.332, or by the commissioner under paragraph (c).

(f) Prior authorization shall not be required or utilized for any antihemophilic factor drug prescribed for the treatment of hemophilia and blood disorders where there is no generically equivalent drug available unless the commissioner determines that prior authorization is necessary for patient safety. This paragraph applies to any supplemental drug rebate program established or administered by the commissioner.

Sec. 7. Minnesota Statutes 2000, section 256B.0625, subdivision 35, is amended to read:

Subd. 35. [FAMILY COMMUNITY SUPPORT SERVICES.] (a) Medical assistance covers family community support services as defined in section 245.4871, subdivision 17. In addition to the provisions of section 245.4871, and to the extent authorized by rules promulgated by the state agency, medical assistance covers the following services as family community support services:

(1) services identified in an individual treatment plan when provided by a trained mental health behavioral aide under the direction of a mental health practitioner or mental health professional;

(2) mental health crisis intervention and crisis stabilization services provided outside of hospital inpatient settings; and

(3) the therapeutic components of preschool and therapeutic camp programs.

(b) Notwithstanding the provisions of Minnesota Rules, parts 9505.0324, subpart 2, 9505.0326, subpart 2, and 9505.0327, subpart 2, a provider of family community support services, home-based mental health services, or therapeutic support of foster care services under contract with a county may continue to provide existing services to a child, and may provide new services to that child, if the child is placed in foster care, or the child and family relocate, outside the original county of residence."

Delete the title and insert:

"A bill for an act relating to health; modifying current protocols for nurses; modifying prior authorization requirements for prescription drugs; clarifying responsibilities for administering the Ryan White Act; clarifying providers continuation of family community support services; amending Minnesota Statutes 2000, sections 148.235, by adding subdivisions; 151.37, subdivision 2; 256.01, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 148.284; 256B.0625, subdivisions 13, 35."

The motion prevailed and the amendment was adopted.

Jennings offered an amendment to H. F. No. 3350, the fourth engrossment, as amended.

#### POINT OF ORDER

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

Pugh appealed the decision of the Speaker.

A roll call was requested and properly seconded.

## LAY ON THE TABLE

Abeler moved to lay the Pugh appeal of the decision of the Speaker on the table.

A roll call was requested and properly seconded.

The question was taken on the Abeler motion and the roll was called. There were 66 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Haas	Kuisle	Osskopp	Swenson
Abrams	Dehler	Hackbarth	Leppik	Ozment	Sykora
Anderson, B.	Dempsey	Harder	Lindner	Paulsen	Tingelstad
Bishop	Dorman	Holberg	Lipman	Pawlenty	Tuma
Blaine	Eastlund	Holsten	Mares	Penas	Vandever
Boudreau	Erhardt	Jacobson	McElroy	Rifenberg	Westerberg
Bradley	Erickson	Johnson, J.	Molnau	Ruth	Westrom
Buesgens	Finseth	Jordan	Mulder	Seagren	Wilkin
Cassell	Gerlach	Kielkucki	Ness	Seifert	Wolf
Clark, J.	Goodno	Knoblach	Nornes	Smith	Workman
Daggett	Gunther	Krinkie	Olson	Stang	Spk. Sviggum

Those who voted in the negative were:

Anderson, I.	Folliard	Jennings	Lenczewski	Osthoff	Skoglund
Bakk	Fuller	Johnson, R.	Lieder	Otremba	Slawik
Bernardy	Gleason	Johnson, S.	Mahoney	Paymar	Solberg
Carlson	Goodwin	Juhnke	Mariani	Pelowski	Swapinski
Clark, K.	Greiling	Kahn	Marko	Peterson	Thompson
Davnie	Hausman	Kalis	Marquart	Pugh	Walker
Dawkins	Hilstrom	Kelliher	McGuire	Rhodes	Walz
Dibble	Hilty	Koskinen	Milbert	Rukavina	Wasiluk
Dorn	Howes	Kubly	Mullery	Schumacher	Winter
Entenza	Huntley	Larson	Murphy	Sertich	
Evans	Jaros	Leighton	Opatz	Skoe	

The motion prevailed and the appeal of the decision of the Speaker was laid on the table.

The Speaker called Boudreau to the Chair.

H. F. No. 3350, A bill for an act relating to health; modifying current protocols for nurses; modifying prior authorization requirements for prescription drugs; clarifying responsibilities for administering the Ryan White act; clarifying providers continuation of family community support services; amending Minnesota Statutes 2000, sections 148.235, by adding subdivisions; 151.37, subdivision 2; 256.01, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 148.284; 256B.0625, subdivisions 13, 35.

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	Dorn	Holsten	Lenczewski	Otremba	Stanek
Abrams	Eastlund	Howes	Leppik	Ozment	Stang
Anderson, B.	Entenza	Huntley	Lieder	Paulsen	Swapinski
Anderson, I.	Erhardt	Jacobson	Lindner	Pawlenty	Swenson
Bakk	Erickson	Jaros	Lipman	Paymar	Sykora
Bernardy	Evans	Jennings	Mahoney	Pelowski	Thompson
Blaine	Finseth	Johnson, J.	Mares	Penas	Tingelstad
Boudreau	Folliard	Johnson, R.	Mariani	Peterson	Tuma
Bradley	Fuller	Johnson, S.	Marko	Pugh	Vandever
Buesgens	Gerlach	Jordan	Marquart	Rhodes	Walker
Carlson	Gleason	Juhnke	McGuire	Rifenberg	Walz
Cassell	Goodno	Kahn	Milbert	Rukavina	Wasiluk
Clark, J.	Goodwin	Kalis	Molnau	Ruth	Westerberg
Clark, K.	Greiling	Kelliher	Mulder	Schumacher	Westrom
Daggett	Gunther	Kielkucki	Mullery	Seagren	Wilkin
Davids	Haas	Knoblach	Murphy	Seifert	Winter
Davnie	Hackbarth	Koskinen	Ness	Sertich	Wolf
Dawkins	Harder	Krinkie	Nornes	Skoe	Workman
Dehler	Hausman	Kubly	Olson	Skoglund	Spk. Sviggum
Dempsey	Hilstrom	Kuisle	Opatz	Slawik	
Dibble	Hilty	Larson	Osskopp	Smith	
Dorman	Holberg	Leighton	Osthoff	Solberg	

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

S. F. No. 3024 was reported to the House.

Haas moved to amend S. F. No. 3024 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2989, the first engrossment:

"Section 1. Minnesota Statutes 2000, section 82.20, subdivision 13, is amended to read:

Subd. 13. [LIMITED BROKER'S LICENSE.] (a) The commissioner shall have the authority to issue a limited real estate broker's license authorizing the licensee to engage in transactions as principal only. Such license shall be issued only after receipt of the application described in subdivision 3 and payment of the fee prescribed by section 82.21, subdivision 1. No salesperson may be licensed to act on behalf of an individual holding a limited broker's license. An officer of a corporation or partner of a partnership licensed as a limited broker may act on behalf of that corporation or partnership without being subject to the licensing requirements.

(b) A limited broker's license shall also authorize the licensee to engage in negotiation of mortgage loans, other than residential mortgage loans, as described in section 82.17, subdivision 4, clause (b).

Sec. 2. Minnesota Statutes 2000, section 82.22, subdivision 6, is amended to read:

Subd. 6. [INSTRUCTION; NEW LICENSES.] (a) Every applicant for a salesperson's license shall be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner before taking the examination specified in subdivision 1. Every applicant for a salesperson's license shall be required to successfully complete an additional course of study in the real estate field consisting of 60 hours of instruction approved by the commissioner, of which three hours shall consist of training in state and federal fair housing laws, regulations, and rules, and of which two hours must consist of training in laws and regulations on agency representation and disclosure, before filing an application for the license. ~~Every salesperson shall, within one year of licensure, be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner.~~

(b) The commissioner may approve courses of study in the real estate field offered in educational institutions of higher learning in this state or courses of study in the real estate field developed by and offered under the auspices of the national association of realtors, its affiliates, or private real estate schools. The commissioner shall not approve any course offered by, sponsored by, or affiliated with any person or company licensed to engage in the real estate business. The commissioner may by rule prescribe the curriculum and qualification of those employed as instructors.

(c) An applicant for a broker's license must successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner, of which three hours shall consist of training in state and federal fair housing laws, regulations, and rules. The course must have been completed within ~~six~~ 12 months prior to the date of application for the broker's license.

(d) An applicant for a real estate closing agent's license must successfully complete a course of study relating to closing services consisting of eight hours of instruction approved by the commissioner.

Sec. 3. Minnesota Statutes 2001 Supplement, section 82.22, subdivision 13, is amended to read:

Subd. 13. [CONTINUING EDUCATION.] (a) ~~After their first renewal date,~~ All real estate salespersons and all real estate brokers shall be required to successfully complete 30 hours of real estate continuing education, either as a student or a lecturer, in courses of study approved by the commissioner, during the initial license period and during each succeeding 24-month license period. At least 15 of the 30 credit hours must be completed during the first 12 months of the 24-month licensing period. ~~Salespersons and brokers whose initial license period extends more than 12 months are required to complete 15 hours of real estate continuing education during the initial license period. Those licensees who will receive a 12-month license on July 1, 1995, because of the staggered implementation schedule must complete 15 hours of real estate continuing education as a requirement for renewal on July 1, 1996. Licensees may not claim credit for continuing education not actually completed as of the date their report of continuing education compliance is filed.~~

(b) The commissioner shall adopt rules defining the standards for course and instructor approval, and may adopt rules for the proper administration of this subdivision. The commissioner may not approve a course which can be completed by the student at home or outside the classroom without the supervision of an instructor except accredited courses using new delivery technology, including interactive technology, and the Internet. Courses in motivation, salesmanship, psychology, or time management shall not be approved by the commissioner for continuing education credit.

(c) Any program approved by Minnesota continuing legal education shall be approved by the commissioner of commerce for continuing education for real estate brokers and salespeople if the program or any part thereof relates to real estate.

(d) As part of the continuing education requirements of this section, the commissioner shall require that all real estate brokers and salespersons receive:

(1) at least one hour of training during each license period in courses in laws or regulations on agency representation and disclosure; and

(2) at least one hour of training during each license period in courses in state and federal fair housing laws, regulations, and rules, other antidiscrimination laws, or courses designed to help licensees to meet the housing needs of immigrant and other underserved populations.

Clauses (1) and (2) do not apply to real estate salespersons and real estate brokers engaged solely in the commercial real estate business who file with the commissioner a verification of this status along with the continuing education report required under paragraph (a).

(e) The commissioner is authorized to establish a procedure for renewal of course accreditation.

(f) Approved courses may be sponsored or offered by a broker of a real estate company and may be held on the premises of a company licensed under this chapter. All course offerings must be open to any interested individuals. Access may be restricted by the sponsor based on class size only. Courses must not be approved if attendance is restricted to any particular group of people. A broker must comply with all continuing education rules prescribed by the commissioner.

(g) No more than one-half of the credit hours per licensing period, including continuing education required under subdivision 6, may be credited to a person for attending any combination of courses either:

(1) sponsored by, offered by, or affiliated with a real estate company or its agents; or

(2) offered using new delivery technology, including interactive technology, and the Internet.

Sec. 4. Minnesota Statutes 2000, section 82B.19, subdivision 1, is amended to read:

Subdivision 1. [LICENSE RENEWALS.] A licensed real estate appraiser shall present evidence satisfactory to the commissioner of having met the continuing education requirements of this chapter before the commissioner renews a license.

The basic continuing education requirement for renewal of a license is the completion by the applicant either as a student or as an instructor, during the immediately preceding term of licensing, of at least 30 classroom hours of instruction in courses or seminars that have received the approval of the commissioner. As part of the continuing education requirements of this section, the commissioner shall require that all real estate appraisers receive at least ~~four~~ seven hours of training each license period in courses in laws or regulations on standards of professional practice. If the applicant's immediately preceding term of licensing consisted of 12 or more months, but fewer than 24 months, the applicant must provide evidence of completion of 15 hours of instruction during the license period. If the immediately preceding term of licensing consisted of fewer than 12 months, no continuing education need be reported.

Sec. 5. Minnesota Statutes 2000, section 82B.21, is amended to read:

82B.21 [CLASSIFICATION OF SERVICES.]

A client or employer may retain or employ a licensed real estate appraiser to act as a disinterested third party in giving an unbiased estimate of value or analysis. ~~A client or employer may also retain or employ a licensed real estate appraiser; to provide a market analysis to facilitate the client's or employer's objectives; or to perform a limited appraisal. In either case,~~ The appraisal and the appraisal report must comply with the provisions of this chapter and the uniform standards of professional appraisal practice.

Sec. 6. Minnesota Statutes 2000, section 155A.03, is amended by adding a subdivision to read:

Subd. 14. [LICENSED SALON.] "Licensed salon" means a salon licensed in Minnesota.

Sec. 7. Minnesota Statutes 2000, section 155A.03, is amended by adding a subdivision to read:

Subd. 15. [LICENSED SCHOOL.] "Licensed school" means a school licensed in Minnesota.

Sec. 8. Minnesota Statutes 2000, section 155A.07, is amended by adding a subdivision to read:

Subd. 9. [RECIPROCAL LICENSES.] Notwithstanding the absence of a written reciprocal licensing agreement under section 45.0292, a nonresident cosmetologist, manicurist, or esthetician may be licensed in Minnesota if the individual has completed cosmetology school in a state with the same or greater school hour requirements, has an active license in that state, and has passed the Minnesota-specific written operator examination for cosmetologist, manicurist, or esthetician. Reciprocal licenses shall not be issued for managers or instructors.

Sec. 9. Minnesota Statutes 2000, section 326.975, is amended by adding a subdivision to read:

Subd. 1a. [LIMITATION.] Nothing may obligate the fund for claims brought by:

(1) insurers or sureties under subrogation or similar theories; or

(2) owners of residential property where the contracting activity complained of was the result of a contract entered into with a prior owner, unless the claim is brought and judgment rendered for breach of the statutory warranty set forth in chapter 327A.

Sec. 10. Minnesota Statutes 2000, section 326.975, is amended by adding a subdivision to read:

Subd. 1b. [CONDOMINIUMS OR TOWNHOUSES.] For purposes of this section, the owner or lessee of a condominium or townhouse is considered an owner or lessee of residential property regardless of the number of residential units per building.

Sec. 11. Minnesota Statutes 2000, section 507.09, is amended to read:

507.09 [FORMS APPROVED; AMENDMENTS.]

The several forms of deeds, mortgages, land contracts, assignments, satisfactions, and other conveyancing instruments prepared by the uniform conveyancing blanks commission and filed by the commission with the secretary of state pursuant to Laws 1929, chapter 135, as amended by Laws 1931, chapter 34, are approved and recommended for use in the state. Such forms shall be kept on file with and be preserved by the commissioner of commerce as a public record. The commissioner of commerce may appoint an advisory task force on uniform conveyancing forms to recommend to the commissioner of commerce amendments to existing forms or the adoption of new forms. The task force shall expire, and the terms, compensation, and removal of members shall be as

provided in section 15.059. The commissioner of commerce may adopt amended or new forms consistent with the laws of this state by complying with the procedures in section 14.386, paragraph (a), clauses (1) and (3). Section 14.386, paragraph (b), does not apply to these forms order.

Sec. 12. [EFFECTIVE DATES.]

Sections 1 and 9 to 11 are effective the day following final enactment. Section 2 is effective July 1, 2002. Section 3 is effective July 1, 2002, for renewals on or after that date. Section 4 is effective September 1, 2003, for renewals on or after that date."

The motion prevailed and the amendment was adopted.

Haas and Huntley moved to amend S. F. No. 3024, as amended, as follows:

Page 1, after line 14, insert:

"Section 1. Minnesota Statutes 2000, section 62A.02, subdivision 2, as amended by Laws 2002, chapter 330, section 8, is amended to read:

Subd. 2. [APPROVAL.] (a) The health plan form shall not be issued, nor shall any application, rider, endorsement, or rate be used in connection with it, until the expiration of 60 days after it has been filed unless the commissioner approves it before that time.

(b) Notwithstanding paragraph (a), a rate filed with respect to a policy of accident and sickness insurance as defined in section 62A.01 by an insurer licensed under chapter 60A, may be used on or after the date of filing with the commissioner. Rates that are not approved or disapproved within the 60-day time period are deemed approved. This paragraph does not apply to medicare-related coverage as defined in section 62A.31, subdivision 3, paragraph (q)."

Page 7, after line 20, insert:

"Sec. 12. Laws 2002, chapter 330, section 36, is amended to read:

Sec. 36. [EFFECTIVE DATE.]

Sections 7 and 30 are effective the day following final enactment. Section 3 is effective for dividends paid after December 31, 2000. Sections 8 and 9 are effective July 1, 2002."

Page 7, line 22, delete "1 and 9 to 11" and insert "2 and 10 to 13"

Page 7, line 23, delete "Section 2 is" and insert "Sections 1 and 3 are"

Page 7, line 24, delete "3" and insert "4"

Page 7, line 25, delete "4" and insert "5"

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Haas moved to amend S. F. No. 3024, as amended, as follows:

Page 7, after line 20, insert:

"Sec. 12. Minnesota Rules, part 2765.1300, subpart 2, is amended to read:

Subp. 2. **Individual excess.** A plan must have and maintain individual excess stop-loss insurance, that provides for the insurer to assume all liability in excess of ~~\$25,000~~ the per person limit per year under all coverages the plan offers. The reporting period under this coverage must be no less than one year after the fund year's conclusion. A plan ~~may~~ must apply to the commissioner for ~~increasing a determination of~~ increasing a determination of the individual excess stop-loss insurance limit, ~~up to \$50,000~~. The commissioner must approve ~~this~~ the application if the increased limit would not be detrimental to the solvency and stability of the plan, considering the plan's experience, size, surplus, and other factors affecting financial integrity.

Sec. 13. Minnesota Rules, part 2765.1300, subpart 5, is amended to read:

Subp. 5. **Surety coverage.** A plan must have and maintain the following language in its required aggregate excess stop-loss insurance policy, unless the commissioner determines that a policy with that language is not available in the market for stop-loss coverage, in which case, the commissioner may determine the requirements needed to obtain stop-loss coverage and meet solvency requirements: "The insurer shall, at the commissioner's request, assume direct responsibility for the plan's coverage and all other responsibilities under this chapter and related statutes, if the plan becomes insolvent, ceases operations without authorization, or otherwise fails to fulfill its responsibilities under this chapter and related statutes. The insurer may attempt to collect reimbursement from the plan or a member on whose behalf the insurer is called upon to pay premium, pay claims, or incur other extraordinary expenses. However, the insurer must fulfill its responsibilities under this section while any collection attempts are pending. The insurer's responsibilities extend to all matters arising during or attributable to the policy period, and do not terminate with the end of the policy period." The policy must not alter or qualify these terms to harm the plan's rights materially."

Page 7, line 22, delete "11" and insert "13"

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Bradley, Huntley and Haas moved to amend S. F. No. 3024, as amended, as follows:

Page 1, after line 14, insert:

"Section 1. Minnesota Statutes 2000, section 62D.02, subdivision 8, is amended to read:

Subd. 8. [HEALTHMAINTENANCE CONTRACT.] "Health maintenance contract" means any contract whereby a health maintenance organization agrees to provide comprehensive health maintenance services to enrollees, provided that the contract may contain reasonable enrollee copayment cost-sharing provisions. An individual or group health maintenance contract may contain the copayment and deductible provisions specified in this subdivision. Copayment and deductible provisions in group contracts shall not discriminate on the basis of age, sex, race, length of enrollment in the plan, or economic status; and during every open enrollment period in which all offered health benefit plans, including those subject to the jurisdiction of the commissioners of commerce or health, fully participate without any underwriting restrictions, copayment and deductible provisions shall not discriminate on the basis of preexisting health status. ~~In no event shall the sum of the annual copayments and deductible exceed~~

~~the maximum out-of-pocket expenses allowable for a number three qualified plan under section 62E.06, nor shall that sum exceed \$5,000 per family. The annual deductible must not exceed \$1,000 \$5,000 per person or \$10,000 per family. The annual deductible must not apply to preventive health services as described in Minnesota Rules, part 4685.0801, subpart 8. Where sections 62D.01 to 62D.30 permit a health maintenance organization to contain reasonable copayment provisions for preexisting health status, these provisions may vary with respect to length of enrollment in the plan. A health maintenance organization may impose coinsurance, expressed as percentages or flat fee copayments, up to a maximum of 50 percent of the provider amount paid at the time the claim is processed. A health maintenance organization shall provide for an out-of-pocket maximum on enrollee cost-sharing up to \$8,000 per person per year on group health plans and up to \$15,000 per person per year on individual health plans. Any contract may provide for health care services in addition to those set forth in subdivision 7."~~

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Entenza and Haas moved to amend S. F. No. 3024, as amended, as follows:

Page 7, after line 20, insert:

"Sec. 12. 2002 S. F. No. 2592, section 5, if enacted, is amended to read:

Sec. 5. [APPROPRIATION.]

\$70,000 is appropriated from the general fund to the commissioner of commerce for the purpose of verifying premiums in order to certify the \$250,000 premium threshold under Minnesota Statutes, section 79.56, subdivision 3. The appropriation is available until June 30, 2003."

Page 7, line 21, delete "12" and insert "13"

Page 7, line 22, delete "11" and insert "12"

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "making a technical correction in an appropriation to the department;"

Page 1, line 13, before the period, insert "; 2002 S. F. No. 2592, section 5, if enacted"

The motion prevailed and the amendment was adopted.

Davids moved to amend S. F. No. 3024, as amended, as follows:

Page 1, after line 14, insert:

"Section 1. Minnesota Statutes 2000, section 72A.08, is amended by adding a subdivision to read:

Subd. 5. [TIED SALES OF INSURANCE.] No supplier of agricultural inputs shall offer or give discounted prices related to those inputs on the condition that the customer obtain insurance through that supplier or an affiliate of that

supplier, or through a specific insurance agent, agency, or company. Participation in an arrangement prohibited by this subdivision is a violation of subdivision 1."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Vandever moved to amend S. F. No. 3024, as amended, as follows:

Page 5, delete section 4

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Wilkin and Davids moved to amend S. F. No. 3024, as amended, as follows:

Page 1, after line 14, insert:

"Section 1. Minnesota Statutes 2000, section 79.251, subdivision 1, is amended to read:

Subdivision 1. [~~ASSIGNED RISK PLAN REVIEW BOARD~~ GENERAL DUTIES OF COMMISSIONER.] (1) ~~An assigned risk plan review board is created for the purposes of review of the operation of section 79.252 and this section. The board~~ commissioner shall have all the usual powers and authorities necessary for the discharge of its duties under this section and may contract with individuals in discharge of those duties.

~~(2) The board shall consist of six members to be appointed by the commissioner of commerce. Three members shall be insureds holding policies or contracts of coverage issued pursuant to subdivision 4. Two members shall be insurers licensed pursuant to section 60A.06, subdivision 1, clause (5), paragraph (b). The commissioner shall be the sixth member and shall vote.~~

~~Initial appointments shall be made by September 1, 1981, and terms shall be for three years duration. Removal, the filling of vacancies and compensation of the members other than the commissioner shall be as provided in section 15.059.~~

~~(3) The assigned risk plan review board~~ commissioner shall audit the reserves established (a) for individual cases arising under policies and contracts of coverage issued under subdivision 4 and (b) for the total book of business issued under subdivision 4.

~~(4) (2) The assigned risk plan review board~~ commissioner shall monitor the operations of section 79.252 and this section and shall periodically make recommendations to ~~the commissioner, and to~~ the governor and legislature when appropriate, for improvement in the operation of those sections.

~~(5) (3) All insurers and self-insurance administrators issuing policies or contracts under subdivision 4 shall pay to the commissioner a .25 percent assessment on premiums for policies and contracts of coverage issued under subdivision 4 for the purpose of defraying the costs of the assigned risk plan review board performing the duties under clauses (1) and (2).~~ Proceeds of the assessment shall be deposited in the state treasury and credited to the general fund.

~~(6)~~ (4) The assigned risk plan ~~and the assigned risk plan review board~~ shall not be deemed a state agency.

Sec. 2. Minnesota Statutes 2000, section 79.252, subdivision 3, is amended to read:

Subd. 3. [COVERAGE.] (a) Policies and contracts of coverage issued pursuant to section 79.251, subdivision 4, shall contain the usual and customary provisions of workers' compensation insurance policies, and shall be deemed to meet the mandatory workers' compensation insurance requirements of section 176.181, subdivision 2.

(b) Policies issued by the assigned risk plan pursuant to this chapter may also provide workers' compensation coverage required under the laws of states other than Minnesota, including coverages commonly known as "all states coverage." ~~The assigned risk plan review board~~ commissioner may apply for and obtain any licensure required in any other state to issue that coverage."

Page 7, after line 20, insert:

"Sec. 12. [INTENT OF AMENDMENTS.]

The legislature intends the amendments in sections 1 and 2 to be technical clarifications necessitated by the expiration of the assigned risk plan review board on June 30, 1997, according to the terms of Minnesota Statutes, section 15.059."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Rukavina offered an amendment to S. F. No. 3024, as amended.

#### POINT OF ORDER

Pawlenty raised a point of order pursuant to rule 3.21 that the Rukavina amendment was not in order. Speaker pro tempore Boudreau ruled the point of order well taken and the Rukavina amendment out of order.

S. F. No. 3024, A bill for an act relating to commerce; providing certain cosmetology definitions; regulating continuing education and licensing requirements for certain licensees; regulating the contractor's recovery fund; providing for the adoption and amendment of uniform conveyancing forms; amending Minnesota Statutes 2000, sections 82.20, subdivision 13; 82.22, subdivision 6; 82B.19, subdivision 1; 82B.21; 155A.03, by adding subdivisions; 155A.07, by adding a subdivision; 326.975, by adding subdivisions; 507.09; Minnesota Statutes 2001 Supplement, section 82.22, subdivision 13.

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 96 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Blaine	Carlson	Daggett	Dempsey
Abrams	Bakk	Boudreau	Cassell	Davids	Dorman
Anderson, B.	Bishop	Bradley	Clark, J.	Dehler	Dorn

Eastlund	Holberg	Lenczewski	Ness	Rhodes	Sykora
Erhardt	Holsten	Leppik	Nornes	Ruth	Thompson
Finseth	Howes	Lieder	Olson	Schumacher	Tingelstad
Fuller	Jacobson	Lindner	Opatz	Seagren	Tuma
Gerlach	Jennings	Lipman	Osskopp	Seifert	Vandev eer
Gleason	Johnson, J.	Mahoney	Osthoff	Sertich	Walz
Goodno	Johnson, R.	Mares	Otremba	Skoe	Wasiluk
Gunther	Jordan	Marko	Ozment	Slawik	Westerberg
Haas	Kielkucki	Marquart	Paulsen	Smith	Westrom
Hackbarth	Knoblach	McElroy	Pawlenty	Solberg	Wilkin
Harder	Kubly	Milbert	Pelowski	Stanek	Wolf
Hilstrom	Kuisle	Molnau	Penas	Stang	Workman
Hilty	Larson	Mulder	Peterson	Swenson	Spk. Sviggum

Those who voted in the negative were:

Bernardy	Entenza	Greiling	Kahn	Mariani	Rukavina
Buesgens	Erickson	Hausman	Kalis	McGuire	Skoglund
Clark, K.	Evans	Huntley	Kelliher	Mullery	Swapinski
Davnie	Folliard	Jaros	Koskinen	Murphy	Walker
Dawkins	Goodwin	Johnson, S.	Krinkie	Paymar	Winter
Dibble	Gray	Juhnke	Leighton	Pugh	

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

S. F. No. 3134 was reported to the House.

Holsten moved to amend S. F. No. 3134 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3129:

"Section 1. Minnesota Statutes 2000, section 115.55, is amended by adding a subdivision to read:

Subd. 9. [SYSTEM CLASSIFICATION.] The agency is not required to add, remove, or reclassify individual sewage treatment system technologies, designs, or system components through rulemaking or pursuant to existing rules until July 1, 2003. The agency is not required to review, assess, advise, or make regulatory determinations on an individual sewage treatment system technology, design, or system component during this period. Chambered systems, as defined in Minnesota Rules, part 7080.0020, that are installed before July 1, 2003, with smaller than standard soil sizing, but which otherwise conform with Minnesota Rules, part 7080.0178, are not required to install and monitor flow measuring devices unless required by local ordinance.

Sec. 2. Minnesota Statutes 2001 Supplement, section 115A.912, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE.] Money appropriated to the agency for waste tire management may be spent for regulation of permitted waste tire facilities, research and studies to determine the technical and economic feasibility of uses for tire derived products, and public education on waste tire management, ~~and grants and loans under section 115A.913.~~

Sec. 3. [REPEALER.]

Minnesota Statutes 2000, section 115A.913; and Minnesota Rules, parts 9220.0130, subpart 2, item H; 9220.0170; 9220.0180; 9220.0800; 9220.0805; 9220.0810; 9220.0815; 9220.0820; 9220.0825; 9220.0830; 9220.0835; 9220.0900; 9220.0905; 9220.0910; 9220.0915; 9220.0920; 9220.0925; 9220.0930; and 9220.0935, are repealed."

Delete the title and insert:

"A bill for an act relating to environment; clarifying individual sewage treatment classification; abolishing the waste tire grant and loan program; amending Minnesota Statutes 2000, section 115.55, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 115A.912, subdivision 1; repealing Minnesota Statutes 2000, section 115A.913; Minnesota Rules, parts 9220.0130, subpart 2, item H; 9220.0170; 9220.0180; 9220.0800; 9220.0805; 9220.0810; 9220.0815; 9220.0820; 9220.0825; 9220.0830; 9220.0835; 9220.0900; 9220.0905; 9220.0910; 9220.0915; 9220.0920; 9220.0925; 9220.0930; 9220.0935."

The motion prevailed and the amendment was adopted.

Holsten moved to amend S. F. No. 3134, as amended, as follows:

Page 2, after line 7, insert:

"Sec. 3. Laws 2002, chapter 293, is amended by adding a section to read:

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on the day following final enactment."

Page 2, line 8, delete "3" and insert "4"

Page 2, after line 14, insert:

"Sec. 5. [EFFECTIVE DATE.]

Sections 1, 2, and 4 are effective the day following final enactment. Section 3 is effective retroactively on the day following final enactment of Laws 2002, chapter 293."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Holsten moved to amend S. F. No. 3134, as amended, as follows:

Page 2, after line 7, insert:

"Sec. 3. Minnesota Statutes 2000, section 115A.9561, subdivision 2, is amended to read:

Subd. 2. [RECYCLING REQUIRED.] (a) Major appliances must be recycled or reused. Each county shall ensure that its households have the opportunity to recycle used major appliances. For the purposes of this section, recycling includes:

- (1) the removal of capacitors that may contain PCBs;
- (2) the removal of ballasts that may contain PCBs;
- (3) the removal of chlorofluorocarbon refrigerant gas; and

(4) the recycling or reuse of the metals, including mercury.

(b) To ensure that the materials removed from a major appliance are not introduced into the environment, an activity described in paragraph (a), clauses (1) to (3), must be conducted in a closed facility if the activity is conducted within 500 feet from the ordinary high water level of a waterbasin that is a public water, as those terms are described in section 103G.005, or of a watercourse identified by the public waters inventory under section 103G.201."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 3134, A bill for an act relating to environment; clarifying individual sewage treatment classification; abolishing the waste tire grant and loan program; requiring a water quality permit progress report; establishing the central iron range sanitary sewer district; amending Minnesota Statutes 2000, section 115.55, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 115A.912, subdivision 1; repealing Minnesota Statutes 2000, section 115A.913; Minnesota Rules, parts 9220.0130, subpart 2, item H; 9220.0170; 9220.0180; 9220.0800; 9220.0805; 9220.0810; 9220.0815; 9220.0820; 9220.0825; 9220.0830; 9220.0835; 9220.0900; 9220.0905; 9220.0910; 9220.0915; 9220.0920; 9220.0925; 9220.0930; 9220.0935.

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	Dorn	Holberg	Lenczewski	Otremba	Stanek
Abrams	Eastlund	Holsten	Leppik	Ozment	Stang
Anderson, B.	Entenza	Howes	Lieder	Paulsen	Swapinski
Anderson, I.	Erhardt	Huntley	Lindner	Pawlenty	Swenson
Bakk	Erickson	Jacobson	Lipman	Paymar	Sykora
Bernardy	Evans	Jennings	Mahoney	Pelowski	Thompson
Bishop	Finseth	Johnson, J.	Mares	Penas	Tingelstad
Blaine	Folliard	Johnson, R.	Mariani	Peterson	Tuma
Boudreau	Fuller	Johnson, S.	Marko	Pugh	Vandever
Bradley	Gerlach	Jordan	Marquart	Rhodes	Walker
Buesgens	Gleason	Juhnke	McElroy	Rifenberg	Walz
Carlson	Goodno	Kahn	McGuire	Rukavina	Wasiluk
Cassell	Goodwin	Kalis	Milbert	Ruth	Westerberg
Clark, J.	Gray	Kelliher	Molnau	Schumacher	Westrom
Clark, K.	Greiling	Kielkucki	Mulder	Seagren	Wilkin
Daggett	Gunther	Knoblach	Mullery	Seifert	Winter
Davids	Haas	Koskinen	Murphy	Sertich	Wolf
Dawkins	Hackbarth	Krinkie	Ness	Skoe	Workman
Dehler	Harder	Kubly	Nornes	Skoglund	Spk. Sviggum
Dempsey	Hausman	Kuisle	Opatz	Slawik	
Dibble	Hilstrom	Larson	Osskopp	Smith	
Dorman	Hilty	Leighton	Osthoff	Solberg	

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

S. F. No. 2392 was reported to the House.

Entenza moved to amend S. F. No. 2392 as follows:

Page 16, after line 16, insert:

"Sec. 21. [PUBLIC SAFETY.]

Subdivision 1. [EMERGENCY TELEPHONE SERVICE.] (a) \$4,951,000 in fiscal year 2003, \$5,654,000 in fiscal year 2004, and \$9,323,000 in fiscal year 2005 are appropriated from the general fund to the commissioner of administration for public safety answering points.

(b) \$4,244,000 in fiscal year 2003, \$4,846,000 in fiscal year 2004, and \$2,797,000 in fiscal year 2005 are appropriated from the general fund to the commissioner of administration to meet obligations under Minnesota Statutes, chapter 403, relating to 911 emergency telephone services. Any amounts that exceed the obligations must be used for public safety answering points.

Subd. 2. [BALANCES CANCELED TO GENERAL FUND.] \$9,195,000 of the unobligated balance in the state cash flow account is canceled to the general fund in fiscal year 2003.

\$10,500,000 of the unobligated balance in the state cash flow account is canceled to the general fund in fiscal year 2004.

\$12,120,000 of the unobligated balance in the state cash flow account is canceled to the general fund in fiscal year 2005.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Entenza amendment and the roll was called. There were 99 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Abeler	Davnie	Goodwin	Jennings	Lenczewski	Nornes
Anderson, I.	Dawkins	Gray	Johnson, R.	Leppik	Opatz
Bakk	Dehler	Greiling	Johnson, S.	Lieder	Osthoff
Bernardy	Dibble	Hackbarth	Jordan	Mahoney	Otremba
Bishop	Dorman	Harder	Juhnke	Mares	Ozment
Blaine	Dorn	Hausman	Kahn	Mariani	Pawlenty
Boudreau	Entenza	Hilstrom	Kalis	Marko	Paymar
Bradley	Erhardt	Hilty	Kelliher	Marquart	Pelowski
Carlson	Evans	Holsten	Knoblach	McGuire	Penas
Cassell	Finseth	Howes	Koskinen	Milbert	Peterson
Clark, J.	Folliard	Huntley	Kubly	Mullery	Pugh
Clark, K.	Fuller	Jacobson	Larson	Murphy	Rhodes
Daggett	Gleason	Jaros	Leighton	Ness	Rukavina

Ruth	Skoglund	Stanek	Tingelstad	Walz	Winter
Schumacher	Slawik	Swapinski	Tuma	Wasiluk	
Sertich	Smith	Swenson	Vandever	Westerberg	
Skoe	Solberg	Thompson	Walker	Westrom	

Those who voted in the negative were:

Abrams	Erickson	Johnson, J.	Molnau	Seagren	Workman
Anderson, B.	Gerlach	Kielkucki	Mulder	Seifert	Spk. Sviggum
Buesgens	Goodno	Krinkie	Olson	Stang	
Davids	Gunther	Kuisle	Osskopp	Sykora	
Dempsey	Haas	Lindner	Paulsen	Wilkin	
Eastlund	Holberg	Lipman	Rifenberg	Wolf	

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

S. F. No. 2392, A bill for an act relating to public safety; modifying emergency 911 telephone system provisions to establish emergency 911 telecommunications system; amending Minnesota Statutes 2000, sections 403.01; 403.02, subdivisions 3, 6, 7, by adding subdivisions; 403.05; 403.06; 403.07; 403.08; 403.09; 403.10, subdivision 1; 403.11, subdivisions 3, 4, by adding subdivisions; 403.113, subdivision 1; Minnesota Statutes 2001 Supplement, section 403.11, subdivision 1; repealing Minnesota Statutes 2000, sections 403.04; 403.11, subdivision 2; 403.113, subdivision 5; 403.12, subdivision 1; 403.13; 403.14; Minnesota Rules, parts 1215.0400; 1215.0600; 1215.0700; 1215.1200, subpart 3; 1215.1500.

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 114 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Abeler	Dibble	Hausman	Kuisle	Nornes	Skoglund
Abrams	Dorman	Hilstrom	Larson	Opatz	Slawik
Anderson, I.	Dorn	Hilty	Leighton	Osskopp	Smith
Bakk	Entenza	Holsten	Lenczewski	Osthoff	Solberg
Bernardy	Erhardt	Howes	Leppik	Otremba	Stanek
Bishop	Evans	Huntley	Lieder	Ozment	Stang
Blaine	Finseth	Jacobson	Lipman	Paulsen	Swapinski
Boudreau	Folliard	Jaros	Mahoney	Pawlenty	Swenson
Bradley	Fuller	Jennings	Mares	Paymar	Thompson
Carlson	Gerlach	Johnson, R.	Mariani	Pelowski	Tuma
Cassell	Gleason	Johnson, S.	Marko	Penas	Vandever
Clark, J.	Goodno	Jordan	Marquart	Peterson	Walker
Clark, K.	Goodwin	Juhnke	McElroy	Pugh	Walz
Daggett	Gray	Kahn	McGuire	Rhodes	Wasiluk
Davids	Greiling	Kalis	Milbert	Rukavina	Westerberg
Davnie	Gunther	Kelliher	Mulder	Ruth	Westrom
Dawkins	Haas	Knoblach	Mullery	Schumacher	Winter
Dehler	Hackbarth	Koskinen	Murphy	Sertich	Wolf
Dempsey	Harder	Kubly	Ness	Skoe	Spk. Sviggum

Those who voted in the negative were:

Anderson, B.	Erickson	Kielkucki	Molnau	Seagren	Wilkin
Buesgens	Holberg	Krinkie	Olson	Seifert	Workman
Eastlund	Johnson, J.	Lindner	Rifenberg	Sykora	

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

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

There being no objection, the order of business reverted to Messages from the Senate.

### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

S. F. No. 2674.

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

PATRICK E. FLAHAVER, Secretary of the Senate

### CONFERENCE COMMITTEE REPORT ON S. F. NO. 2674

A bill for an act relating to natural resources; clarifying the aquatic life that may be raised on aquatic farms; restricting motorized use of state forest land; requiring new snowmobiles sold in the state to have emergency hazard lights; temporarily removing restrictions on the production of planting stock; modifying timber permit and lease provisions; creating a prairie chicken hunting license; providing for the consumption of game at fundraising events; restricting the taking of fish on certain waters; providing for trapper education programs; prohibiting certain motorized decoys; modifying provisions for using lights to locate animals; modifying requirements for taking turtles; modifying requirements for a firearms safety certificate; modifying provisions relating to aquatic plant control permits; eliminating the maximum fee for an aquatic plant control permit; providing for enforcement authority and restoration requirements related to gathering or destroying aquatic plants; eliminating certain experimental trout stream restrictions; modifying timber sale provisions for tax-forfeited land in St. Louis county; requiring a study; providing criminal penalties; appropriating money; amending Minnesota Statutes 2000, sections 17.47, subdivision 7; 84.821, by adding a subdivision; 89.36, subdivision 1; 90.151, subdivision 1; 90.162; 97A.475, subdivisions 2, 41; 97B.020; 97B.025; 97B.081, subdivision 2; 97B.601, subdivision 4; 97B.811, by adding a subdivision; 97C.025; 97C.605; 97C.611; 103G.615, subdivisions 2, 3, by adding subdivisions; Minnesota Statutes 2001 Supplement, section 282.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 84; 97A; 97B; repealing Minnesota Statutes 2000, sections 90.50; 97C.003.

April 18, 2002

The Honorable Don Samuelson  
President of the Senate

The Honorable Steve Sviggum  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2674, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 2674 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 17.47, subdivision 7, is amended to read:

Subd. 7. [PRIVATE AQUATIC LIFE.] "Private aquatic life" means fish, shellfish, mollusks, crustaceans, turtles, and any other aquatic animals cultured within an aquatic farm. Private aquatic life is the property of the aquatic farmer.

Sec. 2. Minnesota Statutes 2000, section 85.20, subdivision 6, is amended to read:

Subd. 6. [LITTERING; PENALTY.] (a) No person shall drain, throw, or deposit upon the lands and waters within a state park any substance, including cigarette filters, that would mar the appearance, create a stench, destroy the cleanliness or safety of the land, or would be likely to injure any animal, vehicle, or person traveling upon those lands and waters. The operator of a vehicle or watercraft, except a school bus or a vehicle transporting passengers for hire and regulated by the interstate commerce commission, shall not permit articles to be thrown or discarded from the vehicle upon any lands or waters within a state park.

(b) Violation of this subdivision is a misdemeanor. Any person sentenced under this subdivision shall in lieu of the sentence imposed be permitted, under terms established by the court, to work under the direction of the department of natural resources at clearing rubbish, trash, and debris from any state park. The court may for any violation of this subdivision order the offender to perform such work under terms established by the court with the option of a jail sentence being imposed.

(c) In lieu of enforcement under paragraph (b), this subdivision may be enforced by imposition of a civil penalty and an action for damages for littering under section 115A.99.

Sec. 3. Minnesota Statutes 2000, section 89.36, subdivision 1, is amended to read:

Subdivision 1. [PRODUCTION AT STATE NURSERIES.] The commissioner of natural resources may produce tree planting stock for the purposes of sections 89.35 to 89.39 upon any lands under control of the commissioner which may be deemed suitable and available therefor so far as not inconsistent with other uses to which such lands may be dedicated by law. The commissioner may not produce more than 10,000,000 units of planting stock annually, after January 1, 2003.

Sec. 4. Minnesota Statutes 2000, section 90.151, subdivision 1, is amended to read:

Subdivision 1. [ISSUANCE; EXPIRATION.] (a) Following receipt of the down payment for state timber sold at public auction, the commissioner shall issue a numbered permit to the purchaser, in a form approved by the attorney general, by the terms of which the purchaser shall be authorized to enter upon the land, and to cut and remove the timber therein described, according to the provisions of this chapter. The permit shall be correctly dated and executed by the commissioner or agent and signed by the purchaser. If a permit is not signed by the purchaser within 60 days from the date of purchase, the permit cancels and the down payment for timber forfeits to the state.

(b) The permit shall expire no later than five years after the date of sale as the commissioner shall specify, and the timber shall be cut within the time specified therein. All cut timber, equipment, and buildings not removed from the land within 90 days after expiration of the permit shall become the property of the state.

(c) The commissioner may grant an additional period of time not to exceed 120 days for the removal of cut timber, equipment, and buildings upon receipt of such request by the permit holder for good and sufficient reasons. The commissioner may grant a second period of time not to exceed 120 days for the removal of cut timber, equipment, and buildings upon receipt of a request by the permit holder for hardship reasons only.

(d) No permit shall be issued to any person other than the purchaser in whose name the bid was made.

Sec. 5. Minnesota Statutes 2000, section 90.162, is amended to read:

90.162 [ALTERNATIVE TO BOND OR DEPOSIT REQUIREMENTS.]

In lieu of the bond or cash deposit equal to the value of all timber covered by the permit required by section 90.161 or 90.173, a purchaser of state timber may, at the time of the bid approval and upon payment by the purchaser to the commissioner of 15 percent of the appraised value under section 90.14, elect in writing on a form prescribed by the attorney general to prepay give good and valid surety to the state of Minnesota equal to the purchase price for any designated cutting block identified on the permit before the date the purchaser enters upon the land to begin harvesting the timber on the designated cutting block.

Sec. 6. Minnesota Statutes 2000, section 97A.421, subdivision 4, is amended to read:

Subd. 4. [ISSUANCE AFTER INTOXICATION OR NARCOTICS CONVICTION.] A person convicted of a violation under section 97B.065, relating to hunting while intoxicated or using narcotics, may not obtain a license to hunt with a firearm or by archery or hunt with a firearm or by archery under a lifetime license, issued under section 97A.473 or 97A.474, for five years after conviction.

Sec. 7. [97A.434] [PRAIRIE CHICKEN LICENSES.]

Subdivision 1. [NUMBER OF LICENSES TO BE ISSUED.] If the commissioner establishes an open season for prairie chickens under section 97B.711, the commissioner shall also determine, by rule, the number of licenses to be issued.

Subd. 2. [ELIGIBILITY.] Eligibility for a prairie chicken license shall be determined by this section and by rule adopted by the commissioner. A person is eligible for a prairie chicken license only if the person:

(1) is a resident; and

(2) was born before January 1, 1980, or possesses a firearms safety certificate.

Subd. 3. [APPLICATION FOR LICENSE.] An application for a prairie chicken license must be made in a manner provided by the commissioner and accompanied by a \$4 application fee. The \$4 application fee is appropriated as prescribed in Minnesota Statutes, section 84.027, subdivision 15, paragraph (d), to pay for costs associated with conducting the prairie chicken license drawing. A person may not make more than one application for each season. If a person makes more than one application, the person is ineligible for a license for that season after determination by the commissioner, without a hearing.

Subd. 4. [SEPARATE SELECTION OF ELIGIBLE LICENSEES.] (a) The commissioner may conduct a separate selection for up to 20 percent of the prairie chicken licenses to be issued for any area. Only persons who are owners or tenants of at least 40 acres of prairie or grassland in the area, and their family members, are eligible applicants for prairie chicken licenses for the separate selection. The qualifying prairie or grassland may be noncontiguous.

Persons who are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons who obtain a license in a separate selection must allow public prairie chicken hunting on their land during that prairie chicken season.

(b) The commissioner may by rule establish criteria for determining eligible family members under this subdivision.

Sec. 8. Minnesota Statutes 2000, section 97A.473, subdivision 1, is amended to read:

Subdivision 1. [RESIDENT LIFETIME LICENSES AUTHORIZED.] (a) The commissioner may issue a lifetime angling license, a lifetime small game hunting license, a lifetime ~~firearms~~ firearm or archery deer hunting license, or a lifetime sporting license to a person who is a resident of the state for at least one year or who is under age 21 and the child of a person who is a resident of the state for at least one year. The license fees paid for a lifetime license are nonrefundable.

(b) The commissioner may require the holder of a lifetime license issued under this section to notify the department each year that the license is used, by:

- (1) telephone or Internet notification, as specified by the commissioner;
- (2) the purchase of stamps for the license; or
- (3) registration and tag issuance, in the case of the resident lifetime deer license.

Sec. 9. Minnesota Statutes 2000, section 97A.473, subdivision 4, is amended to read:

Subd. 4. [LIFETIME ~~FIREARM~~ DEER HUNTING LICENSE; FEE.] (a) A resident lifetime ~~firearm~~ deer hunting license authorizes a person to take deer with firearms or by archery in the state. The license authorizes those activities authorized by the annual resident firearm deer hunting license or the annual resident archery deer hunting license. The licensee must register and receive tags each year that the license is used. The tags shall be issued at no charge to the licensee.

(b) The fees for a resident lifetime firearm or archery deer hunting license are:

- (1) age 3 and under, \$337;
- (2) age 4 to age 15, \$450;
- (3) age 16 to age 50, \$573; and
- (4) age 51 and over, \$383.

Sec. 10. Minnesota Statutes 2000, section 97A.4742, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT; PURPOSE.] The lifetime fish and wildlife trust fund is established as a fund in the state treasury. All money received from the issuance of lifetime angling, small game hunting, ~~firearm~~ deer hunting, and sporting licenses and earnings on the fund shall be credited to the lifetime fish and wildlife trust fund.

Sec. 11. Minnesota Statutes 2000, section 97A.475, subdivision 2, is amended to read:

Subd. 2. [RESIDENT HUNTING.] Fees for the following licenses, to be issued to residents only, are:

- (1) for persons under age 65 to take small game, \$12;

- (2) for persons age 65 or over, \$6;
- (3) to take turkey, \$18;
- (4) to take deer with firearms, \$25;
- (5) to take deer by archery, \$25;
- (6) to take moose, for a party of not more than six persons, \$310;
- (7) to take bear, \$38;
- (8) to take elk, for a party of not more than two persons, \$250;
- (9) to take antlered deer in more than one zone, \$50;
- (10) to take Canada geese during a special season, \$4; ~~and~~
- (11) to take ~~an antlered buck~~ two deer throughout the state in any open deer season, except as restricted under section 97B.305, ~~\$66~~ \$75; ~~and~~
- (12) to take prairie chickens, \$20.

Sec. 12. Minnesota Statutes 2000, section 97A.475, subdivision 41, is amended to read:

Subd. 41. [TURTLE ~~SELLERS LICENSES.~~] (a) The fee for a turtle seller's license to sell turtles and to take, transport, ~~purchase~~ buy, and possess turtles for sale is ~~\$70~~ \$250.

(b) The fee for a recreational turtle license to take, transport, and possess turtles for personal use is \$25.

(c) The fee for a turtle seller's apprentice license is \$100.

Sec. 13. [97A.510] [GAME FOR CONSUMPTION AT FUNDRAISING EVENTS.]

(a) Nonprofit organizations may charge a fee for admission to fundraising events when lawfully taken and possessed game, excluding migratory game birds, as defined in the Code of Federal Regulations, title 50, section 20.11, that cannot be sold under federal law, is donated to the organization and is served for consumption on the premises where the fundraising event is held.

(b) Game donated to the nonprofit organization must be marked as provided in section 97A.505, subdivision 4. The game donated to a nonprofit organization and stored by the organization is considered to be in the possession of the person making the donation, and is subject to inspection as provided in section 97A.215, subdivision 1. As provided in section 97A.505, subdivision 5, a license is not required for the nonprofit organization to possess or transport the donated game.

(c) The nonprofit organization must keep records of the game donated to the organization, and the records must be available for inspection for two years from the date of the fundraising event. The records must show:

- (1) the names and addresses of persons donating the game;
- (2) the license number or possession permit number under which the game was lawfully taken or possessed; and
- (3) the date, location, and purpose of the fundraising event that utilized the donation.

Sec. 14. Minnesota Statutes 2000, section 97B.025, is amended to read:

97B.025 [HUNTER AND TRAPPER EDUCATION.]

(a) The commissioner may establish education courses for hunters and trappers. The commissioner shall collect a fee from each person attending a course. The commissioner shall establish a fee that neither significantly over recovers nor under recovers costs, including overhead costs, involved in providing the services. The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The fees shall be deposited in the game and fish fund and the amount thereof is appropriated annually to the enforcement division of the department of natural resources for the administration of the program. In addition to the fee established by the commissioner, instructors may charge each person up to the established fee amount for class materials and expenses. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training.

(b) The commissioner shall enter into an agreement with a statewide nonprofit trappers association to conduct a trapper education program. At a minimum, the program must include at least six hours of classroom and in the field training. The program must include a review of state trapping laws and regulations, trapping ethics, the setting and tending of traps and snares, tagging and registration requirements, and the preparation of pelts. The association shall be responsible for all costs of conducting the education program, and shall not charge any fee for attending the course.

Sec. 15. Minnesota Statutes 2000, section 97B.031, subdivision 1, is amended to read:

Subdivision 1. [FIREARMS AND AMMUNITION THAT MAY BE USED TO TAKE BIG GAME.] (a) A person may take big game with a firearm only if:

- (1) the rifle, shotgun, and handgun used is a caliber of at least .23 inches;
- (2) the firearm is loaded only with single projectile ammunition;
- (3) a projectile used is a caliber of at least .23 inches and has a soft point or is an expanding bullet type;
- (4) the ammunition has a case length of at least 1.285 inches;
- (5) the muzzle-loader used is incapable of being loaded at the breech;
- (6) the smooth-bore muzzle-loader used is a caliber of at least .45 inches; and
- (7) the rifled muzzle-loader used is a caliber of at least .40 inches.

(b) A person may not take big game with a .30 caliber M-1 carbine cartridge.

(c) Notwithstanding paragraph (a), clause (4), a person may take big game with a ten millimeter cartridge that is at least 0.95 inches in length ~~and may take big game with~~ a .45 Winchester Magnum cartridge, or a .50 A. E. (Action Express) handgun cartridge.

Sec. 16. Minnesota Statutes 2000, section 97B.081, subdivision 2, is amended to read:

Subd. 2. [WITHOUT FIREARMS.] (a) Between the hours of 10:00 p.m. and 6:00 a.m. from September 1 to December 31, a person may not cast the rays of a spotlight, headlight, or other artificial light in a field, woodland, or forest to spot, locate, or take a wild animal except to take raccoons under section 97B.621, subdivision 3, or to tend traps under section 97B.931.

(b) Between one-half hour after sunset until sunrise, a person may not cast the rays of a spotlight, headlight, or other artificial light to spot, locate, or take a wild animal on fenced, agricultural land containing livestock, as defined in section 17A.03, subdivision 5, or poultry that is marked with signs prohibiting the shining of lights. The signs must:

- (1) display reflectorized letters that are at least two inches in height and state "no shining" or similar terms; and
- (2) be placed at intervals of 1,000 feet or less along the boundary of the area.

(c) It is not a violation of ~~this subdivision~~ paragraph (a) or (b) for a person to carry out any agricultural, occupational, or recreational practice, including snowmobiling that is not related to spotting, locating, or taking a wild animal.

(d) Between the hours of 6:00 p.m. and 6:00 a.m., a person may not project a spotlight or hand-held light onto residential property or building sites from a moving motor vehicle being operated on land, except for the following purposes:

- (1) safety;
- (2) emergency response;
- (3) normal vehicle operations; or
- (4) performing an occupational duty.

Sec. 17. Minnesota Statutes 2000, section 97B.301, subdivision 7, is amended to read:

Subd. 7. [ALL SEASON ~~BUCK DEER LICENSE.~~] (a) A resident may obtain an all season buck deer license. This license authorizes the resident to take one buck by firearm or archery during any season statewide. In addition, a resident obtaining this license may take one antlerless deer:

- (1) by firearms in the regular firearms season if the resident first obtains an antlerless deer permit;
- (2) by archery in the archery season; or
- (3) by muzzleloader in the muzzleloader season.

(b) A person obtaining an all season buck deer license does not qualify for hunting under subdivision 3 ~~or 4~~. The commissioner shall issue one tag for a buck and one tag for an antlerless deer when issuing a license under this subdivision.

Sec. 18. Minnesota Statutes 2000, section 97B.601, subdivision 4, is amended to read:

Subd. 4. [EXCEPTION TO LICENSE REQUIREMENTS.] (a) A resident under age 16 may take small game without a small game license, and a resident under age 13 may trap without a trapping license, as provided in section 97A.451, subdivision 3.

(b) A person may take small game without a small game license on land occupied by the person as a principal residence.

(c) An owner or occupant may take certain small game causing damage without a small game or trapping license as provided in section 97B.655.

(d) A person may use dogs to pursue and tree raccoons under section 97B.621, subdivision 2, during the closed season without a license.

(e) A person may take a turkey or a prairie chicken without a small game license.

Sec. 19. [97B.716] [PRAIRIE CHICKENS.]

Subdivision 1. [LICENSE REQUIRED.] A person may not take a prairie chicken without a prairie chicken license.

Subd. 2. [TAGGING AND REGISTRATION.] The commissioner may by rule prescribe requirements for the tagging and registration of prairie chickens.

Subd. 3. [LIMITED NUMBER OF PRAIRIE CHICKEN HUNTERS.] The commissioner may establish a method, including a drawing, to impartially select persons eligible to take prairie chickens in an area. Preference must be given to persons who have previously applied in the general selection but have not been selected.

Sec. 20. Minnesota Statutes 2000, section 97B.811, is amended by adding a subdivision to read:

Subd. 4a. [RESTRICTIONS ON CERTAIN MOTORIZED DECOYS.] From the opening day of the duck season through the Saturday nearest October 8, a person may not use a motorized decoy on public waters with visible, moving parts that are above the water surface to take migratory waterfowl, other than geese.

Sec. 21. Minnesota Statutes 2000, section 97C.025, is amended to read:

97C.025 [FISHING AND MOTORBOATS PROHIBITED IN CERTAIN AREAS.]

(a) The commissioner may prohibit fishing or restrict the taking of fish or the operation of motorboats by posting waters that:

(1) are designated as spawning beds or fish preserves; ~~or~~

(2) are being used by the commissioner for fisheries research or management activities; or

(3) are licensed by the commissioner as a private fish hatchery or aquatic farm under section 97C.211, subdivision 1, or 17.4984, subdivision 1.

An area may be posted under this paragraph if necessary to prevent excessive depletion of fish or interference with fisheries research or management activities or private fish hatchery or aquatic farm operations.

(b) The commissioner will consider the following criteria in determining if waters licensed under a private fish hatchery or aquatic farm should be posted under paragraph (a):

(1) the waters contain game fish brood stock that are vital to the private fish hatchery or aquatic farm operation;

(2) game fish are present in the licensed waters only as a result of aquaculture activities by the licensee; and

(3) no public access to the waters existed when the waters were first licensed.

(c) A private fish hatchery or aquatic farm licensee may not take fish or authorize others to take fish in licensed waters that are posted under paragraph (a), except as provided in section 17.4983, subdivision 3, and except that if waters are posted to allow the taking of fish under special restrictions, licensees and others who can legally access the waters may take fish under those special restrictions.

(d) Before March 1, 2003, riparian landowners adjacent to licensed waters on the effective date of this section, and riparian landowners who own land adjacent to waters licensed after the effective date of this section on the date the waters become licensed waters, plus their children and grandchildren, may take two daily limits of fish per month under an angling license subject to the other limits and conditions in the game and fish laws.

~~(b)~~ (e) Except as provided in paragraph (c) paragraphs (c), (d), and (f), a person may not take fish or operate a motorboat if prohibited by posting under paragraph (a).

~~(e)~~ (f) An owner of riparian land adjacent to an area posted under paragraph (a) may operate a motorboat through the area by the shortest direct route at a speed of not more than five miles per hour.

Sec. 22. Minnesota Statutes 2000, section 97C.081, is amended by adding a subdivision to read:

Subd. 8a. [ADDITIONAL FISHING CONTEST PERMITS.] Notwithstanding the limits in subdivision 8, the commissioner may allow up to five additional permits each year for fishing contests on bodies of water that are 5,000 acres or more in size. No more than one additional contest may be permitted on one body of water in a single year. For additional fishing contests permitted under this subdivision, the fishing contest permit applicant must demonstrate to the commissioner that the contest will:

- (1) provide economic benefits to the local area;
- (2) promote public awareness of fishing and the state's resources; and
- (3) conform to best management practices for the lake.

Sec. 23. Minnesota Statutes 2000, section 97C.605, is amended to read:

97C.605 [TURTLES.]

Subdivision 1. [RESIDENT ANGLING LICENSE REQUIRED.] In addition to any other license required in this section, a person may not take, possess, or transport turtles without an a resident angling license, except as provided in subdivision 2c.

Subd. 2. [TURTLE SELLER'S LICENSE.] (a) A person may not take, possess, buy, or transport, or purchase turtles for sale; sell turtles; or take turtles for sale using commercial equipment without a turtle seller's license, except as provided in this subdivision 2c.

(b) Except for renewals, no new turtle seller's licenses may be issued after August 1, 2002.

Subd. 2a. [RECREATIONAL TURTLE LICENSE.] A person who does not possess a turtle seller's license must obtain a recreational turtle license to take turtles for personal use with commercial equipment.

Subd. 2b. [TURTLE SELLER'S APPRENTICE LICENSE.] (a) A person with a turtle seller's license may list one person as an apprentice on the license. A person acting as an apprentice for a turtle seller licensee must have an apprentice license and may assist the turtle licensee in all licensed activities.

(b) The turtle seller licensee or turtle seller's apprentice licensee must be present at all turtle operations conducted under the turtle seller's license. Turtle operations include going to and from turtle harvest locations; setting, lifting, and removing commercial turtle equipment; taking turtles out of equipment; and transporting turtles from harvest locations.

(c) A turtle seller's apprentice license is transferable by the turtle seller licensee by making application to the commissioner. A person listed as an apprentice by a turtle seller licensee must not be listed as an apprentice by another turtle seller licensee nor may an apprentice possess a turtle seller's license or a recreational turtle license.

Subd. 2c. [LICENSE EXEMPTIONS.] A person does not need a turtle seller's license or an angling license:

- (1) when buying turtles for resale at a retail outlet;
- (2) when buying a turtle at a retail outlet; or

(3) if the person is a nonresident buying a turtle from a licensed turtle seller for export out of state. Shipping documents provided by the turtle seller must accompany each shipment exported out of state by a nonresident. Shipping documents must include: name, address, city, state, and zip code of the buyer; number of each species of turtle; and name and license number of the turtle seller.

Subd. 3. [TAKING; METHODS PROHIBITED.] (a) ~~Except as allowed in paragraph (b);~~ A person may take turtles in any manner, except by the use of:

- (1) explosives, drugs, poisons, lime, and other harmful substances;
- (2) traps, except as provided in paragraph (b) and rules adopted under this section; or
- (3) nets other than anglers' fish landing nets; or
- (4) commercial equipment, except as provided in rules adopted under this section.

(b) Until new rules are adopted under this section, a person with a turtle seller's license may take turtles with a floating turtle trap that:

- (1) has one or more openings above the water surface that measure at least ten inches by four inches; and
- (2) has a mesh size of not less than one-half inch, bar measure.

~~The commissioner may prescribe additional regulations for taking turtles for sale.~~

~~Subd. 4. [ARTIFICIAL LIGHTS.] The commissioner may issue permits to take turtles with the use of artificial lights in designated waters.~~

Subd. 5. [INTERFERENCE WITH COMMERCIAL OR RECREATIONAL TURTLE OPERATIONS.] A person may not:

- (1) knowingly place or maintain an obstruction that will hinder, prevent, or interfere with a licensed turtle operation;
- (2) remove turtles, other wild animals, or fish from a floating or submerged trap licensed under the game and fish laws; or
- (3) knowingly damage, disturb, or interfere with a licensed turtle operation.

Subd. 6. [RULES.] The commissioner may adopt rules for taking turtles. The commissioner may prescribe seasons, limits, closed areas, and other restrictions and requirements the commissioner deems necessary for the conservation of turtles.

Sec. 24. Minnesota Statutes 2000, section 97C.611, is amended to read:

97C.611 [SNAPPING TURTLES; LIMITS.]

A person may not possess more than three snapping turtles of the species *Chelydra serpentina* without a turtle seller's license. Until new rules are adopted under section 97C.605, a person may not take snapping turtles of a size

less than ten inches wide including curvature, measured from side to side across the shell at midpoint. After new rules are adopted under section 97C.605, a person may only take snapping turtles of a size specified in the adopted rules.

Sec. 25. Minnesota Statutes 2000, section 103G.615, is amended by adding a subdivision to read:

Subd. 4. [ENFORCEMENT AUTHORITY AND RESTORATION REQUIREMENTS.] (a) The commissioner may make findings and issue an order to a person to stop the illegal gathering, harvesting, planting or transplanting, or destroying of aquatic vegetation or organisms in public waters.

(b) In the same or a separate findings and order, the commissioner may require restoration or replacement of any emergent or floating leaf aquatic vegetation lost as a result of the illegal activities, to the condition existing before the illegal activities were undertaken. An order for restoration or replacement must state with specificity the work that is necessary to comply with the order and must specify a date by which the work must be completed.

(c) The person or entity to whom the order is issued may request a review of the order by the commissioner within 30 days of receipt of written notice by filing a written request for review. If the written request is not submitted within 30 days, the restoration or replacement order becomes final. The commissioner shall review the request and supporting evidence and render a decision within 60 days of the request for review.

(d) If the person or entity wishes to appeal the decision of the commissioner after review under paragraph (c), a written request must be filed with the commissioner within 30 days for a contested case hearing under chapter 14. A bond, as provided in subdivision 5, must accompany the demand for a hearing. The bond and demand for hearing must be filed 30 days after the person is served with a copy of the decision of the commissioner on review.

(e) If the person or entity to whom the decision of the commissioner on review is addressed does not demand a contested case hearing under chapter 14 or demands a hearing but fails to file the required bond:

(1) the commissioner's order becomes final at the end of 30 days after the person is served with the decision of the commissioner on review; and

(2) the person may not appeal the order.

Sec. 26. Minnesota Statutes 2000, section 103G.615, is amended by adding a subdivision to read:

Subd. 5. [BOND FOR DEMANDING PUBLIC HEARING.] (a) A person or entity filing a demand for a public hearing, under subdivision 4, must execute and file a corporate surety bond or equivalent security to the state of Minnesota, to be approved by the commissioner and in an amount and form determined by the commissioner. The bond or security must be conditioned to pay the costs of the hearing to the extent described in subdivision 6 if the commissioner's findings and order are affirmed without material modification.

(b) A bond or security is not required of a public authority that demands a public hearing.

(c) The commissioner may waive the requirement for a bond or other security.

Sec. 27. Minnesota Statutes 2000, section 103G.615, is amended by adding a subdivision to read:

Subd. 6. [HEARING COSTS.] (a) Except as provided in paragraph (b), the costs of a hearing must be paid as prescribed by chapter 14 and the chief administrative law judge.

(b) If the commissioner's order is affirmed without material modification, the appellant must pay the following costs, up to \$750:

(1) costs of the stenographic record and transcript; and

(2) rental costs, if any, of the place where the hearing is held.

Sec. 28. Minnesota Statutes 2000, section 103G.615, is amended by adding a subdivision to read:

Subd. 7. [MISDEMEANOR.] A violation of an order issued under this section is a misdemeanor.

Sec. 29. Minnesota Statutes 2001 Supplement, section 282.04, subdivision 1, is amended to read:

Subdivision 1. [TIMBER SALES; LAND LEASES AND USES.] (a) The county auditor may sell timber upon any tract that may be approved by the natural resources commissioner. Such sale of timber shall be made for cash at not less than the appraised value determined by the county board to the highest bidder after not less than one week's published notice in an official paper within the county. Any timber offered at such public sale and not sold may thereafter be sold at private sale by the county auditor at not less than the appraised value thereof, until such time as the county board may withdraw such timber from sale. The appraised value of the timber and the forestry practices to be followed in the cutting of said timber shall be approved by the commissioner of natural resources.

(b) Payment of the full sale price of all timber sold on tax-forfeited lands shall be made in cash at the time of the timber sale, except in the case of oral or sealed bid auction sales, the down payment shall be no less than 15 percent of the appraised value, and the balance shall be paid prior to entry. In the case of auction sales that are partitioned and sold as a single sale with predetermined cutting blocks, the down payment shall be no less than 15 percent of the appraised price of the entire timber sale which may be held until the satisfactory completion of the sale or applied in whole or in part to the final cutting block. The value of each separate block must be paid in full before any cutting may begin in that block. With the permission of the county administrator the purchaser may enter unpaid blocks and cut necessary timber incidental to developing logging roads as may be needed to log other blocks provided that no timber may be removed from an unpaid block until separately scaled and paid for.

(c) The county board may require final settlement on the basis of a scale of cut products. Any parcels of land from which timber is to be sold by scale of cut products shall be so designated in the published notice of sale above mentioned, in which case the notice shall contain a description of such parcels, a statement of the estimated quantity of each species of timber thereon and the appraised price of each specie of timber for 1,000 feet, per cord or per piece, as the case may be. In such cases any bids offered over and above the appraised prices shall be by percentage, the percent bid to be added to the appraised price of each of the different species of timber advertised on the land. The purchaser of timber from such parcels shall pay in cash at the time of sale at the rate bid for all of the timber shown in the notice of sale as estimated to be standing on the land, and in addition shall pay at the same rate for any additional amounts which the final scale shows to have been cut or was available for cutting on the land at the time of sale under the terms of such sale. Where the final scale of cut products shows that less timber was cut or was available for cutting under terms of such sale than was originally paid for, the excess payment shall be refunded from the forfeited tax sale fund upon the claim of the purchaser, to be audited and allowed by the county board as in case of other claims against the county. No timber, except hardwood pulpwood, may be removed from such parcels of land or other designated landings until scaled by a person or persons designated by the county board and approved by the commissioner of natural resources. Landings other than the parcel of land from which timber is cut may be designated for scaling by the county board by written agreement with the purchaser of the timber. The county board may, by written agreement with the purchaser and with a consumer designated by the purchaser when the timber is sold by the county auditor, and with the approval of the commissioner of natural resources, accept the consumer's scale of cut products delivered at the consumer's landing. No timber shall be removed until fully paid for in cash. Small amounts of timber not exceeding \$3,000 in appraised valuation may be sold for not less than the full appraised value at private sale to individual persons without first publishing notice of sale or calling for bids, provided that in case of such sale involving a total appraised value of more than \$200 the sale shall be made subject to final settlement on the basis of a scale of cut products in the manner above provided and not more than two such sales, directly or indirectly to any individual shall be in effect at one time.

(d) As directed by the county board, the county auditor may lease tax-forfeited land to individuals, corporations or organized subdivisions of the state at public or private vendue, and at such prices and under such terms as the county board may prescribe, for use as cottage and camp sites and for agricultural purposes and for the purpose of taking and removing of hay, stumpage, sand, gravel, clay, rock, marl, and black dirt therefrom, and for garden sites and other temporary uses provided that no leases shall be for a period to exceed ten years; provided, further that any

leases involving a consideration of more than \$12,000 per year, except to an organized subdivision of the state shall first be offered at public sale in the manner provided herein for sale of timber. Upon the sale of any such leased land, it shall remain subject to the lease for not to exceed one year from the beginning of the term of the lease. Any rent paid by the lessee for the portion of the term cut off by such cancellation shall be refunded from the forfeited tax sale fund upon the claim of the lessee, to be audited and allowed by the county board as in case of other claims against the county.

(e) As directed by the county board, the county auditor may lease tax-forfeited land to individuals, corporations, or organized subdivisions of the state at public or private vendue, at such prices and under such terms as the county board may prescribe, for the purpose of taking and removing for use for road construction and other purposes tax-forfeited stockpiled iron-bearing material. The county auditor must determine that the material is needed and suitable for use in the construction or maintenance of a road, tailings basin, settling basin, dike, dam, bank fill, or other works on public or private property, and that the use would be in the best interests of the public. No lease shall exceed ten years. The use of a stockpile for these purposes must first be approved by the commissioner of natural resources. The request shall be deemed approved unless the requesting county is notified to the contrary by the commissioner of natural resources within six months after receipt of a request for approval for use of a stockpile. Once use of a stockpile has been approved, the county may continue to lease it for these purposes until approval is withdrawn by the commissioner of natural resources.

(f) The county auditor, with the approval of the county board is authorized to grant permits, licenses, and leases to tax-forfeited lands for the depositing of stripping, lean ores, tailings, or waste products from mines or ore milling plants, upon such conditions and for such consideration and for such period of time, not exceeding 15 years, as the county board may determine; said permits, licenses, or leases to be subject to approval by the commissioner of natural resources.

(g) Any person who removes any timber from tax-forfeited land before said timber has been scaled and fully paid for as provided in this subdivision is guilty of a misdemeanor.

(h) The county auditor may, with the approval of the county board, and without first offering at public sale, grant leases, for a term not exceeding 25 years, for the removal of peat from tax-forfeited lands upon such terms and conditions as the county board may prescribe. Any lease for the removal of peat from tax-forfeited lands must first be reviewed and approved by the commissioner of natural resources if the lease covers 320 or more acres. No lease for the removal of peat shall be made by the county auditor pursuant to this section without first holding a public hearing on the auditor's intention to lease. One printed notice in a legal newspaper in the county at least ten days before the hearing, and posted notice in the courthouse at least 20 days before the hearing shall be given of the hearing.

(i) Notwithstanding any provision of paragraph (c) to the contrary, the St. Louis county auditor may, at the discretion of the county board, sell timber to the party who bids the highest price for all the several kinds of timber, as provided for sales by the commissioner of natural resources under section 90.14. Bids offered over and above the appraised price need not be applied proportionately to the appraised price of each of the different species of timber.

#### Sec. 30. [EFFECT ON ADMINISTRATIVE RULES.]

Notwithstanding Minnesota Statutes, section 14.05, subdivision 1, the repeal by amendment of the rule authorization in Minnesota Statutes, section 97C.605, subdivision 3, in this act does not repeal existing rules authorized under that subdivision. The existing rules remain in effect under the new subdivision 6 of Minnesota Statutes, section 97C.605, until modified by the commissioner of natural resources.

#### Sec. 31. [AQUATIC PLANT CONTROL PERMIT PROGRAM REVIEW PROPOSAL.]

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

## Sec. 32. [STUDY AND REPORT.]

The commissioner of natural resources must review Minnesota Statutes 2000, sections 84.029, 84A.55, and 85.04, and the February 2002 operational order on natural resources officers, and analyze the citation authority for nonconservation officers and how that differs from conservation officer authority generally under the jurisdiction of the commissioner. Included in the review must be an analysis of citations given and proposed to be given by any employee under the commissioner. A report on the study's findings must be given to the house of representatives and senate chairs of the environmental and natural resources policy and the crime prevention committees by January 15, 2003.

## Sec. 33. [MOTORIZED TRAIL TASK FORCE; STATE FOREST LANDS.]

(a) The commissioner of natural resources shall establish a motorized trail task force to review, advise, and provide recommendations on use and management of off-highway vehicles on state forest lands. The task force shall consist of representatives of off-highway vehicle users, nonmotorized forest interests, nonstate forest land managers, the department of natural resources, and other appropriate parties.

(b) The task force shall review and make recommendations on the following:

(1) the overall quantity and distribution of motorized trails on state forest lands and a time frame for trail development;

(2) a process for trail planning and trail project development including assessment of opportunities for public notification and involvement;

(3) current monitoring, maintenance, and enforcement activities on motorized trails and plans for future management;

(4) current forest recreation rules and need for modifications;

(5) financial resources necessary for current and future all-terrain vehicle trail development, management, and enforcement of trail regulations;

(6) recreational interests of nonmotorized forest users impacted by all-terrain vehicle trail use;

(7) natural resource protection concerns regarding all-terrain vehicle trail use including, but not limited to, soil erosion and noise impacts; and

(8) other issues relating to motorized trails, as determined by the task force.

(c) Task force members may be reimbursed as provided in Minnesota Statutes, section 15.059, subdivision 6.

(d) The task force shall report its recommendations by January 15, 2003, to the commissioner and the senate and house of representatives policy and finance committees with jurisdiction over natural resources.

## Sec. 34. [REPEALER.]

Minnesota Statutes 2000, sections 90.50; 97C.003; and 97C.605, subdivision 4, are repealed.

## Sec. 35. [EFFECTIVE DATE.]

Sections 7; 11, clause (12); 18; and 19 are effective March 1, 2003. Sections 3, 21, and 29 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to natural resources; clarifying the aquatic life that may be raised on aquatic farms; modifying littering provisions; temporarily removing restrictions on the production of planting stock; modifying timber permit, sale, and lease provisions; creating a prairie chicken hunting license; modifying lifetime deer hunting license provisions; providing for the consumption of game at fundraising events; restricting the taking of fish on certain waters; providing for trapper education programs; modifying big game ammunition provisions; restricting certain motorized decoys; modifying provisions for using lights to locate animals; modifying the all season buck license; modifying requirements for taking turtles; modifying provisions for fishing contest permits; providing for enforcement authority and restoration requirements related to gathering or destroying aquatic plants; providing for review of the aquatic plant control permit program; eliminating certain experimental trout stream restrictions; requiring a study; creating a motorized trail task force; providing criminal penalties; appropriating money; amending Minnesota Statutes 2000, sections 17.47, subdivision 7; 85.20, subdivision 6; 89.36, subdivision 1; 90.151, subdivision 1; 90.162; 97A.421, subdivision 4; 97A.473, subdivisions 1, 4; 97A.4742, subdivision 1; 97A.475, subdivisions 2, 41; 97B.025; 97B.031, subdivision 1; 97B.081, subdivision 2; 97B.301, subdivision 7; 97B.601, subdivision 4; 97B.811, by adding a subdivision; 97C.025; 97C.081, by adding a subdivision; 97C.605; 97C.611; 103G.615, by adding subdivisions; Minnesota Statutes 2001 Supplement, section 282.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 97A; 97B; repealing Minnesota Statutes 2000, sections 90.50; 97C.003; 97C.605, subdivision 4."

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

Senate Conferees: JANE KRENTZ, LEONARD R. PRICE AND DENNIS R. FREDERICKSON.

House Conferees: DENNIS OZMENT, MARK WILLIAM HOLSTEN AND ROD SKOE.

Ozment moved that the report of the Conference Committee on S. F. No. 2674 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2674, A bill for an act relating to natural resources; clarifying the aquatic life that may be raised on aquatic farms; restricting motorized use of state forest land; requiring new snowmobiles sold in the state to have emergency hazard lights; temporarily removing restrictions on the production of planting stock; modifying timber permit and lease provisions; creating a prairie chicken hunting license; providing for the consumption of game at fundraising events; restricting the taking of fish on certain waters; providing for trapper education programs; prohibiting certain motorized decoys; modifying provisions for using lights to locate animals; modifying requirements for taking turtles; modifying requirements for a firearms safety certificate; modifying provisions relating to aquatic plant control permits; eliminating the maximum fee for an aquatic plant control permit; providing for enforcement authority and restoration requirements related to gathering or destroying aquatic plants; eliminating certain experimental trout stream restrictions; modifying timber sale provisions for tax-forfeited land in St. Louis county; requiring a study; providing criminal penalties; appropriating money; amending Minnesota Statutes 2000, sections 17.47, subdivision 7; 84.821, by adding a subdivision; 89.36, subdivision 1; 90.151, subdivision 1; 90.162; 97A.475, subdivisions 2, 41; 97B.020; 97B.025; 97B.081, subdivision 2; 97B.601, subdivision 4; 97B.811, by adding a subdivision; 97C.025; 97C.605; 97C.611; 103G.615, subdivisions 2, 3, by adding subdivisions; Minnesota Statutes 2001 Supplement, section 282.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 84; 97A; 97B; repealing Minnesota Statutes 2000, sections 90.50; 97C.003.

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

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Abeler	Dibble	Holberg	Leighton	Osskopp	Solberg
Abrams	Dorman	Holsten	Lenczewski	Osthoff	Stanek
Anderson, B.	Dorn	Howes	Leppik	Ozment	Stang
Anderson, I.	Entenza	Huntley	Lieder	Paulsen	Swapinski
Bakk	Erhardt	Jacobson	Lindner	Pawlenty	Swenson
Bernardy	Evans	Jaros	Lipman	Paymar	Sykora
Bishop	Folliard	Jennings	Mahoney	Pelowski	Thompson
Blaine	Fuller	Johnson, J.	Mares	Penas	Tingelstad
Boudreau	Gerlach	Johnson, R.	Mariani	Peterson	Tuma
Bradley	Gleason	Johnson, S.	Marko	Pugh	Vandever
Buesgens	Goodno	Jordan	Marquart	Rhodes	Walker
Carlson	Goodwin	Juhnke	McElroy	Rifenberg	Walz
Cassell	Gray	Kahn	McGuire	Rukavina	Wasiluk
Clark, J.	Greiling	Kalis	Milbert	Ruth	Westerberg
Clark, K.	Gunther	Kelliher	Molnau	Schumacher	Westrom
Daggett	Haas	Kielkucki	Mulder	Seagren	Wilkin
Davids	Hackbarth	Knobloch	Mullery	Sertich	Winter
Davnie	Harder	Koskinen	Murphy	Skoe	Wolf
Dawkins	Hausman	Krinkie	Ness	Skoglund	Spk. Sviggum
Dehler	Hilstrom	Kubly	Nornes	Slawik	
Dempsey	Hilty	Larson	Opatz	Smith	

Those who voted in the negative were:

Eastlund	Finseth	Otremba	Workman
Erickson	Olson	Seifert	

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

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 3183:

Finseth, Ness and Skoe.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2448:

Smith; Clark, J., and Mahoney.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2727:

Peterson, Ozment and Nornes.

**MOTIONS AND RESOLUTIONS**

Molnau moved that the name of Dawkins be added as an author on H. F. No. 3713. The motion prevailed.

**ADJOURNMENT**

Pawlenty moved that when the House adjourns today it adjourn until 10:00 a.m., Thursday, April 25, 2002. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Thursday, April 25, 2002.

EDWARD A. BURDICK, Chief Clerk, House of Representatives