

STATE OF MINNESOTA

EIGHTY-SECOND SESSION — 2001

 FORTY-SIXTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 3, 2001

The House of Representatives convened at 8:00 a.m. and was called to order by Speaker pro tempore Abrams.

Prayer was offered by the Reverend Steve Loopstra, Executive Director of Prayer Transformation Ministries, Minneapolis, Minnesota.

The National Anthem was sung by Kelly Jahner-Byrne, Mrs. Minnesota 2001.

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

A quorum was present.

Vandev eer was excused until 9:35 a.m.

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

REPORTS OF CHIEF CLERK

S. F. No. 761 and H. F. No. 546, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kubly moved that the rules be so far suspended that S. F. No. 761 be substituted for H. F. No. 546 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1324 and H. F. No. 1997, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Hilstrom moved that the rules be so far suspended that S. F. No. 1324 be substituted for H. F. No. 1997 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1394 and H. F. No. 1397, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Tingelstad moved that the rules be so far suspended that S. F. No. 1394 be substituted for H. F. No. 1397 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1666 and H. F. No. 1821, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kuisle moved that the rules be so far suspended that S. F. No. 1666 be substituted for H. F. No. 1821 and that the House File be indefinitely postponed. The motion prevailed.

REPORT FROM THE CHAIR OF THE
COMMITTEE ON WAYS AND MEANS

May 3, 2001

Edward A. Burdick
Chief Clerk of the House of Representatives
The State of Minnesota

Dear Mr. Burdick:

House Rule 4.03 requires the Chair of the Committee on Ways and Means to certify to the House of Representatives that the Committee has reconciled any finance and revenue bills with the budget resolution and targets.

Please accept this letter as certification that H. F. Nos. 82 and 1515 reconcile with the budget resolution, the K-12 Education budget target, and the Family and Early Childhood Finance budget target.

Sincerely,

REPRESENTATIVE DAVE BISHOP
Chair, House Ways and Means Committee

REPORTS OF STANDING COMMITTEES

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 25, A bill for an act relating to state finance; changing the fiscal biennium to begin with even-numbered years; providing that expenditures of federal money must be approved by the legislature; amending Minnesota Statutes 2000, sections 16A.011, subdivision 6; and 16A.152, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 16A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [CONSTITUTIONAL AMENDMENT.]

An amendment to the Minnesota Constitution, article IV, section 12, is proposed to the people. If the amendment is adopted, the section will read:

Sec. 12. The legislature shall meet at the seat of government in regular session in each biennium at the times prescribed by law for not exceeding a total of 120 legislative days. The legislature shall not meet in regular session, nor in any adjournment thereof, after the first Monday following the third Saturday in May of any year. After meeting at a time prescribed by law, the legislature may adjourn to another time. "Legislative day" shall be defined by law. A special session of the legislature may be called by the governor or by the legislature on extraordinary occasions. The legislature shall prescribe by law the process by which the legislature can call itself into special session.

Neither house during a session of the legislature shall adjourn for more than three days (Sundays excepted) nor to any other place than that in which the two houses shall be assembled without the consent of the other house.

Sec. 2. [SCHEDULE AND QUESTION.]

The amendment proposed in section 1 must be submitted to the people at the 2002 general election. The question submitted must be:

"Shall the Minnesota Constitution be amended to authorize the legislature to call special legislative sessions on extraordinary occasions?"

Yes
No"

Delete the title and insert:

"A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 12; authorizing the legislature to call special sessions."

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

The report was adopted.

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 281, A bill for an act relating to civil commitment; modifying a definition; specifying certain patient rights and examination requirements; expanding voluntary consent procedures; modifying the standard for and collection of information for an emergency hold; requiring certain hearings on neuroleptic medications to be combined with a civil commitment proceeding; amending Minnesota Statutes 2000, sections 253B.02, subdivision 13; 253B.03, subdivisions 5, 10, by adding a subdivision; 253B.04, subdivisions 1, 1a, by adding a subdivision; 253B.05, subdivision 1; 253B.066, subdivision 1; 253B.07, subdivisions 1, 2; 253B.09, subdivision 1.

Reported the same back with the following amendments:

Page 12, after line 26, insert:

"Sec. 13. [EFFECTIVE DATE.]

Sections 1 to 12 are effective July 1, 2002."

With the recommendation that when so amended the bill pass.

The report was adopted.

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 402, A bill for an act relating to natural disaster assistance; providing disaster relief and mitigation measures for counties designated a major disaster area; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [APPROPRIATIONS.]

Subdivision 1. [ELIGIBILITY.] The sums in this section are appropriated from the general fund for the fiscal years 2002 and 2003, to be spent for disaster relief as specified in this section, in the areas designated under the Presidential Declaration of Major Disaster, DR1333, whether included in the original declaration or added later by federal government amendment. The appropriations are available until June 30, 2003, unless otherwise specified.

Subd. 2. [DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT; PUBLIC INFRASTRUCTURE ASSISTANCE.] \$11,000,000 is appropriated to the commissioner of trade and economic development for fiscal years 2002 and 2003 for grants to local units of government to assist with public costs that are not covered by federal disaster programs including damage assessment, repair, replacement, or improvement of publicly owned infrastructure, municipal utilities, parks, storm sewers, and wastewater treatment facilities. This is a one-time appropriation.

Sec. 2. [EFFECTIVE DATE.]

This act is effective July 1, 2001."

Delete the title and insert:

"A bill for an act relating to natural disaster assistance; providing disaster relief measures for local units of government designated a major disaster area; appropriating money."

With the recommendation that when so amended the bill pass.

The report was adopted.

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 560, A bill for an act relating to health; providing patient protections; amending Minnesota Statutes 2000, sections 45.027, subdivision 6; 62D.17, subdivision 1; 62J.38; 62M.02, subdivision 21; 62Q.56; and 62Q.58.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 45.027, subdivision 6, is amended to read:

Subd. 6. [VIOLATIONS AND PENALTIES.] The commissioner may impose a civil penalty not to exceed \$10,000 per violation upon a person who violates any law, rule, or order related to the duties and responsibilities entrusted to the commissioner unless a different penalty is specified. If a civil penalty is imposed on a health carrier as defined in section 62A.011, the commissioner must divide 50 percent of the amount among any policy holders or certificate holders affected by the violation, unless the commissioner certifies in writing that the division and distribution to enrollees would be too administratively complex or that the number of enrollees affected by the penalty would result in a distribution of less than \$50 per enrollee.

Sec. 2. Minnesota Statutes 2000, section 62D.02, subdivision 8, is amended to read:

Subd. 8. [HEALTH MAINTENANCE 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 that comply with section 62D.099. ~~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 per person. 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. Any contract may provide for health care services in addition to those set forth in subdivision 7.

Sec. 3. [62D.099] [ENROLLEE COST-SHARING.]

Subdivision 1. [COPAYMENTS.] (a) A health maintenance organization may impose coinsurance expressed as percentages, or flat fee copayments as provided in paragraph (b). Under the terms of the health plan, coinsurance may be imposed up to a maximum of 50 percent on the provider amount paid at the time the claim is processed irrespective of any subsequent adjustments that might be made based upon a withhold or year-end settlement. The 50 percent limitation does not apply to services that may be excluded, covered services that the enrollee elects to receive out-of-network or from a broader network, or to nonformulary prescription drugs.

(b) The health maintenance organization may establish predetermined flat fee copayments for categories of similar services or goods. Flat fee copayments based on categories of similar services or goods must be calculated independently for Medicare-related products, individual plans, and group plans. A health maintenance organization may impose a flat fee copayment of up to 50 percent of the median provider's charges for similar services or goods received by enrollees. A health maintenance organization may request the commissioner to approve a copayment which exceeds the 50 percent limitation for prescription drug benefits for Medicare-related products. The request must be made in writing to the commissioner and must include sufficient documentation to demonstrate that the requested copayment is reasonable under this section.

(c) For purposes of this section, a "category of similar services or goods" is any group of related services for which a single copayment is sought. Examples of categories include the following or any subset of the following:

(1) inpatient hospital care;

(2) inpatient physician care;

(3) outpatient health services, which may include, but are not limited to, office visits or outpatient laboratory and radiology;

(4) outpatient surgery, which may include provider and facility charges;

(5) emergency services, which may include provider and facility charges;

(6) outpatient prescription drugs;

(7) skilled nursing care; and

(8) any other nonphysician service categorized singly according to provider type.

(d) To determine the median aggregate charge for a category of similar services, the health maintenance organization must follow the following steps and submit the results to the commissioner for approval of the copayment:

(1) identify all charges for the services or goods for the relevant type of product: Medicare-related, individual, or group. The health maintenance organization may use all charges or may choose a sample of charges from the total population. Any sample used must be randomly selected and large enough to be statistically reliable. "Statistically reliable" means that any other sample drawn in the same manner would produce essentially the same results;

(2) if the health maintenance organization does not use charges that span 12 months, the health maintenance organization must explain how the time period used is sufficient to include seasonal fluctuations in the utilization of services;

(3) a statement that the sample is statistically reliable, with an explanation of how the sample is drawn so that it is representative of the larger health maintenance organization population; and

(4) a narrative description of the services included in the category.

Subd. 2. [DEDUCTIBLES.] Under the terms of the health plan, deductible amounts may be imposed as follows:

(1) for group health plans, \$5,000 per person per year and \$10,000 per family per year increased annually in accordance with the medical component of the Consumer Price Index; or

(2) for individual health plans, \$10,000 per person per year and \$20,000 per family per year increased annually in accordance with the medical component of the Consumer Price Index.

Subd. 3. [ANNUAL OUT-OF-POCKET MAXIMUM AMOUNTS.] 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. The out-of-pocket maximum amounts shall be adjusted for inflation on an annual basis in accordance with the medical component of the Consumer Price Index.

Sec. 4. Minnesota Statutes 2000, section 62D.17, subdivision 1, is amended to read:

Subdivision 1. [ADMINISTRATIVE PENALTY.] The commissioner of health may, for any violation of statute or rule applicable to a health maintenance organization, or in lieu of suspension or revocation of a certificate of authority under section 62D.15, levy an administrative penalty in an amount up to \$25,000 for each violation. In the case of contracts or agreements made pursuant to section 62D.05, subdivisions 2 to 4, each contract or agreement entered into or implemented in a manner which violates sections 62D.01 to 62D.30 shall be considered a separate violation. In determining the level of an administrative penalty, the commissioner shall consider the following factors:

(1) the number of enrollees affected by the violation;

(2) the effect of the violation on enrollees' health and access to health services;

(3) if only one enrollee is affected, the effect of the violation on that enrollee's health;

(4) whether the violation is an isolated incident or part of a pattern of violations; and

(5) the economic benefits derived by the health maintenance organization or a participating provider by virtue of the violation.

Reasonable notice in writing to the health maintenance organization shall be given of the intent to levy the penalty and the reasons therefor, and the health maintenance organization may have 15 days within which to file a written request for an administrative hearing and review of the commissioner of health's determination. Such administrative hearing shall be subject to judicial review pursuant to chapter 14. If an administrative penalty is levied, the commissioner must divide 50 percent of the amount among any enrollees affected by the violation, unless the commissioner certifies in writing that the division and distribution to enrollees would be too administratively complex or that the number of enrollees affected by the penalty would result in a distribution of less than \$50 per enrollee.

Sec. 5. Minnesota Statutes 2000, section 62J.38, is amended to read:

62J.38 [COST CONTAINMENT DATA FROM GROUP PURCHASERS.]

(a) The commissioner shall require group purchasers to submit detailed data on total health care spending for each calendar year. Group purchasers shall submit data for the 1993 calendar year by April 1, 1994, and each April 1 thereafter shall submit data for the preceding calendar year.

(b) The commissioner shall require each group purchaser to submit data on revenue, expenses, and member months, as applicable. Revenue data must distinguish between premium revenue and revenue from other sources and must also include information on the amount of revenue in reserves and changes in reserves. Expenditure

~~data, including raw data from claims, may must distinguish between costs incurred for patient care and administrative costs. Expenditure data must be provided separately for the following categories or and for other categories required by the commissioner: physician services, dental services, other professional services, inpatient hospital services, outpatient hospital services, emergency, pharmacy services and other nondurable medical goods, mental health, and chemical dependency services, other expenditures, subscriber liability, and administrative costs. Administrative costs must include costs for marketing; advertising; overhead; salaries and benefits of central office staff who do not provide direct patient care; underwriting; lobbying; claims processing; provider contracting and credentialing; detection and prevention of payment for fraudulent or unjustified requests for reimbursement or services; clinical quality assurance and other types of medical care quality improvement efforts; concurrent or prospective utilization review as defined in section 62M.02; costs incurred to acquire a hospital, clinic, or health care facility, or the assets thereof; capital costs incurred on behalf of a hospital or clinic; lease payments; or any other costs incurred pursuant to a partnership, joint venture, integration, or affiliation agreement with a hospital, clinic, or other health care provider. Capital costs and costs incurred must be reported according to standard accounting principles. The reports of this data must also separately identify expenses for local, state, and federal taxes, fees, and assessments. The commissioner may require each group purchaser to submit any other data, including data in unaggregated form, for the purposes of developing spending estimates, setting spending limits, and monitoring actual spending and costs. In addition to reporting administrative costs incurred to acquire a hospital, clinic, or health care facility, or the assets thereof; or any other costs incurred pursuant to a partnership, joint venture, integration, or affiliation agreement with a hospital, clinic, or other health care provider, reports submitted under this section also must include the payments made during the calendar year for these purposes.~~

(c) The commissioner may collect information on:

- (1) premiums, benefit levels, managed care procedures, and other features of health plan companies;
- (2) prices, provider experience, and other information for services less commonly covered by insurance or for which patients commonly face significant out-of-pocket expenses; and
- (3) information on health care services not provided through health plan companies, including information on prices, costs, expenditures, and utilization.

(d) All group purchasers shall provide the required data using a uniform format and uniform definitions, as prescribed by the commissioner.

Sec. 6. Minnesota Statutes 2000, section 62M.02, subdivision 21, is amended to read:

Subd. 21. [UTILIZATION REVIEW ORGANIZATION.] "Utilization review organization" means an entity including but not limited to an insurance company licensed under chapter 60A to offer, sell, or issue a policy of accident and sickness insurance as defined in section 62A.01; a health service plan licensed under chapter 62C; a health maintenance organization licensed under chapter 62D; a community integrated service network licensed under chapter 62N; an accountable provider network operating under chapter 62T; a fraternal benefit society operating under chapter 64B; a joint self-insurance employee health plan operating under chapter 62H; a multiple employer welfare arrangement, as defined in section 3 of the Employee Retirement Income Security Act of 1974 (ERISA), United States Code, title 29, section 1103, as amended; a third party administrator licensed under section 60A.23, subdivision 8, which conducts utilization review and determines certification of an admission, extension of stay, or other health care services for a Minnesota resident; or any entity performing utilization review that is affiliated with, under contract with, or conducting utilization review on behalf of, a business entity in this state. Utilization review organization does not include a clinic or health care system acting pursuant to a written delegation agreement with an otherwise regulated utilization review organization that contracts with the clinic or health care system. The regulated utilization review organization is accountable for the delegated utilization review activities of the clinic or health care system.

Sec. 7. [62Q.471] [EXCLUSION FOR SUICIDE ATTEMPTS PROHIBITED.]

(a) No health plan may exclude or reduce coverage for health care for an enrollee who is otherwise covered under the health plan on the basis that the need for the health care arose out of a suicide or suicide attempt by the enrollee.

(b) For purposes of this section, "health plan" has the meaning given in section 62Q.01, subdivision 3, but includes the coverages described in section 62A.011, subdivision 3, clauses (7) and (10).

[EFFECTIVE DATE.] This section is effective January 1, 2002, and applies to contracts issued or renewed on or after that date.

Sec. 8. [62Q.527] [COVERAGE OF NONFORMULARY DRUGS FOR MENTAL ILLNESS AND EMOTIONAL DISTURBANCE.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the following terms have the meanings given to them.

(b) "Emotional disturbance" has the meaning given in section 245.4871, subdivision 15.

(c) "Mental illness" has the meaning given in section 245.462, subdivision 20, paragraph (a).

(d) "Health plan" has the meaning given in section 62Q.01, subdivision 3, but includes the coverages described in section 62A.011, subdivision 3, clauses (7) and (10).

Subd. 2. [REQUIRED COVERAGE FOR ANTIPSYCHOTIC DRUGS.] A health plan that provides drug coverage must provide coverage for an antipsychotic drug prescribed to treat emotional disturbance or mental illness regardless of whether the drug is in the health plan's drug formulary, if the health care provider prescribing the drug indicates to the dispensing pharmacist, orally or in writing according to section 151.21, that the prescription must be dispensed as communicated and certifies in writing to the health plan company that the health care provider has considered any equivalent drug in the health plan's formulary and has determined that the drug prescribed will best treat the patient's condition. A health plan is not required to provide coverage for a drug if the drug was removed from the health plan's drug formulary for safety reasons. For drugs covered under this section, no health plan company that has received the certification from the health care provider may:

(1) impose a special deductible, copayment, coinsurance, or other special payment requirement that the health plan does not apply to drugs that are in the health plan's drug formulary; or

(2) require written certification from the prescribing provider each time a prescription is refilled or renewed that the drug prescribed will best treat the patient's condition.

Subd. 3. [CONTINUING CARE.] (a) Individuals receiving a prescribed drug to treat a diagnosed mental illness or emotional disturbance may continue to receive the prescribed drug for up to one year without the imposition of a special deductible, copayment, coinsurance, or other special payment requirements, when a health plan's drug formulary changes or an enrollee changes health plans and the medication has been shown to effectively treat the patient's condition. In order to be eligible for this continuing care benefit:

(1) the patient must have been treated with the drug for 90 days prior to a change in a health plan's drug formulary or a change in the enrollee's health plan;

(2) the health care provider prescribing the drug indicates to the dispensing pharmacist, orally or in writing according to section 151.21, that the prescription must be dispensed as communicated; and

(3) the health care provider prescribing the drug annually certifies in writing to the health plan company that the drug prescribed will best treat the patient's condition.

(b) A health plan is not required to provide coverage for a drug if the drug was removed from the health plan's drug formulary for safety reasons.

(c) The continuing care benefit shall be extended annually when the health care provider prescribing the drug:

(1) indicates to the dispensing pharmacist, orally or in writing according to section 151.21, that the prescription must be dispensed as communicated; and

(2) certifies in writing to the health plan company that the drug prescribed will best treat the patient's condition.

Subd. 4. [EXCEPTION TO FORMULARY.] A health plan must promptly grant an exception to the health plan's drug formulary for a patient when the health care provider prescribing the drug indicates to the health plan that:

(1) the formulary drug causes an adverse reaction in the patient;

(2) the formulary drug is contraindicated for the patient; or

(3) the health care provider demonstrates to the health plan that the prescription must be dispensed as written to provide maximum medical benefit to the patient.

[EFFECTIVE DATE.] This section is effective January 1, 2002, and applies to contracts issued or renewed on or after that date.

Sec. 9. [62Q.535] [COVERAGE FOR COURT-ORDERED MENTAL HEALTH SERVICES.]

Subdivision 1. [MENTAL HEALTH SERVICES.] For purposes of this section, mental health services means all covered services that are intended to treat or ameliorate an emotional, behavioral, or psychiatric condition and that are covered by the policy, contract, or certificate of coverage of the enrollee's health plan company or by law.

Subd. 2. [COVERAGE REQUIRED.] All health plan companies that provide coverage for mental health services must cover or provide mental health services ordered by a court of competent jurisdiction under a court order that is issued on the basis of a behavioral care evaluation, performed by a licensed psychiatrist or a doctoral-level licensed psychologist, which includes a diagnosis and an individual treatment plan for care in the most appropriate, least restrictive environment. The health plan company must be given a copy of the court order and behavioral evaluation. The health plan company shall be financially liable for the evaluation if performed by a participating provider of the health plan company and shall be financially liable for the care included in the court-ordered treatment plan if the care is covered by the health plan company and ordered to be provided by a participating provider or another provider as required by rule or statute. This court-ordered coverage must not be subject to a separate medical necessity determination by a health plan company under its utilization procedures.

[EFFECTIVE DATE.] This section is effective July 1, 2001, and applies to contracts issued or renewed on or after that date.

Sec. 10. Minnesota Statutes 2000, section 62Q.56, is amended to read:

62Q.56 [CONTINUITY OF CARE.]

Subdivision 1. [CHANGE IN HEALTH CARE PROVIDER.] (a) If enrollees are required to access services through selected primary care providers for coverage, the health plan company shall prepare a written plan that provides for continuity of care in the event of contract termination between the health plan company and any of the contracted primary care providers, specialists, or general hospital providers. For purposes of this section, termination includes nonrenewal. The written plan must explain:

(1) how the health plan company will inform affected enrollees, insureds, or beneficiaries about termination at least 30 days before the termination is effective, if the health plan company or health care network cooperative has received at least 120 days' prior notice;

(2) how the health plan company will inform the affected enrollees about what other participating providers are available to assume care and how it will facilitate an orderly transfer of its enrollees from the terminating provider to the new provider to maintain continuity of care;

(3) the procedures by which enrollees will be transferred to other participating providers, when special medical needs, special risks, or other special circumstances, such as cultural or language barriers, require them to have a longer transition period or be transferred to nonparticipating providers;

(4) who will identify enrollees with special medical needs or at special risk and what criteria will be used for this determination; and

(5) how continuity of care will be provided for enrollees identified as having special needs or at special risk, and whether the health plan company has assigned this responsibility to its contracted primary care providers.

~~(b) If the contract termination was not for cause, enrollees can request a referral to the terminating provider for up to 120 days if they have special medical needs or have other special circumstances, such as cultural or language barriers. The health plan company can require medical records and other supporting documentation in support of the requested referral. Each request for referral to a terminating provider shall be considered by the health plan company on a case-by-case basis.;~~

(1) if the contract was terminated by the health plan company, the terminated provider and all enrollees being treated by that provider must be notified of the enrollees' rights to continuity of care with the terminated provider;

(2) the health plan company must provide, upon request, authorization to receive services that are otherwise covered under the terms of the health plan through the enrollee's current provider for up to 120 days if the enrollee is engaged in a current course of treatment for one or more of the following conditions:

(i) an acute condition;

(ii) a life-threatening mental or physical illness;

(iii) pregnancy beyond the first trimester of pregnancy;

(iv) a physical or mental disability defined as an inability to engage in one or more major life activities, provided that the disability has lasted or can be expected to last for at least a year or can be expected to result in death; or

(v) a disabling or chronic condition that is in an acute phase; and

(3) the health plan company must provide, upon request, authorization to receive services that are otherwise covered under the terms of the health plan through the enrollee's current provider for the rest of the enrollee's life if a physician certifies that the enrollee has an expected lifetime of 180 days or less.

For all requests for authorization to receive services under this paragraph, the health plan company must grant the request unless the enrollee does not meet the criteria provided in this paragraph.

(c) The health plan company shall prepare a written plan that provides a process for coverage determinations regarding continuity of care of up to 120 days for enrollees who request continuity of care with their former provider, if the enrollee:

(1) is receiving culturally appropriate services and the health plan company does not have a provider in its preferred provider network with special expertise in the delivery of those culturally appropriate services within the time and distance requirements of section 62D.124, subdivision 1; or

(2) does not speak English and the health plan company does not have a provider in its preferred provider network who can communicate with the enrollee, either directly or through an interpreter, within the time and distance requirements of section 62D.124, subdivision 1.

The written plan must explain the criteria that will be used to determine whether a need for continuity of care exists and how it will be provided.

(d) This paragraph applies to requests under paragraph (b) or (c). The health plan company may require medical records and other supporting documentation to be submitted with the request for authorization. If an authorization is denied, the health plan company must explain the criteria it used to make its decision on the request for authorization. If an authorization is granted, the health plan company must explain how continuity of care will be provided.

~~(e)~~ (e) If the contract termination was for cause, enrollees must be notified of the change and transferred to participating providers in a timely manner so that health care services remain available and accessible to the affected enrollees. The health plan company is not required to refer an enrollee back to the terminating provider if the termination was for cause.

Subd. 2. [CHANGE IN HEALTH PLANS.] ~~(a) The health plan company shall prepare a written plan that provides a process for coverage determinations for continuity of care for new enrollees with special needs, special risks, or other special circumstances, such as cultural or language barriers, who request continuity of care with their former provider for up to 120 days. The written plan must explain the criteria that will be used for determining special needs cases, and how continuity of care will be provided. If an enrollee is subject to a change in health plans, the enrollee's new health plan company must provide, upon request:~~

(1) authorization to receive services that are otherwise covered under the terms of the new health plan through the enrollee's current provider for up to 120 days if the enrollee is engaged in a current course of treatment for one or more of the following conditions:

(i) an acute condition;

(ii) a life-threatening mental or physical illness;

(iii) pregnancy beyond the first trimester of pregnancy;

(iv) a physical or mental disability defined as an inability to engage in one or more major life activities, provided that the disability has lasted or can be expected to last for at least a year or can be expected to result in death; or

(v) a disabling or chronic condition that is in an acute phase; and

(2) authorization to receive services that are otherwise covered under the terms of the health plan through the enrollee's current provider for the rest of the enrollee's life if a physician certifies that the enrollee has an expected lifetime of 180 days or less.

For all requests for authorization under this paragraph, the health plan company must grant the request for authorization unless the enrollee does not meet the criteria provided in this paragraph.

(b) The health plan company shall prepare a written plan that provides a process for coverage determinations regarding continuity of care of up to 120 days for new enrollees who request continuity of care with their former provider, if the new enrollee:

(1) is receiving culturally appropriate services and the health plan company does not have a provider in its preferred provider network with special expertise in the delivery of those culturally appropriate services within the time and distance requirements of section 62D.124, subdivision 1; or

(2) does not speak English and the health plan company does not have a provider in its preferred provider network who can communicate with the enrollee, either directly or through an interpreter, within the time and distance requirements of section 62D.124, subdivision 1.

The written plan must explain the criteria that will be used to determine whether a need for continuity of care exists and how it will be provided.

(c) This paragraph applies to requests under paragraph (a) or (b). The health plan company may require medical records and other supporting documentation to be submitted with the request for authorization. If an authorization is denied, the health plan company must explain the criteria it used to make its decision on the request for authorization. If an authorization is granted, the health plan company must explain how continuity of care will be provided.

~~(b)~~ (d) This subdivision applies only to group coverage and continuation and conversion coverage, and applies only to changes in health plans made by the employer.

Subd. 2a. [LIMITATIONS.] (a) Subdivisions 1 and 2 apply only if the enrollee's health care provider agrees to:

(1) accept as payment in full the lesser of the health plan company's reimbursement rate for in-network providers for the same or similar service or the enrollee's health care provider's regular fee for that service;

(2) adhere to the health plan company's preauthorization requirements; and

(3) provide the health plan company with all necessary medical information related to the care provided to the enrollee.

(b) Nothing in this section requires a health plan company to provide coverage for a health care service or treatment that is not covered under the enrollee's health plan.

Subd. 3. [DISCLOSURES DISCLOSURE.] The written plans required under this section must be made available upon request to enrollees or prospective enrollees. Information regarding an enrollee's rights under this section must be included in member contracts or certificates of coverage and must be provided by a health plan company upon request of an enrollee or prospective enrollee.

Sec. 11. Minnesota Statutes 2000, section 62Q.58, is amended to read:

62Q.58 [ACCESS TO SPECIALTY CARE.]

Subdivision 1. [STANDING REFERRAL.] A health plan company shall establish a procedure by which an enrollee may apply for and, if appropriate, receive a standing referral to a health care provider who is a specialist if a referral to a specialist is required for coverage. This procedure for a standing referral must specify the necessary criteria and conditions, which must be met in order for an enrollee to obtain a standing referral managed care review and approval an enrollee must obtain before such a standing referral is permitted.

Subd. 1a. [MANDATORY STANDING REFERRAL.] An enrollee who requests a standing referral to a specialist qualified to treat the specific condition described in clauses (1) to (5) must be given a standing referral for visits to such a specialist if benefits for such treatment are provided under the health plan and the enrollee has any of the following conditions:

(1) a chronic health condition;

(2) a life-threatening mental or physical illness;

(3) pregnancy beyond the first trimester of pregnancy;

(4) a degenerative disease or disability; or

(5) any other condition or disease of sufficient seriousness and complexity to require treatment by a specialist.

Nothing in this section limits the application of section 62Q.52 specifying direct access to obstetricians and gynecologists.

Subd. 2. [COORDINATION OF SERVICES.] ~~A primary care provider or primary care group shall remain responsible for coordinating the care of an enrollee who has received a standing referral to a specialist. The specialist shall not make any secondary referrals related to primary care services without prior approval by the primary care provider or primary care group. However, An enrollee with a standing referral to a specialist may request primary care services from that specialist. The specialist, in agreement with the enrollee and primary care provider or primary care group, may elect to provide primary care services to that the enrollee, authorize tests and services, and make secondary referrals according to procedures established by the health plan company. The health plan company may limit the primary care services, tests and services, and secondary referrals authorized under this subdivision to those that are related to the specific condition or conditions for which the standing referral was made.~~

Subd. 3. [DISCLOSURE.] Information regarding referral procedures must be included in member contracts or certificates of coverage and must be provided to an enrollee or prospective enrollee by a health plan company upon request.

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

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

Sec. 12. Minnesota Statutes 2000, section 253B.02, subdivision 10, is amended to read:

Subd. 10. [INTERESTED PERSON.] "Interested person" means:

(1) an adult, including but not limited to, a public official, including a local welfare agency acting under section 626.5561, and the legal guardian, spouse, parent, legal counsel, adult child, next of kin, or other person designated by a proposed patient; or

(2) a health plan company that is providing coverage for a proposed patient.

Sec. 13. Minnesota Statutes 2000, section 253B.045, subdivision 6, is amended to read:

Subd. 6. [COVERAGE.] A health plan company that provides coverage for mental health services must provide coverage, according to the terms of the policy, contract, or certificate of coverage, for all medically necessary covered comply with section 62Q.535 for all mental health services as determined by section 62Q.53 provided to an enrollee that are ordered by the court under this chapter. For purposes of this subdivision, "mental health services" has the meaning given in section 62Q.535, subdivision 1.

[EFFECTIVE DATE.] This section is effective July 1, 2001, and applies to contracts issued or renewed on or after that date.

Sec. 14. Minnesota Statutes 2000, section 253B.10, subdivision 4, is amended to read:

Subd. 4. [PRIVATE TREATMENT.] Patients or other responsible persons are required to pay the necessary charges for patients committed or transferred to private treatment facilities. ~~Private treatment facilities may refuse to accept a committed person.~~ Insurers must provide court-ordered treatment and services as ordered by the court under section 253B.045, subdivision 6, or as required under chapter 62M.

[EFFECTIVE DATE.] This section is effective July 1, 2001, and applies to contracts issued or renewed on or after that date.

Sec. 15. Minnesota Statutes 2000, section 260C.201, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITIONS.] (a) If the court finds that the child is in need of protection or services or neglected and in foster care, it shall enter an order making any of the following dispositions of the case:

(1) place the child under the protective supervision of the local social services agency or child-placing agency in the home of a parent of the child under conditions prescribed by the court directed to the correction of the child's need for protection or services, or:

(i) the court may order the child into the home of a parent who does not otherwise have legal custody of the child, however, an order under this section does not confer legal custody on that parent;

(ii) if the court orders the child into the home of a father who is not adjudicated, he must cooperate with paternity establishment proceedings regarding the child in the appropriate jurisdiction as one of the conditions prescribed by the court for the child to continue in his home;

(iii) the court may order the child into the home of a noncustodial parent with conditions and may also order both the noncustodial and the custodial parent to comply with the requirements of a case plan under subdivision 2;

(2) transfer legal custody to one of the following:

(i) a child-placing agency; or

(ii) the local social services agency.

In placing a child whose custody has been transferred under this paragraph, the agencies shall follow the requirements of section 260C.193, subdivision 3;

(3) if the child has been adjudicated as a child in need of protection or services because the child is in need of special treatment and services or care for reasons of physical or mental health to treat or ameliorate a physical or mental disability, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails or is unable to provide this treatment or care, the court may order it provided. The court may also order the child's health plan company to provide mental health services to the child under section 62Q.535. Absent specific written findings by the court that the child's disability is the result of abuse or neglect by the child's parent or guardian, the court shall not transfer legal custody of the child for the purpose of obtaining special treatment or care solely because the parent is unable to provide the treatment or care. If the court's order for mental health treatment is based on a diagnosis made by a treatment professional, the court may order that the diagnosing professional not provide the treatment to the child if it finds that such an order is in the child's best interests; or

(4) if the court believes that the child has sufficient maturity and judgment and that it is in the best interests of the child, the court may order a child 16 years old or older to be allowed to live independently, either alone or with others as approved by the court under supervision the court considers appropriate, if the county board, after consultation with the court, has specifically authorized this dispositional alternative for a child.

(b) If the child was adjudicated in need of protection or services because the child is a runaway or habitual truant, the court may order any of the following dispositions in addition to or as alternatives to the dispositions authorized under paragraph (a):

- (1) counsel the child or the child's parents, guardian, or custodian;
- (2) place the child under the supervision of a probation officer or other suitable person in the child's own home under conditions prescribed by the court, including reasonable rules for the child's conduct and the conduct of the parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child; or with the consent of the commissioner of corrections, place the child in a group foster care facility which is under the commissioner's management and supervision;
- (3) subject to the court's supervision, transfer legal custody of the child to one of the following:
 - (i) a reputable person of good moral character. No person may receive custody of two or more unrelated children unless licensed to operate a residential program under sections 245A.01 to 245A.16; or
 - (ii) a county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;
- (4) require the child to pay a fine of up to \$100. The court shall order payment of the fine in a manner that will not impose undue financial hardship upon the child;
- (5) require the child to participate in a community service project;
- (6) order the child to undergo a chemical dependency evaluation and, if warranted by the evaluation, order participation by the child in a drug awareness program or an inpatient or outpatient chemical dependency treatment program;
- (7) if the court believes that it is in the best interests of the child and of public safety that the child's driver's license or instruction permit be canceled, the court may order the commissioner of public safety to cancel the child's license or permit for any period up to the child's 18th birthday. If the child does not have a driver's license or permit, the court may order a denial of driving privileges for any period up to the child's 18th birthday. The court shall forward an order issued under this clause to the commissioner, who shall cancel the license or permit or deny driving privileges without a hearing for the period specified by the court. At any time before the expiration of the period of cancellation or denial, the court may, for good cause, order the commissioner of public safety to allow the child to apply for a license or permit, and the commissioner shall so authorize;
- (8) order that the child's parent or legal guardian deliver the child to school at the beginning of each school day for a period of time specified by the court; or
- (9) require the child to perform any other activities or participate in any other treatment programs deemed appropriate by the court.

To the extent practicable, the court shall enter a disposition order the same day it makes a finding that a child is in need of protection or services or neglected and in foster care, but in no event more than 15 days after the finding unless the court finds that the best interests of the child will be served by granting a delay. If the child was under eight years of age at the time the petition was filed, the disposition order must be entered within ten days of the finding and the court may not grant a delay unless good cause is shown and the court finds the best interests of the child will be served by the delay.

(c) If a child who is 14 years of age or older is adjudicated in need of protection or services because the child is a habitual truant and truancy procedures involving the child were previously dealt with by a school attendance review board or county attorney mediation program under section 260A.06 or 260A.07, the court shall order a cancellation or denial of driving privileges under paragraph (b), clause (7), for any period up to the child's 18th birthday.

(d) In the case of a child adjudicated in need of protection or services because the child has committed domestic abuse and been ordered excluded from the child's parent's home, the court shall dismiss jurisdiction if the court, at any time, finds the parent is able or willing to provide an alternative safe living arrangement for the child, as defined in Laws 1997, chapter 239, article 10, section 2.

Sec. 16. [QUALITY OF PATIENT CARE.]

The commissioner of health shall evaluate the feasibility of collecting data on the quality of patient care provided in hospitals, outpatient surgical centers, and other health care facilities. In the evaluation, the commissioner shall examine the appropriate roles of the public and private sectors and the need for risk-adjusting data. The evaluation must consider mechanisms to identify the quality of nursing care provided to consumers by examining variables such as skin breakdown and patient injuries. Any plan developed to collect data must also address issues related to the release of the data in a useful form to the public. The commissioner shall prepare and distribute a written report of the evaluation by January 15, 2002.

Sec. 17. [EFFECTIVE DATE.]

Sections 1 and 4 are effective for violations committed on or after August 1, 2001. Section 5 is effective beginning with the report for the 2001 calendar year. Sections 6 and 16 are effective the day following final enactment. Sections 2, 3, 10, and 11 are effective January 1, 2002, and apply to health plans issued or renewed on or after that date.

Delete the title and insert:

"A bill for an act relating to health; providing patient protections; requiring certain coverage; providing for cost-sharing; amending Minnesota Statutes 2000, sections 45.027, subdivision 6; 62D.02, subdivision 8; 62D.17, subdivision 1; 62J.38; 62M.02, subdivision 21; 62Q.56; 62Q.58; 253B.02, subdivision 10; 253B.045, subdivision 6; 253B.10, subdivision 4; 260C.201, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 62D; 62Q."

With the recommendation that when so amended the bill pass.

The report was adopted.

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 667, A bill for an act relating to state government; modifying certain procedures relating to administrative rules; appropriating money; amending Minnesota Statutes 2000, sections 14.05, subdivision 6; 14.116; 14.18, subdivision 1; 14.19; proposing coding for new law in Minnesota Statutes, chapter 14; repealing Minnesota Statutes 2000, section 14.05, subdivision 4; Laws 1999, chapter 129, section 6.

Reported the same back with the following amendments:

Page 4, lines 2 and 3, delete "These proceeds are appropriated to the agency."

With the recommendation that when so amended the bill pass.

The report was adopted.

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 2205, A bill for an act relating to the legislature; limiting the odd-numbered year session; providing for reconvention on extraordinary occasions; proposing coding for new law in Minnesota Statutes, chapter 3.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. [CONSTITUTIONAL AMENDMENT PROPOSED.]

An amendment to the Minnesota Constitution, article XI, section 6, is proposed to the people. If the amendment is adopted, article XI, section 6, will read:

Sec. 6. As authorized by law certificates of indebtedness may be issued during a biennium, commencing on July 1 in each ~~odd-numbered~~ even-numbered year and ending on and including June 30 in the next ~~odd-numbered~~ even-numbered year, in anticipation of the collection of taxes levied for and other revenues appropriated to any fund of the state for expenditure during that biennium.

No certificates shall be issued in an amount which with interest thereon to maturity, added to the then outstanding certificates against a fund and interest thereon to maturity, will exceed the then unexpended balance of all money which will be credited to that fund during the biennium under existing laws. The maturities of certificates may be extended by refunding to a date not later than December 1 of the first full calendar year following the biennium in which the certificates were issued. If money on hand in any fund is not sufficient to pay all non-refunding certificates of indebtedness issued on a fund during any biennium and all certificates refunding the same, plus interest thereon, which are outstanding on December 1 immediately following the close of the biennium, the state auditor shall levy upon all taxable property in the state a tax collectible in the ensuing year sufficient to pay the same on or before December 1 of the ensuing year with interest to the date or dates of payment.

Sec. 2. [SUBMISSION TO VOTERS.]

The amendment shall be submitted to the people at the 2002 general election. The question submitted to the people shall be:

"Shall the Minnesota Constitution be amended to change the state fiscal biennium used for purposes of issuing certificates of indebtedness so that the biennium begins and ends in the even-numbered years rather than in the odd-numbered years, commencing in 2006?"

Yes
No"

Page 1, line 12, after the period, insert "When the first Monday in January falls on January 1, the legislature shall convene on the first Wednesday after the first Monday."

Page 1, line 21, delete "1" and insert "3"

Page 2, line 1, delete "1" and insert "3"

Page 2, line 2, after the period, insert "Section 1 is effective, upon ratification by the people, commencing with the biennium beginning in 2006."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "proposing an amendment to the Minnesota Constitution, article XI, section 6; changing state fiscal biennium used for purposes of issuing certificates of indebtedness;"

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

The report was adopted.

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 2498, A bill for an act relating to the financing and operation of government in this state; providing a sales tax rebate; providing property tax reform; making changes to income, franchise, sales and use, property, motor vehicle sales, motor vehicle registration, mortgage registry, deed, motor fuels, cigarette and tobacco, liquor, insurance premiums, lawful gambling, minerals, estate, and special taxes; changing and allowing tax credits, subtractions, and exemptions, including an income tax subtraction for capital gains; providing a biomedical innovation initiative; conforming with changes in federal income tax provisions; providing for allocation and apportionment of income; imposing a state general tax levy on certain property; providing a property tax homestead credit; imposing general levy limits; providing for property tax levy reverse referenda; changing property tax valuation, assessment, levy, classification, homestead, credit, aid, exemption, deferral, review, appeal, abatement, and distribution provisions; abolishing certain property tax levies for transit and establishing a transit fund; providing and modifying certain aids to local units of government; changing levy authority; reducing certain utility taxes and requiring a corresponding rate reduction; changing certain provisions relating to biomass facilities; providing for disposition of local lodging tax proceeds; providing priorities for disposition of production tax proceeds by the iron range resources and rehabilitation board; providing for certain payments in lieu of taxes; reducing rates on lawful gambling taxes; reducing rates on solid waste management taxes; providing for state takeover of certain costs of district court administration and out-of-home placement; providing for uniform sales and use tax administration; providing for taxation and incentive payments on forest lands; providing for electronic filing and payment of taxes; changing procedures for disposition of seized contraband; abolishing certain health care provider taxes and health plan premium taxes; providing for deposit of certain tobacco settlement and cigarette tax proceeds to the health care access fund; changing tax increment financing provisions and authorizing certain grants, duration extensions, and expenditures; requiring registration of tax increment financing consultants; creating a health care access fund reserve; reducing the tax on life insurance premiums; increasing property tax refunds and changing calculation of rent constituting property taxes for purposes of property tax refunds; reducing taconite production tax and occupation tax rates; providing special authority to certain political subdivisions; authorizing special taxing districts; changing and clarifying tax administration, collection, enforcement, interest, and penalty provisions; changing revenue recapture provisions; authorizing abatements and waivers of fees and certain taxes in disaster areas; changing and imposing fees; changing debt collection provisions for student loans; providing certain duties and powers to the commissioner of revenue; authorizing publication of names of certain delinquent taxpayers; authorizing border city allocations; changing provisions relating to tax-forfeited lands and providing for tax-forfeited lands transfers; defining terms; classifying data; establishing a legislative commission; requiring studies; imposing a criminal penalty; appropriating money; amending Minnesota Statutes 2000, sections 16D.08, subdivision 2; 62J.041, subdivision 1; 62Q.095, subdivision 6; 69.021, subdivision 5; 84.922, by adding a subdivision; 88.49, subdivisions 5, 9a; 88.491, subdivision 2; 97A.065, subdivision 2; 103D.905, subdivision 3; 115B.24, subdivision 2; 123B.55; 126C.01, subdivision 3; 126C.13, subdivision 4; 126C.17, by adding a subdivision; 144.3831, subdivision 2; 168.013, subdivision 1a; 174.24, subdivision 3b; 179A.101, subdivision 1; 179A.102, subdivision 6; 179A.103, subdivision 1; 214.16, subdivisions 2, 3; 216B.2424, subdivision 5; 239.101, subdivision 3; 260.765, by adding a subdivision; 260.771, by adding a subdivision; 270.06; 270.07, subdivision 3; 270.11, by adding a subdivision; 270.12, subdivision 2; 270.271, subdivisions 1, 3; 270.60, subdivision 4, by adding a subdivision;

270.70, subdivision 13; 270.73, subdivision 1; 270.771; 270.78; 270A.03, subdivisions 5, 7; 270A.11; 270B.01, subdivision 8; 270B.02, subdivisions 2, 3; 270B.03, subdivision 6; 270B.14, subdivision 1; 271.01, subdivision 5; 271.21, subdivision 2; 272.02, subdivisions 9, 10, 22, by adding subdivisions; 273.061, subdivisions 1, 2, 8; 273.072, subdivision 1; 273.11, subdivisions 1a, 14, by adding subdivisions; 273.1104, subdivision 2; 273.111, subdivision 4; 273.121; 273.124, subdivisions 8, 13, 14; 273.13, subdivisions 22, 23, 24, 25, 31; 273.1392; 273.1393; 273.1398, subdivisions 1a, 4a, by adding subdivisions; 274.01, subdivision 1; 274.13, subdivision 1; 275.02; 275.065, subdivisions 1, 3, 5a, 6, 8, by adding a subdivision; 275.066; 275.07, subdivision 1; 275.16; 275.62, subdivision 1; 275.70, subdivision 5, by adding subdivisions; 276.04, subdivision 2; 276.11, subdivision 1; 276A.01, subdivision 3; 276A.06, subdivision 3; 282.01, subdivisions 1a, 1b; 282.04, subdivision 2; 287.035; 287.04; 287.08; 287.12; 287.13, by adding a subdivision; 287.20, subdivisions 2, 9; 287.21, subdivision 1; 287.28; 289A.02, subdivision 7, by adding a subdivision; 289A.08, subdivision 16; 289A.11, subdivision 1; 289A.12, subdivision 3; 289A.18, subdivision 4; 289A.20, subdivisions 1, 2, 4; 289A.26, subdivision 2a; 289A.31, subdivision 7; 289A.50, subdivisions 2, 2a; 289A.60, subdivisions 7, 21; 290.01, subdivisions 6b, 7, 19, 19b, 19c, 19d, 22, 29, 31, by adding a subdivision; 290.014, subdivision 5; 290.05, subdivision 1; 290.06, subdivisions 2c, 22; 290.067, subdivisions 1, 2, 2b; 290.0671, subdivisions 1, 1a, 7; 290.0674, subdivisions 1, 2; 290.0675, subdivisions 1, 3; 290.068, subdivisions 1, 3, 4; 290.091, subdivisions 2, 3; 290.0921, subdivisions 1, 2, 3, 6; 290.0922, subdivision 2; 290.093; 290.095, subdivision 2; 290.17, subdivisions 1, 4; 290.191, subdivisions 2, 3; 290.21, subdivision 4; 290.9725; 290A.03, subdivisions 6, 11, 12, 13, 15; 290A.04, subdivisions 2, 2a, 4; 290A.15; 291.005, subdivision 1; 295.55, subdivision 4; 296A.15, subdivisions 1, 7; 296A.16, subdivision 2; 296A.21, subdivisions 1, 4; 296A.24, subdivisions 1, 2; 297A.01, subdivision 3; 297A.07, subdivision 3; 297A.25, subdivisions 3, 11, 28; 297A.61, subdivisions 2, 3, 4, 6, 7, 9, 10, 12, 14, 16, 17, 19, 22, 23, by adding subdivisions; 297A.62, subdivision 3; 297A.66, subdivisions 1, 3; 297A.67, subdivisions 2, 8, 23, 24, 25, by adding subdivisions; 297A.68, subdivisions 2, 3, 5, 11, 13, 14, 18, 25, by adding subdivisions; 297A.69, subdivision 2; 297A.70, subdivisions 1, 2, 3, 4, 7, 8, 10, 13, 14; 297A.71, subdivisions 3, 6, by adding subdivisions; 297A.72, subdivision 1; 297A.75; 297A.77, subdivision 1; 297A.80; 297A.82, subdivision 3, by adding a subdivision; 297A.89, subdivision 1; 297A.90, subdivision 1; 297A.91; 297A.92, subdivision 2; 297A.94; 297A.99, subdivisions 7, 9, 11; 297B.03; 297B.09, subdivision 1; 297E.02, subdivisions 1, 4, 6; 297E.16, subdivisions 1, 2; 297F.09, subdivision 7; 297F.10, subdivision 1; 297F.16, subdivision 4; 297F.20, subdivision 3; 297F.21, subdivisions 1, 2, 3; 297G.09, subdivision 6; 297G.15, subdivision 4; 297G.16, subdivisions 5, 7; 297G.20, subdivisions 3, 4; 297H.02, subdivision 2; 297H.03, subdivision 2; 297H.04, subdivision 2, by adding a subdivision; 297H.05; 297H.06, by adding a subdivision; 297H.13, by adding a subdivision; 297I.05, by adding a subdivision; 297I.15, by adding a subdivision; 297I.20; 297I.35, subdivision 2; 297I.40, subdivisions 1, 2, 7; 297I.85, subdivision 7; 298.01, subdivisions 3, 3a, 3b, 4, 4a, 4c; 298.22, subdivision 2, by adding a subdivision; 298.225, subdivision 1; 298.24, subdivision 1; 298.27; 298.28, subdivisions 6, 9a; 298.2961, subdivision 2; 298.75, subdivisions 1, 2, by adding a subdivision; 299D.03, subdivision 5; 345.41; 345.42, by adding a subdivision; 349.19, subdivision 2a; 357.021, subdivision 1a; 461.12, by adding a subdivision; 469.040, subdivision 5; 469.169, by adding a subdivision; 469.1732, subdivision 1; 469.174, subdivisions 1, 3, 10, 10a, 12, 25; 469.175, subdivisions 1, 3, 6, 6b, by adding a subdivision; 469.176, subdivisions 1b, 1c, 1e, 3, 4, 4g, by adding a subdivision; 469.1763, subdivision 6; 469.177, subdivisions 1, 11, by adding a subdivision; 469.1771, subdivision 1; 469.178, by adding a subdivision; 469.1791, subdivisions 1, 3, 9; 469.1812, subdivision 2; 469.1813, subdivisions 4, 6; 469.190, subdivision 3; 469.202, subdivision 2; 473.388, subdivisions 4, 7; 473.446, subdivision 1, by adding a subdivision; 473.843, subdivision 3; 473F.08, subdivision 3; 473H.10, subdivision 3; 475.58, subdivision 1; 477A.011, subdivisions 35, 36; 477A.0121, by adding a subdivision; 477A.0122, by adding a subdivision; 477A.013, subdivisions 1, 9; 477A.03, subdivision 2, by adding a subdivision; 477A.12; 477A.14; 480.181, subdivision 1; 487.33, subdivision 5; 574.34, subdivision 1; Laws 1986, chapter 396, section 5; Laws 1997, chapter 231, article 10, section 25; Laws 1998, chapter 389, article 16, section 35, subdivision 1; Laws 1999, chapter 216, article 7, section 46, subdivision 3; Laws 1999, chapter 243, article 4, section 19; Laws 2000, chapter 490, article 8, section 17; Laws 2000, chapter 490, article 11, section 26; proposing coding for new law in Minnesota Statutes, chapters 3; 12; 16A; 62Q; 103B; 116J; 123B; 144F; 245; 256L; 270; 272; 273; 275; 290; 290A; 295; 296A; 297A; 469; 471; 473; 477A; 480; 484; proposing coding for new law as Minnesota Statutes, chapters 126C; 216B; 290C; repealing Minnesota Statutes 2000, sections 13.4967, subdivision 3; 16A.1521; 16A.76; 62T.10; 126C.13, subdivisions 1, 2, 3; 144.1484, subdivision 2; 256L.02, subdivision 3; 270.31; 270.32; 270.33; 270.34; 270.35; 270.36; 270.37; 270.38; 270.39; 273.13, subdivision 24a; 273.1382; 273.1399; 275.078; 275.08, subdivision 1e; 289A.60, subdivision 15; 290.06, subdivisions 25, 26; 290.0673; 290.095, subdivisions 1a, 7; 290.191, subdivision 4; 290.21, subdivision 3; 290.23; 290.25; 290.31, subdivisions 2, 2a, 3, 4, 5, 19; 290.35; 290.9726, subdivision 7; 290A.04, subdivision 2j;

290A.18, subdivision 2; 295.50; 295.51; 295.52; 295.53; 295.54; 295.55; 295.56; 295.57; 295.58; 295.582; 295.59; 296A.16, subdivision 6; 296A.24, subdivision 3; 297A.61, subdivision 16; 297A.62, subdivision 2; 297A.64; 297A.68, subdivision 21; 297A.71, subdivisions 2, 15, 16, 21; 297B.032; 297E.16, subdivision 3; 297F.21, subdivision 4; 297G.20, subdivision 5; 297I.05, subdivisions 5, 8; 297I.30, subdivision 3; 298.01, subdivisions 3c, 3d, 4d, 4e; 469.1732, subdivision 2; 469.1734, subdivision 4; 469.1782, subdivision 1; 473.446, subdivision 8; Laws 1988, chapter 426, section 1; Laws 1988, chapter 702, section 16; Laws 1992, chapter 511, article 2, section 52, as amended; Laws 1996, chapter 471, article 8, section 45; Laws 1999, chapter 243, article 6, section 14; Laws 1999, chapter 243, article 6, section 15; Laws 2000, chapter 490, article 6, section 17; Minnesota Rules, parts 8120.0200; 8120.0500; 8120.0700; 8120.0900; 8120.1300; 8120.1600; 8120.2000; 8120.2100; 8120.2200; 8120.2300; 8120.2500; 8120.2700; 8120.2800; 8120.3000; 8120.3200; 8120.4300; 8120.4400; 8120.4500; 8120.4600; 8120.4900; 8120.5000; 8120.5100; 8120.5300.

Reported the same back with the following amendments:

Page 15, line 9, delete "is appropriated" and insert "for fiscal year 2001, and \$123,000 for fiscal year 2002 are appropriated"

Page 15, line 11, after the period, insert "This is a one-time appropriation and may not be added to the budget base."

Page 71, line 26, delete "\$172,500,000" and insert "\$173,500,000"

Page 71, line 28, delete "\$27,500,000" and insert "\$32,500,000"

Page 71, line 30, delete "the later"

Page 71, line 31, delete "of when expended or when"

Page 77, line 28, delete "of human services"

Page 78, line 5, after the period, insert "For purposes of this section, "commissioner" means the commissioner of revenue."

Page 127, line 22, delete "\$126,000,000" and insert "\$123,500,000"

Page 127, line 24, delete "\$124,000,000" and insert "\$136,500,000"

Page 130, line 22, delete "\$109,000,000" and insert "\$105,000,000"

Page 136, line 27, delete "2000" and insert "2001"

Page 168, line 12, delete everything after the period

Page 168, delete lines 13 to 19

Page 169, delete lines 9 to 15 and insert:

"(1) the cost of each product or service for which the third-party vendor separately charges the taxpayer;

(2) any fees charged to the taxpayer for tax preparation services; and

(3) for qualifying low-income taxpayers, information on the availability of free tax preparation services."

Page 195, line 21, after "appropriated" insert "for fiscal year 2002"

Page 198, line 36, reinstate the stricken "paragraphs" and insert "(b) and" and reinstate the stricken "(c)" and delete "paragraph (b)"

Page 199, line 2, reinstate the stricken "paragraphs" and insert "(b) and" and reinstate the stricken "(c)" and delete "paragraph (b)"

Page 223, line 6, delete "and"

Page 223, line 8, delete the period and insert "; and

(6) a natural gas furnace with an annual fuel utilization efficiency greater than 92 percent."

Page 410, after line 21, insert:

"Sec. 13. Minnesota Statutes 2000, section 297A.64, subdivision 3, is amended to read:

Subd. 3. [ADMINISTRATION.] ~~The retailer shall report and pay the tax imposed in subdivision 1 to the commissioner of revenue with the taxes imposed in this chapter. The tax imposed in subdivision 1 and the fee imposed in subdivision 2~~ are is subject to the same interest, penalty, and other provisions provided for sales and use taxes under chapter 289A and this chapter. The commissioner has the same powers to assess and collect the ~~tax and~~ fee that are given the commissioner in chapters 270 and 289A and this chapter to assess and collect sales and use tax.

[EFFECTIVE DATE.] This section is effective for leases entered into after December 31, 2005.

Sec. 14. Minnesota Statutes 2000, section 297A.64, subdivision 4, is amended to read:

Subd. 4. [EXEMPTIONS.] (a) The ~~tax and the~~ fee imposed by this section ~~do~~ does not apply to a lease or rental of (1) a vehicle to be used by the lessee to provide a licensed taxi service; (2) a hearse or limousine used in connection with a burial or funeral service; or (3) a van designed or adapted primarily for transporting property rather than passengers.

(b) The lessor may elect not to charge the fee imposed in subdivision 2 if in the previous calendar year the lessor had no more than 20 vehicles available for lease that would have been subject to tax under this section, or no more than \$50,000 in gross receipts that would have been subject to tax under this section.

[EFFECTIVE DATE.] This section is effective for leases entered into after December 31, 2005."

Page 423, line 22, delete "and fees"

Page 424, line 5, after "297A.64," insert "subdivision 1,"

Page 560, line 8, delete the new language and reinstate the stricken language and after the period, insert "Any portion of this appropriation that cancels in 2001 is appropriated in 2002 and is available until June 30, 2003."

Reorder the sections in sequence

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 281, 402, 560, 667 and 2498 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 761, 1324, 1394 and 1666 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Abrams introduced:

H. F. No. 2506, A bill for an act relating to finance; updating and changing the Minnesota Bond Allocation Act; amending Minnesota Statutes 2000, sections 474A.02, subdivisions 8, 13a, 22a, 22b, 23a; 474A.03, subdivisions 1, 2a, 4; 474A.04, subdivisions 1a, 5; 474A.045; 474A.047, subdivisions 1, 2; 474A.061, subdivisions 1, 2a, 2b, 2c, 4; 474A.091, subdivisions 2, 3, 4, 5, 6, by adding a subdivision; 474A.131, subdivisions 1, 2, by adding a subdivision; 474A.14; proposing coding for new law in Minnesota Statutes, chapter 474A; repealing Minnesota Statutes 2000, section 474A.061, subdivision 6.

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

Opatz, Schumacher and Dehler introduced:

H. F. No. 2507, A resolution memorializing the governor to declare a flood emergency.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance.

Kalis introduced:

H. F. No. 2508, A bill for an act relating to capital improvements; providing for a facility grant to independent school district No. 2860, Blue Earth Area Public School; authorizing the sale of bonds; appropriating money.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

MESSAGES FROM THE SENATE

The following messages were 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. 1326, A joint resolution relating to redistricting; establishing districting principles for legislative and congressional plans.

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

Senators Pogemiller, Orfield and Belanger.

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

Paulsen 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. 1326. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 1752, 1068, 555 and 2031.

PATRICE DWORAK, First Assistant Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1752, A bill for an act relating to liquor; authorizing on-sale intoxicating liquor licenses in Minneapolis, St. Paul, Blaine, Elk River, Moorhead, and St. Louis Park; clarifying regulations with respect to premix machines; removing certain intoxicating liquor license restrictions relating to Metropolitan State University; authorizing Minneapolis to issue an intoxicating liquor license; removing certain temporary license restrictions; amending Minnesota Statutes 2000, sections 340A.404, subdivisions 2, 2b; 340A.410, subdivision 10; 340A.508, by adding a subdivision.

The bill was read for the first time.

Stang moved that S. F. No. 1752 and H. F. No. 1994, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1068, A bill for an act relating to government data; classifying data; codifying temporary classifications; including metropolitan area towns under the data practices act; clarifying effect of advisory opinions; modifying records management requirements; removing sunset on law governing access to juvenile records for gang investigations; extending authority for special law governing property taxpayer data; amending Minnesota Statutes 2000, sections 13.02, subdivision 11; 13.072, subdivision 2; 13.08, subdivision 4; 13.32, by adding a subdivision; 13.322, subdivision 3; 13.59; 13.594; 13.719, by adding a subdivision; 13.785, by adding a subdivision; 136A.243, by adding a subdivision; 138.17, subdivision 7; 182.659, subdivision 8; 260B.171, subdivision 1;

299C.095, subdivision 1; 299C.13; 299C.61, by adding a subdivision; 386.20, by adding a subdivision; 611A.19; Laws 1997, First Special Session chapter 3, section 27, as amended; repealing Minnesota Statutes 2000, sections 13.081; 13.5921.

The bill was read for the first time.

Holberg moved that S. F. No. 1068 and H. F. No. 1898, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 555, A bill for an act relating to state government; modifying certain procedures relating to administrative rules; amending Minnesota Statutes 2000, sections 14.05, subdivision 6; 14.116; and 14.18, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 14; repealing Laws 1999, chapter 129, section 6.

The bill was read for the first time.

Seifert moved that S. F. No. 555 and H. F. No. 667, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2031, A bill for an act relating to contracts; regulating public works contracts; proposing coding for new law in Minnesota Statutes, chapter 15.

The bill was read for the first time.

Clark, J., moved that S. F. No. 2031 and H. F. No. 2074, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

There being no objection, the order of business advanced to Motions and Resolutions.

MOTIONS AND RESOLUTIONS

House Resolution No. 15 was reported to the House.

HOUSE RESOLUTION NO. 15

A house resolution recognizing May 3, 2001, as a Day of Prayer in Minnesota.

Whereas, the citizens of the state of Minnesota are a diverse group of people, with nearly every nationality and a variety of religious traditions being represented; and

Whereas, the history of our state is replete with leaders who voluntarily called upon their God, whether the need was great or small; and

Whereas, civic and national days of prayer have a long and venerable history in our constitutional republic, dating back to the First Continental Congress in 1775; and

Whereas, the Declaration of Independence, our first statement as Americans of national purpose and identity, made "the laws of Nature and of Nature's God" the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and

Whereas, in 1988, legislation setting aside the first Thursday in May in each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and

Whereas, the National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and its citizens; and

Whereas, May 3, 2001, marks the fiftieth consecutive observance of the National Day of Prayer in cities and towns throughout the United States; and

Whereas, the citizens of Minnesota should gather together on this day in their homes, churches, meeting places, and chosen places of worship to pray in their own way for unity of the hearts of all humankind and for strong moral character in the lives of the people of all nations, as well as peace and understanding throughout the world;
Now, Therefore,

Be It Resolved by the House of Representatives of the State of Minnesota that it recognizes May 3, 2001, as a Day of Prayer in the state of Minnesota and commends this observance to all citizens.

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

Boudreau moved that House Resolution No. 15 be now adopted. The motion prevailed and House Resolution No. 15 was adopted.

There being no objection, the order of business reverted to the Consent Calendar.

CONSENT CALENDAR

Seifert moved that the Consent Calendar be continued. The motion prevailed.

FISCAL CALENDAR

Pursuant to rule 1.22, Bishop requested immediate consideration of H. F. No. 1515.

H. F. No. 1515 was reported to the House.

Sykora moved to amend H. F. No. 1515, the second engrossment, as follows:

Page 6, delete Section 8

Page 7, line 32, delete "nationally"

Page 7, line 33, before "public college" delete "or" and before the period, insert "; or public or private trade school"

Page 10, line 16, delete everything after "search" and insert "for persons seeking employment up to"

Page 10, delete line 17

Page 10, line 22, delete "ten" and insert "20"

Page 11, line 15, delete "2003" and insert "2002" and delete "unless the family"

Page 11, line 16, delete everything before "provided"

Page 11, line 18, before the period, insert "; unless the family voluntarily withdraws or is terminated from the program"

Page 11, line 21, after "(1)" delete the comma and insert "or" and delete "; or"

Page 11, line 22, delete "(3)"

Page 11, line 27, after "day" insert "; and actual classroom time and up to two hours of travel time per day for post-secondary students" and after the semicolon insert "or"

Page 12, line 1, delete "; or" and insert a period

Page 12, delete lines 2 to 6

Page 12, delete lines 15 to 22 and insert:

"Subd. 3. [PORTABILITY POOL.] (a) The commissioner must establish a portability set-aside of up to 3 percent of the annual appropriation to provide continuous child care assistance for eligible families who move between Minnesota counties. At the end of each allocation period, any unspent funds in the portability set-aside must be used for child care assistance under chapter 119B. If expenditures from the portability set-aside exceed the amount of money available, the reallocation pool must be reduced to cover the shortfall.

(b) To receive assistance under this subdivision, a family must have moved from a county in which it was receiving child care assistance to a county with a waiting list. The family must:

(1) meet the income and eligibility guidelines for the program; and

(2) notify the new county of residence within 60 days of moving and provide the new county with information to document continued eligibility. A person requesting assistance under the portability set-aside must not be considered a new applicant.

(c) The receiving county must:

(1) accept the administrative responsibility for the family at the end of the two months of assistance under the Unitary Residency Act;

(2) continue assistance for the lesser of six months or until the family is able to receive assistance under the county's child care assistance program; and

(3) notify the commissioner through the quarterly reporting process of any family that meets the criteria of the portability set-aside."

Page 12, delete lines 23 to 25

Page 13, line 17, strike "distribute" and insert "allocate"

Page 15, lines 21 to 23, reinstate the stricken language

Page 16, line 10, delete "to approve the" and insert "for" and after "plan" insert "approval"

Page 18, line 21, delete "county"

Page 19, line 36, delete "were"

Page 20, delete lines 1 to 4 and insert "are receiving assistance under section 119B.017, subdivision 3."

Page 21, line 30, after "program" insert "on June 30, 2002," and after "withdraws" insert "or is terminated"

Page 25, line 25, after the period, insert "In setting the sliding fee schedule, the commissioner must exclude from the amount of income used to determine eligibility an amount for federal and state income and social security taxes attributable to that income level according to federal and state standardized tax tables. The commissioner must base the parent fee on the ability of the family to pay for child care. The fee schedule must be designed to use any available tax credits."

Page 25, delete lines 33 and 34

Page 25, line 35, delete everything before "Parent"

Page 28, line 20, strike everything after the period

Page 28, strike lines 21 and 22

Page 30, line 28, delete "state" and insert "annual" and delete "under subdivision 1"

Page 32, line 4, delete "state" and insert "annual" and delete "under subdivision 2"

Page 39, line 21, after the period, insert "The commissioner must ensure that all transferred funds are expended in accordance with the child care and development regulations and that the maximum allowable transferred funds are used for the program in this section."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

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

Slawik moved to amend H. F. No. 1515, the second engrossment, as amended, as follows:

Page 30, after line 17, insert:

"Sec. 41. Minnesota Statutes 2000, section 124D.135, subdivision 1, is amended to read:

Subdivision 1. [REVENUE.] The revenue for early childhood family education programs for a school district equals \$113.50 for fiscal years 2000 and 2001, ~~and \$120 for 2002 and later fiscal years~~ \$147 for 2003, \$147 for 2004, and \$152 for 2005 times the greater of:

(1) 150; or

(2) the number of people under five years of age residing in the district on October 1 of the previous school year."

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 Slawik amendment and the roll was called. There were 65 yeas and 67 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Gray moved to amend H. F. No. 1515, the second engrossment, as amended, as follows:

Page 2, line 11, delete "(1)"

Page 2, line 12, strike "and" and delete "(2) eligible agencies"

Page 2, line 15, delete "Eighty-five percent of"

Page 3, lines 18 to 36, delete the new language and strike the existing language

Page 4, lines 1 to 10, delete the new language and strike the existing language

Page 5, line 9, delete "subdivisions" and insert "subdivision" and delete "and 3"

Re-number the subdivisions in sequence

A roll call was requested and properly seconded.

The question was taken on the Gray amendment and the roll was called.

Pursuant to rule 2.05, Speaker pro tempore Abrams excused Anderson, B., from voting on the Gray amendment to H. F. No. 1515, the second engrossment, as amended.

There were 66 yeas and 66 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Wagenius, Greiling and McGuire moved to amend H. F. No. 1515, the second engrossment, as amended, as follows:

Page 30, after line 17, insert:

"Sec. 41. Minnesota Statutes 2000, section 121A.30, is amended to read:

121A.30 [PESTICIDE APPLICATION AT SCHOOLS.]

Subdivision 1. [PARENTS' RIGHT-TO-KNOW ACT.] Subdivisions 2 to 14 may be cited as the Janet B. Johnson Parents' Right-to-Know Act of 2000.

Subd. 2. [PESTICIDE APPLICATION NOTIFICATION.] (a) A school, Head Start program, or child care provider that plans to apply a pesticide which is a toxicity category I, II, or III pesticide product, as classified by the United States Environmental Protection Agency, or a restricted use pesticide, as designated under the Federal Insecticide, Fungicide, and Rodenticide Act, on school, Head Start, or child care property, must provide a notice to parents and employees that it applies such pesticides. The notice required under subdivision 3 must:

(1) provide that an estimated schedule of the pesticide applications is available for review or copying at the school, Head Start, or child care offices where such pesticides are applied;

(2) state that long-term health effects on children from the application of such pesticides or the class of chemicals to which they belong may not be fully understood;

(3) inform parents that a parent may request to be notified by the school, Head Start program or child care provider in the manner specified in subdivision 6 before any application of a pesticide listed in this subdivision.

(b) A Head Start or child care program conducted in a facility not owned by the program must ensure that the program receives prior notification from the owner of the facility of pesticide applications in order to comply with the requirements of this section.

Subd. 3. [NOTICE; TIMING; DISTRIBUTION.] The notice must be provided no later than September 15 of each school year during which pesticides listed in subdivision 2 are planned to be applied. The notice may be included with other notices provided by the school, Head Start program, or child care provider, but must be separately identified and clearly visible to the reader.

Subd. 4. [~~SCHOOL~~ HANDBOOK OR STATEMENT OF POLICIES.] In addition to the notice provided according to subdivision 3, a school, Head Start program, or child care provider that is required to provide notice under this section ~~shall~~ must include in an official ~~school~~ handbook or official ~~school~~ policy guide of a general nature a section informing parents that an estimated schedule of applications of pesticides listed in subdivision 2 is available for review or copying at the school offices or Head Start or child care facility, and that a parent may receive prior notice of each application if specifically requested.

Subd. 5. [NOTICE AVAILABILITY.] A school, Head Start program, or child care provider that uses a pesticide listed in subdivision 2 must keep a copy of all notifications required under subdivisions 2 and 3 for at least six years in a manner available to the public.

Subd. 6. [NOTIFICATION FOR INDIVIDUAL PARENTS.] A parent of a student at a school or a child participating in a Head Start or child care program may request ~~that the school principal or other person having general control and supervision of the school~~ to be notified prior to the application of any pesticides listed in subdivision 2 at the school or program on a day different from the days specified in the notice under subdivision 3. The school principal, program director, or other person having general control and supervision of the school or program must provide reasonable notice to a parent who has requested ~~such~~ the notification prior to applying ~~such~~ the pesticides. The notice may be waived for emergency applications required only by appropriate

state or local health officials. The notice must include the pesticide to be applied, the time of the planned application, and the location at the school or program of the planned application. A school or program may request reimbursement for ~~the school's~~ its reasonable costs of providing notice under this subdivision, including any costs of mailing, from individuals requesting notification under this subdivision.

Subd. 7. [MODEL NOTICE.] The department of health, in consultation with the department of children, families, and learning, the office of environmental assistance, and University of Minnesota extension service, shall develop and make available ~~to schools by August 1, 2000~~; a model notice in a form that can be used by a school, Head Start program, or child care provider if it chooses to do so. The department shall make the model notice available to schools by August 1, 2000, and to Head Start programs and child care providers by August 1, 2001. The model notice must include the information required by this section. The department of health must provide an opportunity for environmental groups, interested parents, public health organizations, and other parties to work with the department in developing the model notice.

Subd. 8. [PLAN.] A school, Head Start program, or child care provider is not required to adopt an integrated pest management plan. A school board, Head Start program, or child care provider may only notify students, parents, or employees that it has adopted an integrated pest management plan if the plan is a managed pest control program designed to minimize the risk to human health and the environment and to reduce the use of chemical pesticides, and which ranks the district's, Head Start program's, or child care provider's response to pests in the following manner:

- (1) identifying pests which need to be controlled;
- (2) establishing tolerable limits of each identified pest;
- (3) designing future buildings and landscapes to prevent identified pests;
- (4) excluding identified pests from sites and buildings using maintenance practices;
- (5) adapting cleaning activities and best management practices to minimize the number of pests;
- (6) using mechanical methods of controlling identified pests; and
- (7) controlling identified pests using the least toxic pesticides with the least exposure to persons as is practicable.

Subd. 9. [PESTICIDE DEFINED; CLEANING PRODUCTS EXCLUDED.] For purposes of this section, the term "pesticide" has the meaning given it in section 18B.01, subdivision 18, except that it does not include any disinfectants, sanitizers, deodorizers, or antimicrobial agents used for general cleaning purposes.

Subd. 10. [PEST DEFINED.] For purposes of this section, the term "pest" has the meaning given it in section 18B.01, subdivision 17.

Subd. 11. [SCHOOL DEFINED.] For the purposes of this section, "school" means a school as defined in section 120A.22, subdivision 4, excluding home schools.

Subd. 11a. [CHILD CARE PROVIDER.] For the purposes of this section, "child care provider" means a provider as defined in section 119B.011, subdivision 19, excluding child care services provided in the child's home.

Subd. 12. [IMMUNITY FROM LIABILITY.] No cause of action may be brought against ~~a school district, a school, or the districts or school's employees or agents~~ any of the following persons for any failure to comply with the requirements under this section:

- (1) a school district, a school, or the district's or school's employees or agents;

(2) A Head Start program or the program's employees or agents; or

(3) a child care provider or the provider's employees or agents.

Subd. 13. [EVIDENCE OF FAILURE TO COMPLY EXCLUDED.] A failure to comply with the requirements of this section may not be presented as evidence in any lawsuit based upon physical injury resulting from exposure to pesticides applied at a school, Head Start program, or child care facility.

Subd. 14. [NO SPECIAL RIGHTS.] Nothing in this section affects the duty of a parent or a student to comply with the compulsory attendance law or the duty of a school, Head Start, or child care employee to comply with the provisions of an applicable employment contract or policy.

[EFFECTIVE DATE.] This section is effective August 1, 2001."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker assumed the Chair.

Kelliher moved to amend the Wagenius et al amendment to H. F. No. 1515, the second engrossment, as amended, as follows:

Page 4, line 30, after "a" insert "licensed" and after "provider" insert a period and delete the remainder of the line

Page 4, delete lines 31 and 32

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

Sykora moved to amend the Wagenius et al amendment, as amended, to H. F. No. 1515, the second engrossment, as amended, as follows:

Page 4, line 30, after "care" insert "center"

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

The question recurred on the Wagenius et al amendment, as amended, and the roll was called.

Pursuant to rule 2.05, Speaker pro tempore Abrams excused Anderson, B., from voting on the Wagenius et al amendment, as amended, to H. F. No. 1515, the second engrossment, as amended.

There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Bakk	Bishop	Buesgens	Clark, J.	Davids
Abrams	Bernardy	Boudreau	Carlson	Clark, K.	Davnie
Anderson, I.	Biernat	Bradley	Cassell	Daggett	Dawkins

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

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

H. F. No. 1515, A bill for an act relating to education; providing for family and early childhood education; modifying Head Start program; consolidating child care assistance programs; modifying early childhood screening, early childhood family education, and school readiness programs; directing allocation of federal child care development funds; consolidating certain advisory councils; establishing youth after-school enrichment program; modifying adult basic education program; requiring a report; providing for early childhood program evaluation; making various clarifying and technical changes; appropriating money; amending Minnesota Statutes 2000, sections 119A.12, by adding subdivisions; 119A.13, subdivision 4; 119A.21; 119A.22; 119A.51, by adding a subdivision; 119A.52; 119A.53; 119B.011, subdivisions 5, 7, 11, 12, 18, 19, by adding subdivisions; 119B.02, subdivisions 1, 2, 3, by adding subdivisions; 119B.061, subdivisions 1, 2, 4, 5; 121A.17, subdivision 1; 121A.30; 124D.135, by adding subdivisions; 124D.16, subdivision 2, by adding subdivisions; 124D.19, by adding subdivisions; 124D.20, subdivisions 1, 5, by adding a subdivision; 124D.221, subdivisions 1, 2, by adding a subdivision; 124D.518, subdivision 5; 124D.52, subdivision 2; 124D.522; 124D.531, subdivisions 1, 3, 7; 125A.28; 125B.20, subdivision 1; 134.31, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 119A; 119B; 124D; 134; repealing Minnesota Statutes 2000, sections 119A.13, subdivisions 1, 2, 3; 119A.14, subdivision 2; 119A.23; 119B.011, subdivision 20; 119B.03; 119B.04; 119B.05; 119B.06; 119B.07; 119B.074; 119B.08; 119B.09; 119B.10; 119B.11; 119B.12; 119B.13; 119B.14; 119B.15; 119B.16; 124D.16, subdivision 4; 124D.33; 124D.331; 125B.20, subdivision 3; Minnesota Rules, parts 3530.2610; 3530.2612; 3530.2614; 3530.2616; 3530.2618; 3530.2620; 3530.2622; 3530.2624; 3530.2626; 3530.2628; 3530.2630; 3530.2632; 3530.2634; 3530.2636; 3530.2638; 3530.2640; 3530.2642; 3530.2644.

The Speaker called Dehler to the Chair.

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 69 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Abeler	Bishop	Buesgens	Daggett	Dempsey	Erhardt
Abrams	Boudreau	Cassell	Davids	Dorman	Erickson
Anderson, B.	Bradley	Clark, J.	Dehler	Eastlund	Finseth

Fuller	Howes	Lipman	Ozment	Smith	Westerberg
Gerlach	Jacobson	Mares	Paulsen	Stanek	Westrom
Goodno	Johnson, J.	McElroy	Pawlenty	Stang	Wilkin
Gunther	Kielkucki	Molnau	Penas	Swenson	Wolf
Haas	Knoblach	Mulder	Rhodes	Sykora	Workman
Hackbarth	Krinkie	Ness	Rifenberg	Tingelstad	Spk. Sviggum
Harder	Kuisle	Nornes	Ruth	Tuma	
Holberg	Leppik	Olson	Seagren	Vandever	
Holsten	Lindner	Osskopp	Seifert	Walz	

Those who voted in the negative were:

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

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

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.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1261:

Bishop, Tuma and Hilstrom.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1326:

Paulsen, Knoblach and Pelowski.

FISCAL CALENDAR

Pursuant to rule 1.22, Bishop requested immediate consideration of H. F. No. 82.

H. F. No. 82 was reported to the House.

The Speaker called Boudreau to the Chair.

Ness and Solberg moved to amend H. F. No. 82, the third engrossment, as follows:

Page 126, after line 35, insert:

"Sec. 9. Minnesota Statutes 2000, section 123B.57, subdivision 8, is amended to read:

Subd. 8. [HEALTH, SAFETY, AND ENVIRONMENTAL MANAGEMENT COST.] (a) A district's cost for health, safety, and environmental management is limited to the lesser of:

(1) actual cost to implement their plan; or

(2) an amount determined by the commissioner, based on enrollment, building age, and size.

(b) The department may contract with regional service organizations, private contractors, Minnesota safety council, or state agencies to provide management assistance to school districts for health and safety capital projects. Management assistance is the development of written programs for the identification, recognition and control of hazards, and prioritization and scheduling of district health and safety capital projects. The department shall not exclude private contractors from the opportunity to provide any health and safety services to school districts.

(c) Notwithstanding paragraph (b), the department may approve revenue, up to the limit defined in paragraph (a) for districts having an approved health, safety, and environmental management plan that uses district staff to accomplish coordination and provided services."

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Ness; Fuller; Bakk; Walz; Johnson, R.; Finseth; Pelowski; Juhnke; Kalis; Lieder; Winter; Kubly; Hilty; Peterson; Skoe; Otremba; Marquart and Cassell moved to amend H. F. No. 82, the third engrossment, as amended, as follows:

Page 6, delete lines 29 to 34 and insert:

"Subd. 11. [TRANSPORTATION RESERVE.] Each school district must establish a reserve for pupil transportation and must reserve an amount not less than the amount expended on pupil transportation in the prior year. The transportation reserve must include regular transportation, between schools transportation, integration, sparsity, nonpublic, and special needs transportation. This revenue may only be spent for transportation purposes. The board may adopt a written resolution unreserving any specified portion of the general education basic revenue otherwise reserved for transportation purposes.

Sec. 7. Minnesota Statutes 2000, section 123B.92, is amended by adding a subdivision to read:

Subd. 12. [BUS PURCHASE RESERVE.] Each school district must reserve from the transportation reserve under subdivision 11 an amount equal to seven percent of the 15-year depreciation schedule of the district's owned or contracted school bus fleet, including specially equipped wheelchair lift school buses. Each school district must use this reserve for school bus purchases or other transportation purposes."

Renumber subsequent sections

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Kielkucki, Bradley, Kuisle, Buesgens, Mares, Greiling, Bishop and Carlson moved to amend H. F. No. 82, the third engrossment, as amended, as follows:

Page 176, after line 11, insert:

"Sec. 36. [RETURN OF FUNDS TO PEW CHARITABLE TRUSTS.]

The commissioner of children, families, and learning must return \$113,423 of unspent funds received from the Pew Charitable Trusts through the Trusts' agreement with the Amherst H. Wilder Foundation that provided grants to the state of Minnesota and certain local units of government in the state for the period from June 9, 1994, through June 30, 1997, and the subsequent agreement between Pew Charitable Trusts and the state to extend the original grant period through June 30, 1998. The commissioner of finance shall determine the time and manner in which the department of children, families, and learning shall return the \$113,423 of unspent funds, plus interest as set by the commissioner of finance, to the Pew Charitable Trusts. The department of children, families, and learning must pay this money from its existing budget. Money may not be appropriated specifically for the purposes of this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Kielkucki et al amendment and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Boudreau	Daggett	Dorman	Finseth	Gray
Abrams	Bradley	Davids	Dorn	Folliard	Greiling
Anderson, B.	Buesgens	Davnie	Eastlund	Fuller	Gunther
Anderson, I.	Carlson	Dawkins	Entenza	Gerlach	Haas
Bakk	Cassell	Dehler	Erhardt	Gleason	Hackbarth
Bernardy	Clark, J.	Dempsey	Erickson	Goodno	Harder
Bishop	Clark, K.	Dibble	Evans	Goodwin	Hausman

Hilstrom	Kelliher	Mahoney	Opatz	Ruth	Thompson
Hilty	Kielkucki	Mares	Osskopp	Schumacher	Tingelstad
Holberg	Knoblach	Mariani	Osthoff	Seagren	Tuma
Holsten	Koskinen	Marko	Otremba	Seifert	Vandever
Howes	Krinkie	Marquart	Ozment	Sertich	Wagenius
Huntley	Kubly	McElroy	Paulsen	Skoe	Walz
Jacobson	Kuisele	McGuire	Pawlenty	Skoglund	Wasiluk
Jaros	Larson	Milbert	Paymar	Slawik	Wenzel
Jennings	Leighton	Molnau	Pelowski	Smith	Westerberg
Johnson, J.	Lenczewski	Mulder	Penas	Solberg	Westrom
Johnson, R.	Leppik	Mullery	Peterson	Stanek	Wilkin
Johnson, S.	Lieder	Murphy	Pugh	Stang	Winter
Juhnke	Lindner	Ness	Rhodes	Swapinski	Wolf
Kahn	Lipman	Nornes	Rifenberg	Swenson	Workman
Kalis	Luther	Olson	Rukavina	Sykora	Spk. Sviggum

The motion prevailed and the amendment was adopted.

Seagren moved to amend H. F. No. 82, the third engrossment, as amended, as follows:

Page 147, after line 13, insert:

"Sec. 5. Minnesota Statutes 2000, section 127A.41, subdivision 8, is amended to read:

Subd. 8. [APPROPRIATION TRANSFERS.] If a direct appropriation from the general fund to the department for any education aid or grant authorized in this chapter and chapters 122A, 123A, 123B, 124D, 125A, 126C, and 134, excluding appropriations under sections 124D.135, 124D.16, 124D.20, 124D.21, 124D.22, 124D.52, 124D.53, 124D.54, 124D.55, and 124D.56, exceeds the amount required, the commissioner may transfer the excess to any education aid or grant appropriation that is insufficient. However, section 126C.20 applies to a deficiency in the direct appropriation for general education aid. Excess appropriations must be allocated proportionately among aids or grants that have insufficient appropriations. The commissioner of finance shall make the necessary transfers among appropriations according to the determinations of the commissioner. If the amount of the direct appropriation for the aid or grant plus the amount transferred according to this subdivision is insufficient, the commissioner shall prorate the available amount among eligible districts. The state is not obligated for any additional amounts."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Davnie moved to amend H. F. No. 82, the third engrossment, as amended, as follows:

Page 110, line 2, after "2003" insert "For fiscal year 2004"

Page 110, line 2, after "later" insert "program growth factor means the statewide ratio of the special education costs for the previous fiscal year to the statewide special education costs for the second previous fiscal year"

Page 110, lines 8 and 16, strike "68" and insert "100"

Page 111, after line 35, insert:

"Sec. 14. Minnesota Statutes 2000, section 125A.76, subdivision 4, is amended to read:

Subd. 4. [STATE TOTAL SPECIAL EDUCATION AID.] ~~The state total special education aid for fiscal year 2000 equals \$463,000,000. The state total special education aid for fiscal year 2001 equals \$474,000,000. The state total special education aid for fiscal year 2004 equals \$813,000,000.~~ The state total special education aid for later fiscal years equals:

- (1) the state total special education aid for the preceding fiscal year; times
- (2) the program growth factor; times
- (3) the ratio of the state total average daily membership for the current fiscal year to the state total average daily membership for the preceding fiscal year.

Sec. 15. Minnesota Statutes 2000, section 125A.79, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the definitions in this subdivision apply.

(a) "Unreimbursed special education cost" means the sum of the following:

- (1) expenditures for teachers' salaries, contracted services, supplies, equipment, and transportation services eligible for revenue under section 125A.76; plus
- (2) expenditures for tuition bills received under sections 125A.03 to 125A.24 and 125A.65 for services eligible for revenue under section 125A.76, subdivision 2; minus
- (3) revenue for teachers' salaries, contracted services, supplies, and equipment under section 125A.76; minus
- (4) tuition receipts under sections 125A.03 to 125A.24 and 125A.65 for services eligible for revenue under section 125A.76, subdivision 2.

(b) "General revenue" ~~means for fiscal year 1996, the sum of the general education revenue according to section 126C.10, subdivision 1, as adjusted according to section 127A.47, subdivision 7, plus the total referendum revenue according to section 126C.17, subdivision 4. For fiscal years 1997 and later, "general revenue" means the sum of the general education revenue according to section 126C.10, subdivision 1, as adjusted according to section 127A.47, subdivisions 7 and 8, plus the total referendum revenue minus transportation sparsity revenue minus total operating capital revenue.~~

(c) "Average daily membership" has the meaning given it in section 126C.05.

(d) "Program growth factor" means 1.044 for fiscal year 2002 and 1.02 for fiscal year 2003 ~~and later~~.

Sec. 16. Minnesota Statutes 2000, section 125A.79, subdivision 2, is amended to read:

Subd. 2. [EXCESS COST AID; ~~FISCAL YEARS 2000 AND 2001.~~] For fiscal years ~~2000 and 2001~~, 2004 and later, a district's special education excess cost aid equals ~~the greatest of:~~

(a) ~~75~~ 100 percent of the ~~difference between (1) the district's unreimbursed special education cost and (2) 4.36 percent of the district's general revenue;~~

~~(b) 70 percent of the difference between (1) the increase in the district's unreimbursed special education cost between the base year as defined in section 125A.76, subdivision 1, and the current year and (2) 1.6 percent of the district's general revenue; or~~

~~(c) zero. Each school district's excess cost aid must be reduced by the amount of any additional federal funds for special education aid for which such spending is authorized.~~

Page 121, after line 5, insert:

"Sec. 20. [REPEALER.]

Minnesota Statutes 2000, section 125A.79, subdivisions 5, 6, and 7, are repealed for revenue for fiscal years 2004 and later."

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 Davnie amendment and the roll was called. There were 66 yeas and 67 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Olson and Osskopp moved to amend H. F. No. 82, the third engrossment, as amended, as follows:

Page 185, line 35, after the period, insert "A school district should annually administer a national norm referenced test to students in grades 4, 6, 7, 8 and 9 to the extent district funds are available for this purpose."

The motion prevailed and the amendment was adopted.

Olson and Osskopp moved to amend H. F. No. 82, the third engrossment, as amended, as follows:

Page 58, after line 8, insert:

"(e) A school district must use a portion of its staff development revenue and its teacher mentoring and induction revenue to ensure that all teachers are trained to teach to students at multiple levels of performance with an emphasis on instruction techniques for gifted and talented students."

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

Fuller moved to amend H. F. No. 82, the third engrossment, as amended, as follows:

Page 143, after line 34, insert:

"Sec. 28. [LAPORTE; INDOOR AIR QUALITY EXEMPTION.]

For the school facility currently under construction only, in independent school district No. 306, Laporte, is exempt from the indoor air quality requirements under Minnesota Statutes, section 123B.71, subdivisions 3 and 10, and section 123B.72.

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

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Fuller amendment and the roll was called. There were 54 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Abrams	Dauids	Haas	Knoblach	Ness	Skoe
Anderson, B.	Dehler	Hackbarth	Krinkie	Nornes	Stanek
Bishop	Eastlund	Harder	Kuisle	Olson	Stang
Boudreau	Erickson	Holberg	Lindner	Osskopp	Swenson
Bradley	Finseth	Holsten	Lipman	Paulsen	Sykora
Buesgens	Fuller	Howes	Mares	Rifenberg	Tuma
Cassell	Gerlach	Jacobson	McElroy	Ruth	Westrom
Clark, J.	Goodno	Johnson, J.	Molnau	Seagren	Workman
Daggett	Gunther	Kielkucki	Mulder	Seifert	Spk. Sviggum

Those who voted in the negative were:

Abeler	Erhardt	Johnson, S.	Mariani	Penas	Vandever
Anderson, I.	Evans	Juhnke	Marko	Peterson	Wagenius
Bakk	Folliard	Kahn	Marquart	Pugh	Walz
Bernardy	Gleason	Kalis	McGuire	Rhodes	Wasiluk
Biernat	Goodwin	Kelliher	Milbert	Rukavina	Wenzel
Carlson	Gray	Koskinen	Mullery	Schumacher	Westerberg
Clark, K.	Greiling	Kubly	Murphy	Sertich	Wilkin
Davnie	Hausman	Larson	Opatz	Skoglund	Winter
Dawkins	Hilstrom	Leighton	Osthoff	Slawik	Wolf
Dempsey	Hilty	Lenczewski	Otremba	Smith	
Dibble	Huntley	Leppik	Ozment	Solberg	
Dorman	Jaros	Lieder	Pawlenty	Swapinski	
Dorn	Jennings	Luther	Paymar	Thompson	
Entenza	Johnson, R.	Mahoney	Pelowski	Tingelstad	

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

Buesgens, Cassell and Mulder moved to amend H. F. No. 82, the third engrossment, as amended, as follows:

Page 58, after line 26, insert:

"Sec. 23. [123B.305] [REASONABLE ACCESS; DISTRIBUTION OF WRITTEN MATERIALS; OFF-TIME USE OF SCHOOL FACILITIES.]

(a) A public school may adopt a policy to give community organizations that provide programs or services to children or youth with reasonable access to the school's facilities for the purpose of distributing written materials appropriate to the school setting. A district is not required to distribute written materials that disrupt the school's educational program. A school must not deny a community organization reasonable access under this paragraph based on the organization's membership, policies or ideological views.

(b) A public school must apply the same conditions to all community organizations that seek off-time use of the school's facilities and must not deny an organization access to the school's facilities because of the organization's membership, policies or ideological views.

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

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Seifert and Wenzel moved to amend H. F. No. 82, the third engrossment, as amended, as follows:

Page 83, after line 16, insert:

"Sec. 52. [LABORATORY SCHOOL; INNOVATIVE TEACHING TECHNIQUES.]

Subdivision 1. [PURPOSE.] The purpose of this section is to ensure that the school children in kindergarten through grade 5 in the Randall area, elsewhere in the Little Falls school district, and in all school districts in the state have access to a high quality, innovative education experience.

Subd. 2. [JOINT OFFICE ESTABLISHED.] Independent school district No. 482, Little Falls; the department of children, families, and learning; Minnesota state colleges and universities; and St. Cloud State University's school of education shall collaborate for the purpose of establishing a joint office, if funds are available, to evaluate curriculum, instruction, and testing. The office shall be located at the Dr. S. G. Knight school in Randall.

Subd. 3. [LABORATORY SCHOOL.] The office under authority of independent school district No. 482, Little Falls shall, if funds are available, operate a laboratory school program for elementary students in kindergarten through grade 5 at the Dr. S. G. Knight school. The laboratory school, if established, must be used to develop innovative teaching techniques that enhance students' learning experiences. The office, if established, must make the innovative teaching techniques, which must include testing of students' knowledge, developed at the laboratory school available to all school districts in the state.

[EFFECTIVE DATE.] This section is effective July 1, 2001."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Seifert and Wenzel amendment and the roll was called. There were 96 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Abeler	Dawkins	Holberg	Lindner	Paulsen	Sykora
Abrams	Dehler	Holsten	Lipman	Pawlenty	Thompson
Anderson, B.	Dempsey	Howes	Luther	Pelowski	Tingelstad
Anderson, I.	Dorman	Jacobson	Mares	Penas	Tuma
Bakk	Eastlund	Johnson, J.	Marquart	Rhodes	Vandevor
Bernardy	Erhardt	Johnson, S.	McElroy	Rifenberg	Wagenius
Biernat	Erickson	Kahn	Milbert	Ruth	Walz
Bishop	Finseth	Kielkucki	Molnau	Schumacher	Wasiluk
Boudreau	Fuller	Knoblach	Mulder	Seagren	Wenzel
Bradley	Gerlach	Krinkie	Ness	Seifert	Westerberg
Buesgens	Goodwin	Kubly	Nornes	Skoe	Westrom
Carlson	Gunther	Kuisle	Olson	Slawik	Wilkin
Cassell	Haas	Larson	Opatz	Smith	Winter
Clark, J.	Hackbarth	Lenczewski	Osskopp	Stanek	Wolf
Daggett	Harder	Leppik	Otremba	Stang	Workman
Davids	Hilstrom	Lieder	Ozment	Swenson	Spk. Sviggum

Those who voted in the negative were:

Davnie	Folliard	Hausman	Koskinen	McGuire
Dibble	Gleason	Hilty	Leighton	Murphy
Dorn	Gray	Huntley	Mahoney	Skoglund
Evans	Greiling	Kalis	Mariani	Swapinski

The motion prevailed and the amendment was adopted.

Goodwin and Slawik moved to amend H. F. No. 82, the third engrossment, as amended, as follows:

Page 56, after line 27, insert:

"Sec. 20. [122A.34] [PROFESSIONAL EDUCATION STAFF; RATIOS.]

(a) For purposes of this section, professional education staff includes school guidance counselors, school psychologists, school nurses, school social workers and chemical dependency treatment counselors.

(b) A school board must employ the number of professional education staff needed so that the student to professional education staff ratio by the end of the 2019-2020 school year does not exceed: 250 to one in grades 9 through 12; 350 to one in grades 7 and 8; and 450 to one in kindergarten through grade 6.

(c) The commissioner shall develop guidelines for equitably distributing funds available for this purpose to all eligible public schools throughout the state. If the appropriation is insufficient to fund all school sites, the commissioner must determine and publish a fair method for funding eligible school sites.

(d) In any year, if the funding in the current fiscal year is insufficient to fully fund the ratios in paragraph (b) for all eligible school districts, then those ratios do not apply for that year.

[EFFECTIVE DATE.] This section is effective July 1, 2001."

Page 96, line 1, delete "\$2,500,000" and insert "\$500,000"

Page 96, after line 14, insert:

"Subd. 30. [PROFESSIONAL EDUCATION STAFF; RATIOS.] For student to professional education staff ratios under Minnesota Statutes, section 122A.34:

<u>\$1,000,000</u>	<u>.....</u>	<u>2002</u>
<u>\$1,000,000</u>	<u>.....</u>	<u>2003</u>

The commissioner shall make payments only to the extent that appropriated funds are available.

The base budget for this appropriation is increased by ten percent per fiscal year."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

The question was taken on the Goodwin and Slawik amendment and the roll was called. There were 65 yeas and 68 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Schumacher and Bernardy moved to amend H. F. No. 82, the third engrossment, as amended, as follows:

Page 11, line 3, delete "2002" and insert "2004"

Page 11, line 5, after "skills revenue," insert "gifted and talented revenue."

Page 11, after line 22, insert:

"Sec. 14. Minnesota Statutes 2000, section 126C.10, is amended by adding a subdivision to read:

Subd. 2a. [GIFTED AND TALENTED REVENUE.] For fiscal years 2004 and later, gifted and talented revenue for each district equals \$10 times the district's adjusted marginal cost pupil units. A school district must reserve gifted and talented revenue and must spend the revenue only to:

(1) identify gifted and talented students;

(2) provide educational programming for gifted and talented students; or

(3) provide staff development to aid in the teaching of gifted and talented students."

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 Schumacher and Bernardy amendment and the roll was called. There were 66 yeas and 67 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Skoe; Johnson, R.; Marquart and Sertich moved to amend H. F. No. 82, the third engrossment, as amended, as follows:

Page 10, line 14, after "(b)" insert "For fiscal years 2002 and 2003,"

Page 10, after line 20, insert:

"(c) For fiscal year 2004 and later, adjusted marginal cost pupil units means the greater of:

(1) the number of adjusted pupil units defined in paragraph (a) for the current school year; or

(2) the sum of the pupil units defined in paragraph (a) for the current school year and two preceding school years divided by three."

Page 10, line 28, after "(b)" insert "For fiscal years 2002 and 2003."

Page 10, after line 33, insert:

"(c) For fiscal year 2004 and later, resident marginal cost pupil units means the greater of:

(1) the number of resident pupil units defined in paragraph (a) for the current school year; or

(2) the sum of the pupil units defined in paragraph (a) for the current school year and two preceding school years divided by three."

A roll call was requested and properly seconded.

The question was taken on the Skoe et al amendment and the roll was called. There were 65 yeas and 68 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Pugh, Schumacher, Evans, Koskinen and Bernardy moved to amend H. F. No. 82, the third engrossment, as amended, as follows:

Page 123, line 2, after "(c)" insert a period and delete the rest of the line

Page 123, delete lines 3 to 7

Page 124, line 9, after "(b)" insert "(1) For fiscal year 2003,"

Page 124, after line 13, insert:

"(2) For fiscal year 2004 and later, the first tier debt service equalization revenue of a district equals the greater of zero or the eligible debt service revenue minus the amount raised by a levy of 10 percent times the adjusted net tax capacity of the district minus the second tier debt service equalization revenue of the district."

Page 124, line 36, after "\$4,000" insert "for fiscal year 2003 and \$6,000 for fiscal year 2004 and later"

Page 125, line 16, delete "\$32,897,000" and insert "\$55,897,000"

Page 125, line 17, delete "\$28,547,000" and insert "\$51,547,000"

A roll call was requested and properly seconded.

The question was taken on the Pugh et al amendment and the roll was called. There were 66 yeas and 67 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Carlson, Solberg, Greiling, Hilstrom, Thompson, Koskinen, Bernardy, Wasiluk, Evans and Goodwin moved to amend H. F. No. 82, the third engrossment, as amended, as follows:

Page 11, line 21, delete "\$4,050" and insert "\$4,273"

Page 11, line 22, delete "\$4,175" and insert "\$4,400"

Page 14, after line 21, insert:

"Sec. 23. [126C.105] [EDUCATION ENHANCEMENT REVENUE.]

Subdivision 1. [ACCOUNT CREATED.] The education enhancement account is created in the special revenue fund.

Subd. 2. [FUNDS DEPOSITED.] Notwithstanding Minnesota Statutes, section 290.62, \$180,500,000 in fiscal year 2002 and \$180,500,000 in fiscal year 2003 of the amounts collected under Minnesota Statutes, section 290.06, subdivision 2c, are deposited in the education enhancement account in the special revenue account.

Subd. 3. [APPROPRIATION.] \$112,500,000 in fiscal year 2002 and \$112,500,000 in fiscal year 2003 are appropriated from the education enhancement account in the special revenue fund account for general education aid under Minnesota Statutes, section 126C.13."

Page 28, after line 29, insert:

"Sec. 44. Minnesota Statutes 2000, section 127A.45, subdivision 13, is amended to read:

Subd. 13. [AID PAYMENT PERCENTAGE.] Except as provided in subdivisions 11, 12, 12a, and 14, each fiscal year, all education aids and credits in this chapter and chapters 120A, 120B, 121A, 122A, 123A, 123B, 124D, 125A, 125B, 126C, 134, and section 273.1392, shall be paid at ~~90~~ 85 percent of the estimated entitlement during the fiscal year of the entitlement. The final adjustment payment, according to subdivision 9, must be the amount of the actual entitlement, after adjustment for actual data, minus the payments made during the fiscal year of the entitlement."

Page 34, after line 29, insert:

"Sec. 55. [DIRECTION TO COMMISSIONER; PAYMENT PERCENTAGE.]

The commissioner shall adjust all appropriations in this act in order to make school district aid payments consistent with Minnesota Statutes, section 127A.45, subdivision 13."

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 Carlson et al amendment and the roll was called. There were 62 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Biernat	Davnie	Dorn	Folliard	Gray
Bakk	Carlson	Dawkins	Entenza	Gleason	Greiling
Bernardy	Clark, K.	Dibble	Evans	Goodwin	Hausman

Hilstrom	Kahn	Luther	Opatz	Schumacher	Wagenius
Hilty	Kalis	Mahoney	Osthoff	Sertich	Wasiluk
Huntley	Kelliher	Mariani	Otremba	Skoe	Wenzel
Jaros	Koskinen	Marquart	Paymar	Skoglund	Winter
Jennings	Kubly	McGuire	Pelowski	Slawik	
Johnson, R.	Larson	Milbert	Peterson	Solberg	
Johnson, S.	Leighton	Mullery	Pugh	Swapinski	
Juhnke	Lieder	Murphy	Rukavina	Thompson	

Those who voted in the negative were:

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

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

H. F. No. 82, as amended, was read for the third time.

MOTION FOR RECONSIDERATION

Pawlenty moved that the action whereby H. F. No. 82, as amended, was given its third reading be now reconsidered. The motion prevailed.

The Speaker called Boudreau to the Chair.

Seagren moved to amend H. F. No. 82, the third engrossment, as amended, as follows:

Page 45, line 6, after "teachers" insert "defined in paragraph (c)"

The motion prevailed and the amendment was adopted.

Seagren moved to amend H. F. No. 82, the third engrossment, as amended, as follows:

Page 95, after line 16, insert:

"Up to \$250,000 each year may be used for the Jobs for America graduates program."

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

H. F. No. 82, A bill for an act relating to education; providing for kindergarten through grade 12 education including general education revenue; education excellence; special programs; facilities and technology; nutrition, school accounting, and other programs; agency provisions; deficiencies; local achievement testing; and technical amendments; appropriating money; amending Minnesota Statutes 2000, sections 16B.616, subdivision 4; 120A.05, by adding a subdivision; 120B.02; 120B.031, subdivision 11; 120B.13, subdivision 1; 120B.30, subdivision 1; 120B.31, subdivision 3; 120B.35; 121A.11, by adding subdivisions; 121A.41, subdivision 10; 121A.45, subdivision 2, by adding a subdivision; 121A.582; 121A.61, subdivision 2; 122A.06, by adding a subdivision; 122A.09, subdivision 4; 122A.162; 122A.163; 122A.18, subdivisions 1, 2, 2a, 4, by adding subdivisions; 122A.20, subdivision 2; 122A.21; 122A.26, subdivision 3; 122A.31; 122A.61, subdivision 1; 123B.03, subdivision 3; 123B.143, subdivision 1; 123B.42, subdivision 3; 123B.44, subdivision 6; 123B.53, subdivisions 1, 2, 4, 5; 123B.54; 123B.57, subdivisions 3, 6, 8; 123B.71, subdivisions 1, 4, 8, 9; 123B.75, subdivision 5, by adding subdivisions; 123B.80, subdivision 1; 123B.92, by adding subdivisions; 124D.10, subdivisions 1, 3, 4, 6, 8, 10, 14, 15, 19, 23, 25, by adding subdivisions; 124D.11, subdivisions 4, 5, 9; 124D.128, subdivisions 1, 2, 3, 6; 124D.454, subdivision 11; 124D.65, subdivision 5; 124D.69, subdivision 1; 124D.74, subdivisions 1, 2, 3, 4, 6; 124D.75, subdivision 6; 124D.76; 124D.78, subdivision 1; 124D.81, subdivisions 1, 3, 5, 6, 7; 124D.86, subdivisions 3, 6; 125A.023, subdivision 4; 125A.08; 125A.09, subdivision 3; 125A.11, subdivision 3; 125A.17; 125A.27, subdivision 15; 125A.76, subdivisions 1, 2; 126C.05, subdivisions 1, 3, 5, 6, 15; 126C.10, subdivisions 1, 2, 3, 9, 20, 21, 22, 24, 25, 27, by adding a subdivision; 126C.12, subdivisions 2, 3, 4, 5, by adding a subdivision; 126C.13, subdivision 1; 126C.15, subdivisions 1, 2, 5; 126C.16, by adding a subdivision; 126C.17, subdivisions 1, 2, 5, 6, 9, 10, 11; 126C.23, subdivision 5; 126C.41, subdivision 3; 126C.43, subdivision 3; 126C.63, subdivision 8; 126C.69, subdivisions 2, 3, 9, 12, 15; 127A.05, subdivision 1; 127A.41, subdivisions 5, 8, 9; 127A.45, subdivision 12, by adding a subdivision; 127A.50, subdivision 2; 136D.281, subdivision 4; 136D.741, subdivision 4; 136D.88, subdivision 4; 179A.20, by adding a subdivision; 214.01, subdivision 3; 214.04, subdivisions 1, 3; 214.12, subdivision 1; 260A.01; 260C.163, subdivision 11; 475.53, subdivision 4; 475.61, subdivision 3; 626.556, subdivision 2; Laws 1992, chapter 499, article 7, section 31, as amended; Laws 2000, chapter 489, article 2, sections 34, 36, 37, subdivision 3, 39, subdivision 2; Laws 2000, chapter 489, article 3, sections 24, 25, subdivision 5; Laws 2000, chapter 489, article 5, section 21; Laws 2000, chapter 489, article 7, section 15, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 120B; 122A; 123B; 124D; 127A; repealing Minnesota Statutes 2000, sections 120B.031; 120B.31, subdivisions 1, 2, 4; 123B.05; 123B.71, subdivisions 3, 10; 124D.07; 124D.1155; 124D.128, subdivision 7; 124D.32; 124D.85; 126C.01, subdivision 10; 126C.10, subdivisions 3, 12, 23, 28; 126C.16, subdivision 2; 126C.17, subdivision 12; 126C.18; 126C.22; 126C.30; 126C.31; 126C.32; 126C.33; 126C.34; 126C.35; 126C.36; 126C.42, subdivisions 2, 3; 126C.47; 127A.44; 135A.081; 136D.281, subdivision 8; 136D.741, subdivision 8; 136D.88, subdivision 8; 136D.94; Laws 2000, chapter 254, section 30; Laws 2000, chapter 489, article 1, section 18; Minnesota Rules, parts 3501.0300; 3501.0310; 3501.0320; 3501.0330; 3501.0340; 3501.0350; 3501.0370; 3501.0380; 3501.0390; 3501.0400; 3501.0410; 3501.0420; 3501.0430; 3501.0440; 3501.0441; 3501.0442; 3501.0443; 3501.0444; 3501.0445; 3501.0446; 3501.0447; 3501.0448; 3501.0449; 3501.0450; 3501.0460; 3501.0461; 3501.0462; 3501.0463; 3501.0464; 3501.0465; 3501.0466; 3501.0467; 3501.0468; 3501.0469.

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 72 yeas and 61 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

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

Seifert 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.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Abrams announced his intention to place H. F. No. 2498 on the Fiscal Calendar for Friday, May 4, 2001.

FISCAL CALENDAR

Pursuant to rule 1.22, Bishop requested immediate consideration of S. F. No. 2360.

S. F. No. 2360 was reported to the House.

Krinkie moved to amend S. F. No. 2360 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 218, the second engrossment:

"ARTICLE 1**APPROPRIATIONS****Section 1. [STATE GOVERNMENT APPROPRIATIONS.]**

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another fund named, to the agencies and for the purposes specified in this act, to be available for the fiscal years indicated for each purpose. The figures "2002" and "2003," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 2002, or June 30, 2003, respectively.

		APPROPRIATIONS	
		Available for the Year	
		Ending June 30	
		2002	2003
Sec. 2. LEGISLATURE			
Subdivision 1. Total Appropriation		57,938,000	60,602,000
Summary by Fund			
General	57,788,000	60,452,000	
Health Care Access	150,000	150,000	
The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.			
Subd. 2. Senate			
	14,102,000	14,102,000	
Subd. 3. House of Representatives			
	26,843,000	29,497,000	

Of amounts previously appropriated to the house and carried forward into the biennium beginning July 1, 2001, \$1,000,000 is canceled to the general fund.

APPROPRIATIONS
Available for the Year
Ending June 30
2002 2003

Subd. 4. Legislative Coordinating Commission

Summary by Fund

General	14,343,000	14,353,000
Health Care Access	150,000	150,000

Effective January 1, 2002, the house of representatives public information office and the senate publications office are combined, under the jurisdiction of the legislative coordinating commission.

Effective January 1, 2002, the house of representatives television services office and the senate media services offices are combined, under the jurisdiction of the legislative coordinating commission.

During the interim between the 2001 and 2002 legislative sessions, legislative appointing authorities may work with the department of employee relations to place legislative staff on temporary assignments in state agencies. The legislature is responsible for salary and benefits of employees who choose these temporary assignments. Work assignments and hours must be negotiated by legislative appointing authorities and the state agencies getting interim use of legislative staff. Refusal of a commissioner to find a suitable work assignment for interested and qualified legislative staff must be reported to the budget committee chairs of the house and senate that have jurisdiction over that agency's budget.

Sec. 3. GOVERNOR AND LIEUTENANT GOVERNOR	4,508,000	4,519,000
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\$19,000 the first year and \$19,000 the second year are for necessary expenses in the normal performance of the governor's and lieutenant governor's duties for which no other reimbursement is provided.

By September 1 each year, the commissioner of finance shall report to the chairs of the senate governmental operations budget division and the house state government finance division any personnel costs incurred by the office of the governor and lieutenant governor that were supported by appropriations to other agencies during the previous fiscal year. The office of the governor shall inform the chairs of the divisions before initiating any interagency agreements.

Sec. 4. STATE AUDITOR	9,777,000	-0-
Sec. 5. STATE TREASURER	2,328,000	2,284,000

		APPROPRIATIONS Available for the Year Ending June 30	
		2002	2003
Sec. 6. ATTORNEY GENERAL		28,680,000	29,368,000
Summary by Fund			
General	26,227,000	26,863,000	
State Government			
Special Revenue	1,834,000	1,876,000	
Environmental	142,000	145,000	
Solid Waste	477,000	484,000	
Sec. 7. SECRETARY OF STATE		9,578,000	821,000
<p>\$2,000,000 the first year is for transfer to the voting equipment grant account established in Minnesota Statutes, section 204B.48.</p>			
Sec. 8. CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD		658,000	671,000
<p>For 2001 - \$35,000</p> <p>\$35,000 is appropriated in fiscal year 2001 and is effective immediately.</p>			
Sec. 9. INVESTMENT BOARD		2,376,000	2,376,000
Sec. 10. ADMINISTRATIVE HEARINGS		6,966,000	7,169,000
<p>This appropriation is from the workers' compensation fund.</p>			
Sec. 11. OFFICE OF STRATEGIC AND LONG-RANGE PLANNING		4,693,000	4,378,000
<p>The base budget for the critical issues activity is reduced by \$810,000 each year.</p> <p>\$250,000 each year is for one-time grants of \$50,000 each to regional development commissions or, in regions not served by regional development commissions, to regional organizations selected by the director, to support planning work on behalf of local units of government. The planning work must take into consideration any impacts on private property rights and must include at least one of the following: (1) development of local zoning ordinances; (2) land use plans; (3) community or economic development plans; (4) transportation and transit plans; (5) solid</p>			

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waste management plans; (6) wastewater management plans; (7) workforce development plans; (8) housing development plans and market analyses; (9) rural health service and senior nutrition plans; (10) natural resources management plans; or (11) development of a geographical information systems database to serve a region's needs, including hardware and software purchases and related labor costs. State grant funds must be matched on a dollar-for-dollar basis by nonstate funds. Copies of all planning documents developed as a result of the grants must be compiled by the office of strategic and long-range planning and made available for public inspection. Local planning work supported by this appropriation must adhere to the goals of sustainable land use planning under Minnesota Statutes, section 4A.08.

\$25,000 the first year is for preparation of urban river development guidelines under article 2, section 123.

\$100,000 the first year is for a grant to support subregional comprehensive planning by the N.M. I-35W Corridor Coalition. The appropriation is available until June 30, 2003. The subregional work must include the following components leading to a coordinated subregional comprehensive plan submission to the metropolitan council in 2003: (1) coordinated land use plans; (2) coordinated economic development and redevelopment strategies focused on redefining metropolitan competitiveness with linkage to creating local job opportunities and integrated housing, transportation, and transit systems; (3) coordinated transportation and transit plans; (4) coordinated workforce development plans; (5) coordinated subregional housing development plans and market analyses ensuring healthy neighborhoods and increased choice in lifecycle housing; (6) coordinated natural resources management plans; (7) expanded GIS database management system focused on improving subregional decision making through access to better data and tools for analysis as well as being exportable to other regional and subregional collaborative efforts; and (8) establishment of a coalition institute structured to utilize livable community principles to address issues of growth and infill, to support standards for quality development, and to create direct benefit for learning experience and sharing with other regional and subregional organizations and agencies. State grant funds must be matched on a dollar-for-dollar basis from nonstate funds. Local planning work supported by this appropriation must adhere to the goals of sustainable land use planning under Minnesota Statutes, section 4A.08.

The director must submit a plan to the legislature by January 30, 2002, for creation of a competition council. The competition council would make recommendations to the

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executive and legislative branches on opportunities, strategies, and best practices for competitive delivery of services or goods currently delivered by government. The plan for creation of a council must include the authority of the commission, its mission and objectives, and a proposed structure.

\$200,000 the first year is for a grant to the Northern Counties Land Use Coordinating Board to initiate a pilot project to promote cooperative efforts among county, state, federal, and local units of government regarding land use management issues. The board shall also solicit cooperation with Canadian officials who represent areas contiguous to the region and with local organizations representing recreational, agricultural, mining, forestry, and tourism interests. The objectives of the pilot project are to document instances of incompatible or conflicting land use policies and regulations and to identify and promote a means of resolving such differences that may provide a national model for management through intergovernmental cooperation. The board must report to the legislature by January 15, 2003, on the results of the pilot project. State grant funds must be matched on a dollar-for-dollar basis by nonstate funds. Local planning work supported by this appropriation must adhere to the goals of sustainable land use planning under Minnesota Statutes, section 4A.08.

\$200,000 each year is for the director to study matters relating to the economic status of women in Minnesota, including: (1) economic security of homemakers and women in the labor force; (2) opportunities for education and vocational training; (3) employment opportunities; (4) the contributions of women to the economy; (5) women's access to benefits and services provided to citizens of the state; (6) laws and business practices constituting barriers to the full participation by women in the economy; and (7) adequacy of programs and services relating to families in Minnesota, including single-parent families and members beyond the nuclear or immediate family. The director may appoint an advisory group to advise the director on these matters. Employees of the legislative commission on the economic status of women are transferred to the office of strategic and long-range planning.

Sec. 12. ADMINISTRATION

Subdivision 1. Total Appropriation		78,808,000	47,786,000
Summary by Fund			
General	36,762,000	28,022,000	

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Special Revenue	42,046,000	19,764,000	
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The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Operations Management

	3,683,000	3,694,000	
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Subd. 3. Intertechnologies Group

Summary by Fund

General	859,000	859,000	
Special Revenue	20,327,000	19,764,000	

For 2001 \$3,988,000

The appropriation from the special revenue fund is for recurring costs of 911 emergency telephone service.

Subd. 4. Facilities Management

	15,577,000	16,009,000	
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The balance in the state building code account in the state government special revenue fund as of July 1, 2001, is canceled to the general fund.

The senate must transfer control of the G2 office suite in the capitol to the governor's office. The department of administration must transfer control of the B46 office suite to the senate.

Eighty covered spaces and 105 roof spaces in the State Office Building parking ramp must be assigned to house of representatives staff. To make the required assignment of spaces to house staff, the number of spaces assigned to staff from other entities must be reduced proportionately. However, no spaces in the ramp may be taken from elected officials.

In lieu of receiving the rent deficiency for ceremonial space, the department of administration must locate the State Bookstore in room 230 of the capitol.

Subd. 5. Management Services

	4,057,000	3,868,000	
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Subd. 6. Fiscal Agent

	2,000	2,000
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This appropriation is for the state band.

Subd. 7. Public Broadcasting

Summary by Fund

General	848,000	848,000
Special Revenue	20,860,000	-0-

\$441,000 the first year and \$441,000 the second year are for grants and for contracts with the senate and house of representatives for public information television, Internet, Intranet, and other transmission of legislative activities. At least one-half must go for programming to be broadcast and transmitted to rural Minnesota.

\$20,860,000 the first year is appropriated from the contingency account in the special revenue fund for grants to noncommercial television stations to assist with conversion to a digital broadcast signal as mandated by the federal government. In order to qualify for these grants, a station must meet the criteria established for grants in Minnesota Statutes, section 129D.12, subdivision 2. To avoid duplication, a station using money from this appropriation to construct a tower must consult with public radio stations in its area to determine if they have a similar need. If a public radio station has a similar need, a cost benefit analysis must be completed to determine if it is more economically feasible to jointly construct the new tower. All parties must share in the cost of construction and maintenance of the tower.

\$407,000 the first year and \$407,000 the second year are for grants to public educational radio stations, which must be allocated after considering the recommendations of the Association of Minnesota Public Educational Radio Stations under Minnesota Statutes, section 129D.14.

Subd. 8. Office of Technology

	11,736,000	2,742,000
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(a) The commissioner of administration must contract with an entity outside of state government to prepare a supplemental evaluation, risk assessment, and risk mitigation plan for the CriMNet system. The entity performing this work must not have any other direct or indirect financial interest in the project.

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(b) Before January 1, 2002, each recipient of an appropriation for the CrimNet system must, in consultation with the commissioner of administration, submit to the entity selected under paragraph (a):

(1) a list of objectives the entity expects to achieve with the money appropriated to it; and

(2) a list of performance measures that can be used to determine the extent to which these objectives are being met.

(c) The evaluation, risk assessment, and risk mitigation plan must separately consider each component of the project, including: suspense files, the integration backbone, the Minnesota court information system, photo imaging, livescan cardhandler, predatory offender registration, CJDN upgrade, statewide supervision, and county planning and implementation grants. For each component, the evaluation may also consider:

(1) the likelihood that each entity will achieve its objectives within the limits of the money appropriated; and

(2) the appropriateness of the performance measures suggested by each entity receiving an appropriation.

(d) Work on the evaluation, risk assessment, and risk mitigation plan must begin as soon as practicable but no later than November 15, 2001. The results of the evaluation, risk assessment, and risk mitigation plan must be reported to the legislature, the commissioner of administration, and the chief justice of the supreme court by March 15, 2002. The final report must include recommendations on changes or improvements needed for each component of the program and whether or not a component should proceed. A recommendation not to proceed with a component of the project is only advisory. Decisions regarding proceeding with project components will be made by the commissioner of public safety in consultation with the policy group.

The office must establish the state information architecture under Minnesota Statutes, section 16E.04, subdivision 2, by March 1, 2002.

\$9,000,000 is for deposit in the technology enterprise fund.

The commissioner may spend up to \$5,400,000 of the fund for the income tax re-engineering project in revenue, up to \$1,000,000 for the North Star enterprise portal, up to \$1,500,000 for small agency

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infrastructure, up to \$300,000 for statewide information technology architecture, and up to \$300,000 for an unemployment insurance management project.

Sec. 13. EMPLOYEE RELATIONS

13,025,000

18,048,000

For 2001 - \$2,000,000

\$5,000,000 the first year and \$10,000,000 the second year are to pay costs of compensation and economic benefit increases provided to employees in the executive branch. The appropriation applies only to employees funded from the general fund. The commissioner of finance must transfer to the covered agencies amounts certified as necessary by the chief financial officer of the agency. The commissioner must make pro rata distributions if the amount of this appropriation is insufficient to pay all costs.

\$50,000 each year is for a grant to the Government Training Service.

\$2,000,000 in fiscal year 2001 is for one-time funding to the department of employee relations to be distributed for back-pay liability costs associated with compliance with the Fair Labor Standards Act.

Sec. 14. CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD

283,000

284,000

During the biennium ending June 30, 2003, money received by the board from public agencies, as provided by Minnesota Statutes, section 15.50, subdivision 3, is appropriated to the board.

Any unencumbered money appropriated for the Hubert H. Humphrey memorial under Laws 1999, chapter 250, article 1, section 13, is canceled.

Sec. 15. FINANCE

Subdivision 1. Total Appropriation

17,942,000

17,961,000

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

Subd. 2. State Financial Management

7,993,000

7,993,000

Subd. 3. Information and Management Services

9,949,000

9,968,000

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Subd. 4. Technology Budget Book

The department shall prepare a separate budget book for the biennium beginning July 1, 2003, containing all of the administration's technology initiatives. The book shall also include a complete inventory of state-owned and leased technology, along with a projected replacement schedule. The inventory shall include information on how the technology fits into the state's master plan. The book must be in the same format as other biennial budget books.

Sec. 16. REVENUE

Subdivision 1. Total Appropriation	89,375,000	89,506,000
Summary by Fund		
General	85,146,000	85,195,000
Health Care Access	1,731,000	1,764,000
Highway User Tax Distribution	2,191,000	2,237,000
Environmental	107,000	110,000
Solid Waste	200,000	200,000

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

Subd. 2. Tax System Management

	86,765,000	86,896,000
Summary by Fund		
General	82,589,000	82,638,000
Health Care Access	1,678,000	1,711,000
Highway User Tax Distribution	2,191,000	2,237,000
Environmental	107,000	110,000

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Solid Waste	200,000	200,000
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Subd. 3. Accounts Receivable Management

Summary by Fund

General	2,557,000	2,557,000
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Health Care Access	53,000	53,000
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Sec. 17. MILITARY AFFAIRS

Subdivision 1. Total Appropriation	13,409,000	13,446,000
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The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

In fiscal year 2001, \$186,000 in general funds is transferred from Laws 1999, chapter 250, article 1, section 28, to the department of military affairs to pay for higher than anticipated fuel costs of the department's training and community center facilities.

Subd. 2. Maintenance of Training Facilities

6,938,000	6,938,000
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Subd. 3. General Support

1,791,000	1,828,000
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\$50,000 the first year and \$50,000 the second year are to assist in the operation and staffing of the Minnesota national guard youth camp at Camp Ripley. This appropriation is contingent on its being matched by money from other sources.

The department may not sell or lease land in Ramsey county to the department of transportation, nor may the department locate a joint or shared facility with the department of transportation within the county.

Subd. 4. Enlistment Incentives

4,605,000	4,605,000
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Subd. 5. Emergency Services

75,000	75,000
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	APPROPRIATIONS Available for the Year Ending June 30	
	2002	2003
Sec. 18. VETERANS AFFAIRS	4,515,000	4,374,000
<p>\$150,000 is for a grant to the St. Louis county historical society in Duluth, Minnesota, to be used to complete the Veterans Memorial Hall physical exhibit and displays. This appropriation is available until June 30, 2002.</p>		
Sec. 19. VETERANS OF FOREIGN WARS	55,000	55,000
<p>For carrying out the provisions of Laws 1945, chapter 455.</p>		
Sec. 20. MILITARY ORDER OF THE PURPLE HEART	20,000	20,000
Sec. 21. DISABLED AMERICAN VETERANS	13,000	13,000
<p>For carrying out the provisions of Laws 1941, chapter 425.</p>		
Sec. 22. GAMBLING CONTROL	2,410,000	2,453,000
Sec. 23. RACING COMMISSION	406,000	410,000
Sec. 24. STATE LOTTERY	750,000	-0-
<p>\$750,000 is from the lottery prize fund to the commissioner of human services for a grant to reconstruct Project Turnabout in Granite Falls destroyed by the Granite Falls tornado. This appropriation is available until June 30, 2003, and does not become part of the base.</p>		
Sec. 25. AMATEUR SPORTS COMMISSION	2,866,000	1,394,000
<p>The commission must develop a plan for becoming self-sufficient. The timeline for self-sufficiency must not exceed five years. The commission must report the plan to the chairs of the budget committees in the house and the senate by February 1, 2002.</p> <p>\$2,000,000 in fiscal year 2002 and \$750,000 in fiscal year 2003 are for making matching grants for soccer field development as provided under Minnesota Statutes, section 240A.13.</p> <p>\$200,000 in fiscal year 2002 is for a one-time grant to a nonprofit corporation for operation of a shooting sports program at a state-owned facility. The program funded through this grant must be designed to train participants and coaches in shooting sports that are Olympic events. This appropriation is available until June 30, 2003.</p> <p>\$25,000 is for a grant to the Range Recreation Civic Center for bleacher purchase.</p>		

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Sec. 26. BOARD OF THE ARTS

Subdivision 1. Total Appropriation	10,603,000	10,611,000
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The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Operations and Services

	1,028,000	1,036,000
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By February 15, 2002, the board must compile, report to the legislature, and make readily available a listing of grants awarded with funds appropriated for fiscal years 2000 and 2001 by type and dollar amount, along with a measurement of impact for each grant. Impact measurements include, but are not limited to: (1) the number of patrons served; (2) a determination if the grant allowed the grantee to go forward; and (3) the extent the grantee was able to expand or otherwise improve the artistic experience offered the public.

The board must also compile and make available a historical record for every grantee that has received funds from the board. The list must be by grantee and identify all types of grants received each year.

Subd. 3. Grants Program

	3,540,000	3,540,000
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The board must not grant more than \$100,000 per year to any grantee.

Subd. 4. Regional Arts Councils

	3,535,000	3,535,000
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Sec. 27. MINNESOTA HUMANITIES COMMISSION	909,000	909,000
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The humanities commission must develop a plan for the selection of a Minnesota poet laureate. The commission must report the plan to the legislature by February 1, 2002.

Sec. 28. GENERAL CONTINGENT ACCOUNTS	600,000	600,000
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Summary by Fund

General	100,000	100,000
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		APPROPRIATIONS Available for the Year Ending June 30	
		2002	2003
State Government			
Special Revenue	400,000	400,000	
Workers'			
Compensation	100,000	100,000	
Sec. 29. TORT CLAIMS		275,000	275,000
To be spent by the commissioner of finance.			
If the appropriation for either year is insufficient, the appropriation for the other year is available for it.			
Sec. 30. MINNESOTA STATE RETIREMENT SYSTEM		9,299,000	9,856,000
The amounts estimated to be needed for each program are as follows:			
(a) Legislators			
	6,821,000	7,230,000	
Under Minnesota Statutes, sections 3A.03, subdivision 2; 3A.04, subdivisions 3 and 4; and 3A.11.			
(b) Constitutional Officers			
	355,000	376,000	
Under Minnesota Statutes, sections 352C.031, subdivision 5; 352C.04, subdivision 3; and 352C.09, subdivision 2.			
(c) Judges			
	2,123,000	2,250,000	
If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.			
Sec. 31. MINNEAPOLIS EMPLOYEES RETIREMENT FUND		3,232,000	3,232,000
Sec. 32. POLICE AND FIRE AMORTIZATION AID		6,345,000	6,345,000
Sec. 33. COMPENSATION COUNCIL			

The compensation council recommendation of 2001 may not take effect unless approved by law.

Sec. 34. [EFFECTIVE DATE.]

The appropriations for fiscal year 2001 are effective the day following final enactment.

ARTICLE 2

STATE GOVERNMENT OPERATIONS

Section 1. Minnesota Statutes 2000, section 3.012, is amended to read:

3.012 [LEGISLATIVE DAY.]

A legislative day is a day when either house or a committee of either house of the legislature is called to order. A legislative day begins at seven o'clock a.m. and continues until seven o'clock a.m. of the following calendar day.

Sec. 2. Minnesota Statutes 2000, section 3.3005, subdivision 2, is amended to read:

Subd. 2. [GOVERNOR'S REQUEST TO LEGISLATURE.] A state agency shall not expend money received by it under federal law for any purpose unless a request to spend federal money from that source for that purpose in that fiscal year has been submitted by the governor to the legislature as a part of a budget request submitted during or within ten days before the start of a regular legislative session, or unless specifically authorized by law or as provided by this section. A budget request submitted to the legislature according to this subdivision must be submitted at least 20 days before the deadline set by the legislature for legislative budget committees to act on finance bills.

Sec. 3. Minnesota Statutes 2000, section 3.3005, subdivision 3, is amended to read:

Subd. 3. [STATE MATCH.] If a request to spend federal money is included in the governor's budget or spending the money is authorized by law but the amount of federal money received requires a state match greater than that included in the budget request or authorized by law, the amount that requires an additional state match may be allotted for expenditure after the requirements of subdivision 5 or 6 are met.

Sec. 4. Minnesota Statutes 2000, section 3.3005, subdivision 3a, is amended to read:

Subd. 3a. [CHANGE IN PURPOSE.] If a request to spend federal money is included in a governor's budget request and approved according to subdivision 2a, but the purpose for which the money is to be used changes from the time of the request and approval, the amount may be allotted for expenditure after a revised request is submitted according to subdivision 2 or the requirements of subdivision 5 or 6 are met.

Sec. 5. Minnesota Statutes 2000, section 3.3005, is amended by adding a subdivision to read:

Subd. 3b. [INCREASE IN AMOUNT.] If a request to spend federal money is included in a governor's budget request and approved according to subdivision 2 or subdivision 5 and the amount of money available increases after the request is made and authorized, the additional amount may be allotted for expenditure after a revised request is submitted according to subdivision 2, or the requirements of subdivision 5 or 6 are met.

Sec. 6. Minnesota Statutes 2000, section 3.3005, subdivision 4, is amended to read:

Subd. 4. [INTERIM PROCEDURES; URGENCIES.] If federal money becomes available to the state for expenditure after the deadline in subdivision 2 or while the legislature is not in session, and the availability of money from that source or for that purpose or in that fiscal year could not reasonably have been anticipated and included in the governor's budget request, and an urgency requires that all or part of the money be allotted before the legislature reconvenes or prior to the end of the 20 day period specified in subdivision 2, it may be allotted to a state agency after the requirements of subdivision 5 are met.

Sec. 7. Minnesota Statutes 2000, section 3.3005, subdivision 5, is amended to read:

Subd. 5. [LEGISLATIVE ADVISORY COMMISSION REVIEW.] Federal money that becomes available under subdivisions 3 ~~and 3a, 3b, or 4~~ may be allotted after the commissioner of finance has submitted the request to the members of the legislative advisory commission for their review and recommendation for further review. If a recommendation is not made within ten days, no further review by the legislative advisory commission is required, and the commissioner shall approve or disapprove the request. If a recommendation by any member is for further review the governor shall submit the request to the legislative advisory commission for its review and recommendation. Failure or refusal of the commission to make a recommendation promptly is a negative recommendation.

Sec. 8. Minnesota Statutes 2000, section 3.3005, is amended by adding a subdivision to read:

Subd. 6. [INTERIM PROCEDURES; NONURGENCIES.] If federal money becomes available to the state for expenditure after the deadline in subdivision 2 or while the legislature is not in session, and subdivision 4 does not apply, a request to expend the federal money may be submitted by the commissioner of finance to members of the legislative advisory commission for their review and recommendation. This request must be submitted by October 1 of any year. If any member of the commission makes a negative recommendation or a recommendation for further review on a request by October 20 of the same year, the commissioner shall not approve expenditure of that federal money. If a request to expend federal money submitted under this subdivision receives a negative recommendation or a recommendation for further review, the request may be submitted again under subdivision 2. If the members of the commission make a positive recommendation or no recommendation, the commissioner shall approve or disapprove the request and the federal money may be allotted for expenditure.

Sec. 9. Minnesota Statutes 2000, section 3.305, is amended by adding a subdivision to read:

Subd. 9. [PUBLIC INFORMATION.] The legislative coordinating commission shall establish an office to provide information to the public about the legislature, including legislative process and legislative proceedings, and to perform related duties as assigned by the commission.

Sec. 10. Minnesota Statutes 2000, section 3.305, is amended by adding a subdivision to read:

Subd. 10. [TELEVISION.] The legislative coordinating commission shall establish an office to provide for television production and transmission of legislative proceedings, and to perform related duties as assigned by the commission.

Sec. 11. [3.306] [MEETING TIMES.]

The house of representatives and the senate must adopt rules that set one time as the regular hour of convening daily sessions in both houses.

Sec. 12. [3.3061] [JOINT STANDING COMMITTEES.]

The house of representatives and the senate must adopt rules that establish a system of joint standing committees to consider and report on legislation and conduct other legislative business, except that each house may establish separately a committee on rules and administration and a committee on ethics.

Sec. 13. Minnesota Statutes 2000, section 3.855, subdivision 3, is amended to read:

Subd. 3. [OTHER SALARIES AND COMPENSATION PLANS.] The commission shall also:

(1) review and approve, reject, or modify a plan for compensation and terms and conditions of employment prepared and submitted by the commissioner of employee relations under section 43A.18, subdivision 2, covering all state employees who are not represented by an exclusive bargaining representative and whose compensation is not provided for by chapter 43A or other law;

(2) review and approve, reject, or modify a plan for total compensation and terms and conditions of employment for employees in positions identified as being managerial under section 43A.18, subdivision 3, whose salaries and benefits are not otherwise provided for in law or other plans established under chapter 43A;

(3) review and approve, reject, or modify recommendations for salaries submitted by the governor or other appointing authority under section ~~43A.18~~ 15A.0815, subdivision 5, covering agency head positions listed in section 15A.0815;

(4) review and approve, reject, or modify recommendations for salaries of officials of higher education systems under section 15A.081, ~~subdivision~~ subdivisions 7b and 7c; and

(5) review and approve, reject, or modify plans for compensation, terms, and conditions of employment proposed under section 43A.18, subdivisions 3a and 4.

Sec. 14. Minnesota Statutes 2000, section 3.97, subdivision 3a, is amended to read:

Subd. 3a. [EVALUATION TOPICS.] (a) The commission shall periodically select topics for the legislative auditor to evaluate. Topics may include any agency, program, or activity established by law to achieve a state purpose, or any topic that affects the operation of state government, but the commission shall give primary consideration to topics that are likely, upon examination, to produce recommendations for cost savings, increased productivity, or the elimination of duplication among public agencies. Legislators and legislative committees may suggest topics for evaluation, but the legislative auditor shall only conduct evaluations approved by the commission.

(b) In selecting program evaluation topics for the auditor, the commission must consider directing the auditor to conduct limited topic scoping reviews at the request of individual legislators. Upon completion of the limited review, the commission may direct the auditor to conduct a more complete evaluation.

Sec. 15. Minnesota Statutes 2000, section 3.979, is amended by adding a subdivision to read:

Subd. 5. [COMMISSIONER'S OPINION; LEGISLATIVE AUDITOR ACCESS TO DATA.] If, after the commissioner of administration issues an opinion under section 13.072 that a person requesting access to data held by a state agency is entitled to that access, the state agency continues to refuse to provide the data or the person making the request is told that the data sought does not exist, the legislative audit commission may instruct the legislative auditor to review all state agency data related to the request. Following the review, the legislative auditor shall provide all public data obtained, if any, to the legislative audit commission.

[EFFECTIVE DATE.] This section is effective July 1, 2001, and applies to commissioner's opinions issued after that date.

Sec. 16. Minnesota Statutes 2000, section 3.98, subdivision 2, is amended to read:

Subd. 2. [CONTENTS.] (a) The fiscal note, where possible, shall: (1) cite the effect in dollar amounts; (2) cite the statutory provisions affected; (3) estimate the increase or decrease in revenues or expenditures; (4) include the costs which may be absorbed without additional funds; ~~and~~ (5) include the assumptions used in determining the cost estimates; and (6) specify any long-range implication.

(b) The fiscal note may comment on technical or mechanical defects in the bill but shall express no opinions concerning the merits of the proposal.

Sec. 17. [3.99] [LEGISLATIVE COMMISSION ON METROPOLITAN GOVERNMENT.]

Subdivision 1. [ESTABLISHED.] The legislative commission on metropolitan government is established to oversee the metropolitan council's operating and capital budgets, work program, and capital improvement program.

Subd. 2. [MEMBERSHIP.] The commission consists of four senators appointed by the senate subcommittee on committees of the committee on rules and administration, three senators appointed by the senate minority leader, four state representatives appointed by the speaker of the house, and three state representatives appointed by the house minority leader. All members must reside in or represent a portion of the seven-county metropolitan area. The appointing authorities must insure balanced geographic representation. Each appointing authority must make appointments as soon as possible after the opening of the next regular session of the legislature in each odd-numbered year.

Subd. 3. [TERMS; VACANCIES.] Members of the commission serve for a two-year term beginning upon appointment and expiring upon appointment of a successor after the opening of the next regular session of the legislature in the odd-numbered year. A vacancy in the membership of the commission must be filled for the unexpired term in a manner that will preserve the representation established by this section.

Subd. 4. [CHAIR.] The commission must meet as soon as practicable after members are appointed in each odd-numbered year to elect its chair and other officers as it may determine necessary. A chair serves a two-year term, expiring in the odd-numbered year after a successor is elected. The chair must alternate biennially between the senate and the house.

Subd. 5. [COMPENSATION.] Members serve without compensation but may be reimbursed for their reasonable expenses as members of the legislature.

Subd. 6. [STAFF.] Legislative staff must provide administrative and research assistance to the commission.

Subd. 7. [MEETINGS; PROCEDURES.] The commission meets at the call of the chair. If there is a quorum, the commission may take action by a simple majority vote of commission members present.

Subd. 8. [POWERS; DUTIES; METROPOLITAN COUNCIL LEVY, BUDGET OVERSIGHT.] The commission must monitor, review, and make recommendations to the metropolitan council and to the legislature for the following calendar year on:

(1) the tax rate and dollar amount of the metropolitan council's property tax levies and any proposed increases in the rate or dollar amount of tax;

(2) any request for an increase in the debt of the metropolitan council;

(3) the overall work and role of the metropolitan council;

(4) the metropolitan council's proposed operating and capital budgets, work program, and capital improvement program; and

(5) the metropolitan council's implementation of the operating and capital budgets, work program, and capital improvement program.

Subd. 9. [POWERS; DUTIES; METROPOLITAN COUNCIL APPOINTMENTS OVERSIGHT.] The commission must monitor appointments to the metropolitan council and may make recommendations on appointments to the nominating committee under section 473.123, subdivision 3, or to the governor before the governor makes the appointments. The commission may also make recommendations to the senate before appointments are presented to the senate for its advice and consent.

Sec. 18. Minnesota Statutes 2000, section 4A.05, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE.] The purpose of the land management information center is to foster integration of land use and environmental information and provide services in computer mapping and graphics, environmental analysis, and small systems development. The director, through the center, shall periodically study land use and natural resources on the basis of county, regional, and other political subdivisions.

Sec. 19. Minnesota Statutes 2000, section 4A.07, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] (a) "Local unit of government" means a county, statutory or home rule charter city, town, or watershed district.

(b) "Sustainable development" means development that ~~maintains or enhances economic opportunity and community well-being~~ promotes and enhances the dynamic and adaptive nature of communities while protecting ~~and restoring~~ the natural environment ~~upon which people and economies depend~~. Sustainable development meets the needs of the present and recognizes that adaptation in response to economic changes can be achieved without compromising the ability of future generations to meet their own needs.

Sec. 20. Minnesota Statutes 2000, section 4A.07, subdivision 2, is amended to read:

Subd. 2. [PLANNING GUIDE.] The office of strategic and long-range planning must develop and publish a planning guide for local units of government to plan for sustainable development, based on the principles of sustainable development ~~adopted by the environmental quality board with advice of the governor's round table on sustainable development~~ land use planning as stated in this section. The office must make the planning guide available to members of the public and to local units of government within the state.

Sec. 21. Minnesota Statutes 2000, section 4A.07, subdivision 4, is amended to read:

Subd. 4. [SPECIFICITY AND DISTRIBUTION.] The ~~model ordinance~~ planning guide must specify the technical and administrative procedures to guide sustainable development. ~~When adopted by a local unit of government, the model ordinance is the minimum regulation to guide sustainable development that may be adopted~~ local units may use when developing land use ordinances and controls. Upon completion, the office of strategic and long-range planning must notify local units of government that the ~~model ordinance~~ planning guide is available, and must distribute it to interested local units. The director must also make an electronic version of the planning guide available on the Internet free of charge through the North Star information service.

Sec. 22. Minnesota Statutes 2000, section 4A.07, subdivision 5, is amended to read:

Subd. 5. [PERIODIC REVIEW.] At least once every five years, the planning office must review the ~~model ordinance~~ planning guide and its use with local units of government to ensure its continued applicability and relevance.

Sec. 23. Minnesota Statutes 2000, section 4A.08, is amended to read:

4A.08 [~~COMMUNITY-BASED~~ SUSTAINABLE LAND USE PLANNING GOALS.]

Subdivision 1. [GOALS.] The goals of ~~community-based~~ sustainable land use planning are:

(1) [~~CITIZEN RESIDENT~~ PARTICIPATION.] To develop a ~~community-based~~ local planning process ~~with broad citizen participation in order to build local capacity to plan for sustainable development and to benefit from the insights, knowledge, and support of local residents built upon input from members of the community. The plans should ensure that land use controls remain flexible in order to accommodate consumer-driven changes in land use. The process must should include at least one citizen from local residents and area businesses, including land development professionals, and representatives from~~ each affected unit of local government;

(2) [~~COOPERATION~~.] To promote cooperation among communities to work towards ~~the most efficient, planned, and cost-effective delivery of government services by, among other means, facilitating cooperative agreements among adjacent communities and to coordinate planning to ensure compatibility of one community's development with development of neighboring communities;~~

(3) [~~ECONOMIC DEVELOPMENT~~.] To create ~~sustainable economic development strategies and provide economic opportunities throughout the state that will achieve a balanced distribution of growth statewide;~~

~~(4) [CONSERVATION.] To protect, preserve, and enhance the state's natural resources, including agricultural land, forests, surface water and groundwater, recreation and open space, scenic areas, and significant historic and archaeological sites;~~

~~(5) [LIVABLE COMMUNITY DESIGN.] To strengthen communities by following the principles of livable community design in development and redevelopment, including integration of all income and age groups, mixed land uses and compact development, affordable and life-cycle housing, green spaces, access to public transit, bicycle and pedestrian ways, and enhanced aesthetics and beauty in public spaces;~~

~~(6) [HOUSING.] To provide and preserve an adequate supply of affordable and life-cycle housing throughout the state;~~

~~(7) [TRANSPORTATION.] To focus on the movement of people and goods, rather than on the movement of automobiles, in transportation planning, and to maximize the efficient use of the transportation infrastructure by increasing the availability and use of appropriate public transit throughout the state through land-use planning and design that makes public transit economically viable and desirable;~~

~~(8) [LAND-USE PLANNING.] To establish a community-based framework as a basis for all decisions and actions related to land use;~~

~~(9) [PUBLIC INVESTMENTS.] To account for the full environmental, social, and economic costs of new development, including infrastructure costs such as transportation, sewers and wastewater treatment, water, schools, recreation, and open space, and plan the funding mechanisms necessary to cover the costs of the infrastructure;~~

~~(10) [PUBLIC EDUCATION.] To support research and public education on a community's and the state's finite capacity to accommodate growth, and the need for planning and resource management that will sustain growth; and~~

~~(11) [SUSTAINABLE DEVELOPMENT.] To provide a better quality of life for all residents while maintaining nature's ability to function over time by minimizing waste, preventing pollution, promoting efficiency, and developing local resources to revitalize the local economy.~~

(4) [PRESERVE LOCAL AUTONOMY.] To avoid prescriptive, centralized plans that attempt to determine the detailed outcome of community form and function. Such "comprehensive" plans interfere with the dynamic and adaptive nature of communities;

(5) [ACCOMMODATE RESIDENT CHOICES.] To allow population densities and land uses that are community driven and avoid inflexible, centrally directed land use decisions that may result in unforeseen consequences;

(6) [PRESERVE PROPERTY RIGHTS.] To incorporate private property rights in local planning procedures as a fundamental element of both economic development and environmental protection. Problems of incompatible or conflicting land uses are better resolved through the common law principles of nuisance than through zoning regulations which tend to be rigid and inefficient;

(7) [PAY AS YOU GROW.] To evaluate sustainable land use plans and other local growth management policies according to their cost of living and burden-shifting effects. Urban growth boundaries, minimum lot sizes, population density ratios, restrictions on housing development, restrictions on commercial development, and other limits on freely functioning land markets increase burdens on lower income groups and should be avoided; and

(8) [DIVERSE PERSPECTIVES.] To develop sustainable land use plans that are based on comprehensive research as well as citizen preferences is crucial to the continued progress of local communities.

Subd. 2. [CONSISTENCY WITH GOALS.] State agencies must ensure to the greatest extent possible that their objectives, plans, and programs are not in conflict with the sustainable land use planning goals in subdivision 1.

Sec. 24. Minnesota Statutes 2000, section 4A.09, is amended to read:

4A.09 [TECHNICAL ASSISTANCE.]

The office shall provide local governments technical and financial assistance in preparing ~~their comprehensive sustainable land use plans to that~~ meet the ~~community-based planning~~ goals in section 4A.08.

Sec. 25. Minnesota Statutes 2000, section 4A.10, is amended to read:

4A.10 [PLAN REVIEW AND COMMENT.]

The office of strategic and long-range planning shall, over time, compile and review and comment on ~~community-based comprehensive~~ all local land use plans prepared by being developed or currently in effect for counties, ~~including the community-based comprehensive plans of municipalities, and towns that are incorporated into a county's plan, as required in section 394.232, subdivision 3.~~ The purpose of this review is to determine the extent to which local land use plans conform with section 4A.08. Local units must provide copies of their completed plans or draft plans to the office as requested. The director must insure that this review does not interfere with the office's responsibility to provide planning assistance.

Sec. 26. [4A.11] [PLANNING ASSISTANCE.]

Subdivision 1. [DEFINITION.] "Planning assistance" means but is not limited to: guidance documents to aid local units of government in compiling agreements, ordinances, and organizational structures for the planning process, capital improvement planning, housing, economic development, and public participation; coordination of state agency involvement in local sustainable planning, including identification of regional areas that are owned, leased or otherwise controlled by the state; application of geographical information systems and other technology; and population projections, estimates, and other available data including soils, geology, natural areas, and other physical data.

Subd. 2. [MINNESOTA PLANNING TO PROVIDE ASSISTANCE.] The office of strategic and long-range planning shall provide planning assistance to local units of government, including assistance to meet the planning goals in section 4A.08. The office shall provide technical assistance and review and comment on land use plans prepared by counties, municipalities, and towns, and it may not withhold assistance from local governments that chose to deviate from recommendations offered by the office. The office shall place a priority on requests for assistance from townships and small cities.

Sec. 27. [5.075] [SECRETARY OF STATE REVOLVING FUND.]

Notwithstanding other law to the contrary, all fees and other revenue received by the secretary of state, other than fees related to election duties, must be deposited in a secretary of state revolving fund. Money in the fund is continuously appropriated to the secretary of state.

Sec. 28. [6.025] [STATE AUDITOR REVOLVING FUND.]

All revenue from billings and other fees received by the state auditor must be deposited in a state auditor revolving fund. Money in the fund is continuously appropriated to the state auditor.

Sec. 29. Minnesota Statutes 2000, section 6.48, is amended to read:

6.48 [EXAMINATION OF COUNTIES; COST, FEES.]

All the powers and duties conferred and imposed upon the state auditor shall be exercised and performed by the state auditor in respect to the offices, institutions, public property, and improvements of several counties of the state. At least once in each year, if funds and personnel permit, the state auditor shall visit, without previous notice, each

county and make a thorough examination of all accounts and records relating to the receipt and disbursement of the public funds and the custody of the public funds, including the game and fish funds, and other property. The state auditor shall prescribe and install systems of accounts and financial reports that shall be uniform, so far as practicable, for the same class of offices. A copy of the report of such examination shall be filed and be subject to public inspection in the office of the state auditor and another copy in the office of the auditor of the county thus examined. The state auditor may accept the records and audit, or any part thereof, of the department of human services in lieu of examination of the county social welfare funds, if such audit has been made within any period covered by the state auditor's audit of the other records of the county. If any such examination shall disclose malfeasance, misfeasance, or nonfeasance in any office of such county, such report shall be filed with the county attorney of the county, and the county attorney shall institute such civil and criminal proceedings as the law and the protection of the public interests shall require.

The county receiving such examination, and the division of game and fish of the department of natural resources of the state of Minnesota, in the case of the examination of the game and fish funds, shall pay to the state ~~general~~ auditor revolving fund, notwithstanding the provisions of section 16A.125, the total cost and expenses of such examinations, including the salaries paid to the examiners while actually engaged in making such examination. The state auditor on deeming it advisable may bill counties, having a population of 200,000 or over, monthly for services rendered and the officials responsible for approving and paying claims shall cause said bill to be promptly paid. The ~~general~~ state auditor revolving fund shall be credited with all collections made for any such examinations.

Sec. 30. Minnesota Statutes 2000, section 6.56, subdivision 2, is amended to read:

Subd. 2. [BILLINGS BY STATE AUDITOR.] Upon the examination of the books, records, accounts, and affairs of any political subdivision, as provided by law, such political subdivision shall be liable to the state for the total cost and expenses of such examination, including the salaries paid to the examiners while actually engaged in making such examination. The state auditor may bill such political subdivision monthly for service rendered and the officials responsible for approving and paying claims are authorized to pay said bill promptly. Said payments shall be without prejudice to any defense against said claims that may exist or be asserted. The ~~general~~ state auditor revolving fund shall be credited with all collections made for any such examinations, including interest payments made pursuant to subdivision 3.

Sec. 31. Minnesota Statutes 2000, section 6.58, is amended to read:

6.58 [GENERAL FUND.]

The ~~general~~ state auditor revolving fund shall be used to provide personnel, pay other expenses, and for the acquisition of equipment used in connection with reimbursable examinations and other duties pursuant to law. When full-time personnel are not available, the state auditor may contract with private persons, firms, or corporations for accounting and other technical services. Notwithstanding any law to the contrary, the acquisition of equipment may include duplicating equipment to be used in producing the reports issued by the department. All receipts from such reimbursable examinations shall be deposited in the general fund. The state auditor is directed to adjust the schedule of charges for such examinations to provide that such charges shall be sufficient to cover all costs of such examinations and that the aggregate charges collected shall be sufficient to pay all salaries and other expenses including charges for the use of the equipment used in connection with such reimbursable examinations and including the cost of contracting for accounting and other technical services. The schedule of charges shall be based upon an estimate of the cost of performing reimbursable examinations including, but not limited to, salaries, office overhead, equipment, authorized contracts, and other expenses. The state auditor may allocate a proportionate part of the total costs to an hourly or daily charge for each person or class of persons engaged in the performance of an examination. The schedule of charges shall reflect an equitable charge for the expenses incurred in the performance of any given examination. The state auditor shall review and adjust the schedule of charges for such examinations at least annually and have all schedules of charges approved by the commissioner of finance before they are adopted so as to ensure that the amount collected shall be sufficient to pay all the costs connected with such examinations during the fiscal year.

Sec. 32. Minnesota Statutes 2000, section 7.09, subdivision 1, is amended to read:

Subdivision 1. [PROCEDURE.] The state treasurer is authorized to receive and accept, on behalf of the state, any gift, bequest, devise, or endowment which may be made by any person, by will, deed, gift, or otherwise, to or for the benefit of the state, or any of its departments or agencies, or to or in aid, or for the benefit, support, or maintenance of any educational, charitable, or other institution maintained in whole or in part by the state, or for the benefit of students, employees, or inmates thereof, or for any proper state purpose or function, and the money, property, or funds constituting such gift, bequest, devise, or endowment. No such gift, bequest, devise, or endowment ~~whose value is equal to or exceeds \$10,000 shall be so accepted unless the commissioner of finance and the state treasurer determine~~ determines that it is for the interest of the state to accept it, and approve of and direct the acceptance. ~~If the value is less than \$10,000, only the state treasurer need determine that it is for the interest of the state to accept it, and approve of and direct the acceptance. If a gift, bequest, devise, or endowment is money or other negotiable instruments, then the deposit of it does not constitute acceptance. In the event that the money or other negotiable instruments are deposited but not approved, the amount deposited must be refunded.~~ When, in order to effect the purpose for which any gift, bequest, devise, or endowment has been accepted, it is necessary to sell property so received, the state treasurer, upon request of the authority in charge of the agency, department, or institution concerned, may sell it at a price which shall be fixed by the state board of investment.

Sec. 33. Minnesota Statutes 2000, section 10A.01, subdivision 21, is amended to read:

Subd. 21. [LOBBYIST.] (a) "Lobbyist" means an individual:

(1) engaged for pay or other consideration, or authorized to spend money by another individual, association, political subdivision, or public higher education system, who spends more than five hours in any month or more than \$250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials; or

(2) who spends more than \$250, not including the individual's own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials.

(b) "Lobbyist" does not include:

(1) a public official;

(2) an employee of the state, including an employee of any of the public higher education systems;

(3) an elected local official;

(4) a nonelected local official or an employee of a political subdivision acting in an official capacity, unless the nonelected official or employee of a political subdivision spends more than ~~50~~ five hours in any month attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit other than the political subdivision employing the official or employee, by communicating or urging others to communicate with public or local officials, including time spent monitoring legislative or administrative action, or the official action of a metropolitan governmental unit, and related research, analysis, and compilation and dissemination of information relating to legislative or administrative policy in this state, or to the policies of metropolitan governmental units;

(5) a party or the party's representative appearing in a proceeding before a state board, commission, or agency of the executive branch unless the board, commission, or agency is taking administrative action;

(6) an individual while engaged in selling goods or services to be paid for by public funds;

(7) a news medium or its employees or agents while engaged in the publishing or broadcasting of news items, editorial comments, or paid advertisements which directly or indirectly urge official action;

(8) a paid expert witness whose testimony is requested by the body before which the witness is appearing, but only to the extent of preparing or delivering testimony; or

(9) a party or the party's representative appearing to present a claim to the legislature and communicating to legislators only by the filing of a claim form and supporting documents and by appearing at public hearings on the claim.

Sec. 34. Minnesota Statutes 2000, section 11A.075, is amended to read:

11A.075 [~~DISCLOSURE OF EXPENSE REIMBURSEMENT.~~]

(a) A member or employee of the state board must annually disclose expenses paid for or reimbursed by: (1) each investment advisor, consultant, or outside money manager under contract to the state board; (2) each investment advisor, consultant, or outside money manager that has bid on a contract offered by the state board during that year; and (3) each business, including officers or employees of the business, in which the state board has invested money under the board's control during the annual reporting period. The disclosure requirement of this paragraph does not apply to expenses or reimbursements from an investment advisor, consultant, money manager or business if the board member or employee received less than \$50 during the annual reporting period from that person or entity.

(b) For purposes of this section, expenses include payments or reimbursements for meals, entertainment, transportation, lodging, and seminars.

(c) A member of the state board must disclose any contract or other arrangement under which the member will perform services for compensation as a consultant, employee, or independent contractor for a person or entity other than the state. The disclosure must include the person or entity for whom services will be performed, the duration of the arrangement, and the compensation that the member of the state board will receive under the arrangement. The disclosure must be made to the campaign finance and public disclosure board on a form provided by the board. Disclosure must be made before the member begins to perform the services, or within 30 days after the member agrees to perform the services, whichever is sooner.

(d) The disclosure required by this section paragraph (a) must be filed with the campaign finance and public disclosure board by April 15 each year. Each disclosure report must cover the previous calendar year. The statement must be on a form provided by the campaign finance and public disclosure board. An individual who fails to file the form required by this section or who files false information, is subject to penalties specified in sections 10A.09 and 10A.025, subdivision 2.

Sec. 35. Minnesota Statutes 2000, section 15.059, subdivision 5a, is amended to read:

Subd. 5a. [LATER EXPIRATION.] Notwithstanding subdivision 5, the advisory councils and committees listed in this subdivision do not expire June 30, 1997. These groups expire June 30, 2001, unless the law creating the group or this subdivision specifies an earlier expiration date.

Investment advisory council, created in section 11A.08;

Intergovernmental information systems advisory council, created in section 16B.42, expires June 30, 1999;

Feedlot and manure management advisory committee, created in section 17.136;

Aquaculture advisory committee, created in section 17.49;

Dairy producers board, created in section 17.76;

Pesticide applicator education and examination review board, created in section 18B.305;

Advisory seed potato certification task force, created in section 21.112;

Food safety advisory committee, created in section 28A.20;

Minnesota organic advisory task force, created in section 31.95;

Public programs risk adjustment work group, created in section 62Q.03;

Workers' compensation self-insurers' advisory committee, created in section 79A.02;

Youth corps advisory committee, created in section 84.0887;

Iron range off-highway vehicle advisory committee, created in section 85.013;

Mineral coordinating committee, created in section 93.002;

Game and fish fund citizen advisory committees, created in section 97A.055;

Wetland heritage advisory committee, created in section 103G.2242;

Wastewater treatment technical advisory committee, created in section 115.54;

Solid waste management advisory council, created in section 115A.12;

Nuclear waste council, created in section 116C.711;

Genetically engineered organism advisory committee, created in section 116C.93;

Environment and natural resources trust fund advisory committee, created in section 116P.06;

Child abuse prevention advisory council, created in section 119A.13;

Chemical abuse and violence prevention council, created in section 119A.293;

Youth neighborhood centers advisory board, created in section 119A.295;

Interagency coordinating council, created in section 125A.28, expires June 30, 1999;

Desegregation/integration advisory board, created in section 124D.892;

Nonpublic education council, created in section 123B.445;

Permanent school fund advisory committee, created in section 127A.30;

Indian scholarship committee, created in section 124D.84, subdivision 2;

American Indian education committees, created in section 124D.80;

Summer scholarship advisory committee, created in section 124D.95;

Multicultural education advisory committee, created in section 124D.894;

Male responsibility and fathering grants review committee, created in section 124D.33;

Library for the blind and physically handicapped advisory committee, created in section 134.31;

Higher education advisory council, created in section 136A.031;

Student advisory council, created in section 136A.031;

Cancer surveillance advisory committee, created in section 144.672;

Maternal and child health task force, created in section 145.881;

State community health advisory committee, created in section 145A.10;

~~Mississippi River Parkway commission, created in section 161.1419;~~

School bus safety advisory committee, created in section 169.435;

Advisory council on workers' compensation, created in section 175.007;

Code enforcement advisory council, created in section 175.008;

Medical services review board, created in section 176.103;

Apprenticeship advisory council, created in section 178.02;

OSHA advisory council, created in section 182.656;

Health professionals services program advisory committee, created in section 214.32;

Rehabilitation advisory council for the blind, created in section 248.10;

American Indian advisory council, created in section 254A.035;

Alcohol and other drug abuse advisory council, created in section 254A.04;

Medical assistance drug formulary committee, created in section 256B.0625;

Home care advisory committee, created in section 256B.071;

Preadmission screening, alternative care, and home and community-based services advisory committee, created in section 256B.0911;

Traumatic brain injury advisory committee, created in section 256B.093;

Minnesota commission serving deaf and hard-of-hearing people, created in section 256C.28;

American Indian child welfare advisory council, created in section 260.835;

Juvenile justice advisory committee, created in section 268.29;

Northeast Minnesota economic development fund technical advisory committees, created in section 298.2213;

Iron range higher education committee, created in section 298.2214;

Northeast Minnesota economic protection trust fund technical advisory committee, created in section 298.297;

Advisory council on battered women and domestic abuse, created in section 611A.34.

Sec. 36. Minnesota Statutes 2000, section 15.50, subdivision 2, is amended to read:

Subd. 2. [CAPITOL AREA PLAN.] (a) The board shall prepare, prescribe, and from time to time, after a public hearing, amend a comprehensive use plan for the capitol area, called the area in this subdivision, which consists of that portion of the city of Saint Paul comprehended within the following boundaries: Beginning at the point of intersection of the center line of the Arch-Pennsylvania freeway and the center line of Marion Street, thence southerly along the center line of Marion Street extended to a point 50 feet south of the south line of Concordia Avenue, thence southeasterly along a line extending 50 feet from the south line of Concordia Avenue to a point 125 feet from the west line of John Ireland Boulevard, thence southwesterly along a line extending 125 feet from the west line of John Ireland Boulevard to the south line of Dayton Avenue, thence northeasterly from the south line of Dayton Avenue to the west line of John Ireland Boulevard, thence northeasterly to the center line of the intersection of Old Kellogg Boulevard and Summit Avenue, thence northeasterly along the center line of Summit Avenue to the center line of the new West Kellogg Boulevard, thence southerly along the east line of the new West Kellogg Boulevard, to the center line of West Seventh Street, thence northeasterly along the center line of West Seventh Street to the center line of the Fifth Street ramp, thence northwesterly along the center line of the Fifth Street ramp to the east line of the right-of-way of Interstate Highway 35-E, thence northeasterly along the east line of the right-of-way of Interstate Highway 35-E to the south line of the right-of-way of Interstate Highway 94, thence easterly along the south line of the right-of-way of Interstate Highway 94 to the west line of St. Peter Street, thence southerly to the south line of Exchange Street, thence easterly along the south line of Exchange Street to the west line of Cedar Street, thence northerly along the west line of Cedar Street to the center line of Tenth Street, thence northeasterly along the center line of Tenth Street to the center line of Minnesota Street, thence northwesterly along the center line of Minnesota Street to the center line of Eleventh Street, thence northeasterly along the center line of Eleventh Street to the center line of Jackson Street, thence northwesterly along the center line of Jackson Street to the center line of the Arch-Pennsylvania freeway extended, thence westerly along the center line of the Arch-Pennsylvania freeway extended and Marion Street to the point of origin.

Under the comprehensive plan, or a portion of it, the board may regulate, by means of zoning rules adopted under the Administrative Procedure Act, the kind, character, height, and location, of buildings and other structures constructed or used, the size of yards and open spaces, the percentage of lots that may be occupied, and the uses of land, buildings and other structures, within the area. To protect and enhance the dignity, beauty, and architectural integrity of the capitol area, the board is further empowered to include in its zoning rules design review procedures and standards with respect to any proposed construction activities in the capitol area significantly affecting the dignity, beauty, and architectural integrity of the area. No person may undertake these construction activities as defined in the board's rules in the capitol area without first submitting construction plans to the board, obtaining a zoning permit from the board, and receiving a written certification from the board specifying that the person has complied with all design review procedures and standards. Violation of the zoning rules is a misdemeanor. The board may, at its option, proceed to abate any violation by injunction. The board and the city of Saint Paul shall cooperate in assuring that the area adjacent to the capitol area is developed in a manner that is in keeping with the purpose of the board and the provisions of the comprehensive plan.

(b) The commissioner of administration shall act as a consultant to the board with regard to the physical structural needs of the state. The commissioner shall make studies and report the results to the board when it requests reports for its planning purpose.

(c) No public building, street, parking lot, or monument, or other construction may be built or altered on any public lands within the area unless the plans for the project conform to the comprehensive use plan as specified in paragraph (d) and to the requirement for competitive plans as specified in paragraph (e). No alteration substantially changing the external appearance of any existing public building approved in the comprehensive plan or the exterior or interior design of any proposed new public building the plans for which were secured by competition under

paragraph (e) may be made without the prior consent of the board. The commissioner of administration shall consult with the board regarding internal changes having the effect of substantially altering the architecture of the interior of any proposed building.

(d) The comprehensive plan must show the existing land uses and recommend future uses including: areas for public taking and use; zoning for private land and criteria for development of public land, including building areas, open spaces, monuments, and other memorials; vehicular and pedestrian circulation; utilities systems; vehicular storage; elements of landscape architecture. No substantial alteration or improvement may be made to public lands or buildings in the area without the written approval of the board.

(e) The board shall secure by competitions plans for any new public building. Plans for any comprehensive plan, landscaping scheme, street plan, or property acquisition that may be proposed, or for any proposed alteration of any existing public building, landscaping scheme or street plan may be secured by a similar competition. A competition must be conducted under rules prescribed by the board and may be of any type which meets the competition standards of the American Institute of Architects. Designs selected become the property of the state of Minnesota, and the board may award one or more premiums in each competition and may pay the costs and fees that may be required for its conduct. At the option of the board, plans for projects estimated to cost less than \$1,000,000 may be approved without competition provided the plans have been considered by the advisory committee described in paragraph (h). Plans for projects estimated to cost less than \$400,000 and for construction of streets need not be considered by the advisory committee if in conformity with the comprehensive plan.

(f) Notwithstanding paragraph (e), an architectural competition is not required for the design of any light rail transit station and alignment within the capitol area. The board and its advisory committee shall select a preliminary design for any transit station in the capitol area. Each stage of any station's design through working drawings must be reviewed by the board's advisory committee and approved by the board to ensure that the station's design is compatible with the comprehensive plan for the capitol area and the board's design criteria. The guideway and track design of any light rail transit alignment within the capitol area must also be reviewed by the board's advisory committee and approved by the board.

(g) Of the amount available for the light rail transit design, adequate funds must be available to the board for design framework studies and review of preliminary plans for light rail transit alignment and stations in the capitol area.

(h) The board may not adopt any plan under paragraph (e) unless it first receives the comments and criticism of an advisory committee of three persons, each of whom is either an architect or a planner, who have been selected and appointed as follows: one by the board of the arts, one by the board, and one by the Minnesota Society of the American Institute of Architects. Members of the committee may not be contestants under paragraph (e). The comments and criticism must be a matter of public information. The committee shall advise the board on all architectural and planning matters. For that purpose, the committee must be kept currently informed concerning, and have access to, all data, including all plans, studies, reports and proposals, relating to the area as the data are developed or in the process of preparation, whether by the commissioner of administration, the commissioner of trade and economic development, the metropolitan council, the city of Saint Paul, or by any architect, planner, agency or organization, public or private, retained by the board or not retained and engaged in any work or planning relating to the area, and a copy of any data prepared by any public employee or agency must be filed with the board promptly upon completion.

The board may employ stenographic or technical help that may be reasonable to assist the committee to perform its duties.

When so directed by the board, the committee may serve as, and any member or members of the committee may serve on, the jury or as professional advisor for any architectural competition, and the board shall select the architectural advisor and jurors for any competition with the advice of the committee.

The city of Saint Paul shall advise the board.

(i) The comprehensive plan for the area must be developed and maintained in close cooperation with the commissioner of trade and economic development, the planning department and the council for the city of Saint Paul, and the board of the arts, and no plan or amendment of a plan may be effective without 90 days' notice to the planning department of the city of Saint Paul and the board of the arts and without a public hearing with opportunity for public testimony.

(j) The board and the commissioner of administration, jointly, shall prepare, prescribe, and from time to time revise standards and policies governing the repair, alteration, furnishing, appearance, and cleanliness of the public and ceremonial areas of the state capitol building. The board shall consult with and receive advice from the director of the Minnesota state historical society regarding the historic fidelity of plans for the capitol building. The standards and policies developed under this paragraph are binding upon the commissioner of administration. The provisions of chapter 14, including section 14.386, do not apply to this paragraph.

(k) The board in consultation with the commissioner of administration shall prepare and submit to the legislature and the governor no later than October 1 of each even-numbered year a report on the status of implementation of the comprehensive plan together with a program for capital improvements and site development, and the commissioner of administration shall provide the necessary cost estimates for the program. The board shall report any changes to the comprehensive plan adopted by the board to the committee on governmental operations and gambling of the house of representatives and the committee on governmental operations and reform of the senate and upon request shall provide testimony concerning the changes. The board shall also provide testimony to the legislature on proposals for memorials in the capitol area as to their compatibility with the standards, policies, and objectives of the comprehensive plan.

(l) The state shall, by the attorney general upon the recommendation of the board and within appropriations available for that purpose, acquire by gift, purchase, or eminent domain proceedings any real property situated in the area described in this section, and it may also acquire an interest less than a fee simple interest in the property, if it finds that the property is needed for future expansion or beautification of the area.

(m) The board is the successor of the state veterans service building commission, and as such may adopt rules and may reenact the rules adopted by its predecessor under Laws 1945, chapter 315, and amendments to it.

(n) The board shall meet at the call of the chair and at such other times as it may prescribe.

(o) The commissioner of administration shall assign quarters in the state veterans service building to (1) the department of veterans affairs, of which a part that the commissioner of administration and commissioner of veterans affairs may mutually determine must be on the first floor above the ground, and (2) the American Legion, Veterans of Foreign Wars, Disabled American Veterans, Military Order of the Purple Heart, United Spanish War Veterans, and Veterans of World War I, and their auxiliaries, incorporated, or when incorporated, under the laws of the state, and (3) as space becomes available, to other state departments and agencies as the commissioner may deem desirable.

Sec. 37. Minnesota Statutes 2000, section 15.50, is amended by adding a subdivision to read:

Subd. 2b. [COMPUTER SYSTEMS.] The commissioner of administration must provide, at no charge, the board's connections to state computer networks and other support for the board's computer systems.

Sec. 38. Minnesota Statutes 2000, section 15A.0815, subdivision 1, is amended to read:

Subdivision 1. [SALARY LIMITS.] The governor or other appropriate appointing authority shall set the salary rates for positions listed in this section within the salary limits listed in subdivisions 2 to 4, subject to approval of the legislative coordinating commission and the legislature as provided by subdivision 5 and sections 3.855; and 15A.081, subdivision 7b, and 43A.18, subdivision 5.

Sec. 39. Minnesota Statutes 2000, section 15A.0815, is amended by adding a subdivision to read:

Subd. 5. [APPOINTING AUTHORITIES TO RECOMMEND CERTAIN SALARIES.] (a) The governor, or other appropriate appointing authority, may submit to the legislative coordinating commission recommendations for salaries within the salary limits for the positions listed in subdivisions 2 to 4. An appointing authority may also propose additions or deletions of positions from those listed.

(b) Before submitting the recommendations, the appointing authority shall consult with the commissioner of employee relations concerning the recommendations.

(c) In making recommendations, the appointing authority shall consider the criteria established in section 43A.18, subdivision 8, and the performance of individual incumbents. The performance evaluation must include a review of an incumbent's progress toward attainment of affirmative action goals. The appointing authority shall establish an objective system for quantifying knowledge, abilities, duties, responsibilities, and accountabilities, and in determining recommendations, rate each position by this system.

(d) Before the appointing authority's recommended salaries take effect, the recommendations must be reviewed and approved, rejected, or modified by the legislative coordinating commission and the legislature under section 3.855, subdivisions 2 and 3. If, when the legislature is not in session, the commission fails to reject or modify salary recommendations of the governor within 30 calendar days of their receipt, the recommendations are deemed to be approved.

(e) The appointing authority shall set the initial salary of a head of a new agency or a chair of a new metropolitan board or commission whose salary is not specifically prescribed by law after consultation with the commissioner, whose recommendation is advisory only. The amount of the new salary must be comparable to the salary of an agency head or commission chair having similar duties and responsibilities.

(f) The salary of a newly appointed head of an agency or chair of a metropolitan agency listed in subdivisions 2 to 4, may be increased or decreased by the appointing authority from the salary previously set for that position within 30 days of the new appointment after consultation with the commissioner. If the appointing authority increases a salary under this paragraph, the appointing authority shall submit the new salary to the legislative coordinating commission and the full legislature for approval, modification, or rejection under section 3.855, subdivisions 2 and 3. If, when the legislature is not in session, the commission fails to reject or modify salary recommendations of the governor within 30 calendar days of their receipt, the recommendations are deemed to be approved.

Sec. 40. Minnesota Statutes 2000, section 16A.06, is amended by adding a subdivision to read:

Subd. 10. [TECHNOLOGY BUDGET BOOK.] The department shall prepare a separate budget book for each biennium beginning July 1, 2003, containing all of the administration's technology initiatives. The book shall also include a complete inventory of state-owned and leased technology, along with a projected replacement schedule. The inventory shall include information on how the technology fits into the state's master plan.

Sec. 41. Minnesota Statutes 2000, section 16A.10, is amended by adding a subdivision to read:

Subd. 1c. [PERFORMANCE MEASURES FOR CHANGE ITEMS.] For each change item in the budget proposal requesting new or increased funding, the budget document must present proposed performance measures that can be used to determine if the new or increased funding is accomplishing its goals.

Sec. 42. Minnesota Statutes 2000, section 16A.11, subdivision 6, is amended to read:

Subd. 6. [BUILDING MAINTENANCE.] The detailed operating budget must include amounts necessary to maintain state buildings. The commissioner of finance, in consultation with the commissioner of administration, the board of trustees of the Minnesota state colleges and universities, and the regents of the University of Minnesota,

shall establish budget guidelines for building maintenance appropriations. ~~Unless otherwise provided by the commissioner of finance, the amount to be budgeted each year for building maintenance is two percent of the cost of the building, adjusted up or down depending on the age and condition of the building.~~

Sec. 43. [16A.1286] [STATEWIDE SYSTEMS ACCOUNT.]

Subdivision 1. [CONTINUATION.] The statewide systems account is a separate account in the general fund. All money resulting from billings for statewide systems services must be deposited in the account. For the purposes of this section, statewide systems includes the state accounting system, payroll system, human resources systems, procurement system, and related information access systems.

Subd. 2. [BILLING PROCEDURES.] The commissioner may bill up to \$7,520,000 in each fiscal year for statewide systems services provided to state agencies, judicial branch agencies, the University of Minnesota, the Minnesota state colleges and universities, and other entities. Billing must be based only on usage of services relating to statewide systems provided by the intertechnologies division. Each agency shall transfer from agency operating appropriations to the statewide systems account the amount billed by the commissioner. Billing policies and procedures related to statewide systems services must be developed by the commissioner in consultation with the commissioners of employee relations and administration, the University of Minnesota, and the Minnesota state colleges and universities.

Subd. 3. [APPROPRIATION.] Money transferred into the account is appropriated to the commissioner to pay for statewide systems services during the biennium in which it is appropriated.

Sec. 44. [16A.151] [PROCEEDS OF LITIGATION OR SETTLEMENT.]

Subdivision 1. [STATE FUNDS; GENERAL FUND.] (a) This subdivision applies, notwithstanding any law to the contrary, except as provided in subdivision 2.

(b) A state official may not commence, pursue, or settle litigation, or settle a matter that could have resulted in litigation, in a manner that would result in money being distributed to a person or entity other than the state.

(c) Money recovered by a state official in litigation or in settlement of a matter that could have resulted in litigation is state money and must be deposited in the general fund.

Subd. 2. [EXCEPTIONS.] (a) If a state official litigates or settles a matter on behalf of specific injured persons or entities, this section does not prohibit distribution of money to the specific injured persons or entities on whose behalf the litigation or settlement efforts were initiated. If money recovered on behalf of injured persons or entities cannot reasonably be distributed to those persons or entities because they cannot readily be located or identified or because the cost of distributing the money would outweigh the benefit to the persons or entities, the money must be paid into the general fund.

(b) Money recovered on behalf of a fund in the state treasury other than the general fund may be deposited in that fund.

(c) This section does not prohibit a state official from distributing money to a person or entity other than the state in litigation or potential litigation in which the state is a defendant or potential defendant.

Subd. 3. [DEFINITIONS.] For purposes of this section:

(1) "litigation" includes civil, criminal, and administrative actions;

(2) "money recovered" includes actual damages, punitive or exemplary damages, statutory damages, and civil and criminal penalties; and

(3) "state official" means the attorney general, another constitutional officer, an agency, or an agency employee, acting in official capacity.

Sec. 45. Minnesota Statutes 2000, section 16A.152, subdivision 4, is amended to read:

Subd. 4. ~~[REDUCTION DEFICIT REMEDIES.] (a) If the commissioner determines that probable receipts for the general fund will be less than anticipated, and that the amount available for the remainder of the biennium will be less than needed, the commissioner shall, with the approval of the governor, and after consulting the legislative advisory commission, reduce the amount in the budget reserve account as needed to balance expenditures with revenue.~~

~~(b) An additional deficit shall, with the approval of the governor, and after consulting the legislative advisory commission, be made up by reducing unexpended allotments of any prior appropriation or transfer. Notwithstanding any other law to the contrary, the commissioner is empowered to defer or suspend prior statutorily created obligations which would prevent effecting such reductions.~~

~~(c) If the commissioner determines that probable receipts for any other fund, appropriation, or item will be less than anticipated, and that the amount available for the remainder of the term of the appropriation or for any allotment period will be less than needed, the commissioner shall notify the agency concerned and then reduce the amount allotted or to be allotted so as to prevent a deficit.~~

~~(d) In reducing allotments, the commissioner may consider other sources of revenue available to recipients of state appropriations and may apply allotment reductions based on all sources of revenue available.~~

~~(e) In like manner, the commissioner shall reduce allotments to an agency by the amount of any saving that can be made over previous spending plans through a reduction in prices or other cause proceed, in alphabetical order to the extent necessary, with the remedies in the paragraphs in this subdivision.~~

(a) [USE SAVINGS.] The commissioner shall first reduce allotments to an agency by the amount of any savings that can be made over previous spending plans through a reduction in prices or other cause.

(b) [USE OTHER SOURCES.] The commissioner shall next consider other sources of revenue available to recipients of state appropriations and may apply allotment reductions based on all sources of revenue available.

(c) [REDUCE BUDGET RESERVE ACCOUNT; GENERAL FUND.] With the approval of the governor, and after consulting with the legislative advisory commission, the commissioner may reduce the amount in the budget reserve account as needed to balance expenditures with revenue.

(d) [TEN PERCENT ALLOTMENT REDUCTION.] The commissioner shall, with the approval of the governor, reduce state agencies' allotments for unencumbered, unobligated operating expenditures and discretionary grants up to ten percent of total authorized spending for the biennium.

(e) [NEW, EXPANDED, OR FUTURE PROGRAMS.] The commissioner may, with the approval of the governor, reduce or delay unencumbered and unobligated allotments for appropriations for spending authorizations that represent new or expanded programs or program eligibility that have future implementation dates.

(f) [REDUCE UNEXPENDED ALLOTMENTS; OTHER FUNDS.] If the commissioner determines that probable receipts for any other fund, appropriation, or item will be less than anticipated, and that the amount available for the remainder of the term of the appropriation or for any allotment period will be less than needed, the commissioner shall notify the agency concerned and then reduce the amount allotted or to be allotted so as to prevent a deficit.

Sec. 46. Minnesota Statutes 2000, section 16A.152, subdivision 7, is amended to read:

Subd. 7. [DELAY; REDUCTION.] The commissioner may delay paying up to 15 percent of an appropriation to a special taxing district or a system of higher education in that entity's fiscal year for up to 60 days after the start of its next fiscal year. The delayed amount is subject to allotment reduction under subdivision ~~† 4~~.

Sec. 47. Minnesota Statutes 2000, section 16B.58, is amended by adding a subdivision to read:

Subd. 6a. [PARKING RESTRICTIONS.] Notwithstanding subdivision 6:

(1) parking is prohibited on the terraces adjacent to the carriage entrance on the south side of the capitol building;

(2) the ten parking spaces on Aurora Avenue closest to the main entrance of the capitol building must be reserved for parking by physically disabled persons displaying a certificate issued under section 169.345; and

(3) the remainder of the parking spaces on Aurora Avenue must be reserved for the general public during legislative sessions.

Sec. 48. Minnesota Statutes 2000, section 16B.60, subdivision 3, is amended to read:

Subd. 3. [MUNICIPALITY.] "Municipality" means a city, county, or town ~~meeting the requirements of section 368.01, subdivision 1~~, the University of Minnesota, or the state for public buildings and state licensed facilities.

Sec. 49. Minnesota Statutes 2000, section 16B.60, is amended by adding a subdivision to read:

Subd. 12. [DESIGNATE.] "Designate" means the formal designation by a municipality's administrative authority of a certified building official accepting responsibility for code administration.

Sec. 50. Minnesota Statutes 2000, section 16B.60, is amended by adding a subdivision to read:

Subd. 13. [ADMINISTRATIVE AUTHORITY.] "Administrative authority" means a municipality's governing body or their assigned administrative authority.

Sec. 51. Minnesota Statutes 2000, section 16B.61, subdivision 1, is amended to read:

Subdivision 1. [ADOPTION OF CODE.] Subject to sections 16B.59 to 16B.75, the commissioner shall by rule establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control. The code must also include duties and responsibilities for code administration, including procedures for administrative action, penalties, and suspension and revocation of certification. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States, including a code for building conservation. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgment. To the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code must encourage the use of new methods and new materials. Except as otherwise provided in sections 16B.59 to 16B.75, the commissioner shall administer and enforce the provisions of those sections.

Sec. 52. Minnesota Statutes 2000, section 16B.65, is amended to read:

16B.65 [BUILDING OFFICIALS.]

Subdivision 1. [~~APPOINTMENTS DESIGNATION.~~] ~~The governing body of~~ By January 1, 2002, each municipality shall, ~~unless other means are already provided,~~ appoint designate a building official to administer the code. A municipality may designate no more than one building official responsible for code administration defined by each certification category established in rule. Two or more municipalities may combine in the ~~appointment designation~~ of a ~~single~~ building official for the purpose of administering the provisions of the code within their communities. In those municipalities for which no building officials have been ~~appointed designated,~~ the state building official; ~~with the approval of the commissioner,~~ may appoint building officials to serve until the municipalities have made an appointment. ~~If unable to make an appointment, the state building official may use whichever state employees or state agencies are necessary to perform the duties of the building official until the municipality makes a temporary or permanent designation.~~ All costs incurred by virtue of ~~an appointment by the state building official or these services rendered by state employees~~ must be borne by the involved municipality; and receipts arising from the appointment these services must be paid into the state treasury and credited to the ~~special revenue general~~ fund.

Subd. 2. [QUALIFICATIONS.] A building official, to be eligible for ~~appointment designation,~~ must be certified and have the experience in design, construction, and supervision which the commissioner deems necessary and must be generally informed on the quality and strength of building materials, accepted building construction requirements, and the nature of equipment and needs conducive to the safety, comfort, and convenience of building occupants. ~~Each building official must be certified under this section, except that the qualifications outlined in this section are not mandatory regarding any building official in any municipality engaged in the administration of a building code on May 27, 1971, and continuing that function through July 1, 1972~~ No person may be designated as a building official for a municipality unless the commissioner determines that the official is qualified as provided in subdivision 3.

Subd. 3. [CERTIFICATION.] The commissioner shall:

- (1) prepare and conduct written and practical examinations to determine if a person is qualified pursuant to subdivision 2 to be a building official;
- (2) accept documentation of successful completion of testing programs developed by nationally recognized testing agencies, as proof of qualification pursuant to subdivision 2; or
- (3) determine qualifications by both clauses (1) and (2).

Upon a determination of qualification under clause (1), (2), or both of them, the commissioner shall issue a certificate to the building official stating that the official is certified. Each person applying for examination and certification pursuant to this section shall pay a nonrefundable fee of \$70. The commissioner or a designee may establish ~~classes~~ categories of certification that will recognize the varying complexities of code enforcement in the municipalities within the state. ~~Except as provided by subdivision 2, no person may act as a building official for a municipality unless the commissioner determines that the official is qualified.~~ The commissioner shall provide educational programs designed to train and assist building officials in carrying out their responsibilities.

The department of employee relations may, at the request of the commissioner, provide statewide testing services.

Subd. 4. [DUTIES.] Building officials shall, in the municipality for which they are ~~appointed designated,~~ attend to be responsible for all aspects of code administration for which they are certified, including the issuance of all building permits and the inspection of all manufactured home installations. The commissioner may direct a municipality with a building official to perform services for another municipality, and in that event the municipality being served shall pay the municipality rendering the services the reasonable costs of the services. The costs may be subject to approval by the commissioner.

Subd. 5. [~~REMOVAL FROM OFFICE OVERSIGHT COMMITTEE.~~] Except as otherwise provided for by law the commissioner may, upon notice and hearing, direct the dismissal of a building official when it appears to the commissioner by competent evidence that the building official has consistently failed to act in the public interest in the performance of duties. Notice must be provided and the hearing conducted in accordance with the provisions of chapter 14 governing contested case proceedings. Nothing in this subdivision limits or otherwise affects the authority of a municipality to dismiss or suspend a building official at its discretion, except as otherwise provided for by law. (a) The commissioner shall establish a code administration oversight committee to evaluate, mediate, and recommend to the commissioner any administrative action, penalty, suspension, or revocation with respect to complaints filed with or information received by the commissioner alleging or indicating the unauthorized performance of official duties or unauthorized use of the title certified building official, or a violation of statute, rule, or order that the commissioner has issued or is empowered to enforce. The committee consists of five certified building officials, at least two of whom must be from nonmetropolitan counties. Committee members must be compensated according to section 15.059, subdivision 3. The commissioner's designee shall act as an ex-officio member of the oversight committee.

(b) If the commissioner has a reasonable basis to believe that a person has engaged in an act or practice constituting the unauthorized performance of official duties, the unauthorized use of the title certified building official, or a violation of a statute, rule, or order that the commissioner has issued or is empowered to enforce, the commissioner may proceed with administrative actions or penalties as described in subdivision 6 or suspension or revocation as described in subdivision 7.

Subd. 6. [ADMINISTRATIVE ACTION AND PENALTIES.] The commissioner shall, by rule, establish a graduated schedule of administrative actions for violations of sections 16B.59 to 16B.75 and rules adopted under those sections. The schedule must be based on and reflect the culpability, frequency, and severity of the violator's actions. The commissioner may impose a penalty from the schedule on a certification holder for a violation of sections 16B.59 to 16B.75 and rules adopted under those sections. The penalty is in addition to any criminal penalty imposed for the same violation. Administrative monetary penalties imposed by the commissioner must be paid to the general fund.

Subd. 7. [SUSPENSION; REVOCATION.] Except as otherwise provided for by law, the commissioner may, upon notice and hearing, revoke or suspend or refuse to issue or reissue a building official certification if the applicant, building official, or certification holder:

- (a) violates a provision of sections 16B.59 to 16B.75 or a rule adopted under those sections;
- (b) engages in fraud, deceit, or misrepresentation while performing the duties of a certified building official;
- (c) makes a false statement in an application submitted to the commissioner or in a document required to be submitted to the commissioner; or
- (d) violates an order of the commissioner.

Notice must be provided and the hearing conducted in accordance with the provisions of chapter 14 governing contested case proceedings. Nothing in this subdivision limits or otherwise affects the authority of a municipality to dismiss or suspend a building official at its discretion, except as otherwise provided for by law.

Subd. 6 8. [VACANCIES.] In the event that a certified designated building official vacates that position is vacant within a municipality, that municipality shall appoint designate a certified building official to fill the vacancy as soon as possible. The commissioner must be notified of any vacancy or designation in writing within 15 days. If the municipality fails to appoint designate a certified building official within 90 15 days of the occurrence of the vacancy, the state building official may make the appointment or provide state employees to serve that function as provided in subdivision 1 until the municipality makes a temporary or permanent designation. Municipalities must not issue permits without a designated certified building official.

Subd. 79. [CONTINUING EDUCATION.] Subject to sections 16B.59 to 16B.75, the commissioner may by rule establish or approve continuing education programs for municipal building officials dealing with matters of building code administration, inspection, and enforcement.

~~Effective January 1, 1985, Each person certified as a building official for the state must satisfactorily complete applicable educational programs established or approved by the commissioner every three calendar years to retain certification.~~

Each person certified as a building official must submit in writing to the commissioner an application for renewal of certification within 60 days of the last day of the third calendar year following the last certificate issued. Each application for renewal must be accompanied by proof of satisfactory completion of minimum continuing education requirements and the certification renewal fee established by the commissioner.

~~For persons certified prior to January 1, 1985, the first three-year period commences January 1, 1985.~~

Sec. 53. Minnesota Statutes 2000, section 16B.70, subdivision 2, is amended to read:

Subd. 2. [COLLECTION AND REPORTS.] All permit surcharges must be collected by each municipality and a portion of them remitted to the state. Each municipality having a population greater than 20,000 people shall prepare and submit to the commissioner once a month a report of fees and surcharges on fees collected during the previous month but shall retain the greater of two percent or that amount collected up to \$25 to apply against the administrative expenses the municipality incurs in collecting the surcharges. All other municipalities shall submit the report and surcharges on fees once a quarter but shall retain the greater of four percent or that amount collected up to \$25 to apply against the administrative expenses the municipalities incur in collecting the surcharges. The report, which must be in a form prescribed by the commissioner, must be submitted together with a remittance covering the surcharges collected by the 15th day following the month or quarter in which the surcharges are collected. All money collected by the commissioner through surcharges and other fees prescribed by sections 16B.59 to 16B.75 shall be deposited in the state government special revenue fund and is appropriated to the commissioner for the purpose of administering and enforcing the State Building Code under sections 16B.59 to 16B.75 general fund.

Sec. 54. Minnesota Statutes 2000, section 16B.76, subdivision 1, is amended to read:

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

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

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

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

(4) the commissioner of public service or the commissioner's designee representing the department's energy regulation and resource management division; and

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

(i) a certified building official;

(ii) a fire service representative;

- (iii) a licensed architect;
- (iv) a licensed engineer;
- (v) a building owners and managers representative;
- (vi) a licensed residential building contractor;
- (vii) a commercial building contractor;
- (viii) a heating and ventilation contractor;
- (ix) a plumbing contractor;
- (x) a representative of a construction and building trades union; and
- (xi) a local unit of government representative.

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

(c) The council expires June 30, ~~2001~~ 2003.

Sec. 55. Minnesota Statutes 2000, section 16B.88, subdivision 1, is amended to read:

Subdivision 1. [INFORMATION CENTER FOR VOLUNTEER PROGRAMS.] (a) The office of citizenship and volunteer services is under the supervision and administration of a director appointed by the ~~commissioner~~ governor. The office shall: (1) operate as a state information, technical assistance, and promotion center for volunteer programs; and (2) promote and facilitate citizen participation in local governance and public problem solving.

(b) In furtherance of the mission in paragraph (a), clause (2), the office shall:

(1) engage in education and other activities designed to enhance the capacity of citizens to solve problems affecting their communities;

(2) promote and support efforts by citizens, community-based organizations, nonprofits, churches, and local governments to collaborate in solving community problems;

(3) encourage local governments to provide increased opportunities for citizen involvement in public decision making and public problem solving;

(4) refer innovative approaches to encourage greater public access to and involvement in state and local government decisions to appropriate state and local government officials;

(5) encourage units of state and local government to respond to citizen initiatives and ideas;

(6) promote processes for involving citizens in government decisions; and

(7) recognize and publicize models of effective public problem solving by citizens.

Sec. 56. Minnesota Statutes 2000, section 16C.03, subdivision 3, is amended to read:

Subd. 3. [ACQUISITION AUTHORITY.] The commissioner shall acquire all goods, services, and utilities needed by agencies. The commissioner shall acquire goods, services, and utilities by requests for bids, requests for proposals, reverse auctions as provided in section 16C.10, subdivision 7, or other methods provided by law, unless a section

of law requires a particular method of acquisition to be used. The commissioner shall make all decisions regarding acquisition activities. The determination of the acquisition method and all decisions involved in the acquisition process, unless otherwise provided for by law, shall be based on best value which includes an evaluation of price and may include other considerations including, but not limited to, environmental considerations, quality, and vendor performance. A best value determination must be based on the evaluation criteria detailed in the solicitation document. If criteria other than price are used, the solicitation document must state the relative importance of price and other factors. Unless it is determined by the commissioner that an alternative solicitation method provided by law should be used to determine best value, a request for bid must be used to solicit formal responses for all building and construction contracts. Any or all responses may be rejected. When using the request for bid process, the bid must be awarded to the lowest responsive and responsible bidder, taking into consideration conformity with the specifications, terms of delivery, the purpose for which the contract or purchase is intended, the status and capability of the vendor, and other considerations imposed in the request for bids. The commissioner may decide which is the lowest responsible bidder for all purchases and ~~may~~ must use the principles of life-cycle costing, where appropriate, in determining the lowest overall bid. The duties set forth in this subdivision are subject to delegation pursuant to this section.

Sec. 57. [16C.055] [BARTER ARRANGEMENTS PROHIBITED.]

An agency may not contract or otherwise agree with a person or entity outside of state government to receive nonmonetary consideration in exchange for the agency providing nonmonetary consideration, unless such an agreement is specifically authorized by law. This section shall not apply to contracts or agreements entered into by the Minnesota zoological board under chapter 85A or the director of the state lottery under chapter 349A.

Sec. 58. [16C.066] [COST-BENEFIT ANALYSIS.]

(a) The commissioner or an agency official to whom the commissioner has delegated duties under section 16C.03, subdivision 16, may not approve a contract or purchase of goods or services for transit or other transportation purposes in an amount greater than \$5,000,000 unless a cost-benefit analysis has been completed and shows a positive benefit to the public. The management analysis division must perform or direct the performance of the analysis. A cost-benefit analysis must be performed for a project if an aggregation of contracts or purchases for a project exceeds \$5,000,000.

(b) All cost-benefit analysis documents under this section, including preliminary drafts and notes, are public data.

(c) If a cost-benefit analysis does not show a positive benefit to the public, the governor may approve a contract or purchase of goods or services if a cost-effectiveness study had been done that shows the proposed project is the most effective way to provide a necessary public good.

(d) This section applies to contracts for goods or services that are expected to have a useful life of more than three years. This section does not apply for purchase of goods or services for response to a natural disaster if an emergency has been declared by the governor.

(e) This section expires June 30, 2003.

Sec. 59. Minnesota Statutes 2000, section 16C.25, is amended to read:

16C.25 [BUILDING AND CONSTRUCTION CONTRACTS.]

(a) Notwithstanding any contrary law, and except as provided in paragraph (b), the provisions of Minnesota Statutes 1996, section 16B.07, 16B.08, 16B.09, and all other laws applicable to competitive bidding for building and construction contracts on June 30, 1998, apply to building and construction contracts entered into on or after July 1, 1998.

(b) Notwithstanding Minnesota Statutes 1996, section 16C.28, the commissioner must use the principles of life-cycle costing, where appropriate, in determining the lowest overall bid.

Sec. 60. [16E.0465] [TECHNOLOGY APPROVAL.]

Subdivision 1. [APPLICATION.] This section applies to an appropriation of more than \$1,000,000 of state or federal funds to a state agency for any information and communications technology project or data processing device or system or for any phase of such a project, device, or system. For purposes of this section, an appropriation of state or federal funds to a state agency includes an appropriation: (1) to the Minnesota state colleges and universities; (2) to a constitutional officer; (3) for a project that includes both a state agency and units of local government; and (4) to a state agency for grants to be made to other entities.

Subd. 2. [REQUIRED REVIEW AND APPROVAL.] (a) A state agency receiving an appropriation for an information and communications technology project or data processing device or system subject to this section must divide the project into phases.

(b) The commissioner of finance may not authorize the encumbrance or expenditure of an appropriation of state funds to a state agency for any phase of a project, device, or system subject to this section unless the office of technology has reviewed each phase of the project, device, or system, and based on this review, the commissioner of administration has determined for each phase that:

(1) the project is compatible with the state information architecture and other policies and standards established by the commissioner of administration; and

(2) the agency is able to accomplish the goals of the project with the funds appropriated.

Subd. 3. [ROLE OF COMMISSIONER.] Unless money is appropriated directly to the commissioner of administration, the role of the commissioner and the office of technology is to review and approve projects under this section, and not to design or implement the projects.

Sec. 61. [16E.055] [COMMON WEB FORMAT.]

A state agency that implements electronic government services for fees, licenses, sales, or other purposes must use a common Web page format approved by the commissioner of administration for those electronic government services. The commissioner may create a single entry site for all agencies to use for electronic government services.

Sec. 62. [16E.075] [SALARY WEB ACCESS.]

A government unit, as defined under section 16E.07, that receives state funds, including those through the department of revenue or finance, must post on its Web site, if any, the individual salaries and benefits of all the employees of the government unit.

Sec. 63. [16E.09] [TECHNOLOGY ENTERPRISE FUND.]

Subdivision 1. [TECHNOLOGY ENTERPRISE FUND.] A technology enterprise fund is established. Money deposited in the fund is appropriated to the commissioner of administration for the purpose of funding technology projects among government entities that promote cooperation, innovation, and shared use of technology and technology standards, and electronic government services. A portion of revenues from the sale of information technology surplus equipment or data, a portion of funds collected from rental of communication tower space, and a portion of refunds from information technology services or purchases and from savings generated by information technology and telecommunications projects may be deposited into the fund upon agreement by the commissioner of administration and the executive of the government entity generating those funds. The commissioner of administration may accept contributions from other entities or other gifts and grants into the fund. The transfer of

funds between state agencies is subject to the approval of the commissioner of finance. The commissioner of finance shall notify the chairs of the committees funding the affected state agencies of such transfers. Funds are available until June 30, 2005.

Subd. 2. [TECHNOLOGY ENTERPRISE BOARD.] A technology enterprise board is established to advise the state chief information officer, the office of technology, the governor, the executive branch, and the legislature regarding information technology funding and expenditures from the technology enterprise fund. The board shall consist of up to 18 members representing public and private entities with general expertise in information technology and telecommunications initiatives and planning. The state chief information officer shall act as chair and the office of technology shall provide necessary staff support. Nonlegislator members shall be appointed by the governor, including one nominee representing the state executive council, one nominee representing the supreme court, and one nominee representing the higher education advisory council; and seven at-large members representing the private sector with experience in business. The speaker of the house of representatives and the senate subcommittee on committees shall each appoint two legislators to the board. Legislator members serve at the pleasure of the appointing authority. Membership terms, compensation, and removal of nonlegislator board members are governed by section 15.059, except that terms are three years and the board expires on June 30, 2005.

Subd. 3. [REPORT TO LEGISLATURE.] By February 1 each year, the commissioner of administration shall report to the chairs of the finance committees in the senate and house of representatives with jurisdiction over governmental operations on expenditures and activities under this section.

Subd. 4. [EXPIRATION.] This section expires June 30, 2005.

Sec. 64. Minnesota Statutes 2000, section 43A.04, is amended by adding a subdivision to read:

Subd. 12. [TOTAL COMPENSATION REPORTING.] (a) The commissioner, in consultation with the commissioner of finance, shall report to the governor and the legislature by January 15 each year on executive branch employee salary and benefits. The purpose of the report is to assist in effective long-range planning and to provide data necessary to compute annual and biennial costs related to the state workforce. The report must use data available in the biennial budget system and other necessary sources. The report also must be made available to the public in an electronic format.

(b) The report must be organized by agency. For each employee during the previous fiscal year the report must:

(1) list each employee by position number, but not by name;

(2) list the total amount the state spent, by fund, for the employee's salary and total compensation, including social security contributions, insurance, and all other benefits and related costs;

(3) list the employee's length of state service; and

(4) list the total estimated compensation for the employee's career, assuming the employee works until the normal retirement age.

Sec. 65. Minnesota Statutes 2000, section 43A.04, is amended by adding a subdivision to read:

Subd. 13. [COMBINED CHARITIES CAMPAIGN.] (a) The commissioner shall administer the state employee combined charities campaign. This duty includes registration of combined charitable organizations under section 309.501, and coordination and administration of the process under which state employees contribute to combined charitable organizations.

(b) The commissioner, in consultation with other commissioners, shall appoint a voluntary board of state employees to oversee the conduct of an annual combined charities campaign. The board must, to the extent possible, represent a cross-section of state employee groups and geographic areas where state employees are located. The board shall provide direction to the commissioner's employee assigned to administer the annual campaign and shall approve any expenditure of state funds appropriated for purposes of this subdivision.

Sec. 66. Minnesota Statutes 2000, section 43A.17, subdivision 9, is amended to read:

Subd. 9. [POLITICAL SUBDIVISION COMPENSATION LIMIT.] The salary and the value of all other forms of compensation of a person employed by a statutory or home rule charter city, county, town, metropolitan or regional agency, or other political subdivision of this state excluding a school district, or employed under section 422A.03, may not exceed 95 percent of the salary of the governor as set under section 15A.082, except as provided in this subdivision. Deferred compensation and payroll allocations to purchase an individual annuity contract for an employee are included in determining the employee's salary. Other forms of compensation which shall be included to determine an employee's total compensation are all other direct and indirect items of compensation which are not specifically excluded by this subdivision. Other forms of compensation which shall not be included in a determination of an employee's total compensation for the purposes of this subdivision are:

(1) employee benefits that are also provided for the majority of all other full-time employees of the political subdivision, vacation and sick leave allowances, health and dental insurance, disability insurance, term life insurance, and pension benefits or like benefits the cost of which is borne by the employee or which is not subject to tax as income under the Internal Revenue Code of 1986;

(2) dues paid to organizations that are of a civic, professional, educational, or governmental nature; and

(3) reimbursement for actual expenses incurred by the employee which the governing body determines to be directly related to the performance of job responsibilities, including any relocation expenses paid during the initial year of employment.

The value of other forms of compensation shall be the annual cost to the political subdivision for the provision of the compensation. The salary of a medical doctor or doctor of osteopathy occupying a position that the governing body of the political subdivision has determined requires an M.D. or D.O. degree is excluded from the limitation in this subdivision. The commissioner may increase the limitation in this subdivision for a position or class of positions that the commissioner has determined requires special expertise necessitating a higher salary to attract or retain a qualified person. In making determinations on the appropriate salary, the commissioner may consider evidence of actual or anticipated difficulties in attracting or retaining a qualified person or persons. The commissioner shall review each proposed increase giving due consideration to salary rates paid to other persons with similar responsibilities in the state and nation. The commissioner may not increase the limitation until the commissioner has presented the proposed increase to the legislative coordinating commission and received the commission's recommendation on it. The recommendation is advisory only. If the commission does not give its recommendation on a proposed increase within 30 days from its receipt of the proposal, the commission is deemed to have recommended approval.

Sec. 67. [43A.235] [CO-PAYMENT REQUIRED.]

A collective bargaining agreement or compensation plan providing state employee medical and dental insurance or benefits must require a system of co-payments, including, but not limited to, office visits and emergency or urgent care visits, by the employee or a covered dependent.

Sec. 68. Minnesota Statutes 2000, section 43A.38, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purpose of this section the following definitions shall apply:

(a) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages either in nonprofit or profit making activities.

(b) "Confidential information" means any information obtained under government authority which has not become part of the body of public information and which, if released prematurely or in nonsummary form, may provide unfair economic advantage or adversely affect the competitive position of an individual or a business.

(c) "Employee" has the meaning given in section 43A.02, subdivision 21, and includes an executive officer listed in Minnesota Constitution, article V, section 1.

(d) "Private interest" means any interest, including but not limited to a financial interest, which pertains to a person or business whereby the person or business would gain a benefit, privilege, exemption or advantage from the action of a state agency or employee that is not available to the general public.

Sec. 69. Minnesota Statutes 2000, section 43A.38, subdivision 6, is amended to read:

Subd. 6. [DETERMINATION OF CONFLICTS OF INTEREST.] (a) When an employee believes the potential for a conflict of interest exists, it is the employee's duty to avoid the situation. A conflict of interest shall be deemed to exist when a review of the situation by the employee, the appointing authority or the commissioner determines any one of the following conditions to be present:

(~~a~~) (1) the use for private gain or advantage of state time, facilities, equipment or supplies or badge, uniform, prestige or influence of state office or employment;

(~~b~~) (2) receipt or acceptance by the employee of any money or other thing of value from anyone other than the state for the performance of an act which the employee would be required or expected to perform in the regular course or hours of state employment or as part of the duties as an employee;

(~~c~~) (3) employment by a business which is subject to the direct or indirect control, inspection, review, audit or enforcement by the employee; or

(~~d~~) (4) the performance of an act in other than the employee's official capacity which may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by the employee.

(b) The chief administrative law judge, appointed under section 14.48, instead of the commissioner, shall make determinations concerning potential conflicts of interest for an executive officer listed in Minnesota Constitution, article V, section 1. If the chief administrative law judge has a conflict of interest in a determination under this section, the chief may assign another administrative law judge to make the determination.

Sec. 70. Minnesota Statutes 2000, section 43A.38, subdivision 7, is amended to read:

Subd. 7. [RESOLUTION OF CONFLICT OF INTEREST.] (a) This paragraph applies to an employee other than an executive officer listed in Minnesota Constitution, article V, section 1. If the employee, appointing authority or commissioner determine that a conflict of interest exists, the matter shall be assigned to another employee who does not have a conflict of interest. If it is not possible to assign the matter to an employee who does not have a conflict of interest, interested persons shall be notified of the conflict and the employee may proceed with the assignment.

(b) An executive officer listed in Minnesota Constitution, article V, section 1, must attempt to avoid or mitigate a potential conflict of interest to the greatest extent practicable. Any person may request the chief administrative law judge to determine if a conflict of interest exists for an executive officer listed in Minnesota Constitution, article V, section 1. If the chief administrative law judge determines that a conflict of interest exists, any person may bring an action in the district court in Ramsey county to enjoin an executive officer listed in Minnesota Constitution, article V, section 1, from engaging in activity that the chief administrative law judge has determined to constitute a conflict of interest under this section.

Sec. 71. [116T.01] [DEFINITIONS.]

For purposes of this chapter:

- (1) "board" means the board of directors of Northern Technology Initiative, Inc.; and
- (2) "corporation" means Northern Technology Initiative, Inc.

Sec. 72. [116T.02] [CORPORATION; MEMBERS; BOARD OF DIRECTORS; POWERS.]

Subdivision 1. [PUBLIC CORPORATION.] Northern Technology Initiative, Inc. is a public corporation of the state and is not subject to the laws governing a state agency except as provided in this chapter. The business of the corporation must be conducted under the name "Northern Technology Initiative, Inc."

Subd. 2. [PURPOSE.] Northern Technology Initiative, Inc. is a regional economic initiative of Minnesota counties, townships, home rule charter or statutory cities within participating counties, economic development groups, state and federal agencies, public and private post-secondary institutions, and businesses. The project area includes, at a minimum, the counties of Carlton, Chisago, Isanti, Kanabec, and Pine, but may be expanded as other contiguous counties elect to participate. The purpose of the corporation is to engage in an integrated, jointly planned economic development effort with a focus on encouraging growth among existing businesses and attracting technology companies to the region served by the corporation. A home rule charter city, statutory city, county, township, or other public entity participating in the initiative may budget public funds for the initiative.

Subd. 3. [BOARD OF DIRECTORS.] The corporation is governed by a board of directors consisting of:

- (1) a member of the governing body of each participating county, appointed by the governing body;
- (2) a member of the governing body of each participating home rule charter or statutory city, appointed by the governing body;
- (3) the president of each participating post-secondary institution;
- (4) the commissioner of the department of trade and economic development or an employee of the department designated by the commissioner; and
- (5) other members as may be provided by the bylaws adopted and amended in accordance with subdivision 4.

The membership terms, compensation, removal, and filling of vacancies of members of the board are governed by the bylaws of the corporation.

Subd. 4. [BYLAWS.] The board of directors shall adopt bylaws and publish the bylaws and amendments to the bylaws in the State Register. The bylaws must provide for financial and other contributions by participating entities to cover the operation of the corporation.

Subd. 5. [PLACES OF BUSINESS.] The board shall locate and maintain the corporation's places of business within Carlton, Chisago, Isanti, Kanabec, or Pine county.

Subd. 6. [MEETINGS AND ACTIONS OF BOARD.] (a) The board must meet at least twice a year and may hold additional meetings upon giving notice in accordance with the bylaws of the corporation. Except as provided in subdivision 7, board meetings are subject to chapter 13D.

(b) A conference among directors by any means of communication through which the directors may simultaneously hear each other during the conference constitutes a board meeting if the number of directors participating in the conference is sufficient to constitute a quorum for the meeting. Participation in a meeting by that means constitutes presence in person at the meeting.

Subd. 7. [CLOSED MEETINGS; RECORDING.] The board of directors may, by a majority vote in a public meeting, decide to hold a closed meeting for purposes of discussing data described in subdivision 8 or security information, trade secret information, or labor relations information, as defined in section 13.37, subdivision 1. The time and place of the closed meeting must be announced at the public meeting. A written roll of members present at the closed meeting must be made available to the public after the closed meeting. The proceedings of a closed meeting must be tape recorded. The data on the tape are nonpublic data or private data on individuals as defined in section 13.02, subdivision 9 or 12, whichever is applicable.

Subd. 8. [APPLICATION AND INVESTIGATIVE DATA.] Financial data, statistics, and information furnished to the corporation in connection with assistance or proposed assistance, including credit reports; financial statements; statements of net worth; income tax returns, either personal or corporate; and any other business and personal financial records, are private data with regard to data on individuals under section 13.02, subdivision 12, or nonpublic data with regard to data not on individuals under section 13.02, subdivision 9.

Subd. 9. [CONFLICT OF INTEREST.] A director, employee, or officer of the corporation may not participate in or vote on a decision of the board relating to an organization in which the director has either a direct or indirect financial interest or a conflict of interest as described in section 10A.07.

Subd. 10. [TORT CLAIMS.] The corporation is a state agency for purposes of section 3.736, except the corporation, not the state, is responsible for paying for any tort liability.

Subd. 11. [DATA PRACTICES AND RECORDS MANAGEMENT.] The corporation is subject to chapter 13 and sections 15.17 and 138.163 to 138.226.

Sec. 73. [116T.03] [CORPORATE PERSONNEL.]

Subdivision 1. [GENERALLY.] The board shall appoint and set the compensation for the executive director who serves as chief executive officer of the corporation. The compensation of the executive director may not exceed 85 percent of the governor's salary. The board may designate the executive director as its general agent. Subject to the approval of the board, the executive director shall employ staff consultants and other agents necessary to carry out the mission of the corporation.

Subd. 2. [STATUS OF EMPLOYEES.] Employees, officers, and directors of the corporation are not state employees, but are covered by section 3.736 and, at the option of the board, employees may participate in the state retirement plan for employees in the unclassified service, the state deferred compensation plan, and an insurance plan administered by the commissioner of employee relations.

Sec. 74. [116T.04] [POWERS AND DUTIES OF CORPORATION.]

Subdivision 1. [GENERAL POWERS AND DUTIES.] (a) The corporation has the powers granted to a nonprofit corporation by section 317A.161, except as otherwise provided in this chapter.

(b) Except as specified in section 116T.02, subdivision 10, the state is not liable for the obligations of the corporation.

(c) Section 317A.161 applies to this chapter and the corporation in the same manner that it applies to business corporations established under chapter 317A.

Subd. 2. [RULES.] The corporation must publish in the State Register any guidelines, policies, or eligibility criteria prepared or adopted by the corporation for its programs.

Sec. 75. [116T.05] [AUDITS.]

The corporation is subject to the auditing requirements of sections 3.971 and 3.972.

Sec. 76. [116T.06] [DISSOLUTION.]

In the event of dissolution of the corporation for any reason, the bylaws must provide for return of the proceeds of that liquidation and any wholly owned assets of the corporation to the entities participating in Northern Technology Initiative, Inc. in exchange for the assumption of all outstanding obligations of the corporation.

Sec. 77. Minnesota Statutes 2000, section 136F.07, is amended to read:

136F.07 [CHANCELLOR.]

The board shall appoint a chancellor who shall serve in the unclassified service. The chancellor shall possess powers and perform duties as delegated by the board. The board shall set the salary of the chancellor according to section ~~15A.0815~~ 15A.081, subdivision 7c.

Sec. 78. Minnesota Statutes 2000, section 136F.40, subdivision 2, is amended to read:

Subd. 2. [~~COMPENSATION CONTRACTS.~~] Notwithstanding any other provision to the contrary, when establishing compensation the board may provide, through a contract, a liquidated salary amount or other compensation if a contract with a chancellor or president is terminated by the board prior to its expiration.

Any benefits shall be excluded in computation of retirement, insurance, and other benefits available through or from the state. Any benefits or additional compensation must be as provided under the plan approved under section 43A.18, subdivision 3a: (a) The board may enter into a contract with the chancellor, a vice-chancellor, or a president, containing terms and conditions of employment. The terms of the contract must be authorized under a plan approved under section 43A.18, subdivision 3a.

(b) Notwithstanding section 43A.17, subdivision 11, or other law to the contrary, a contract under this section may provide a liquidated salary amount or other compensation if a contract is terminated by the board prior to its expiration.

Sec. 79. Minnesota Statutes 2000, section 138.35, is amended by adding a subdivision to read:

Subd. 3. [FEE.] The commissioner of administration may charge state agencies, political subdivisions, and businesses a fee for the cost of providing archaeological services as prescribed in sections 138.31 to 138.41 and 307.08. Fees collected by the commissioner of administration must be deposited in the state treasury and are appropriated to the commissioner of administration to pay the cost of operating the office of the state archaeologist. The proposed fee rate must be submitted to the commissioner of finance by August 1 of each even-numbered year. The commissioner of finance must approve the fee rate.

Sec. 80. Minnesota Statutes 2000, section 138.39, is amended to read:

138.39 [RULES.]

The ~~director of the historical society~~ commissioner of administration, in consultation with the state archaeologist, may make and issue such adopt rules, not inconsistent with law, as may be required to carry out the provisions of sections 138.31 to 138.42, and to carry out the state archaeologist's duties under chapter 307. In making such rules, they shall the commissioner must consult with other agencies of the state whose activities may be affected thereby.

Sec. 81. Minnesota Statutes 2000, section 161.1419, subdivision 8, is amended to read:

Subd. 8. [EXPIRATION.] Notwithstanding section 15.059, the commission shall expire on June 30, ~~2004~~ 2005.

Sec. 82. Minnesota Statutes 2000, section 161.32, subdivision 1b, is amended to read:

Subd. 1b. [LOWEST RESPONSIBLE BIDDER.] Trunk highway construction contracts, including design-build contracts, must be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, the purpose for which the contract or purchase is intended, the status and capability of the vendor, and other considerations imposed in the call for bids. The commissioner may decide which is the lowest responsible bidder for all contracts and ~~may~~ must use the principles of life-cycle costing, where appropriate, in determining the lowest overall bid. Any or all bids may be rejected. In a case where competitive bids are required and where all bids are rejected, new bids, if solicited, must be called for as in the first instance, unless otherwise provided by law.

Sec. 83. Minnesota Statutes 2000, section 179A.15, is amended to read:

179A.15 [MEDIATION.]

Once notice has been given under section 179A.14, the employer or the exclusive representative may petition the commissioner for mediation services.

A petition by an employer shall be signed by the employer or an authorized officer or agent. A petition by an exclusive representative shall be signed by its authorized officer. All petitions shall be ~~delivered to~~ served on the commissioner in ~~person or sent by certified mail~~ writing. The petition shall state briefly the nature of the disagreement of the parties. Upon receipt of a petition and upon concluding that mediation would be useful, the commissioner shall fix a time and place for a conference with the parties to negotiate the issues not agreed upon, and shall then take the most expedient steps to bring about a settlement, including assisting in negotiating and drafting an agreement.

If the commissioner determines that mediation would be useful in resolving a dispute, the commissioner may mediate the dispute even if neither party has filed a petition for mediation. In these cases, the commissioner shall proceed as if a petition had been filed.

The commissioner shall not furnish mediation services to any employee or employee representative who is not certified as an exclusive representative.

All parties shall respond to the summons of the commissioner for conferences and shall continue in conference until excused by the commissioner.

Sec. 84. Minnesota Statutes 2000, section 190.06, subdivision 1, is amended to read:

Subdivision 1. [COMPOSITION.] The militia shall consist of:

(1) all able-bodied citizens of the state and other able-bodied persons; residing in the state who have or shall have declared their intention to become citizens of the United States, when so authorized by federal law, who comply with the minimum age requirements for federal regular military service under United States Code, title 10, section 505, and who are not more than 45 years of age; provided, that the governor may, when the governor deems it necessary for the defense of the state, extend the maximum age for militia service to not more than 64 years; and

(2) persons who enlist in, are commissioned in, or are otherwise appointed to the Minnesota national guard in accordance with applicable federal law and regulation, including enlisted members, warrant officers, and commissioned officers.

Sec. 85. Minnesota Statutes 2000, section 190.07, is amended to read:

190.07 [APPOINTMENT; QUALIFICATIONS; RANK.]

There shall be an adjutant general of the state who shall be appointed by the governor. The adjutant general shall be a staff officer, who at the time of appointment shall be a commissioned officer of the national guard of this state,

with not less than ten years military service in the armed forces national guard of this state or the armed forces of the United States, at least three of which shall have been commissioned and who shall have reached the grade of a field officer.

The adjutant general shall hold at least the rank of major general and may be promoted to and including the highest rank authorized under federal law. However, the adjutant general ~~shall~~ may not be appointed promoted to the rank of major general without having at least 20 years service in the Minnesota national guard, at least one of which one year has been in the rank of brigadier general.

The term of the adjutant general is seven years from the date of appointment. Section 15.06, subdivisions 3, 4, and 5, governs filling of vacancies in the office of adjutant general. The adjutant general shall not be removed from office during a term except upon withdrawal of federal recognition or as otherwise provided by the military laws of this state.

Sec. 86. Minnesota Statutes 2000, section 193.144, subdivision 6, is amended to read:

Subd. 6. [DISPOSAL OF UNUSED SITE.] In case any land acquired for armory site purposes hereunder has been donated to such corporation or to the state of Minnesota by such county or municipality or by other governmental agency except the state, and in case such land or any part thereof shall thereafter not be used for armory purposes for a continuous period of more than ten years, not including the period of any war or other emergency in which the armed forces of the state may be engaged, the county or municipality may provide written notice to the adjutant general and, if the property is not used for armory purposes within one year from the notice, the adjutant general shall reconvey the property to the donor county or municipality. The adjutant general may reconvey the property in less than ten years, if the adjutant general determines that the corporation or the state has no further interest in the property.

Sec. 87. Minnesota Statutes 2000, section 193.145, subdivision 4, is amended to read:

Subd. 4. [PAYMENTS BY ADJUTANT GENERAL.] Whether or not bonds are issued, the adjutant general is hereby authorized to pay to such corporation, out of any moneys which may from time to time be appropriated to and for the military department and not appropriated or set apart for any other specific purpose, the sum of not less than \$3,000 per year for each unit of the national guard quartered in such armory when only one such unit is so quartered, and the sum of not less than \$2,000 per year for each additional unit when more than one such unit is so quartered, and may bind the office of the adjutant general, both currently and in the future, by agreement to such corporation to make such payments in a specific amount or amounts out of such appropriations for a period of not more than 40 years.

Sec. 88. Minnesota Statutes 2000, section 193.148, is amended to read:

193.148 [CONVEYANCE TO STATE.]

When payment has been made of all indebtedness incurred by such corporation or of all funds spent by the corporation incident to the procurement, erection, equipment, and operation of any armory built under the provisions of sections 193.141 to 193.149, including the payment in full of the principal and interest of all bonds issued by such corporation to cover the cost of such armory or the full repayment of any commission funds expended for the construction of such armory, such corporation shall transfer and convey such armory building and the site thereof to the state of Minnesota, for military purposes, to be administered as are other state-owned armories.

Any unencumbered balance then held by the commission accruing to such armory shall be retained to be applied to the future maintenance, repair, and equipment of armories.

Sec. 89. Minnesota Statutes 2000, section 197.75, subdivision 1, is amended to read:

Subdivision 1. [BENEFITS; ELIGIBILITY.] The commissioner of veterans affairs shall spend a biennial appropriation for tuition of veterans, and for tuition, fees, board, room, books and supplies of the children of veterans who have died as a result of their service in the armed forces of the United States as determined by the United States

Veterans Administration or other instrumentality of the United States, in the University of Minnesota, a state university, a community college, a technical college, or any other university of higher learning within the state accredited by the North Central Association of Colleges and Secondary Schools, a law college approved by the supreme court, a nursing school approved by the state board of nursing, or in a trade, business, or vocational school in the state approved by the state department of children, families, and learning, or in a theological seminary, for any course which such veteran or child may elect. Not more than ~~\$350~~ \$750 shall be expended for the benefit of any individual veteran, and not more than ~~\$350~~ \$750 in any fiscal year shall be expended for the benefit of any child under this section, and the need for the benefit shall be established and determined by the commissioner of veterans affairs. No child of any veteran shall make application for the benefits provided in this section unless the child resided in Minnesota for at least two years immediately prior to the date of the application. Children of veterans eligible for benefits according to this section shall be admitted to state institutions of university grade free of tuition until they receive a bachelors or equivalent degree. Payments of benefits shall be made directly to the institution in which the course of instruction is given or to the individual on forms prescribed by the commissioner.

Sec. 90. Minnesota Statutes 2000, section 197.75, subdivision 2, is amended to read:

Subd. 2. [LIMITATIONS.] The benefits in subdivision 1 are not available to a veteran who is entitled to the same or similar benefits under a law or regulation of the United States, ~~with the exceptions in paragraphs (a) and (b):~~

~~(a) except that a veteran who has been eligible for and has used up the benefits the veteran is entitled to under the laws of the United States is entitled to the benefits provided for by subdivision 1.~~

~~(b) A veteran who has had less than ten years of eligibility for educational assistance under federal law because of the December 31, 1989, delimiting date and who has lost more than four months of that eligibility is entitled to the benefits provided for by subdivision 1.~~

Sec. 91. Minnesota Statutes 2000, section 240A.08, is amended to read:

240A.08 [APPROPRIATION.]

~~(a) \$750,000 is appropriated annually from the general fund to the Minnesota amateur sports commission for the purpose of entering into long-term leases, use, or other agreements with the metropolitan sports facilities commission for the conduct of amateur sports activities at the basketball and hockey arena, consistent with the purposes set forth in this chapter, including (1) stimulating and promoting amateur sports, (2) promoting physical fitness by promoting participation in sports, (3) promoting the development of recreational amateur sport opportunities and activities, and (4) promoting local, regional, national, and international amateur sport competitions and events. The amateur sports commission shall determine what constitutes amateur sports activities as provided in this chapter as of March 1, 1995. The metropolitan sports facilities commission may allocate at least 25 but no more than 50 dates a year for the conduct of amateur sports activities at the basketball and hockey arena by the amateur sports commission. At least 12 of the dates must be on a Friday, Saturday, or Sunday. The amateur sports commission may sell a date at the arena to another group for any purpose. Revenue from sale of these dates is appropriated to the amateur sports commission for purposes listed in section 240A.04. If any amateur sports activities conducted by the amateur sports commission at the basketball and hockey arena are restricted to participants of one gender, an equal number of activities on comparable days of the week must be conducted for participants of the other gender, but not necessarily in the same year. The legislature reserves the right to repeal or amend this appropriation, and does not intend this appropriation to create public debt.~~

~~(b) The amateur sports commission shall not transmit to the operator of the basketball and hockey arena payment of any event-related costs or expenses, including, but not limited to, personnel, labor, services, equipment, utilities, or supplies attributable to the events unless and until the operator has demonstrated, to the satisfaction of the amateur sports commission, the basis for each specific cost or expense and the means by which the costs and expenses were determined.~~

~~(c) The amateur sports commission may use any ticket system as may be in place from time to time at the basketball and hockey arena, provided that any royalty or rebate fees or charges or surcharges on tickets received by the operator of the arena from third parties must be credited against event-related costs or expenses.~~

~~(d) In the establishment of event-related costs to be imposed upon the amateur sports commission, the operator of the basketball and hockey arena shall provide the amateur sports commission with the maximum discount that the operator has supplied to any other sponsor of a similar amateur sports event in the arena within the 180-day period immediately preceding the date of the amateur sports commission event.~~

~~(e) The amateur sports commission must report by August 1 each year to the chairs of the house and senate state government finance divisions on compliance with this section and on the total value of dates and ancillary services, and revenue derived from resale of dates, during the previous state fiscal year.~~

~~(f) The attorney general, on behalf of the amateur sports commission, must pursue collection of monetary damages from the operator of the arena if the operator fails to comply with the requirements of this section.~~

~~(g) The books, records, documents, accounting procedures, and practices of the metropolitan sports facilities commission, the Minneapolis community development agency, and any corporation with which the Minnesota amateur sports commission may contract for use of the basketball and hockey arena are available for review by the Minnesota amateur sports commission, the legislative auditor, and the chairs of the state government finance divisions of the senate and the house of representatives, subject to chapter 13 and section 473.598, subdivision 4 to provide grants for soccer field development under section 240A.13. This section expires July 1, 2003.~~

Sec. 92. [240A.13] [SOCCER FIELD DEVELOPMENT.]

Subdivision 1. [GRANTS.] The commission may make matching grants to political subdivisions of the state to develop new soccer fields for amateur athletics. In awarding grants, the commission shall give priority to proposals from multiple applicants. To the extent possible, over time, the commission shall disperse grants equally among the state's congressional districts.

Subd. 2. [MATCHING CRITERIA.] Each grant for soccer field development under this section must be matched by recipient communities or institutions in accordance with this subdivision. A matching contribution may include an in-kind contribution of land; access roadways and access roadway improvements; and necessary utility services, landscaping, and parking. The first \$20,000 of a grant must be matched equally by the recipient. The portion of a grant that is more than \$20,000 but not more than \$75,000 must be matched by the recipient at a rate double the amount of that portion of the grant. The portion of a grant that is more than \$75,000 must be matched by the recipient at a rate of three times the amount of that portion of the grant.

Sec. 93. Minnesota Statutes 2000, section 317A.123, subdivision 1, is amended to read:

Subdivision 1. [STATEMENT.] A corporation may change its registered office, designate or change its registered agent, or state a change in the name of its registered agent, by filing with the secretary of state a statement containing:

- (1) the name of the corporation;
- (2) if the address of its registered office is to be changed, the new address of its registered office;
- (3) if its registered agent is to be designated or changed, the name of its new registered agent;
- (4) if the name of its registered agent is to be changed, the name of its registered agent as changed;
- (5) a statement that the address of its registered office and the address of the office of its registered agent, as changed, will be identical; and

(6) a statement that the change of registered office or registered agent was authorized by resolution approved by the board.

The statement need not be accompanied by a filing fee if the statement is being filed only to change the address of the registered office.

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

Sec. 94. Minnesota Statutes 2000, section 317A.827, subdivision 2, is amended to read:

Subd. 2. [REINSTATEMENT.] A corporation dissolved under section 317A.823 may retroactively reinstate its corporate existence by filing a single annual registration ~~and paying a \$25 fee.~~ Filing the annual registration with the secretary of state:

(1) returns the corporation to active status as of the date of the dissolution;

(2) validates contracts or other acts within the authority of the articles, and the corporation is liable for those contracts or acts; and

(3) restores to the corporation all assets and rights of the corporation and its members to the extent they were held by the corporation and its members before the dissolution occurred, except to the extent that assets or rights were affected by acts occurring after the dissolution or sold or otherwise distributed after that time.

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

Sec. 95. Minnesota Statutes 2000, section 394.232, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] Each county is encouraged to prepare and implement a ~~community-based comprehensive sustainable land use plan. A community-based comprehensive plan is a comprehensive plan that is consistent with the goals of community-based sustainable land use planning in section 4A.08.~~

Sec. 96. Minnesota Statutes 2000, section 394.232, is amended by adding a subdivision to read:

Subd. 1a. [RESIDENT PARTICIPATION.] Each county is encouraged to develop a planning process with broad resident participation that is early and continuous in order to build local capacity to plan for sustainable development and to benefit from the insights, knowledge, and support of local residents.

Sec. 97. Minnesota Statutes 2000, section 394.232, subdivision 2, is amended to read:

Subd. 2. [NOTICE AND PARTICIPATION.] Notice must be given at the beginning of the ~~community-based comprehensive sustainable~~ planning process to the office of strategic and long-range planning, ~~the department of natural resources, the department of agriculture, the department of trade and economic development, the board of water and soil resources, the pollution control agency, the department of transportation,~~ local government units, and local citizens to actively participate in the development of the plan. ~~An agency that is invited to participate in the development of a local plan but declines to do so and fails to participate or to provide written comments during the plan development process waives the right during the office's review and comment period to submit comments, except for comments concerning consistency of the plan with laws and rules administered by the agency. In determining the merit of the agency comment, the office shall consider the involvement of the agency in the development of the plan. The office of strategic and long-range planning, after consulting with the county, shall notify other state agencies about the county's planning process and coordinate their participation. Agencies are not required to participate but are expected to provide information as requested by local officials and the office of strategic and long-range planning. Agencies may also comment on the plan as it is being developed.~~

Sec. 98. Minnesota Statutes 2000, section 394.232, subdivision 3, is amended to read:

Subd. 3. [COORDINATION.] A county that prepares a ~~community-based comprehensive sustainable plan~~ shall coordinate ~~should ensure~~ that its plan is developed in coordination with the plans of its neighbors and its constituent municipalities and towns in order both to prevent its plan from having an adverse impact on other jurisdictions and to complement plans of other jurisdictions. The county's ~~community-based comprehensive plan~~ must should incorporate the ~~community-based comprehensive~~ plan of any municipality or town in the county prepared in accordance with section 462.3535. A county may incorporate a municipal or town ~~community-based comprehensive~~ plan by reference.

Sec. 99. Minnesota Statutes 2000, section 394.232, subdivision 4, is amended to read:

Subd. 4. [LIMITED JOINT PLANNING.] Under the joint exercise of powers provisions in section 471.59, a county may establish a joint planning district with other counties, municipalities, and towns, that are geographically contiguous, ~~to adopt a single community-based comprehensive plan for the purpose of developing and implementing multiple sustainable land use plans~~ for the district. The county may not delegate its authority to adopt official controls under this chapter to the board of the joint planning district.

Sec. 100. Minnesota Statutes 2000, section 394.232, subdivision 5, is amended to read:

Subd. 5. [REVIEW AND COMMENT.] (a) For the purpose of determining whether the plan conflicts with state laws and rules, the county or joint planning district shall submit its ~~community-based comprehensive sustainable land use~~ plan to the office of strategic and long-range planning for review ~~of the extent to which the plan promotes local citizen participation, promotes cooperation among adjacent communities, and~~ and comment. The office shall also comment on the extent to which the plan demonstrates consideration of the community-based planning goals in section 4A.08. The office has 60 days after submittal to comment on the plan.

(b) ~~The office may not disapprove a community-based comprehensive plan if the office determines that the plan promotes local citizen participation, promotes cooperation among adjacent communities, and demonstrates consideration of the community-based planning goals in section 4A.08.~~

(c) ~~If the office disagrees with a community-based comprehensive plan, the office shall notify the county or district of these findings in writing of how the plan specifically fails to address the goals of community-based planning. The findings are advisory only and must not be used as a basis for providing or refusing to provide any state aids. Upon receipt of the office's written comments, the county or district has 120 days to revise amend the community-based comprehensive plan and resubmit it to the office for reconsideration. The county may state in writing any disagreements with the findings.~~

(d) ~~If the county or district refuses to revise the plan or the office disagrees with the revised plan, the office shall within 60 days notify the county or district that it wishes to initiate the dispute resolution process in chapter 572A.~~

(e) ~~Within 60 days of notice from the office, the county or joint planning district shall notify the office of its intent to enter the dispute resolution process. If the county or district refuses to enter the dispute resolution process, the county or district is ineligible for any future grant disbursements related to community-based planning activities through the office.~~

(f) ~~Priority for other state grants, loans, and other discretionary spending must not be given to local units of government based on their participation in community-based planning.~~

Sec. 101. Minnesota Statutes 2000, section 394.232, subdivision 7, is amended to read:

Subd. 7. [NO MANDAMUS PROCEEDING.] A mandamus proceeding may not be instituted against a county under this section to require the county to conform its ~~community-based comprehensive land use~~ plan to be consistent with the ~~community-based planning~~ goals in section 4A.08.

Sec. 102. Minnesota Statutes 2000, section 403.11, subdivision 1, is amended to read:

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

(b) The fee ~~may not be less than eight cents nor more than 30~~ is 27 cents a month for each customer access line or other basic access service, including trunk equivalents as designated by the public utilities commission for access charge purposes and including cellular and other nonwire access services. The fee must be the same for all customers.

(c) The fee must be collected by each company or carrier providing service subject to the fee. Fees are payable to and must be submitted to the commissioner of administration monthly before the 25th of each month following the month of collection, except that fees may be submitted quarterly if less than \$250 a month is due, or annually if less than \$25 a month is due. Receipts must be deposited in the state treasury and credited to a 911 emergency telephone service account in the special revenue fund. The money in the account may only be used for 911 telephone services as provided in paragraph (a).

(d) ~~The commissioner of administration, with the approval of the commissioner of finance, shall establish the amount of the fee within the limits specified and inform the companies and carriers of the amount to be collected. Companies and carriers must be given a minimum of 45 days' notice of fee changes.~~

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

Sec. 103. Minnesota Statutes 2000, section 462.351, is amended to read:

462.351 [MUNICIPAL PLANNING AND DEVELOPMENT; STATEMENT OF POLICY.]

The legislature finds that ~~municipalities are faced with mounting problems in providing means of guiding future development of land so as to insure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities, to preserve~~ are best served when land uses decisions are locally controlled, and when such plans avoid inflexible, centrally directed land use restrictions and mandates that may result in unforeseen consequences. The preservation of agricultural and other open lands, and to promote the is best accomplished by private means. Government ownership should, to the greatest extent possible, be limited to the protection of public health, safety, and general welfare. Municipalities can prepare for anticipated changes and by such preparations bring about significant savings in both private and public expenditures. Municipal planning, by providing public guides to future municipal action, enables other public and private agencies to plan their activities in harmony with the municipality's plans. Municipal planning will assist in developing lands more wisely to serve

~~citizens more effectively; remaining flexible and adaptable to freely functioning land markets,~~ will make the provision of public services less costly; and will achieve a more secure tax base. It is the purpose of sections 462.351 to 462.364 to provide municipalities, in a single body of law, with the necessary powers and a uniform procedure for adequately conducting and implementing municipal planning.

Sec. 104. Minnesota Statutes 2000, section 462.352, subdivision 5, is amended to read:

Subd. 5. [COMPREHENSIVE MUNICIPAL PLAN.] "Comprehensive municipal plan" means a compilation of policy statements, goals, standards, and maps for guiding the physical, ~~social and economic~~ development, ~~both private and public,~~ of the municipality and its environs, including air space and subsurface areas necessary for mined underground space development pursuant to sections 469.135 to 469.141; ~~and, Comprehensive municipal plans may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, including proposed densities for development, a community facilities plan, a transportation plan, and recommendations for plan execution. A comprehensive plan represents the planning agency's recommendations for the future development of the community.~~

Sec. 105. Minnesota Statutes 2000, section 462.352, subdivision 6, is amended to read:

Subd. 6. [LAND USE PLAN.] "Land use plan" means a compilation of policy statements, goals, standards, and maps, and action programs for guiding the future development of ~~private and public property.~~ The term includes plan must include clear procedures to allow members of the public to initiate a procedure to amend the plan, a plan designating types of uses for the entire municipality as well as a specialized plan showing specific areas or specific types of land uses, such as residential, commercial, industrial, public or semipublic uses or any combination of such uses. ~~A land use plan may also include the proposed densities for development.~~

Sec. 106. Minnesota Statutes 2000, section 462.3535, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] Each municipality is encouraged to prepare and implement a ~~community-based comprehensive municipal plan. A community-based comprehensive municipal plan is a comprehensive plan that is consistent with the goals of community-based planning in section 4A.08.~~

Sec. 107. Minnesota Statutes 2000, section 462.3535, subdivision 2, is amended to read:

Subd. 2. [COORDINATION.] A municipality that prepares a ~~community-based~~ comprehensive municipal plan that is consistent with the goals in section 4A.08 shall ~~coordinate its plan with the plans, if any, of~~ provide a copy of its plan to the county and the municipality's neighbors ~~both in order to prevent the plan from having an~~ determine if implementation of the plan will result in any clear adverse ~~impact~~ impacts on other jurisdictions ~~and to complement the plans of other jurisdictions. The municipality shall prepare its plan to be incorporated into the county's community-based comprehensive plan, if the county is preparing or has prepared one, and shall otherwise assist and cooperate with the county in its community-based planning.~~

Sec. 108. Minnesota Statutes 2000, section 462.3535, subdivision 3, is amended to read:

Subd. 3. [LIMITED JOINT PLANNING.] Under the joint exercise of powers provisions in section 471.59, a municipality may establish a joint planning district with other municipalities or counties that are geographically contiguous; ~~to adopt a single community-based comprehensive plan for the district for the purpose of jointly developing complementary land use plans that are consistent with section 4A.08. The purpose of joint planning is to develop separate plans that are unique to each municipality, but are not substantially in conflict.~~ A municipality may not delegate its authority to adopt official controls under sections 462.351 to 462.364, to the board of the joint planning district.

Sec. 109. Minnesota Statutes 2000, section 462.3535, subdivision 4, is amended to read:

Subd. 4. [CITIES; URBAN GROWTH AREAS.] ~~(a) The community-based comprehensive municipal plan for a statutory or home rule charter city, and official controls to implement the plan, must at a minimum, address any urban growth area identified in a county plan and may establish an urban growth area for the urbanized and urbanizing area. The city plan must establish a staged process for boundary adjustment to include the urbanized or urbanizing area within corporate limits as the urban growth area is developed and provided extending municipal services to surrounding areas.~~

~~(b) Within the urban growth area, the plan must provide for the staged provision of urban services, including, Such services include, but are not limited to, water, wastewater collection and treatment, and transportation.~~

Sec. 110. Minnesota Statutes 2000, section 462.3535, subdivision 10, is amended to read:

Subd. 10. [NO MANDAMUS PROCEEDING.] A mandamus proceeding may not be instituted against a municipality under this section to require the municipality to conform its ~~community-based comprehensive~~ land use plan to be consistent with the ~~community-based planning~~ goals in section 4A.08.

Sec. 111. Minnesota Statutes 2000, section 473.13, is amended by adding a subdivision to read:

Subd. 1b. [REPORT ON CONSULTANTS.] The annual budget must list by contract or project, expenditures for consultants and professional, technical, and other similar services for the preceding fiscal year and those proposed or anticipated in the next year. The council shall consult with the state auditor and the legislative auditor on how to coherently and effectively communicate in the budget information on professional services contracts, including a detailed description of the (1) methods the council used to obtain consultant services, (2) criteria used by the council to award the contract, (3) number of consultants who sought the contract, (4) total cost of the contract, (5) duration of the contract, (6) source of the funds used to pay for the contract.

Sec. 112. Minnesota Statutes 2000, section 473.1455, is amended to read:

473.1455 [METROPOLITAN DEVELOPMENT GUIDE GOALS.]

The metropolitan council shall amend the metropolitan development guide, as necessary, to reflect and implement the ~~community-based planning~~ goals in section 4A.08. The office of strategic and long-range planning shall review and comment on the metropolitan development guide. The council may not approve local comprehensive plans or plan amendments after July 1, 1999, until the metropolitan council has received and ~~considered~~ responded in writing to the comments of the office of strategic and long-range planning.

Sec. 113. [473.246] [LEGISLATIVE COMMISSION ON METROPOLITAN GOVERNMENT; REVIEW.]

The metropolitan council shall submit to the legislative commission on metropolitan government information on the council's tax rates and dollar amounts levied for the current year, proposed property tax rates and levies, operating and capital budgets, work program, capital improvement program, and any other information requested by the commission, for review by the legislative commission, as provided in section 3.99.

Sec. 114. Minnesota Statutes 2000, section 517.08, subdivision 1b, is amended to read:

Subd. 1b. [TERM OF LICENSE; FEE; PREMARITAL EDUCATION.] (a) The court administrator shall examine upon oath the party applying for a license relative to the legality of the contemplated marriage. If at the expiration of a five-day period, on being satisfied that there is no legal impediment to it, including the restriction contained in section 259.13, the court administrator shall issue the license, containing the full names of the parties before and after marriage, and county and state of residence, with the district court seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. In case of emergency or extraordinary circumstances, a judge of the district court of the county in which the application is made, may authorize the license

to be issued at any time before the expiration of the five days. Except as provided in paragraph (b), the court administrator shall collect from the applicant a fee of \$70 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the court administrator for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A court administrator who knowingly issues or signs a marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

(b) The marriage license fee for parties who have completed at least 12 hours of premarital education is \$20. In order to qualify for the reduced fee, the parties must submit a signed and dated statement from the person who provided the premarital education confirming that it was received. The premarital education must be provided by a licensed or ordained minister or the minister's designee, a person authorized to solemnize marriages under section 517.18, or a person authorized to practice marriage and family therapy under section 148B.33. The education must include the use of a premarital inventory and the teaching of communication and conflict management skills.

(c) The statement from the person who provided the premarital education under paragraph (b) must be in the following form:

"I, (name of educator), confirm that (names of both parties) received at least 12 hours of premarital education that included the use of a premarital inventory and the teaching of communication and conflict management skills. I am a licensed or ordained minister, a person authorized to solemnize marriages under Minnesota Statutes, section 517.18, or a person licensed to practice marriage and family therapy under Minnesota Statutes, section 148B.33."

The names of the parties in the educator's statement must be identical to the legal names of the parties as they appear in the marriage license application. Notwithstanding section 138.17, the educator's statement must be retained for seven years, after which time it may be destroyed.

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

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

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

Sec. 115. Minnesota Statutes 2000, section 517.08, subdivision 1c, is amended to read:

Subd. 1c. [DISPOSITION OF LICENSE FEE.] (a) Of the marriage license fee collected pursuant to subdivision 1b, paragraph (a), \$15 must be retained by the county. The court administrator ~~shall~~ must pay \$55 to the state treasurer to be deposited as follows:

(1) \$50 in the general fund;

(2) \$3 in the special revenue fund to be appropriated to the commissioner of children, families, and learning for supervised parenting time facilities under section 119A.37; and

(3) \$2 in the special revenue fund to be appropriated to the commissioner of health for developing and implementing the MN ENABL program under section 145.9255.

(b) Of the \$20 fee under subdivision 1b, paragraph (b), \$15 must be retained by the county. The state court administrator must pay \$5 to the state treasurer to be distributed as provided in paragraph (a), clauses (2) and (3).

Sec. 116. Minnesota Statutes 2000, section 645.44, is amended by adding a subdivision to read:

Subd. 15a. [MUST.] "Must" is mandatory.

Sec. 117. Laws 1998, chapter 366, section 80, is amended to read:

Sec. 80. [SETTLEMENT DIVISION; TRANSFER OF JUDGES.]

The office of administrative hearings shall establish a settlement division. The workers' compensation judges at the department of labor and industry, together with their support staff, offices, furnishings, equipment, and supplies, are transferred to the settlement division of the office of administrative hearings. Minnesota Statutes, section 15.039, applies to the transfer of employees. ~~The settlement division of the office of administrative hearings shall maintain offices in the cities of St. Paul, Duluth, and Detroit Lakes.~~ The office of a judge in the settlement division of the office of administrative hearings and the support staff of the judge may be located in a building that contains offices of the department of labor and industry. The seniority of a workers' compensation judge at the office of administrative hearings, after the transfer, shall be based on the total length of service as a judge at either agency. For purposes of the commissioner's plan under Minnesota Statutes, section 43A.18, subdivision 2, all compensation judges at the office of administrative hearings shall be considered to be in the same employment condition, the same organizational unit and qualified for work in either division.

Sec. 118. Laws 1998, chapter 404, section 23, subdivision 6, is amended to read:

Subd. 6. St. Paul RiverCentre Arena

65,000,000

This appropriation is from the general fund to the commissioner of finance for a loan to the city of St. Paul to demolish the existing St. Paul RiverCentre Arena and to design, construct, furnish, and equip a new arena. This appropriation is not available until the lessee to whom the city has leased the arena has agreed to make rental or other payments to the city under the terms set forth in this subdivision. The loan is repayable solely from and secured by the payments made to the city by the lessee. The loan is not a public debt and the full faith, credit, and taxing powers of the city are not pledged for its repayment.

(a) \$48,000,000 of the loan must be repaid to the commissioner, without interest, within 20 years from the date of substantial completion of the arena in accordance with the following schedule:

(1) no repayments are due in the first two years from the date of substantial completion;

(2) in each of the years three to five, the lessee must pay \$1,250,000;

(3) in each of the years six to ten, the lessee must pay \$1,500,000;

(4) in each of the years 11 to 13, the lessee must pay \$2,000,000;

(5) in year 14, the lessee must pay \$3,000,000;

(6) in year 15, the lessee must pay \$4,000,000; and

(7) in each of the years 16 to 20, the lessee must pay \$4,750,000.

(b) The commissioner must deposit the repayments in the ~~state treasury and credit them to the youth activities account, which is hereby created in the special revenue fund.~~ Money in the youth activities account is available for expenditure as appropriated by law general fund.

(c) The loan may not be made until the commissioner has entered into an agreement with the city of St. Paul identifying the rental or other payments that will be made and establishing the dates on and the amounts in which the payments will be made to the city and by the city to the commissioner. The payments may include operating revenues and additional payments to be made by the lessee under agreements to be negotiated between the commissioner, the city, and the lessee. Those agreements may include, but are not limited to, an agreement whereby the lessee pledges to provide each year a letter of credit sufficient to guarantee the payment of the amount due for the next succeeding year; an agreement whereby the lessee agrees to maintain a net worth, certified each year by a financial institution or accounting firm satisfactory to the commissioner, that is greater than the balance due under the payment schedule in paragraph (a); and any other agreements the commissioner may deem necessary to ensure that the payments are made as scheduled.

(d) The agreements must provide that the failure of the lessee to make a payment due to the city under the agreement is an event of default under the lease between the city and the lessee and that the state is entitled to enforce the remedies of the lessor under the lease in the event of default. Those remedies must include, but need not be limited to, the obligation of the lessee to pay the balance due for the remainder of the payment schedule in the event the lessee ceases to operate a National Hockey League team in the arena.

(e) By January 1, 1999, the commissioner shall report to the chair of the senate committee on state government finance and the chair of the house committee on ways and means the terms of an agreement between the lessee and the amateur sports commission whereby the lessee agrees to make the facilities of the arena available to the commission on terms satisfactory to the commission for amateur sports activities consistent with the purposes of Minnesota Statutes, chapter 240A, each year during the time the loan is outstanding. The amateur sports commission must negotiate in good faith and may be required to pay no more than actual out-of-pocket expenses for the time it uses the arena. The agreement may not become effective before February 1, 1999. During any calendar year after 1999 that an agreement under this paragraph is not in effect and a payment is due under the schedule, the lessee must pay to the commissioner a penalty of \$750,000 for that year. If the amateur sports commission has not negotiated in good faith, no penalty is due.

Sec. 119. Laws 1999, chapter 250, article 1, section 115, is amended to read:

Sec. 115. [REPEALER.]

(a) Minnesota Rules, part 8275.0045, subpart 2, is repealed.

(b) Minnesota Statutes 1998, sections 15.90; 15.91; 15.92; 16A.103, subdivision 3; 16E.11; 16E.12; and 16E.13, are repealed.

(c) Laws 1991, chapter 235, article 5, section 3, as amended by Laws 1995, chapter 254, article 1, section 91, is repealed.

(d) Minnesota Statutes 1998, section 16A.1285, subdivisions 4 and 5, are repealed.

(e) Minnesota Statutes 1998, sections 207A.01; 207A.02; 207A.03; 207A.04; 207A.06; 207A.07; 207A.08; 207A.09; and 207A.10, are repealed.

(f) S. F. No. 2223 of the 1999 regular session, if enacted, is repealed.

~~(g) Minnesota Statutes 1998, sections 4A.08; 4A.09; and 4A.10, are repealed.~~

Sec. 120. Laws 1999, chapter 250, article 1, section 116, is amended to read:

Sec. 116. [EFFECTIVE DATE.]

(a) Section 41 is effective January 1, 2001. Section 43 is effective July 1, 2000, with respect to preparation of the model policies and procedures by the commissioner of administration, and January 1, 2001, with respect to the other provisions of section 43.

(b) Sections 62 to 64 and 93 are effective January 1, 2001.

(c) Sections 94 to 100 are effective the day following final enactment.

(d) Sections 47, 49, 55, and 115, ~~paragraphs~~ paragraph (d) and ~~(g)~~, are effective July 1, 2001.

(e) Section 61 is effective the day following final enactment and applies only to contracts executed on or after that date.

(f) The commissioner of employee relations may not implement the long-term care insurance plan under section 78 until April 1, 2000.

Sec. 121. [APPLICATION.]

Sections 111 and 113 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 122. [REQUEST FOR PROPOSAL; INTERTECHNOLOGIES SERVICES.]

By January 1, 2002, the commissioner of administration must issue one or more requests for proposals covering all services currently provided by the intertechnologies group in the department of administration. Current state employees, as well as outside vendors, may respond to the request for proposals. Based on the requests, the commissioner must enter into a contract to provide services covered by the requests for proposals for the period beginning July 1, 2002.

Sec. 123. [URBAN RIVERS GUIDELINES.]

The office of strategic and long-range planning, in consultation with appropriate and affected parties, must prepare guidelines for sustainable development along the central business districts of rivers in urban areas of the state. The office must:

- (1) evaluate existing state and municipal laws;
- (2) review federal legislation affecting urban rivers; and
- (3) identify the technical and administrative procedures to guide urban river development.

The draft guidelines must be made available to the environmental and economic development policy committees of the legislature, and to interested parties, by January 15, 2002.

Sec. 124. [INITIAL BOARD.]

The initial board of Northern Technology, Inc. consists of the president of Pine Technical College and one member of each of the governing bodies of Carlton, Chisago, Isanti, Kanabec, and Pine counties, appointed by the governing bodies. Members of the initial board must be appointed within 30 days of the effective date of this act and must adopt bylaws within 30 days of the appointment of the last board member appointed under this section. Any additional board members required under the bylaws or Minnesota Statutes, section 116T.02, subdivision 3, must take office or be appointed within 30 days after the adoption of bylaws under this section.

Sec. 125. [CAPITOL CAFETERIA; WINE AND BEER LICENSE.]

Notwithstanding Minnesota Statutes, section 340A.412, subdivision 4, paragraph (a), clause (2), the city of St. Paul may issue an on-sale wine and beer license under Minnesota Statutes, section 340A.404, subdivision 5, for the premises in the state capitol building known as the capitol cafeteria. All provisions of Minnesota Statutes, chapter 340A, not inconsistent herewith, apply to the licenses authorized under this section.

[EFFECTIVE DATE.] This section is effective on approval by the St. Paul city council and compliance with Minnesota Statutes, section 645.021.

Sec. 126. [MINNEAPOLIS PARK AND RECREATION BOARD.]

The Minneapolis park and recreation board may solicit bids for and may lease that portion of the property known as the Fuji Ya restaurant that was acquired but not used to construct the Great River Road project for the purpose of operating a commercial food or entertainment facility that is compatible and consistent with a location adjacent to the Mississippi river. If the park board leases the property for such purpose, the park board shall otherwise comply with the provisions of Minnesota Statutes, section 16A.695, and relevant orders of the commissioner of finance. Any funds derived from the state through lease payments will be deposited in the appropriate fund.

Sec. 127. [HIAWATHA AVENUE LIGHT RAIL TRANSIT COST CALCULATION.]

(a) The office of the legislative auditor shall prepare a complete accounting of all federal, state, and local costs relating to the Hiawatha avenue light rail transit line. The cost accounting must include:

- (1) planning, environmental studies, and preliminary and final design and engineering for the project;
- (2) construction and other capital costs of the light rail transit line when completed;
- (3) improvements and repairs to and reconstruction of state and local streets and highways incurred and anticipated as a result of the project;

(4) all costs of utility relocation resulting from the project;

(5) all costs incurred by the department of transportation with respect to public information and communications about the project;

(6) construction, acquisition, or lease of park-and-ride facilities that would serve project riders, including costs of relocating other public facilities to make room for those park-and-ride facilities;

(7) projected costs of connecting the Hiawatha avenue light rail transit line with commuter rail facilities;

(8) any costs necessitated by the project and included in the project budget for the reconstruction of marked trunk highway No. 55, to the extent not included under clause (3); and

(9) all public costs relating to the acquisition of real property for the line and for the purchase and development of real property adjacent to the project right-of-way.

(b) The legislative auditor shall submit an interim report of the cost accounting to the legislature by March 1, 2002, and shall submit a final report to the legislature by March 1, 2003.

Sec. 128. [PAY EQUITY STUDY.]

The commissioner of employee relations shall convene a work group to examine the practices and progress of the local government pay equity act. The commissioner must report the findings of the group to the legislature by January 15, 2002.

Sec. 129. [SHALL/MUST.]

The revisor of statutes, in consultation with the directors of house research and senate counsel and research, must report to the house of representatives and senate rules committees and the legislative coordinating commission by November 1, 2001, on a proposal to change "shall" to "must" in Minnesota Statutes.

Sec. 130. [LOCATING STATE AGENCIES.]

It is the policy of the Minnesota legislature to ensure that state government services are available to all people of our state.

Therefore, the office of strategic and long-range planning, in cooperation with the departments of administration and finance, shall develop criteria for the proper location of state agencies or parts of state agencies. The purpose of these criteria will be to evaluate the advantages and disadvantages of proposals to relocate and decentralize state services and facilities.

The office shall report its recommendations to the senate finance committee, senate capital investment committee, house ways and means committee, and house capital investment committee by January 15, 2002.

Sec. 131. [RENT ADJUSTMENTS.]

General fund appropriations in this act to state agencies for increased rent costs must be reduced by a total of \$2,864,000. The commissioner of finance must allocate this reduction proportionately among agencies and reduce appropriations to the agencies accordingly.

Sec. 132. [RATIFICATIONS.]

Subdivision 1. [UNREPRESENTED MANAGERS; MINNESOTA STATE COLLEGES AND UNIVERSITIES.] The amendments to the plan for administrators of the Minnesota state colleges and universities, approved by the legislative coordinating commission subcommittee on employee relations on July 21, 2000, are ratified.

Subd. 2. [SALARIES FOR HEADS OF STATE AGENCIES.] The proposal to increase the salaries of certain heads of state agencies, approved by the legislative coordinating commission subcommittee on employee relations on July 21, 2000, is ratified.

Subd. 3. [ENGINEERS.] The arbitration award and labor agreement between the state of Minnesota and the Minnesota government engineers council, approved by the legislative coordinating commission subcommittee on employee relations on September 8, 2000, are ratified.

Subd. 4. [SALARIES FOR CERTAIN HEADS OF STATE AGENCIES.] The proposals to increase the salaries of the directors of the state board of investment and the teachers retirement association, as approved by the legislative coordinating commission subcommittee on employee relations on September 8, 2000, are ratified.

Sec. 133. [REVISOR'S INSTRUCTION.]

The revisor of statutes shall renumber Minnesota Statutes, section 16B.88, as Minnesota Statutes, section 4.50.

Sec. 134. [TRANSFERS.]

The office of citizenship and volunteer services is transferred from the department of administration to the office of the governor according to Minnesota Statutes, section 15.039.

Sec. 135. [REPEALER.]

(a) Minnesota Statutes 2000, sections 3.9222; 8.31, subdivision 2c; 13.606, subdivision 2; 16B.37; 16B.58, subdivision 7; 129D.06; 394.232; 473.1455; 572A.01; and 572A.03, subdivision 2, are repealed.

(b) Minnesota Statutes 2000, sections 13.202, subdivision 8; 465.795; 465.796; 465.797; 465.7971; 465.798; 465.799; 465.801; 465.802; 465.803; 465.83; 465.87; and 465.88, are repealed.

(c) Minnesota Statutes 2000, sections 4A.07, subdivision 3; 462.352, subdivision 18; and 462.3535, subdivisions 5, 6, 7, 8, and 9, are repealed.

(d) Minnesota Statutes 2000, sections 16A.67; 16A.6701; and 246.18, subdivision 7, are repealed.

(e) Minnesota Statutes 2000, section 43A.18, subdivision 5, is repealed.

Sec. 136. [EFFECTIVE DATE.]

Sections 9 and 10 are effective January 1, 2002. Sections 27 to 31 are effective July 1, 2002. Sections 35, 54, 81, 119, and 120 are effective June 30, 2001. Sections 67 to 70 are effective the day following final enactment. Section 68 is a clarification of the law in effect before the effective date of section 68. Sections 13; 38; 39; 77; 78; 83; 132; and 135, paragraph (e), are effective the day following final enactment. Section 135, paragraph (d), is effective December 31, 2001.

ARTICLE 3

ELECTIONS

Section 1. Minnesota Statutes 2000, section 103C.311, subdivision 1, is amended to read:

Subdivision 1. [SUPERVISORS ELECTED AT LARGE.] (a) The district board, after the initial election has been held, shall, with the approval of the state board, divide a district into five supervisor districts for purposes of nomination for election. At each election after the division, one or more supervisors shall be nominated from each supervisor district. A supervisor must be a resident of the supervisor district to be elected.

(b) If the boundary of a soil and water conservation district has been substantially changed by a division of the district, the district shall be divided into five supervisor districts for nomination purposes.

(c) This subdivision does not disqualify a supervisor during the term for which the supervisor was elected or nominated for election. Supervisors nominated from the supervisor districts shall be included on the ballot for election from the entire area included in the soil and water conservation district.

(d) A certified copy of the minutes or the resolution of the supervisors establishing supervisor districts must be promptly filed by the chair of the district board with the county auditor of the counties where the district is located and with the state board.

Sec. 2. [200.039] [PETITION REQUIREMENTS FOR BALLOT QUESTIONS.]

If a statute:

(1) provides that a ballot question may or must be placed on the ballot when a specified number of individuals have signed a petition, and

(2) specifies the number of individuals required under the statute as a percentage of the individuals who voted in a previous election,

the statute must be construed to mean that the petition must be signed by a number of current voters equal to the required percentage specified in the statute. The statute must not be construed to restrict the eligibility to sign the petition to only those individuals who were eligible to cast ballots or who did cast ballots in the previous election.

Sec. 3. Minnesota Statutes 2000, section 201.016, subdivision 1a, is amended to read:

Subd. 1a. [VIOLATIONS; PENALTY.] (a) The county auditor shall mail a violation notice to any voter who the county auditor can determine has voted in a precinct other than the precinct in which the voter maintains residence. The notice must be in the form provided by the secretary of state. The county auditor shall also change the status of the voter in the statewide registration system to "challenged" and the voter shall be required to provide proof of residence to either the county auditor or to the election judges in the voter's precinct before voting in the next election. Any of the forms authorized by section 201.061 for registration at the polling place may be used for this purpose.

(b) A voter who votes in a precinct other than the precinct in which the voter maintains residence after receiving an initial violation notice as provided in this subdivision is guilty of a petty misdemeanor. ~~Any subsequent violation~~

(c) A voter who votes in a precinct other than the precinct in which the voter maintains residence after having been found to have committed a petty misdemeanor under paragraph (b) is guilty of a misdemeanor.

(d) A voter who votes in a precinct other than the precinct in which the voter maintains residence after having been convicted of a misdemeanor under paragraph (c), is guilty of a gross misdemeanor.

(e) Reliance by the voter on inaccurate information regarding the location of the voter's polling place provided by the state, a county, or municipality is an affirmative defense to a prosecution under this subdivision.

Sec. 4. Minnesota Statutes 2000, section 201.022, is amended to read:

201.022 [STATEWIDE REGISTRATION SYSTEM.]

Subdivision 1. [ESTABLISHMENT.] The secretary of state shall ~~develop and implement~~ maintain a statewide voter registration system to facilitate voter registration and to provide a central database containing voter registration information from around the state. The system must be accessible to the county auditor of each county in the state.

Subd. 2. [RULES.] The secretary of state shall make permanent rules necessary to administer the system required in subdivision 1. The rules must at least:

(1) provide for voters to submit their registration to any county auditor, the secretary of state, or the department of public safety;

(2) provide for the establishment and maintenance of a central database for all voter registration information;

(3) provide procedures for entering data into the statewide registration system;

(4) provide for interaction with the computerized driver's license records of the department of public safety;

(5) allow the offices of all county auditors and the secretary of state to add, modify, and delete information from the system to provide for accurate and up-to-date records;

(6) allow the offices of all county auditors and the secretary of state's office to have access to the statewide registration system for review and search capabilities;

(7) provide security and protection of all information in the statewide registration system and to ensure that unauthorized entry is not allowed;

(8) provide a system for each county to identify the precinct to which a voter should be assigned for voting purposes; and

~~(9) prescribe a procedure for phasing in or converting existing computerized records to the statewide registration system;~~

~~(10) prescribe a procedure for the return of completed voter registration forms from the department of public safety to the secretary of state or the county auditor; and~~

~~(11) provide alternate procedures, effective until December 31, 1990, for updating voter records and producing polling place rosters for counties. The secretary of state shall determine no later than June 1, 1990, whether these alternate procedures will be required.~~

Sec. 5. Minnesota Statutes 2000, section 201.061, subdivision 3, is amended to read:

Subd. 3. [ELECTION DAY REGISTRATION.] (a) An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration card, making an oath in the form prescribed by the secretary of state and providing proof of identification and residence.

(b) An individual may prove residence identity for purposes of registering by showing one of the following:

(1) ~~showing~~ a driver's license or Minnesota identification card issued pursuant to section 171.07;

(2) ~~showing any document approved by the secretary of state as proper a~~ United States passport or military identification;

(3) ~~showing one of the following~~:

~~(4) a current valid student identification card from a post-secondary educational institution in Minnesota, if a list of students from that institution has been prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state; or~~

(ii) (4) a current valid employee photo identification card issued by the state or by a political subdivision;

(5) a current valid photo identification card issued by the health department to recipients of medical assistance;
or

(6) an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, Department of the Interior, that contains the name, residence address, signature, date of birth, and picture of the individual.

(c) In addition, an individual may prove residence for purposes of registration if the document shown in compliance with paragraph (b) does not contain the individual's current residence address by providing one of the following:

(1) an electric, water, natural gas, garbage, sewer, telephone, or cable television bill that is due within 30 days after election day;

(2) a Minnesota driver's license, learner's permit, or identification card, or a receipt for one of these;

(3) notice of late voter registration;

(4) a student list prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state;

(5) an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, Department of the Interior, that contains the name, residence address, signature, date of birth, and picture of the individual;

(6) a current student fee statement that contains the student's valid address in the precinct together with a picture identification card; or

~~(7)~~ (7) having a voter who is registered to vote in the precinct sign an oath in the presence of the election judge vouching that the voter personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day.

(d) A county, school district, or municipality may must require that an election judge responsible for election day registration initial each completed registration card.

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

Sec. 6. Minnesota Statutes 2000, section 201.071, subdivision 1, is amended to read:

Subdivision 1. [FORM.] A registration card must be of suitable size and weight for mailing and contain spaces for the following required information: voter's first name, middle name, and last name; voter's previous name, if any; voter's current address; voter's previous address, if any; voter's date of birth; voter's municipality and county of residence; voter's telephone number, if provided by the voter; the final four digits of the voter's social security number (or the statement "NONE" if the voter has no social security number); date of registration; and voter's signature. The card must also contain a certification of voter eligibility.

The form of the voter registration card and the certification of voter eligibility must be as provided in the rules of the secretary of state. Voter registration forms authorized by the National Voter Registration Act may also be accepted as valid.

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

Sec. 7. Minnesota Statutes 2000, section 201.071, subdivision 3, is amended to read:

Subd. 3. [DEFICIENT REGISTRATION.] No registration is deficient if it contains the voter's name, address, date of birth, the final four digits of the voter's social security number (or the statement "NONE" if the voter has no social security number), prior registration, if any, and signature. The absence of a zip code number does not cause the registration to be deficient. The election judges shall request an individual to correct a registration card if it is deficient or illegible or if the name or number of the voter's school district is missing or obviously incorrect. No eligible voter may be prevented from voting unless the voter's registration card is deficient or the voter is duly and successfully challenged in accordance with section 201.195 or 204C.12.

A registration card accepted prior to August 1, 1983, is not deficient for lack of date of birth. The county or municipality may attempt to obtain the date of birth for a registration card accepted prior to August 1, 1983, by a request to the voter at any time except at the polling place. Failure by the voter to comply with this request does not make the registration deficient.

A registration card accepted before April 1, 2002, is not deficient for lack of the final four digits of the voter's social security number. A county or municipality may attempt to obtain this information for a registration card accepted before April 1, 2002, by a request to the voter at any time except at the polling place. Failure by the voter to comply with this request does not make the registration deficient.

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

Sec. 8. Minnesota Statutes 2000, section 201.071, is amended by adding a subdivision to read:

Subd. 9. [EXISTING CARDS.] Existing stocks of registration cards printed before April 1, 2002, that do not contain the social security information required under this section may continue to be used until the stock is exhausted. All registration cards printed after March 31, 2002, must conform with this section.

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

Sec. 9. Minnesota Statutes 2000, section 201.071, is amended by adding a subdivision to read:

Subd. 10. [RULES.] The secretary of state shall adopt rules to provide for registration cards that conform with this section.

Sec. 10. Minnesota Statutes 2000, section 201.091, subdivision 1, is amended to read:

Subdivision 1. [MASTER LIST.] Each county auditor shall prepare and maintain a current list of registered voters in each precinct in the county which is known as the master list. The master list must be created by entering each completed voter registration card received by the county auditor into the statewide registration system. It must show the name, residence address, and date of birth of each voter registered in the precinct. The information contained in the master list may only be made available to public officials for purposes related to election administration, jury selection, and in response to a law enforcement inquiry concerning a violation of or failure to comply with any criminal statute or state or local tax statute. If a copy of the master list is provided to a public official for jury selection or in response to a law enforcement inquiry described in this subdivision, the list may not include the final four digits of the social security number of any voter.

Sec. 11. Minnesota Statutes 2000, section 201.091, is amended by adding a subdivision to read:

Subd. 1a. [POLLING PLACE ROSTER.] A polling place roster produced from data maintained in the statewide voter registration file may not include the final four digits of the social security number of any voter.

Sec. 12. Minnesota Statutes 2000, section 201.091, subdivision 4, is amended to read:

Subd. 4. [PUBLIC INFORMATION LISTS.] (a) The county auditor shall make available for inspection a public information list which must contain the name, address, year of birth, and voting history of each registered voter in the county. The telephone number must be included on the list if provided by the voter. The public information list may also include information on voting districts. The list must not contain the final four digits of the social security number of any voter. The county auditor may adopt reasonable rules governing access to the list.

(b) No individual inspecting the public information list shall tamper with or alter it in any manner. No individual who inspects the public information list or who acquires a list of registered voters prepared from the public information list may use any information contained in the list for purposes unrelated to elections, political activities, or law enforcement. The secretary of state may provide copies of the public information lists and other information from the statewide registration system for uses related to elections, political activities, or in response to a law enforcement inquiry from a public official concerning a failure to comply with any criminal statute or any state or local tax statute.

(c) Before inspecting the public information list or obtaining a list of voters or other information from the list, the individual shall provide identification to the public official having custody of the public information list and shall state in writing that any information obtained from the list will not be used for purposes unrelated to elections, political activities, or law enforcement. Requests to examine or obtain information from the public information lists or the statewide registration system must be made and processed in the manner provided in the rules of the secretary of state.

(d) Upon receipt of a written request and a copy of the court order, the secretary of state may withhold from the public information list the name of any registered voter placed under court-ordered protection.

(e) The inspection and copying of a roster signed by voters at a precinct on election day must be conducted in the same manner as the inspection and copying of a public information list under this section.

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

Sec. 13. Minnesota Statutes 2000, section 201.155, is amended to read:

201.155 [REPORT ON FELONY CONVICTIONS.]

The state court administrator shall report at least monthly to the secretary of state the name, address, final four digits of the voter's social security number (or the statement "NONE" if the voter has no social security number), date of birth, date of sentence, effective date of the sentence, and county in which the conviction occurred of each person who has been convicted of a felony. The state court administrator shall also report the name, address, final four digits of the voter's social security number (or the statement "NONE" if the voter has no social security number), and date of birth of each person previously convicted of a felony whose civil rights have been restored. The secretary of state ~~shall determine if any of the persons in the report is registered to vote and shall prepare forward~~ a list of those ~~registrants for individuals~~ to each county auditor. The county auditor shall determine if any person identified in the report as a resident of the county is registered to vote in the county and change the status of ~~those registrants~~ each such registrant in the appropriate manner in the statewide registration system.

Sec. 14. [201.163] [DUTIES OF LOCAL JURISDICTIONS.]

(a) If a political subdivision conducts an election at which a vacant office is to be filled or a ballot question is to be voted upon by the voters of the political subdivision, the political subdivision shall file a written notice of the election with the county auditor of each county in which the election is to be conducted. The notice must be filed at least 49 days before the date of the election.

(b) The county auditor must file a notice with the secretary of state immediately after the notice of the election is filed with the auditor under section 205.16, subdivision 4, or 205A.07, subdivision 3, or notice of the election is filed with the county auditor by any political subdivision other than a municipality or school district. The notice must set forth the name of the political subdivision, the date of the election, the vacant offices to be filled, or the text of the ballot question as the question will appear on the ballot.

[EFFECTIVE DATE.] This section is effective July 1, 2001.

Sec. 15. Minnesota Statutes 2000, section 202A.19, subdivision 1, is amended to read:

Subdivision 1. [LIMITS ON LOCAL GOVERNMENT MEETINGS.] No special taxing district governing body, school board, county board of commissioners, township board, or city council may conduct a meeting after 6:00 p.m. on the day of a major political party precinct caucus. As used in this subdivision, "special taxing district" has the meaning given in section 275.066.

Sec. 16. Minnesota Statutes 2000, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION PROCEDURES.] Except as otherwise allowed by subdivision 2, an application for absentee ballots for any election may be submitted at any time not less than one day before the day of that election. The county auditor shall prepare absentee ballot application forms in the format provided in the rules of the secretary of state and shall furnish them to any person on request. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

(a) the county auditor of the county where the applicant maintains residence; or

(b) the municipal clerk of the municipality, or school district if applicable, where the applicant maintains residence.

An application shall be approved if it is timely received, signed and dated by the applicant, contains the applicant's name and residence and mailing addresses, and states that the applicant is eligible to vote by absentee ballot for one of the reasons specified in section 203B.02. The application may contain a request for the voter's date of birth, which must not be made available for public inspection. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device, ~~at the discretion of the auditor or clerk.~~ An application mailed or returned in person to the county auditor or municipal clerk on behalf of a voter by a person other than the voter must be deposited in the mail or returned in person to the county auditor or municipal clerk within ten days after it has been dated by the voter and no later than six days before the election. The absentee ballot applications or a list of persons applying for an absentee ballot may not be made available for public inspection until the close of voting on election day.

An application under this subdivision may contain an application under subdivision 5 to automatically receive an absentee ballot application.

Sec. 17. Minnesota Statutes 2000, section 203B.04, subdivision 5, is amended to read:

Subd. 5. [PERMANENT ILLNESS OR DISABILITY.] (a) An eligible voter who reasonably expects to be permanently unable to go to the polling place on election day because of illness or disability may apply to a county auditor or municipal clerk under this section to automatically receive an absentee ballot application before each election, other than an election by mail conducted under section 204B.45, and to have the status as a permanent absentee voter indicated on the voter's registration record.

(b) The secretary of state shall adopt rules governing procedures under this subdivision.

Sec. 18. Minnesota Statutes 2000, section 203B.06, is amended by adding a subdivision to read:

Subd. 3a. [UNOFFICIAL BALLOTS.] If no official ballots are ready at the time absentee balloting is scheduled to begin or the supply is exhausted before absentee balloting ends, the county auditor or municipal clerk shall prepare unofficial ballots, printed or written as nearly as practicable in the form of the official ballots. These ballots may be used until the official ballots are available.

Sec. 19. Minnesota Statutes 2000, section 203B.07, subdivision 1, is amended to read:

Subdivision 1. [DELIVERY OF ENVELOPES, DIRECTIONS.] The county auditor or the municipal clerk shall prepare, print, and transmit a return envelope, a ballot envelope, and a copy of the directions for casting an absentee ballot to each applicant whose application for absentee ballots is accepted pursuant to section 203B.04. The directions for casting an absentee ballot shall be printed in at least 14-point bold type with heavy leading and may be printed on the ballot envelope. When a person requests the directions in Braille or on cassette tape, the county auditor or municipal clerk shall provide them in the form requested. The secretary of state shall prepare Braille and cassette copies and make them available.

When a voter registration card is sent to the applicant as provided in section 203B.06, subdivision 4, the directions or registration card shall include instructions for registering to vote.

Sec. 20. Minnesota Statutes 2000, section 203B.11, is amended by adding a subdivision to read:

Subd. 5. [STUDY REGARDING VOTER PRIVACY.] The secretary of state shall conduct a study regarding procedures to ensure the privacy of voters in health care facilities while voting. No later than December 31, 2002, the secretary of state shall file a report with the legislature setting forth the findings and recommendations of the secretary.

Sec. 21. Minnesota Statutes 2000, section 203B.16, subdivision 1, is amended to read:

Subdivision 1. [MILITARY SERVICE; TEMPORARY RESIDENCE OUTSIDE UNITED STATES.] Sections 203B.16 to 203B.27 provide alternative voting procedures for eligible voters who are absent from the precinct where they maintain residence because they are:

- (a) (1) either in the military or the spouses or dependents of individuals serving in the military; or
- (b) (2) temporarily outside the territorial limits of the United States.

Sections 203B.16 to 203B.27 are intended to implement the federal Uniformed and Overseas Citizens Absentee Voting Act, United States Code, title 42, section 1973ff.

Sec. 22. Minnesota Statutes 2000, section 203B.17, subdivision 1, is amended to read:

Subdivision 1. [SUBMISSION OF APPLICATION.] (a) An application for absentee ballots for a voter described in section 203B.16 may be submitted in writing or by electronic facsimile device, or by electronic mail upon determination by the secretary of state that security concerns have been adequately addressed. An application for absentee ballots for a voter described in section 203B.16 may be submitted by that voter or by that voter's parent, spouse, sister, brother, or child over the age of 18 years. For purposes of an application under this subdivision, a person's social security number, no matter how it is designated, qualifies as the person's military identification number if the person is in the military.

(b) An application for a voter described in section 203B.16, subdivision 1, shall be submitted to the county auditor of the county where the voter maintains residence.

(c) An application for a voter described in section 203B.16, subdivision 2, shall be submitted to the county auditor of the county where the voter last maintained residence in Minnesota.

(d) An application for absentee ballots for a primary shall also constitute an application for absentee ballots for ~~the~~ any ensuing general or special election conducted during the same calendar year in which the application is received.

(e) There shall be no limitation of time for filing and receiving applications for ballots under sections 203B.16 to 203B.27.

Sec. 23. Minnesota Statutes 2000, section 204B.06, subdivision 1, is amended to read:

Subdivision 1. [FORM OF AFFIDAVIT.] (a) An affidavit of candidacy shall state the name of the office sought and shall state that the candidate:

(~~a~~) (1) is an eligible voter;

(~~b~~) (2) has no other affidavit on file as a candidate for any office at the same primary or next ensuing general election, except that a candidate for soil and water conservation district supervisor in a district not located in whole or in part in Anoka, Hennepin, Ramsey, or Washington county, may also have on file an affidavit of candidacy for mayor or council member of a statutory or home rule charter city of not more than 2,500 population contained in whole or in part in the soil and water conservation district or for town supervisor in a town of not more than 2,500 population contained in whole or in part in the soil and water conservation district; and

(~~c~~) (3) is, or will be on assuming the office, 21 years of age or more, and will have maintained residence in the district from which the candidate seeks election for 30 days before the general election.

An affidavit of candidacy must include a statement that the candidate's name as written on the affidavit for ballot designation is the candidate's true name or the name by which the candidate is commonly and generally known in the community.

An affidavit of candidacy for partisan office shall also state the name of the candidate's political party or political principle, stated in three words or less.

(b) This subdivision does not apply to a candidate for president or vice-president of the United States.

Sec. 24. Minnesota Statutes 2000, section 204B.07, subdivision 2, is amended to read:

Subd. 2. [PETITIONS FOR PRESIDENTIAL ELECTORS.] On petitions nominating presidential electors, the names of the candidates for president and vice-president shall be added to the political party or political principle stated on the petition. One petition may be filed to nominate a slate of presidential electors equal in number to the number of electors to which the state is entitled. This subdivision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03.

Sec. 25. Minnesota Statutes 2000, section 204B.09, subdivision 1, is amended to read:

Subdivision 1. [CANDIDATES IN STATE AND COUNTY GENERAL ELECTIONS.] (a) Except as otherwise provided by this subdivision, affidavits of candidacy and nominating petitions for county, state, and federal offices filled at the state general election shall be filed not more than 70 days nor less than 56 days before the state primary. The affidavit may be prepared and signed at any time between 60 days before the filing period opens and the last day of the filing period.

(b) Notwithstanding other law to the contrary, the affidavit of candidacy must be signed in the presence of a notarial officer or an individual authorized to administer oaths under section 358.10.

(c) This provision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03. Other candidates for presidential electors may file petitions on or before the state primary day. Nominating petitions to fill vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or petition shall be accepted later than 5:00 p.m. on the last day for filing.

(d) Affidavits and petitions for offices to be voted on in only one county shall be filed with the county auditor of that county. Affidavits and petitions for offices to be voted on in more than one county shall be filed with the secretary of state.

Sec. 26. Minnesota Statutes 2000, section 204B.09, subdivision 3, is amended to read:

Subd. 3. [WRITE-IN CANDIDATES.] (a) A candidate for state or federal office who wants write-in votes for the candidate to be counted must file a written request with the filing office for the office sought no later than the day before the general election. The filing officer shall provide copies of the form to make the request.

(b) A candidate for president of the United States who files a request under this subdivision must include the name of a candidate for vice-president of the United States. The request must also include the name of at least one candidate for presidential elector. The total number of names of candidates for presidential elector on the request may not exceed the total number of electoral votes to be cast by Minnesota in the presidential election.

(c) A candidate for governor who files a request under this subdivision must include the name of a candidate for lieutenant governor.

Sec. 27. Minnesota Statutes 2000, section 204B.20, is amended to read:

204B.20 [ELECTION BOARD; ~~CHAIR~~ HEAD ELECTION JUDGE; DUTIES.]

The election judges appointed to serve in an election precinct shall constitute the election board for that precinct. The appointing authority shall designate one of the election judges in each precinct to serve as the ~~chair of the election board~~ head election judge. The ~~chair~~ head election judge shall assign specific duties to the election judges of that precinct as necessary or convenient to complete forms, obtain signatures, and perform all the other duties required of election judges.

Sec. 28. Minnesota Statutes 2000, section 204B.22, subdivision 1, is amended to read:

Subdivision 1. [MINIMUM NUMBER REQUIRED.] (a) A minimum of three election judges shall be appointed for each precinct. In a combined polling place under section 204B.14, subdivision 2, at least one judge must be appointed from each municipality in the combined polling place, provided that not less than three judges shall be appointed for each combined polling place. The appointing authorities may appoint election judges for any precinct in addition to the number required by this subdivision including additional election judges to count ballots after voting has ended.

(b) An election judge may serve for all or part of election day, at the discretion of the appointing authority, as long as the minimum number of judges required is always present. The head election judge designated under section 204B.20 must serve for all of election day and be present in the polling place unless another election judge has been designated by the head election judge to perform the functions of the head election judge during any absence.

Sec. 29. Minnesota Statutes 2000, section 204B.22, subdivision 3, is amended to read:

Subd. 3. [MINIMUM NUMBER REQUIRED IN CERTAIN PRECINCTS.] At each state primary or state general election in precincts using ~~lever voting machines or~~ an electronic voting system with marking devices and in which more than 400 votes were cast at the last similar election, the minimum number of election judges is three plus one judge to demonstrate the use of the voting machine or device.

Sec. 30. Minnesota Statutes 2000, section 204B.23, is amended to read:

204B.23 [VACANCIES AMONG ELECTION JUDGES.]

A vacancy on an election board occurs when any election judge who is a member of that board:

(a) Fails to arrive at the polling place within 30 minutes after the time when the polling place is scheduled to open;

(b) Becomes unable to perform the duties of the office after assuming those duties; or

(c) For any reason fails or refuses to perform the duties of the office as assigned by the ~~chair of the election board~~ head election judge.

When a vacancy occurs, the remaining election judges of the precinct shall elect an individual to fill the vacancy subject to the provisions of section 204B.19. When possible the election judges shall elect individuals who have been trained as election judges pursuant to section 204B.25. The oath signed by the new election judge shall indicate that the new election judge was elected to fill a vacancy. The municipal clerk may assign election judges to fill vacancies as they occur.

Sec. 31. Minnesota Statutes 2000, section 204B.27, is amended by adding a subdivision to read:

Subd. 11. [TRANSLATION OF VOTING INSTRUCTIONS.] The secretary of state may develop voting instructions in languages other than English, to be posted and made available in polling places during elections. The secretary of state shall determine which languages are so common in Minnesota that there is a need for translated voting instructions.

Sec. 32. Minnesota Statutes 2000, section 204B.28, subdivision 1, is amended to read:

Subdivision 1. [MEETING WITH ELECTION OFFICIALS.] At least 12 weeks before each regularly scheduled general election, each county auditor shall conduct a meeting with local election officials to review the procedures for the election. The county auditor may require the ~~chairs of the election boards~~ head election judges in the county to attend this meeting.

Sec. 33. Minnesota Statutes 2000, section 204B.45, subdivision 2, is amended to read:

Subd. 2. [PROCEDURE.] (a) The deadline established under section 204B.16, subdivision 3, for designating a new or different polling place applies to an election described by this subdivision.

(b) Notice of the election and the special mail procedure must be given at least six weeks prior to the election. No earlier than 20 days or later than 14 days prior to the election, the auditor shall mail ballots by nonforwardable mail to all voters registered in the town or unorganized territory.

(c) Eligible voters not registered at the time the ballots are mailed may apply for ballots as provided in chapter 203B.

(d) Ballot return envelopes, with return postage provided, must be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in person to the office of the auditor or clerk. The costs of the mailing shall be paid by the election jurisdiction in which the voter resides.

(e) Any ballot received by 8:00 p.m. on the day of the election must be counted.

Sec. 34. Minnesota Statutes 2000, section 204B.46, is amended to read:

204B.46 [MAIL ELECTIONS; QUESTIONS.]

A county, municipality, or school district submitting questions to the voters at a special election may apply to the county auditor for approval of an election by mail with no polling place other than the office of the auditor or clerk. No more than two questions may be submitted at a mail election and no offices may be voted on. The deadline established under section 204B.16, subdivision 3, for designating a new or different polling place applies to an election described by this section. Notice of the election and the special mail procedure must be given at least six weeks prior to the election. No earlier than 20 or later than 14 days prior to the election, the auditor or clerk shall mail ballots by nonforwardable mail to all voters registered in the county, municipality, or school district. Eligible voters not registered at the time the ballots are mailed may apply for ballots pursuant to chapter 203B.

Sec. 35. [204B.48] [VOTING EQUIPMENT GRANT ACCOUNT.]

A voting equipment grant fund is created to provide grants to political subdivisions for the purchase of ballot tabulation equipment. Any funds disbursed by the federal government to the state for the improvement of election administration or equipment must be deposited in this account. The secretary of state may make a grant from the fund to a political subdivision, after certifying to the commissioner of finance that:

(1) the grant will be used only for purchase of ballot tabulation equipment, which may include equipment that makes it possible for individuals with disabilities to cast a secret ballot;

(2) the political subdivision to receive the grant has insufficient resources available to purchase the equipment; and

(3) the recipient of the grant will provide a dollar-for-dollar match, which may not come from state or federal funds.

Sec. 36. Minnesota Statutes 2000, section 204C.03, subdivision 1, is amended to read:

Subdivision 1. [SCHOOL DISTRICTS; COUNTIES; MUNICIPALITIES; SPECIAL TAXING DISTRICTS.] No special taxing district governing body, school board, county board of commissioners, city council, or town board of supervisors shall conduct a meeting between 6:00 p.m. and 8:00 p.m. on the day that an election is held within the boundaries of the special taxing district, school district, county, city, or town. As used in this subdivision, "special taxing district" has the meaning given in section 275.066.

Sec. 37. Minnesota Statutes 2000, section 204C.10, is amended to read:

204C.10 [PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.]

(a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, certifies residence at the address shown, is not under guardianship of the person, has not been found by a court of law to be legally incompetent to vote or convicted of a felony without having civil rights restored, is registered and has not already voted in the election.

(b) A judge may shall, before the applicant signs the roster, confirm the applicant's identity by requiring a picture identification card or document issued by the United States or Minnesota or an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, Department of the Interior, and may confirm the applicant's name, address, and date of birth. If an applicant does not have a card or document described by this section, the applicant may sign the roster after executing an affidavit before the judge. The affidavit must state:

(1) the name of the applicant;

(2) that the applicant does not have a picture identification card or document issued by the United States or Minnesota or an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, Department of the Interior, that contains the name, residence address, signature, date of birth, and picture of the applicant; and

(3) that the applicant swears or affirms that the applicant is the same individual whose name is listed on the roster for this precinct.

(c) After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest.

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

Sec. 38. Minnesota Statutes 2000, section 204C.35, is amended to read:

204C.35 ~~[LEGISLATIVE AND FEDERAL, STATE, AND JUDICIAL RACES.]~~

Subdivision 1. ~~[AUTOMATIC RECOUNTS.]~~ (a) In a state primary when the difference between the votes cast for the candidates for nomination to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, ~~or to a district judicial office is 100 or less, the difference:~~

(1) is less than ten one-half of one percent of the total number of votes counted for that nomination; or

(2) is ten votes or less and the total number of votes cast for the nomination is 400 votes or less;

and the difference determines the nomination, the canvassing board with responsibility for declaring the results for that office shall recount the vote.

(b) In a state general election when the difference between the votes of a candidate who would otherwise be declared elected to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, ~~or to a district judicial office~~ and the votes of any other candidate for that office:

(1) is 100 or less than one-half of one percent of the total number of votes counted for that office; or

(2) is ten votes or less if the total number of votes cast for the office is 400 votes or less,

the canvassing board shall recount the votes.

(c) A recount ~~shall~~ must not delay any other part of the canvass. The results of the recount ~~shall~~ must be certified by the canvassing board as soon as possible.

(d) Time for notice of a contest for an office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the canvassing board.

(e) A losing candidate may waive a recount required pursuant to this section by filing a written notice of waiver with the canvassing board.

Subd. 2. ~~[OPTIONAL RECOUNT.]~~ (a) A losing candidate for nomination or election to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, ~~or to a district court judicial office~~ may request a recount in a manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by this section. The votes shall be recounted as provided in this section if the candidate files a request during the time for filing notice of contest of the primary or election for which a recount is sought.

(b) The requesting candidate shall file with the filing officer a bond, cash, or surety in an amount set by the filing officer for the payment of the recount expenses. The requesting candidate is responsible for the following expenses: the compensation of the secretary of state, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; the costs of computer operation, preparation of ballot counting equipment, necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

Sec. 39. Minnesota Statutes 2000, section 204C.36, subdivision 1, is amended to read:

Subdivision 1. [REQUIRED RECOUNTS.] (a) Except as provided in paragraph (b), a losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for the nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is:

~~(a) Five votes or less when the total vote cast for nomination or election to that office is 100 votes or less;~~

~~(b) Ten votes or less when the total vote cast for nomination or election to that office is more than 100 but not more than 500 votes;~~

~~(c) Twenty votes or less when the total vote cast for nomination or election to that office is more than 500 but not more than 2,000 votes;~~

~~(d) One percent of the votes or less when the total vote cast for nomination or election to that office is more than 2,000 but less than 10,000 votes, or~~

~~(e) One hundred votes or less when the total vote cast for nomination or election to that office is 10,000 votes or more; less than one-half of one percent of the total votes counted for that office. In case of offices where two or more seats are being filled from among all the candidates for the office, the one-half of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.~~

(b) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is ten votes or less, and the total number of votes cast for the nomination or election of all candidates is no more than 400. In cases of offices where two or more seats are being filled from among all the candidates for the office, the ten vote difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

(c) Candidates for county offices shall file a written request for the recount with the county auditor. Candidates for municipal or school district offices shall file a written request with the municipal or school district clerk as appropriate. All requests shall be filed during the time for notice of contest of the primary or election for which a recount is sought.

(d) Upon receipt of a request made pursuant to this section, the county auditor shall recount the votes for a county office at the expense of the county, the governing body of the municipality shall recount the votes for a municipal office at the expense of the municipality, and the school board of the school district shall recount the votes for a school district office at the expense of the school district.

Sec. 40. Minnesota Statutes 2000, section 204C.36, subdivision 3, is amended to read:

Subd. 3. [DISCRETIONARY BALLOT QUESTION RECOUNTS.] A recount may be conducted for a ballot question when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1, ~~clauses (a) to (e)~~. A recount may be requested by any person eligible to vote

on the ballot question. A written request for a recount must be filed with the filing officer of the county, municipality, or school district placing the question on the ballot and must be accompanied by a petition containing the signatures of 25 voters eligible to vote on the question. If the difference between the votes for and the votes against the question is greater than the difference provided in subdivision 1, ~~clauses (a) to (e)~~, the person requesting the recount shall also file with the filing officer of the county, municipality, or school district a bond, cash, or surety in an amount set by the appropriate governing body for the payment of recount expenses. The written request, petition, and any bond, cash, or surety required must be filed during the time for notice of contest for the election for which the recount is requested.

Sec. 41. Minnesota Statutes 2000, section 204D.04, subdivision 2, is amended to read:

Subd. 2. [INSTRUCTIONS TO PRINTER; PRINTER'S BOND.] (a) The official charged with the preparation and distribution of the ballots shall prepare instructions to the printer for rotation of the names of candidates and for layout of the ballot.

(b) Except as provided in paragraph (c), the instructions shall be approved by the legal advisor of the official before delivery to the printer.

(c) The legal advisor of a town official is only required to approve instructions regarding the rotation of the names of candidates on the ballot.

(d) Before a contract exceeding \$1,000 is awarded for printing ballots, the printer shall furnish a sufficient bond, letter of credit, or certified check, acceptable to the official responsible for printing the ballots, conditioned on printing the ballots in conformity with the Minnesota Election Law and the instructions delivered. The official responsible for printing the ballots shall set the amount of the bond, letter of credit, or certified check in an amount equal to the value of the purchase.

Sec. 42. Minnesota Statutes 2000, section 204D.09, is amended to read:

204D.09 [EXAMPLE BALLOTS; SAMPLE PRIMARY BALLOTS.]

Subdivision 1. (a) No later than June 1 of each year, the secretary of state shall supply each auditor with a copy of an example ballot. The example ballot must illustrate the format required for the ballots used in the primary and general elections that year.

(b) The county auditor shall distribute copies of the example ballot to municipal and school district clerks in municipalities and school districts holding elections that year. The official ballot must conform in all respects to the example ballot.

Subd. 2. At least two weeks before the state primary the county auditor shall prepare a sample state partisan primary ballot and a sample state and county nonpartisan primary ballot for public inspection. The names of all of the candidates to be voted for in the county shall be placed on the sample ballots, with the names of the candidates for each office arranged alphabetically according to the surname. Only one sample state partisan primary ballot and one sample state and county nonpartisan ballot shall be prepared for any county. The county auditor shall post the sample ballots in a conspicuous place in the auditor's office and shall cause them to be published at least one week before the state primary in at least one newspaper of general circulation in the county.

Sec. 43. Minnesota Statutes 2000, section 204D.11, subdivision 4, is amended to read:

Subd. 4. [SPECIAL FEDERAL WHITE BALLOT.] (a) The names of all candidates for the offices of president and vice-president of the United States and senator and representative in Congress shall be placed on a ballot printed on white paper which shall be known as the "special federal white ballot."

(b) This ballot shall be prepared by the county auditor in the same manner as the white ballot and shall be subject to the rules adopted by the secretary of state pursuant to subdivision 1. This ballot must be prepared and furnished in accordance with the federal Uniformed and Overseas Citizens Absentee Voting Act, United States Code, title 42, section 1973ff.

(c) The special federal white ballot shall be the only ballot sent to citizens of the United States who are eligible to vote by absentee ballot for federal candidates in Minnesota.

Sec. 44. Minnesota Statutes 2000, section 204D.24, subdivision 2, is amended to read:

Subd. 2. [VOTER REGISTRATION.] An individual may register to vote at a special primary or special election at any time before the day that the polling place rosters for the special primary or special election are prepared by the secretary of state. The secretary of state shall provide the county auditors with notice of this date at least seven days before the printing of the rosters. This subdivision does not apply to a special election held on the same day as the ~~presidential primary~~, state primary, state general election, or the regularly scheduled primary or general election of a municipality, school district, or special district.

Sec. 45. Minnesota Statutes 2000, section 205.02, subdivision 1, is amended to read:

Subdivision 1. [MINNESOTA ELECTION LAW.] Except as provided in this chapter or otherwise expressly provided by law, the provisions of the Minnesota Election Law apply to municipal elections, ~~so far as practicable~~.

Sec. 46. Minnesota Statutes 2000, section 205.13, subdivision 1a, is amended to read:

Subd. 1a. [FILING PERIOD.] ~~An affidavit of candidacy for a town office to be elected in March must be filed not more than eight weeks nor less than six weeks before the town election.~~ In municipalities nominating candidates at a municipal primary, an affidavit of candidacy for a city office or town office voted on in November must be filed not more than 70 days nor less than 56 days before the first Tuesday after the second Monday in September preceding the municipal general election. In all other municipalities, an affidavit of candidacy must be filed not more than 70 days and not less than 56 days before the municipal general election.

Sec. 47. Minnesota Statutes 2000, section 205.17, is amended by adding a subdivision to read:

Subd. 7. [EXAMPLE BALLOT.] No later than 30 days before absentee ballots must be prepared and delivered under section 204B.35 for use in a town general election conducted in March, the secretary of state shall supply each town clerk in a town conducting a March general election with a copy of an example ballot. The example ballot must illustrate the format required for the ballots used in the general election that year.

Sec. 48. Minnesota Statutes 2000, section 205.185, subdivision 2, is amended to read:

Subd. 2. [ELECTION, CONDUCT.] A municipal election shall be by secret ballot and shall be held and the returns made in the manner provided for the state general election, ~~so far as practicable~~ except as otherwise expressly provided by law.

Sec. 49. Minnesota Statutes 2000, section 205.185, subdivision 3, is amended to read:

Subd. 3. [CANVASS OF RETURNS, CERTIFICATE OF ELECTION, BALLOTS, DISPOSITION.] (a) Within seven days after an election, the governing body of a city conducting any election or the governing body of a town conducting the general election in November shall canvass the returns and declare the results of the election. The governing body of a town conducting the general election in March shall canvass the returns and declare the results of the election within two days after an election.

(b) After the time for contesting elections has passed, the municipal clerk shall issue a certificate of election to each successful candidate. In case of a contest, the certificate shall not be issued until the outcome of the contest has been determined by the proper court.

(c) In case of a tie vote, the governing body shall determine the result by lot. The clerk shall certify the results of the election to the county auditor, and the clerk shall be the final custodian of the ballots and the returns of the election.

Sec. 50. Minnesota Statutes 2000, section 205A.02, is amended to read:

205A.02 [ELECTION LAW APPLICABLE.]

Except as provided in this chapter or otherwise expressly provided by law, the Minnesota Election Law applies to school district elections, ~~as far as practicable~~. Elections in common school districts shall be governed by section 123B.94.

Sec. 51. Minnesota Statutes 2000, section 205A.11, subdivision 2, is amended to read:

Subd. 2. [COMBINED POLLING PLACE.] When no other election is being held in two or more precincts on the day of a school district election, the school board may designate one or more combined polling places at which the voters in those precincts may vote in the school district election. The deadline established under section 204B.16, subdivision 3, for designating a new or different polling place applies to an election described by this subdivision.

Sec. 52. Minnesota Statutes 2000, section 206.81, is amended to read:

206.81 [ELECTRONIC VOTING SYSTEMS; EXPERIMENTAL USE.]

(a) The secretary of state may license an electronic voting system for experimental use at an election prior to its approval for general use.

(b) The secretary of state must license a touch-sensitive direct recording electronic voting system for experimental use at an election before its approval for general use, and may impose restrictions on its use. A voting system used under this paragraph must permit a blind or visually impaired voter to cast a ballot independently and privately.

(c) Experimental use must be observed by the secretary of state or the secretary's designee and the results observed must be considered at any subsequent proceedings for approval for general use.

(d) The secretary of state may adopt rules consistent with sections 206.55 to 206.90 relating to experimental use. The extent of experimental use must be determined by the secretary of state.

Sec. 53. [206.91] [VOTING EQUIPMENT DECENNIAL REPORT.]

By December 31 in each year ending in one, the secretary of state shall file a report with the legislature regarding the voting equipment used in Minnesota. This report must:

(1) identify the voting equipment used in each precinct, as reported to the secretary of state by each county auditor; and

(2) include any recommendations from the secretary regarding improvements in voting system technology that may require the modification or replacement of voting systems currently used in Minnesota.

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

Sec. 54. Minnesota Statutes 2000, section 208.06, is amended to read:

208.06 [ELECTORS TO MEET AT CAPITOL; FILLING OF VACANCIES.]

The presidential electors, ~~before 12:00 M.~~ at 9:00 a.m. on the day ~~before that~~ fixed by Congress for the electors to vote for president and vice-president of the United States, shall assemble in the location designated under section 208.08 and notify the governor that they are at the state capitol and ready ~~at the proper time~~ to fulfill their

duties as electors. The governor shall deliver to the electors present a certificate of the names of all the electors. If any elector named therein fails to appear ~~before~~ by 9:00 a.m. on the day, and at the place, fixed for voting for president and vice-president of the United States, the electors present shall, in the presence of the governor, immediately elect by ballot a person to fill the vacancy. If more than the number of persons required have the highest and an equal number of votes when the electors cast ballots to fill any vacancy, the governor, in the presence of the electors attending, shall decide by lot which of those persons shall be elected as a substituted presidential elector.

Sec. 55. Minnesota Statutes 2000, section 208.08, is amended to read:

208.08 [ELECTORS TO MEET AT STATE CAPITOL.]

(a) At least seven days before the date the presidential electors are required to assemble, the secretary of state shall designate the location within the state capitol where the assembly will be conducted and notify the governor and electors of this location.

(b) The original and substituted presidential electors, at 12:00 M., shall meet in the executive chamber at the state capitol and shall, immediately after filling any vacancy among the electors in accordance with section 208.06, perform all the duties imposed upon them as electors by the constitution and laws of the United States and this state. The secretary of state, or an individual designated by the secretary of state, shall preside at this assembly.

(c) The electors shall vote by secret ballot.

(d) The secretary of state shall transmit all certifications by the electors to the individuals required to receive the certifications under the constitution and laws of the United States.

Sec. 56. Minnesota Statutes 2000, section 209.065, is amended to read:

209.065 [PLEADINGS; PROCEDURE.]

The notice of contest and any answer are the pleadings in the case and may be amended in the discretion of the court. The contest proceedings must be brought on for trial by either the contestant or contestee as soon as practicable within 20 days after the filing of the notice of contest. The court shall proceed to the extent possible in the manner provided in the rules for recounts adopted by the secretary of state under section 204C.361. If a court finds that proceeding in accordance with all or part of the rules for recounts is not possible, the court shall proceed in the manner provided for the trial of civil actions so far as practicable.

Sec. 57. Minnesota Statutes 2000, section 211A.02, subdivision 1, is amended to read:

Subdivision 1. [WHEN AND WHERE FILED BY COMMITTEES.] (a) A committee or a candidate who receives contributions or makes disbursements of more than \$750 in a calendar year shall submit an initial report to the filing officer within 14 days after the candidate or committee receives or makes disbursements of more than \$750 and shall continue to make the reports listed in ~~paragraph~~ paragraphs (b) and (c) until a final report is filed.

(b) The committee or candidate must file a report by January 31 of each year following the year when the initial report was filed and,

(c) In a year when the candidate's name or a ballot question appears on the ballot, the candidate or committee shall file a report:

- (1) ten days before the primary or special primary;
- (2) ten days before the general election or special election; and
- (3) 30 days after a general or special election.

Sec. 58. Minnesota Statutes 2000, section 211A.02, subdivision 4, is amended to read:

Subd. 4. [CONGRESSIONAL CANDIDATES.] Candidates for election to the United States House of Representatives or Senate and any political committees raising money and making disbursements exclusively on behalf of any one of those candidates may file copies of their financial disclosures required by federal law in lieu of the financial statement required by this section. A candidate or committee whose report is published on the Federal Election Commission Web site has complied with the filing requirements of this section.

Sec. 59. Minnesota Statutes 2000, section 211B.16, subdivision 1, is amended to read:

Subdivision 1. [COUNTY ATTORNEY INQUIRY.] A county attorney who is notified of an alleged violation of this chapter shall promptly investigate and within 14 days shall determine whether there is probable cause to institute a prosecution. If the county attorney is unable to make this determination within 14 days, the county attorney shall notify the individual who reported the alleged violation when a probable cause determination will be made. If there is probable cause for instituting a prosecution, the county attorney shall proceed by complaint or present the charge, with whatever evidence has been found, to the grand jury. A county attorney who refuses or intentionally fails to faithfully perform this or any other duty imposed by this chapter is guilty of a misdemeanor and upon conviction forfeits the office. The county attorney, under the penalty of forfeiture of office, shall prosecute all violations of this chapter except violations of this section. If, however, a complainant withdraws an allegation under this chapter, the county attorney is not required to proceed with prosecution.

Sec. 60. Minnesota Statutes 2000, section 358.10, is amended to read:

358.10 [OFFICIALS MAY ADMINISTER, WHEN.]

(a) All persons holding office under any law of this state, or under the charter or ordinances of any municipal corporation thereof, including judges and clerks of election, and all committee members, commissioners, trustees, referees, appraisers, assessors, and all others authorized or required by law to act or report upon any matter of fact, ~~shall~~ have the power to administer ~~such~~ oaths ~~as they may~~ deem necessary to the proper discharge of their respective duties.

(b) Any employee of the secretary of state designated by the secretary of state has the power to administer oaths to an individual who wishes to file with the secretary of state an affidavit of candidacy, nominating petition, declaration of intent to be a write-in candidate, or any other document relating to the conduct of elections.

Sec. 61. Minnesota Statutes 2000, section 367.03, subdivision 6, is amended to read:

Subd. 6. [VACANCIES.] (a) When a vacancy occurs in a town office, the town board shall fill the vacancy by appointment. ~~Except as provided in paragraph (b),~~ the person appointed shall hold office until the next annual town election, when a successor shall be elected for the unexpired term.

(b) When a vacancy occurs in a town office:

(1) with more than one year remaining in the term; and

(2) on or after the 14th day before the first day to file an affidavit of candidacy for the town election;

the vacancy must be filled by appointment. The person appointed serves until the next annual town election following the election for which affidavits of candidacy are to be filed, when a successor shall be elected for the unexpired term.

(c) A vacancy in the office of supervisor ~~shall~~ must be filled by an appointment committee comprised of the remaining supervisors and the town clerk ~~until the next annual town election, when a successor shall be elected for the unexpired term.~~

(d) Any person appointed to fill the vacancy in the office of supervisor must, upon assuming the office, be an eligible voter, be 21 years of age, and have resided in the town for at least 30 days.

(e) When, because of a vacancy, more than one supervisor is to be chosen at the same election, candidates for the offices of supervisor shall file for one of the specific terms being filled.

(f) Law enforcement vacancies ~~shall~~ must be filled by appointment by the town board.

Sec. 62. [REPEALER.]

(a) Minnesota Statutes 2000, sections 204B.06, subdivision 1a, and 204C.15, subdivision 2a, are repealed.

(b) Minnesota Rules, part 8250.1400, is repealed."

Delete the title and insert:

"A bill for an act relating to state government; appropriating money for the general legislative and administrative expenses of state government; modifying provisions relating to state and local government operations; amending Minnesota Statutes 2000, sections 3.012; 3.3005, subdivisions 2, 3, 3a, 4, 5, by adding subdivisions; 3.305, by adding subdivisions; 3.855, subdivision 3; 3.97, subdivision 3a; 3.979, by adding a subdivision; 3.98, subdivision 2; 4A.05, subdivision 1; 4A.07, subdivisions 1, 2, 4, 5; 4A.08; 4A.09; 4A.10; 6.48; 6.56, subdivision 2; 6.58; 7.09, subdivision 1; 10A.01, subdivision 21; 11A.075; 15.059, subdivision 5a; 15.50, subdivision 2, by adding a subdivision; 15A.0815, subdivision 1, by adding a subdivision; 16A.06, by adding a subdivision; 16A.10, by adding a subdivision; 16A.11, subdivision 6; 16A.152, subdivisions 4, 7; 16B.58, by adding a subdivision; 16B.60, subdivision 3, by adding subdivisions; 16B.61, subdivision 1; 16B.65; 16B.70, subdivision 2; 16B.76, subdivision 1; 16B.88, subdivision 1; 16C.03, subdivision 3; 16C.25; 43A.04, by adding subdivisions; 43A.17, subdivision 9; 43A.38, subdivisions 1, 6, 7; 103C.311, subdivision 1; 136F.07; 136F.40, subdivision 2; 138.35, by adding a subdivision; 138.39; 161.1419, subdivision 8; 161.32, subdivision 1b; 179A.15; 190.06, subdivision 1; 190.07; 193.144, subdivision 6; 193.145, subdivision 4; 193.148; 197.75, subdivisions 1, 2; 201.016, subdivision 1a; 201.022; 201.061, subdivision 3; 201.071, subdivisions 1, 3, by adding subdivisions; 201.091, subdivisions 1, 4, by adding a subdivision; 201.155; 202A.19, subdivision 1; 203B.04, subdivisions 1, 5; 203B.06, by adding a subdivision; 203B.07, subdivision 1; 203B.11, by adding a subdivision; 203B.16, subdivision 1; 203B.17, subdivision 1; 204B.06, subdivision 1; 204B.07, subdivision 2; 204B.09, subdivisions 1, 3; 204B.20; 204B.22, subdivisions 1, 3; 204B.23; 204B.27, by adding a subdivision; 204B.28, subdivision 1; 204B.45, subdivision 2; 204B.46; 204C.03, subdivision 1; 204C.10; 204C.35; 204C.36, subdivisions 1, 3; 204D.04, subdivision 2; 204D.09; 204D.11, subdivision 4; 204D.24, subdivision 2; 205.02, subdivision 1; 205.13, subdivision 1a; 205.17, by adding a subdivision; 205.185, subdivisions 2, 3; 205A.02; 205A.11, subdivision 2; 206.81; 208.06; 208.08; 209.065; 211A.02, subdivisions 1, 4; 211B.16, subdivision 1; 240A.08; 317A.123, subdivision 1; 317A.827, subdivision 2; 358.10; 367.03, subdivision 6; 394.232, subdivisions 1, 2, 3, 4, 5, 7, by adding a subdivision; 403.11, subdivision 1; 462.351; 462.352, subdivisions 5, 6; 462.3535, subdivisions 1, 2, 3, 4, 10; 473.13, by adding a subdivision; 473.1455; 517.08, subdivisions 1b, 1c; 645.44, by adding a subdivision; Laws 1998, chapter 366, section 80; Laws 1998, chapter 404, section 23, subdivision 6; Laws 1999, chapter 250, article 1, sections 115, 116; proposing coding for new law in Minnesota Statutes, chapters 3; 4A; 5; 6; 16A; 16C; 16E; 43A; 200; 201; 204B; 206; 240A; 473; proposing coding for new law as Minnesota Statutes, chapter 116T; repealing Minnesota Statutes 2000, sections 3.9222; 4A.07, subdivision 3; 8.31, subdivision 2c; 13.202, subdivision 8; 13.606, subdivision 2; 16A.67; 16A.6701; 16B.37; 16B.58, subdivision 7; 43A.18, subdivision 5; 129D.06; 204B.06, subdivision 1a; 204C.15, subdivision 2a; 246.18, subdivision 7; 394.232; 462.352, subdivision 18; 462.3535, subdivisions 5, 6, 7, 8, 9; 465.795; 465.796; 465.797; 465.7971; 465.798; 465.799; 465.801; 465.802; 465.803; 465.83; 465.87; 465.88; 473.1455; 572A.01; 572A.03, subdivision 2; Minnesota Rules, part 8250.1400."

The motion prevailed and the amendment was adopted.

Krinkie moved to amend S. F. No. 2360, as amended, as follows:

Page 2, delete line 45 and insert:

"Appropriation 55,438,000 58,102,000"

Page 2, delete line 47 and insert:

"General 55,288,000 57,952,000"

Page 7, delete line 8 and insert:

"Appropriation 77,949,000 47,786,000"

Page 7, delete line 11 and insert:

"Special Revenue 41,187,000 19,764,000"

Page 14, delete line 10 and insert:

 "6,040,000 6,040,000"

Adjust amounts accordingly

The motion prevailed and the amendment was adopted.

Knoblach, Krinkie and Kahn moved to amend S. F. No. 2360, as amended, as follows:

Page 100, delete section 126

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Kielkucki; Mulder; Wilkin; Anderson, B., and Olson moved to amend S. F. No. 2360, as amended, as follows:

Page 66, after line 33, insert:

"Sec. 68. Minnesota Statutes 2000, section 43A.24, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] Employees, including persons on layoff from a civil service position, and employees who are employed less than full time, shall be eligible for state paid life insurance and hospital, medical and dental benefits as provided in collective bargaining agreements or plans established pursuant to section 43A.18.

A collective bargaining agreement or plan may provide state-paid benefits only to an employee or the spouse or dependent child or dependent grandchild of an employee. A collective bargaining agreement or compensation plan may define a dependent child to include a biological child, a child legally adopted or placed for adoption with the employee, a foster child, or a step-child. A collective bargaining agreement or compensation plan may provide conditions and limitations on coverage for employees, spouses, and dependent children or grandchildren."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Seifert and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Seifert moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

Davnie; Dibble; Clark, K.; Rukavina; Mahoney; Marko; Pugh; Entenza; Paymar; Skoglund; Solberg; Kelliher; Anderson, I.; Koskinen and Sertich moved to amend the Kielkucki et al amendment to S. F. No. 2360, as amended, as follows:

Page 1, line 21, after the period, insert "Nothing in this section shall interfere with collective bargaining agreements."

A roll call was requested and properly seconded.

The Speaker called Abrams to the Chair.

The question was taken on the amendment to the amendment and the roll was called.

Molnau moved that those not voting be excused from voting. The motion prevailed.

There were 62 yeas and 69 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

The question recurred on the Kielkucki et al amendment and the roll was called. There were 78 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Abeler	Erickson	Johnson, J.	Molnau	Rifenberg	Tingelstad
Anderson, B.	Finseth	Juhnke	Mulder	Ruth	Tuma
Bishop	Fuller	Kielkucki	Ness	Schumacher	Vandever
Boudreau	Gerlach	Knoblach	Nornes	Seagren	Walz
Bradley	Goodno	Krinkie	Olson	Seifert	Wasiluk
Buesgens	Gunther	Kubly	Opatz	Skoe	Wenzel
Cassell	Haas	Kuisle	Osskopp	Slawik	Westerberg
Clark, J.	Hackbarth	Larson	Otremba	Smith	Westrom
Daggett	Harder	Lenczewski	Ozment	Stanek	Wilkin
Davids	Holberg	Lindner	Paulsen	Stang	Winter
Dehler	Holsten	Lipman	Pawlenty	Swenson	Wolf
Dempsey	Hoves	Mares	Penas	Sykora	Workman
Eastlund	Jacobson	Marquart	Peterson	Thompson	Spk. Sviggum

Those who voted in the negative were:

Abrams	Dibble	Greiling	Kahn	Mariani	Pelowski
Anderson, I.	Dorman	Hausman	Kalis	Marko	Pugh
Bakk	Dorn	Hilstrom	Kelliher	McElroy	Rhodes
Bernardy	Entenza	Hilty	Koskinen	McGuire	Rukavina
Biernat	Erhardt	Huntley	Leighton	Milbert	Sertich
Carlson	Evans	Jaros	Leppik	Mullery	Skoglund
Clark, K.	Gleason	Jennings	Lieder	Murphy	Solberg
Davnie	Goodwin	Johnson, R.	Luther	Osthoff	Swapinski
Dawkins	Gray	Johnson, S.	Mahoney	Paymar	Wagenius

The motion prevailed and the amendment was adopted.

Mares, Howes, Smith, Krinkie and Osskopp moved to amend S. F. No. 2360, as amended, as follows:

Page 11, delete line 18 and insert:

"Appropriation 90,687,000 90,387,000"

Page 11, delete line 20 and insert:

"General 86,458,000 86,076,000"

Page 11, delete line 30 and insert:

"87,802,000 87,520,000"

Page 11, delete line 32 and insert:

"General 83,626,000 83,262,000"

Page 11, delete line 40 and insert:

"General 2,832,000 2,814,000"

Page 15, after line 14, insert:

"Sec. 33. PERA 8,938,500 8,938,500"

This appropriation is for deposit in the PERA general employees retirement fund. This is one-time funding. The executive director of PERA must report to the legislature by January 15, 2002 and January 15, 2003 on the effect of this appropriation on the funding status of the general employee plan."

Page 137, after line 26, insert:

"ARTICLE 4

VARIOUS ADMINISTRATIVE PROVISIONS

Section 1. Minnesota Statutes 2000, section 3A.03, subdivision 2, is amended to read:

Subd. 2. [REFUND.] ~~(1)~~ (a) Any person former member who has made contributions pursuant to under subdivision 1 and who is no longer a member of the legislature is entitled to receive, upon application to the director, a refund of all contributions credited to the member's account with interest at an annual rate of six percent compounded annually.

~~(2)~~ (b) The refund of contributions as provided in clause (1) terminates all rights of a former member of the legislature or the survivors of the former member under this chapter. ~~Should~~ If the former member of the legislature again be becomes a member of the legislature after having taken a refund as provided ~~above~~ in paragraph (a), the member ~~shall~~ must be considered a new member. However, a new member may reinstate the rights and credit for service forfeited, ~~provided if~~ the new member repays all refunds taken plus interest at an annual rate of 8.5 percent compounded annually.

~~(3)~~ (c) No person ~~shall~~ may be required to apply for or to accept a refund.

Sec. 2. Minnesota Statutes 2000, section 11A.18, subdivision 7, is amended to read:

Subd. 7. [PARTICIPATION AND FINANCIAL REPORTING IN FUND.] (a) Each participating public retirement fund or plan which has transferred money to the state board for investment in the postretirement investment fund shall have an undivided participation in the fund. The participation on any valuation date ~~shall~~ must be determined by adding to the participation on the prior valuation date: ~~(1)~~ (1) funds transferred in accordance with subdivision 6; ~~(2)~~ (2) the amount of required investment income on its participation as defined in subdivision 9, ~~clause (1)(c) paragraph (c), clause (1); and (3)~~ (3) the reserves for any benefit adjustment made as of the current valuation date with the result adjusted for any mortality gains or losses determined pursuant to under subdivision 11.

(b) The total fair market value of the postretirement fund as of June 30 must be calculated in accordance with generally accepted accounting principles. The fair market value share of each fund participating in the postretirement investment fund must be allocated by adding to the fair market value at the beginning of the fiscal year: (1) 100 percent of the funds transferred in accordance with subdivision 6; and (2) a pro rata distribution of unrealized gains or losses, based on a weighted percentage of participation at the end of each month of the fiscal year.

Sec. 3. [13.632] [TEACHERS RETIREMENT FUND ASSOCIATION DATA; CERTAIN CITIES.]

Subdivision 1. [BENEFICIARY AND SURVIVOR DATA.] The following data on beneficiaries and survivors of the Minneapolis teachers retirement fund association, the St. Paul teachers retirement fund association, and the Duluth teachers retirement fund association members are private data on individuals: home address, date of birth, direct deposit number, and tax withholding data.

Subd. 2. [LIMITS ON DISCLOSURE.] Required disclosure of data about members, survivors, and beneficiaries is limited to name, gross annuity or benefit amount, and type of annuity or benefit awarded.

Sec. 4. Minnesota Statutes 2000, section 352.01, subdivision 2a, is amended to read:

Subd. 2a. [INCLUDED EMPLOYEES.] (a) "State employee" includes:

- (1) employees of the Minnesota historical society;
- (2) employees of the state horticultural society;
- (3) employees of the Disabled American Veterans, Department of Minnesota, Veterans of Foreign Wars, Department of Minnesota, if employed before July 1, 1963;
- (4) employees of the Minnesota crop improvement association;

(5) employees of the adjutant general who are paid from federal funds and who are not covered by any federal civilian employees retirement system;

(6) employees of the Minnesota state colleges and universities employed under the university or college activities program;

(7) currently contributing employees covered by the system who are temporarily employed by the legislature during a legislative session or any currently contributing employee employed for any special service as defined in subdivision 2b, clause (8);

(8) employees of the armory building commission;

(9) employees of the legislature appointed without a limit on the duration of their employment and persons employed or designated by the legislature or by a legislative committee or commission or other competent authority to conduct a special inquiry, investigation, examination, or installation;

(10) trainees who are employed on a full-time established training program performing the duties of the classified position for which they will be eligible to receive immediate appointment at the completion of the training period;

(11) employees of the Minnesota safety council;

(12) any employees on authorized leave of absence from the transit operating division of the former metropolitan transit commission who are employed by the labor organization which is the exclusive bargaining agent representing employees of the transit operating division;

(13) employees of the metropolitan council, metropolitan parks and open space commission, metropolitan sports facilities commission, metropolitan mosquito control commission, or metropolitan radio board unless excluded or covered by another public pension fund or plan under section 473.415, subdivision 3;

(14) judges of the tax court;

(15) personnel employed on June 30, 1992, by the University of Minnesota in the management, operation, or maintenance of its heating plant facilities, whose employment transfers to an employer assuming operation of the heating plant facilities, so long as the person is employed at the University of Minnesota heating plant by that employer or by its successor organization; and

(16) seasonal help in the classified service employed by the department of revenue; ~~and~~

~~(17) a person who renders teaching or other service for the Minnesota state colleges and universities system and who also renders service on a part-time basis for an employer with employees covered by the general state employees retirement plan of the Minnesota state retirement system, for all service with the Minnesota state colleges and universities system, if the person's nonteaching service comprises at least 50 percent of the combined total salary received by the person as determined by the chancellor of the Minnesota state colleges and universities system or if the person is certified for general state employees retirement plan coverage by the chancellor of the Minnesota state colleges and universities system.~~

(b) Employees specified in paragraph (a), clause (15), are included employees under paragraph (a) if employer and employee contributions are made in a timely manner in the amounts required by section 352.04. Employee contributions must be deducted from salary. Employer contributions are the sole obligation of the employer assuming operation of the University of Minnesota heating plant facilities or any successor organizations to that employer.

Sec. 5. Minnesota Statutes 2000, section 352.01, subdivision 2b, is amended to read:

Subd. 2b. [EXCLUDED EMPLOYEES.] "State employee" does not include:

(1) ~~elective state officers;~~

~~(2)~~ (2) students employed by the University of Minnesota, or the state colleges and universities, and community colleges unless approved for coverage by the board of regents or the board of trustees of the Minnesota state colleges and universities, as the case may be;

~~(3)~~ (2) employees who are eligible for membership in the state teachers retirement association, except employees of the department of children, families, and learning who have chosen or may choose to be covered by the general state employees retirement plan of the Minnesota state retirement system instead of the teachers retirement association;

~~(4)~~ (3) employees of the University of Minnesota who are excluded from coverage by action of the board of regents;

~~(5)~~ (4) officers and enlisted personnel in the national guard and the naval militia who are assigned to permanent peacetime duty and who under federal law are or are required to be members of a federal retirement system;

~~(6)~~ (5) election officers;

~~(7)~~ (6) persons who are engaged in public work for the state but who are employed by contractors when the performance of the contract is authorized by the legislature or other competent authority;

~~(8)~~ (7) officers and employees of the senate ~~and, or of the~~ house of representatives, or of a legislative committee or commission who are temporarily employed;

~~(9)~~ (8) receivers, jurors, notaries public, and court employees who are not in the judicial branch as defined in section 43A.02, subdivision 25, except referees and adjusters employed by the department of labor and industry;

~~(10)~~ (9) patient and inmate help in state charitable, penal, and correctional institutions including the Minnesota veterans home;

~~(11)~~ (10) persons who are employed for professional services where the service is incidental to their regular professional duties and whose compensation is paid on a per diem basis;

~~(12)~~ (11) employees of the Sibley House Association;

~~(13)~~ (12) the members of any state board or commission who serve the state intermittently and are paid on a per diem basis; the secretary, secretary-treasurer, and treasurer of those boards if their compensation is \$5,000 or less per year, or, if they are legally prohibited from serving more than three years; and the board of managers of the state agricultural society and its treasurer unless the treasurer is also its full-time secretary;

~~(14)~~ (13) state troopers;

~~(15)~~ (14) temporary employees of the Minnesota state fair who are employed on or after July 1 for a period not to extend beyond October 15 of that year; and persons who are employed at any time by the state fair administration for special events held on the fairgrounds;

~~(16)~~ (15) emergency employees who are in the classified service; except that if an emergency employee, within the same pay period, becomes a provisional or probationary employee on other than a temporary basis, the employee shall be considered a "state employee" retroactively to the beginning of the pay period;

~~(17)~~ (16) persons who are described in section 352B.01, subdivision 2, clauses (2) to (5);

~~(18)~~ (17) temporary employees in the classified service, and temporary employees in the unclassified service who are appointed for a definite period of not more than six months and who are employed less than six months in any one-year period;

- ~~(19)~~ (18) trainee employees, except those listed in subdivision 2a, clause (10);
- ~~(20)~~ (19) persons whose compensation is paid on a fee basis;
- ~~(21)~~ (20) state employees who are employed by the board of trustees of the Minnesota state colleges and universities in unclassified positions enumerated in section 43A.08, subdivision 1, clause (9);
- (21) state employees who in any year have credit for 12 months service as teachers in the public schools of the state and as teachers are members of the teachers retirement association or a retirement system in St. Paul, Minneapolis, or Duluth;
- (22) employees of the adjutant general who are employed on an unlimited intermittent or temporary basis in the classified ~~and~~ or unclassified service for the support of army and air national guard training facilities;
- (23) chaplains and nuns who are excluded from coverage under the federal Old Age, Survivors, Disability, and Health Insurance Program for the performance of service as specified in United States Code, title 42, section 410(a)(8)(A), as amended, if no irrevocable election of coverage has been made under section 3121(r) of the Internal Revenue Code of 1986, as amended through December 31, 1992;
- (24) examination monitors who are employed by departments, agencies, commissions, and boards to conduct examinations required by law;
- (25) persons who are appointed to serve as members of fact-finding commissions or adjustment panels, arbitrators, or labor referees under chapter 179;
- (26) temporary employees who are employed for limited periods under any state or federal program for training or rehabilitation, including persons who are employed for limited periods from areas of economic distress ~~except, but not including~~ skilled and supervisory personnel and persons having civil service status covered by the system;
- (27) full-time students who are employed by the Minnesota historical society intermittently during part of the year and full-time during the summer months;
- (28) temporary employees; who are appointed for not more than six months, of the metropolitan council and of any of its statutory boards, if the board members are appointed by the metropolitan council;
- (29) persons who are employed in positions designated by the department of employee relations as student workers;
- (30) members of trades who are employed by the successor to the metropolitan waste control commission ~~with, who have~~ trade union pension plan coverage under a collective bargaining agreement, and who are first employed after June 1, 1977;
- (31) persons who are employed in subsidized on-the-job training, work experience, or public service employment as enrollees under the federal Comprehensive Employment and Training Act after March 30, 1978, unless the person has as of the later of March 30, 1978, or the date of employment sufficient service credit in the retirement system to meet the minimum vesting requirements for a deferred annuity, or the employer agrees in writing on forms prescribed by the director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal Comprehensive Employment and Training Act, or the person agrees in writing on forms prescribed by the director to make the required employer contribution in addition to the required employee contribution;
- (32) off-duty peace officers while employed by the metropolitan council;

(33) persons who are employed as full-time police officers by the metropolitan council and as police officers are members of the public employees police and fire fund;

(34) persons who are employed as full-time firefighters by the department of military affairs and as firefighters are members of the public employees police and fire fund;

(35) foreign citizens with a work permit of less than three years, or an H-1b/JV visa valid for less than three years of employment, unless notice of extension is supplied which allows them to work for three or more years as of the date the extension is granted, in which case they are eligible for coverage from the date extended; and

(36) persons who are employed by the board of trustees of the Minnesota state colleges and universities and who elect to remain members of the public employees retirement association or the Minneapolis employees retirement fund, whichever applies, under section 136C.75.

Sec. 6. Minnesota Statutes 2000, section 352.113, subdivision 4, is amended to read:

Subd. 4. [MEDICAL OR PSYCHOLOGICAL EXAMINATIONS; AUTHORIZATION FOR PAYMENT OF BENEFIT.] An applicant shall provide medical or psychological evidence to support an application for total and permanent disability. The director shall have the employee examined by at least one additional licensed chiropractor, physician, or psychologist designated by the medical adviser. The chiropractors, physicians, or psychologists shall make written reports to the director concerning the employee's disability including medical opinions as to whether the employee is permanently and totally disabled within the meaning of section 352.01, subdivision 17. The director shall also obtain written certification from the employer stating whether the employment has ceased or whether the employee is on sick leave of absence because of a disability that will prevent further service to the employer and as a consequence the employee is not entitled to compensation from the employer. The medical adviser shall consider the reports of the physicians, psychologists, and chiropractors and any other evidence supplied by the employee or other interested parties. If the medical adviser finds the employee totally and permanently disabled, the adviser shall make appropriate recommendation to the director in writing together with the date from which the employee has been totally disabled. The director shall then determine if the disability occurred within 180 days of filing the application, while still in the employment of the state, and the propriety of authorizing payment of a disability benefit as provided in this section. A terminated employee may apply for a disability benefit within 180 days of termination as long as the disability occurred while in the employment of the state. The fact that an employee is placed on leave of absence without compensation because of disability does not bar that employee from receiving a disability benefit. Unless payment of a disability benefit has terminated because the employee is no longer totally disabled, or because the employee has reached normal retirement age as provided in this section, the disability benefit shall cease with the last payment received by the disabled employee or which had accrued during the lifetime of the employee unless there is a spouse surviving; in that event the surviving spouse is entitled to the disability benefit for the calendar month in which the disabled employee died.

Sec. 7. Minnesota Statutes 2000, section 352.113, subdivision 6, is amended to read:

Subd. 6. [REGULAR MEDICAL OR PSYCHOLOGICAL EXAMINATIONS.] At least once each year during the first five years following the allowance of a disability benefit to any employee, and at least once in every three-year period thereafter, the director may require any disabled employee to undergo a medical or psychological examination. The examination must be made at the place of residence of the employee, or at any place mutually agreed upon, by a physician or physicians designated by the medical adviser and engaged by the director. If any examination indicates to the medical adviser that the employee is no longer permanently and totally disabled, or is engaged in or can engage in a gainful occupation, payments of the disability benefit by the fund must be discontinued. The payments shall discontinue as soon as the employee is reinstated to the payroll following sick leave, but in no case shall payment be made for more than 60 days after the medical adviser finds that the employee is no longer permanently and totally disabled.

Sec. 8. Minnesota Statutes 2000, section 352.22, subdivision 8, is amended to read:

Subd. 8. [REFUND SPECIFICALLY LIMITED.] If a former employee covered by the system does not apply for refund within five years after the last deduction was taken from salary for the retirement fund, and does not have enough service to qualify for a deferred annuity, accumulated contributions must be credited to and become a part of the retirement fund. If the former employee returns to state service and becomes a state employee covered by the system, the amount credited to the retirement fund, if more than ~~\$2~~ \$25, ~~shall~~ must be restored to the individual account. If the amount credited to the fund is over ~~\$2~~ \$25 and the former employee applies for refund or an annuity under section 352.72, the amount must be restored to the former employee's individual account and a refund made or an annuity paid, whichever applies.

Sec. 9. Minnesota Statutes 2000, section 352.87, subdivision 4, is amended to read:

Subd. 4. [NON-JOB-RELATED DISABILITY BENEFITS.] An eligible member described in subdivision 1, ~~who is less than 55 years of age and~~ who becomes disabled and physically or mentally unfit to perform the duties of the position because of sickness or injury while not engaged in covered employment; is entitled to a disability benefit amount equivalent to an annuity computed under subdivision 3 assuming the member has 15 years of service qualifying under this section and waiving the minimum age requirement. If the eligible member becomes disabled under this subdivision with more than 15 years of service covered under this section, the eligible member is entitled to a disability benefit amount equivalent to an annuity computed under subdivision 3 based on all years of service credited under this section and waiving the minimum age requirement.

Sec. 10. Minnesota Statutes 2000, section 352.87, subdivision 5, is amended to read:

Subd. 5. [JOB-RELATED DISABILITY BENEFITS.] An eligible member defined in subdivision 1, ~~who is less than 55 years of age and~~ who becomes disabled and physically or mentally unfit to perform the duties of the position because of sickness or injury while engaged in covered employment; is entitled to a disability benefit amount equivalent to an annuity computed under subdivision 3 assuming the member has 20 years of service qualifying under this section and waiving the minimum age requirement. An eligible member who becomes disabled under this subdivision with more than 20 years of service credited under this section is entitled to a disability benefit amount equivalent to an annuity computed under subdivision 3 based on all years of service credited under this section and waiving the age requirement.

Sec. 11. Minnesota Statutes 2000, section 352.95, subdivision 4, is amended to read:

Subd. 4. [MEDICAL OR PSYCHOLOGICAL EVIDENCE.] (a) An applicant shall provide medical or psychological evidence to support an application for disability benefits. The director shall have the employee examined by at least one additional licensed physician or psychologist designated by the medical adviser. The physicians shall make written reports to the director concerning the employee's disability, including medical opinions as to whether the employee is disabled within the meaning of this section. The director shall also obtain written certification from the employer stating whether the employee is on sick leave of absence because of a disability that will prevent further service to the employer, and as a consequence the employee is not entitled to compensation from the employer.

(b) If on considering the physicians' reports and any other evidence supplied by the employee or others, the medical adviser finds the employee disabled within the meaning of this section, the advisor shall make appropriate recommendation to the director in writing, together with the date from which the employee has been disabled. The director shall then determine the propriety of authorizing payment of a disability benefit as provided in this section.

(c) Unless payment of a disability benefit has terminated because the employee is no longer disabled, or because the employee has reached age ~~62~~ 65 or the five-year anniversary of the effective date of the disability benefit, whichever is later, the disability benefit shall cease with the last payment received by the disabled employee or which had accrued during the employee's lifetime. While disability benefits are paid, the director has the right at reasonable

times to require the disabled employee to submit proof of the continuance of the disability claimed. If any examination indicates to the medical adviser that the employee is no longer disabled, the disability payment must be discontinued upon reinstatement to state service or within 60 days of the finding, whichever is sooner.

Sec. 12. Minnesota Statutes 2000, section 352.95, subdivision 5, is amended to read:

Subd. 5. [RETIREMENT STATUS AT NORMAL RETIREMENT AGE.] The disability benefit paid to a disabled correctional employee under this section shall terminate at the end of the month in which the employee reaches age ~~62~~ 65, or the five-year anniversary of the effective date of the disability benefit, whichever is later. If the disabled correctional employee is still disabled when the employee reaches age ~~62~~ 65, or the five-year anniversary of the effective date of the disability benefit, whichever is later, the employee shall be deemed to be a retired employee. If the employee had elected an optional annuity under subdivision 1a, the employee shall receive an annuity in accordance with the terms of the optional annuity previously elected. If the employee had not elected an optional annuity under subdivision 1a, the employee may within 90 days of attaining age 65 or reaching the five-year anniversary of the effective date of the disability benefit, whichever is later, either elect to receive a normal retirement annuity computed in the manner provided in section 352.93 or elect to receive an optional annuity as provided in section 352.116, subdivision 3, based on the same length of service as used in the calculation of the disability benefit. Election of an optional annuity must be made within 90 days before attaining age 65 or reaching the five-year anniversary of the effective date of the disability benefit, whichever is later. If an optional annuity is elected, the optional annuity shall begin to accrue on the first of the month following the month in which the employee reaches age 65 or the five-year anniversary of the effective date of the disability benefit, whichever is later.

Sec. 13. Minnesota Statutes 2000, section 352.95, subdivision 7, is amended to read:

Subd. 7. [RESUMPTION OF EMPLOYMENT.] If the disabled employee resumes a gainful ~~occupation from which earnings are less than the salary received at the date of disability or the salary currently paid for similar positions, or if the employee is entitled to receive workers' compensation benefits~~ work, the disability benefit must be continued in an amount which when added to current earnings and workers' compensation benefits does not exceed the salary ~~received at the date of disability or the salary currently paid for similar positions, whichever is higher, if the disability benefit in that case does not exceed the disability benefit originally authorized and in effect~~ rate of the disabled employee at the date of disability as adjusted by the same percentage increase in United States average wages used by social security in calculating average indexed monthly earnings for the same period.

Sec. 14. Minnesota Statutes 2000, section 352B.01, subdivision 11, is amended to read:

Subd. 11. [AVERAGE MONTHLY SALARY.] "Average monthly salary" means the average of the highest monthly salaries for five years of service as a member. Average monthly salary must be based upon all allowable service if this service is less than five years. It does not include any lump sum annual leave payments and overtime payments made at the time of separation from state service, any amounts of severance pay, or any reduced salary paid during the period the person is entitled to workers' compensation benefit payments for temporary disability. A member on leave of absence receiving temporary workers' compensation payments and a reduced salary or no salary from the employer who is entitled to allowable service credit for the period of absence may make payment to the fund for the difference between salary received, if any, and the salary the member would normally receive if not on leave of absence during the period. The member shall pay an amount equal to the member and employer contribution rate under section 352B.02, subdivisions 1b and 1c, on the differential salary amount for the period of the leave of absence. The employing department, at its option, may pay the employer amount on behalf of the member. Payment made under this subdivision must include interest at the rate of 8.5 percent per year, and must be completed within one year of the return from the leave of absence.

Sec. 15. Minnesota Statutes 2000, section 352B.10, subdivision 3, is amended to read:

Subd. 3. [ANNUAL AND SICK LEAVE; WORK AT LOWER PAY.] No member shall receive any disability benefit payment when the member has unused annual leave or sick leave or under any other circumstances, when during the period of disability there has been no impairment of salary. Should the member or former member resume

gainful work and earn less than the salary received at the date of disability or the salary currently paid for similar positions, the disability benefit must be continued in an amount which when added to current earnings does not exceed the salary rate received of the person at the date of disability ~~or the salary currently paid for similar positions, whichever is higher.~~ The disability benefit must not exceed the disability benefit originally allowed as adjusted by the same percentage increase in United States average wages used by social security in calculating average indexed monthly earnings for the same period.

Sec. 16. Minnesota Statutes 2000, section 352B.101, is amended to read:

352B.101 [APPLICATION FOR DISABILITY BENEFIT.]

A member claiming a disability benefit must file a written application for benefits in the office of the system in a form and manner prescribed by the executive director. The member shall provide medical or psychological evidence to support the application. The benefit begins to accrue the day following the start of disability or the day following the last day for which the member was paid, whichever is later, but not earlier than 180 days before the date the application is filed with the executive director.

Sec. 17. Minnesota Statutes 2000, section 354.05, subdivision 2, is amended to read:

Subd. 2. [TEACHER.] (a) "Teacher" means:

(1) a person who renders service as a teacher, supervisor, principal, superintendent, librarian, nurse, counselor, social worker, therapist, or psychologist in the public schools of the state located outside of the corporate limits of the cities of the first class ~~or in the Minnesota state colleges and universities system,~~ or in any charitable, penal, or correctional institutions of a governmental subdivision, or who is engaged in educational administration in connection with the state public school system, ~~including the Minnesota state colleges and universities system,~~ but excluding the University of Minnesota, whether the position be a public office or an employment, not including members or officers of any general governing or managing board or body;

(2) an employee of the teachers retirement association ~~unless the employee is covered by the Minnesota state retirement system due to prior employment by that system;~~

(3) a person who renders teaching service on a part-time basis and who also renders other services for a single employing unit. A person whose teaching service comprises at least 50 percent of the combined employment salary is a member of the association for all services with the single employing unit. If the person's teaching service comprises less than 50 percent of the combined employment salary, the executive director must determine whether all or none of the combined service is covered by the association; or

(4) a person who is not covered by the plans established under chapter 352D, 354A, or 354B and who is employed by the board of trustees of the Minnesota state colleges and universities system in an unclassified position as:

(i) a president, vice-president, or dean;

(ii) a manager or a professional in an academic or an academic support program other than specified in subclause (i);

(iii) an administrative or a service support faculty position; or

(iv) a teacher or a research assistant.

(b) Teacher does not mean:

(1) a person who works for a school or institution as an independent contractor as defined by the Internal Revenue Service;

(2) a person employed in subsidized on-the-job training, work experience or public service employment as an enrollee under the federal Comprehensive Employment and Training Act from and after March 30, 1978, unless the person has, as of the later of March 30, 1978, or the date of employment, sufficient service credit in the retirement association to meet the minimum vesting requirements for a deferred retirement annuity, or the employer agrees in writing on forms prescribed by the executive director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal Comprehensive Training and Employment Act, or the person agrees in writing on forms prescribed by the executive director to make the required employer contribution in addition to the required employee contribution;

(3) a person holding a part-time adult supplementary technical college license who renders part-time teaching service or a customized trainer as defined by the Minnesota state colleges and universities system in a technical college if (i) the service is incidental to the regular nonteaching occupation of the person; and (ii) the applicable technical college stipulates annually in advance that the part-time teaching service or customized training service will not exceed 300 hours in a fiscal year and retains the stipulation in its records; and (iii) the part-time teaching service or customized training service actually does not exceed 300 hours in a fiscal year; or

(4) a person exempt from licensure under section 122A.30.

Sec. 18. Minnesota Statutes 2000, section 354.52, subdivision 4, is amended to read:

Subd. 4. [REPORTING AND REMITTANCE REQUIREMENTS.] An employer shall remit all amounts due to the association and furnish a statement indicating the amount due and transmitted with any other information required by the executive director. If an amount due is not received by the association within ~~seven~~ 14 calendar days of the payroll warrant, the amount accrues interest at an annual rate of 8.5 percent compounded annually from the due date until the amount is received by the association. All amounts due and other employer obligations not remitted within 60 days of notification by the association must be certified to the commissioner of finance who shall deduct the amount from any state aid or appropriation amount applicable to the employing unit.

Sec. 19. Minnesota Statutes 2000, section 354A.011, subdivision 24, is amended to read:

Subd. 24. [SALARY; COVERED SALARY.] (a) "Salary" or "covered salary" means the entire compensation, upon which member contributions are required and made, that is paid to a teacher before ~~any allowable reductions permitted under the federal Internal Revenue Code of 1986, as amended, for employee selected fringe benefits, tax sheltered annuities, deferred compensation, or any combination of these items~~ deductions for deferred compensation, supplemental retirement plans, or other voluntary salary reduction programs.

(b) "Salary" does not mean:

(1) lump sum annual leave payments;

(2) lump sum wellness and sick leave payments;

(3) payments in lieu of any employer-paid group insurance coverage employer-paid amounts used by an employee toward the cost of insurance coverage, employer-paid fringe benefits, flexible spending accounts, cafeteria plans, health care expense accounts, day care expenses, or any payments in lieu of any employer-paid group insurance coverage, including the difference between single and family rates that may be paid to a member with single coverage, and certain amounts determined by the executive secretary or director to be ineligible;

(4) payments for the difference between single and family premium rates that may be paid to a member with single coverage any form of payment made in lieu of any other employer-paid fringe benefit or expense;

(5) employer-paid fringe benefits including, but not limited to, flexible spending accounts, cafeteria plans, health care expense accounts, day care expenses, or automobile allowances and expenses any form of severance payments;

(6) workers' compensation payments;

(7) disability insurance payments, including self-insured disability payments;

~~(6)~~ (8) payments to school principals and all other administrators for services in addition to the normal work year contract if these additional services are performed on an extended duty day, Saturday, Sunday, holiday, annual leave day, sick leave day, or any other nonduty day;

~~(7)~~ (9) payments under section 356.24, subdivision 1, clause (4)(ii); and

~~(8)~~ (10) payments made under section 122A.40, subdivision 12, except for payments for sick leave accumulated under the provisions of a uniform school district policy that applies equally to all similarly situated persons in the district.

Sec. 20. [354A.107] [PAYMENT ACCEPTANCE ALLOWED.]

The payment for the purchase of allowable service credit, or the repayment of a prior refund, or the payment of equivalent contributions for an eligible leave of absence, as permitted by law, by a member of the Minneapolis teachers retirement fund association, the St. Paul teachers retirement fund association, or the Duluth teachers retirement fund association, may be made with amounts transferred from a plan qualified under section 401(a), 401(k), 403(a), 403(b), or 457(b) of the federal Internal Revenue Code of 1986, as amended from time to time, or amounts transferred from an individual retirement account if done solely in a manner that is eligible for treatment as a nontaxable rollover under the applicable federal law. The rollover must be separately accounted for as member contributions that were not previously taxed. Before accepting any transfers to which this section applies, the executive secretary or director must require the member to provide written documentation that the amounts to be transferred are eligible for tax free rollover and qualify for that treatment under the federal Internal Revenue Code of 1986, as amended.

Sec. 21. [354A.108] [PAYMENT BY TEACHERS COLLECTING WORKERS' COMPENSATION.]

(a) A member of the Duluth teachers retirement fund association who is receiving temporary workers' compensation payments related to the member's teaching service and who either is receiving a reduced salary from the employer or is receiving no salary from the employer is entitled to receive allowable service credit for the period of time that the member is receiving the workers' compensation payments upon making the required payment amount.

(b) The required amount payable by the member must be calculated first by determining the differential salary amount, which is the difference between the salary received, if any, during the period of time that the member is collecting workers' compensation payments, and the salary that the member received for an identical length period immediately before collecting the workers' compensation payments. The member shall pay an amount equal to the employee contribution rate under section 354A.12, subdivision 1, multiplied by the differential salary amount.

(c) If the member makes the employee payment under this section, the employing unit shall make an employer payment to the Duluth teachers retirement fund association equal to the employer contribution rate under section 354A.12, subdivision 2a, multiplied by the differential salary amount.

(d) Payments made under this subdivision are payable without interest if paid by June 30 of the year during which the workers' compensation payments are received by the member. If paid after June 30, payments made under this subdivision must include interest at the rate of 8.5 percent per year. Payment under this section must be completed within one year of the termination of the workers' compensation payments to the member.

Sec. 22. Minnesota Statutes 2000, section 354A.12, subdivision 5, is amended to read:

Subd. 5. [EMPLOYEE REPORTING AND REMITTANCE REQUIREMENTS.] (a) Each ~~school district~~ employing unit shall provide to the appropriate teachers retirement fund association ~~information~~ the following member data regarding all new or returning employees ~~on a form provided by the executive secretary or director before the employee's first payroll date: in a format approved by the executive secretary or director. Data changes and the dates of those changes must be reported to the association on an ongoing basis for the payroll cycle in which they occur. Data on the member includes:~~

(1) legal name, address, date of birth, association member number, employer-assigned employee number, and social security number;

(2) association status, including, but not limited to, basic, coordinated, exempt annuitant, exempt technical college teacher, or exempt independent contractor or consultant;

(3) employment status, including, but not limited to, full time, part time, intermittent, substitute, or part-time mobility;

(4) employment position, including, but not limited to, teacher, superintendent, principal, administrator, or other;

(5) employment activity, including, but not limited to, hire, termination, resumption of employment, disability, or death;

(6) leaves of absence; and

(7) other information as may be required by the association.

(b) Each employing unit shall provide the following data to the appropriate association for each payroll cycle in a format approved by the executive secretary or director:

(1) an association member number;

(2) employer-assigned employee number;

(3) social security number;

(4) amount of each salary deduction;

(5) amount of salary as defined in section 354A.011, subdivision 24, from which each deduction was made;

(6) reason for payment;

(7) service credit;

(8) the beginning and ending dates of the payroll period covered and the date of actual payment;

(9) fiscal year of salary earnings;

(10) total remittance amount including employee, employer, and employer additional contributions; and

(11) other information as may be required by the association.

(c) On or before August 1 each year, each employing unit must report to the appropriate association giving an itemized summary for the preceding 12 months of the total amount that was withheld from the salaries of teachers for deductions and all other information required by the association.

(d) An employing unit that does not comply with the reporting requirements under this section shall pay a fine of \$5 per calendar day until the association receives the required member data.

(e) An employing unit shall remit all amounts that are due to the association and shall furnish for each pay period an itemized statement indicating the total amount that is due and is transmitted with any other information required by the association. All amounts due and other employer obligations that are not remitted within 30 days of notification by the association must be certified by the director or secretary to the commissioner of finance, who shall deduct the amount from any state aid or appropriation amount applicable to the employing unit and shall transmit the deducted amount to the applicable association.

Sec. 23. Minnesota Statutes 2000, section 354A.31, subdivision 3, is amended to read:

Subd. 3. [RESUMPTION OF TEACHING AFTER COMMENCEMENT OF A RETIREMENT ANNUITY.] (a) Any person who retired and is receiving a coordinated program retirement annuity under the provisions of sections 354A.31 to 354A.41 or any person receiving a basic program retirement annuity under the governing sections in the articles of incorporation or bylaws and who has resumed teaching service for the school district in which the teachers retirement fund association exists is entitled to continue to receive retirement annuity payments, except that annuity payments must be reduced during the calendar year immediately following the calendar year in which the person's income from the teaching service is in an amount greater than the annual maximum earnings allowable for that age for the continued receipt of full benefit amounts monthly under the federal old age, survivors, and disability insurance program as set by the secretary of health and human services under United States Code, title 42, section 403. The amount of the reduction must be one-third the amount in excess of the applicable reemployment income maximum specified in this subdivision and must be deducted from the annuity payable for the calendar year immediately following the calendar year in which the excess amount was earned. If the person has not yet reached the minimum age for the receipt of social security benefits, the maximum earnings for the person must be equal to the annual maximum earnings allowable for the minimum age for the receipt of social security benefits.

(b) If the person is retired for only a fractional part of the calendar year during the initial year of retirement, the maximum reemployment income specified in this subdivision must be prorated for that calendar year.

(c) After a person has reached the age of 70, no reemployment income maximum is applicable regardless of the amount of any compensation received for teaching service for the school district in which the teachers retirement fund association exists.

(d) The amount of the retirement annuity reduction must be handled or disposed of as provided in section 356.58.

(e) For the purpose of this subdivision, income from teaching service includes: (i) all income for services performed as a consultant or independent contractor; or income resulting from working with the school district in any capacity; and (ii) the greater of either the income received or an amount based on the rate paid with respect to an administrative position, consultant, or independent contractor in the school district in which the teachers retirement fund association exists and at the same level as the position occupied by the person who resumes teaching service.

(f) On or before February 15 of each year, each applicable employing unit shall report to the teachers retirement fund association the amount of postretirement income as defined in this subdivision, earned as a teacher, consultant, or independent contractor during the previous calendar year by each retiree of the teachers retirement fund association for teaching service performed after retirement. The report must be in a format approved by the executive secretary or director.

Sec. 24. Minnesota Statutes 2000, section 354A.35, subdivision 4, is amended to read:

Subd. 4. [PAYMENT OF MINIMAL REFUND AND BENEFIT AMOUNTS.] If a coordinated member or former coordinated member dies without having designated a beneficiary or if the designated beneficiary dies without there existing any other designated beneficiary and prior to making application for the refund credited to the deceased coordinated member or coordinated former member, and if the amount of the refund does not exceed ~~\$500~~ \$1,500, the board in its discretion may, in absence of probate proceedings, make payment 90 days after the date of death of the coordinated member or former coordinated member to the surviving spouse of the deceased coordinated member or former coordinated member, or if none, to the next of kin as determined under the laws of descent of the state. A payment under this subdivision shall be a bar to recovery by any other person or persons. Any retirement annuity in any amount which has accrued at the time of the death of a coordinated retiree may be paid by the board in its discretion using the procedure set forth in this subdivision.

Sec. 25. Minnesota Statutes 2000, section 356A.06, subdivision 5, is amended to read:

Subd. 5. [INVESTMENT BUSINESS RECIPIENT DISCLOSURE.] The chief administrative officer of a covered pension plan, with respect to investments made by the plan, and the executive director of the state board of investment, with respect to investments of plan assets made by the board, shall annually disclose in writing the recipients of investment business placed with or investment commissions allocated among commercial banks, investment bankers, brokerage organizations, or other investment managers. The disclosure document must be prepared within 60 days after the close of the fiscal year of the plan and must be available for public inspection during regular office hours at the office of the plan. The disclosure document must also be filed with the executive director of the legislative commission on pensions and retirement within 90 days after the close of the fiscal year of the plan. For the state board of investment and a first class city teacher retirement fund association, a disclosure document included as part of a regular annual report of the board or of the first class city teacher retirement fund association when filed with the executive director of the legislative commission on pensions and retirement is considered to have been filed on a timely basis.

Sec. 26. Minnesota Statutes 2000, section 490.121, subdivision 4, is amended to read:

Subd. 4. [ALLOWABLE SERVICE.] "Allowable service" means ~~a whole year, or any fraction thereof~~ any calendar month, subject to the service credit limit in subdivision 22, served as a judge at any time, or served as a referee in probate for all referees in probate who were in office prior to January 1, 1974.

Sec. 27. [REPEALER.]

Minnesota Statutes 2000, section 354A.026, is repealed.

Sec. 28. [EFFECTIVE DATE.]

(a) Sections 1 to 20, 22 to 27 are effective on July 1, 2001.

(b) Section 21 is effective on May 1, 2001.

ARTICLE 5

OPEN MEETING REQUIREMENT FOR LOCAL PUBLIC PENSION PLANS

Section 1. Minnesota Statutes 2000, section 13D.01, subdivision 1, is amended to read:

Subdivision 1. [IN EXECUTIVE BRANCH, LOCAL GOVERNMENT.] All meetings, including executive sessions, must be open to the public

(a) of a state

- (1) agency,
- (2) board,
- (3) commission, or
- (4) department,

when required or permitted by law to transact public business in a meeting; ~~and~~

- (b) of the governing body of a
 - (1) school district however organized,
 - (2) unorganized territory,
 - (3) county,
 - (4) statutory or home rule charter city,
 - (5) town, or
 - (6) other public body; ~~and~~

- (c) of any
 - (1) committee,
 - (2) subcommittee,
 - (3) board,
 - (4) department, or
 - (5) commission,

of a public body; and

(d) of the governing body or a committee of:

- (1) a statewide public pension plan defined in section 356A.01, subdivision 24; or
- (2) a local public pension plan governed by section 69.77, sections 69.771 to 69.775, or chapter 354A, 422A, or 423B.

Sec. 2. Minnesota Statutes 2000, section 356A.08, subdivision 1, is amended to read:

Subdivision 1. [PUBLIC MEETINGS.] A meeting of the governing board of a covered ~~statewide~~ pension plan or of a committee of the governing board of the ~~statewide~~ covered pension plan is governed by chapter 13D.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment.

ARTICLE 6

POLICE STATE AID AMENDMENTS

Section 1. Minnesota Statutes 2000, section 69.011, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] Unless the language or context clearly indicates that a different meaning is intended, the following words and terms shall for the purposes of this chapter and chapters 423, 423A, 424 and 424A have the meanings ascribed to them:

(a) "Commissioner" means the commissioner of revenue.

(b) "Municipality" means ~~any~~:

(1) a home rule charter or statutory city;

(2) an organized town ~~or~~;

(3) a park district subject to chapter 398;

(4) the University of Minnesota; ~~and~~;

(5) for purposes of the fire state aid program only, an American Indian tribal government entity located within a federally recognized American Indian reservation; ~~and~~;

(6) for purposes of the police state aid program only, an American Indian tribal government with a tribal police department which exercises state arrest powers under section 626.90, 626.91, 626.92, or 626.93;

(7) for purposes of the police state aid program only, the metropolitan airports commission; with respect to peace officers covered under chapter 422A; ~~or~~ and

(8) for purposes of the police state aid program only, the department of natural resources and the department of public safety with respect to peace officers covered under chapter 352B.

(c) "Minnesota Firetown Premium Report" means a form prescribed by the commissioner containing space for reporting by insurers of fire, lightning, sprinkler leakage and extended coverage premiums received upon risks located or to be performed in this state less return premiums and dividends.

(d) "Firetown" means the area serviced by any municipality having a qualified fire department or a qualified incorporated fire department having a subsidiary volunteer firefighters' relief association.

(e) "Market value" means latest available market value of all property in a taxing jurisdiction, whether the property is subject to taxation, or exempt from ad valorem taxation obtained from information which appears on abstracts filed with the commissioner of revenue or equalized by the state board of equalization.

(f) "Minnesota Aid to Police Premium Report" means a form prescribed by the commissioner for reporting by each fire and casualty insurer of all premiums received upon direct business received by it in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, with reference to insurance written for insuring against the perils contained in auto insurance coverages as reported in the Minnesota business schedule of the annual financial statement which each insurer is required to file with the commissioner in accordance with the governing laws or rules less return premiums and dividends.

(g) "Peace officer" means any person:

(1) whose primary source of income derived from wages is from direct employment by a municipality or county as a law enforcement officer on a full-time basis of not less than 30 hours per week;

(2) who has been employed for a minimum of six months prior to December 31 preceding the date of the current year's certification under subdivision 2, clause (b);

(3) who is sworn to enforce the general criminal laws of the state and local ordinances;

(4) who is licensed by the peace officers standards and training board and is authorized to arrest with a warrant; and

(5) who is a member of a local police relief association to which section 69.77 applies, the state patrol retirement plan, the public employees police and fire fund, or the Minneapolis employees retirement fund.

(h) "Full-time equivalent number of peace officers providing contract service" means the integral or fractional number of peace officers which would be necessary to provide the contract service if all peace officers providing service were employed on a full-time basis as defined by the employing unit and the municipality receiving the contract service.

(i) "Retirement benefits other than a service pension" means any disbursement authorized under section 424A.05, subdivision 3, clauses (2), (3), and (4).

(j) "Municipal clerk, municipal clerk-treasurer, or county auditor" means the person who was elected or appointed to the specified position or, in the absence of the person, another person who is designated by the applicable governing body. In a park district, the clerk is the secretary of the board of park district commissioners. In the case of the University of Minnesota, the clerk is that official designated by the board of regents. For the metropolitan airports commission, the clerk is the person designated by the commission. For the department of natural resources or the department of public safety, the clerk is the respective commissioner. For a tribal police department which exercises state arrest powers under section 626.90, 626.91, 626.92, or 626.93, the clerk is the person designated by the applicable American Indian tribal government.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.

ARTICLE 7

GENERALIZED SERVICE CREDIT PURCHASES

Section 1. Minnesota Statutes 2000, section 352.01, subdivision 11, is amended to read:

Subd. 11. [ALLOWABLE SERVICE.] "Allowable service" means:

(1) Service by an employee for which on or before July 1, 1957, the employee was entitled to allowable service credit on the records of the system by reason of employee contributions in the form of salary deductions, payments in lieu of salary deductions, or in any other manner authorized by Minnesota Statutes 1953, chapter 352, as amended by Laws 1955, chapter 239.

(2) Service by an employee for which on or before July 1, 1961, the employee chose to obtain credit for service by making payments to the fund under Minnesota Statutes 1961, section 352.24.

(3) Except as provided in clauses (8) and (9), service by an employee after July 1, 1957, for any calendar month in which the employee is paid salary from which deductions are made, deposited, and credited in the fund, including deductions made, deposited, and credited as provided in section 352.041.

(4) Except as provided in clauses (8) and (9), service by an employee after July 1, 1957, for any calendar month for which payments in lieu of salary deductions are made, deposited, and credited in the fund, as provided in section 352.27 and Minnesota Statutes 1957, section 352.021, subdivision 4.

For purposes of clauses (3) and (4), except as provided in clauses (8) and (9), any salary paid for a fractional part of any calendar month, including the month of separation from state service, is deemed the compensation for the entire calendar month.

(5) The period of absence from their duties by employees who are temporarily disabled because of injuries incurred in the performance of duties and for which disability the state is liable under the workers' compensation law until the date authorized by the director for the commencement of payments of a total and permanent disability benefit from the retirement fund.

(6) Service covered by a refund repaid as provided in section 352.23 or 352D.05, subdivision 4, except service rendered as an employee of the adjutant general for which the person has credit with the federal civil service retirement system.

(7) Service before July 1, 1978, by an employee of the transit operating division of the metropolitan transit commission or by an employee on an authorized leave of absence from the transit operating division of the metropolitan transit commission who is employed by the labor organization which is the exclusive bargaining agent representing employees of the transit operating division, which was credited by the metropolitan transit commission-transit operating division employees retirement fund or any of its predecessor plans or funds as past, intermediate, future, continuous, or allowable service as defined in the metropolitan transit commission-transit operating division employees retirement fund plan document in effect on December 31, 1977.

(8) Service after July 1, 1983, by an employee who is employed on a part-time basis for less than 50 percent of full time, for which the employee is paid salary from which deductions are made, deposited, and credited in the fund, including deductions made, deposited, and credited as provided in section 352.041 or for which payments in lieu of salary deductions are made, deposited, and credited in the fund as provided in section 352.27 shall be credited on a fractional basis either by pay period, monthly, or annually based on the relationship that the percentage of salary earned bears to a full-time salary, with any salary paid for the fractional service credited on the basis of the rate of salary applicable for a full-time pay period, month, or a full-time year. For periods of part-time service that is duplicated service credit, section 356.30, subdivision 1, clauses (i) and (j), govern.

Allowable service determined and credited on a fractional basis shall be used in calculating the amount of benefits payable, but service as determined on a fractional basis must not be used in determining the length of service required for eligibility for benefits.

(9) Any period of authorized leave of absence without pay that does not exceed one year and for which the employee obtained credit by payment to the fund in lieu of salary deductions. To obtain credit, the employee shall pay an amount equal to the employee and employer contribution rate in section 352.04, subdivisions 2 and 3, multiplied by the employee's hourly rate of salary on the date of return from leave of absence and by the days and months of the leave of absence without pay for which the employee wants allowable service credit. The employing department, at its option, may pay the employer amount on behalf of its employees. Payments made under this clause must include interest at an annual rate of 8.5 percent compounded annually from the date of termination of the leave of absence to the date payment is made unless payment is completed within one year of the return from leave of absence.

(10) A period purchased under section 356.555.

Sec. 2. Minnesota Statutes 2000, section 352B.01, subdivision 3, is amended to read:

Subd. 3. [ALLOWABLE SERVICE.] (a) "Allowable service" means:

(1) for members defined in subdivision 2, clause (a), monthly service is granted for any month for which payments have been made to the state patrol retirement fund, and

(2) for members defined in subdivision 2, clauses (b) and (c), service for which payments have been made to the state patrol retirement fund, service for which payments were made to the state police officers retirement fund after June 30, 1961, and all prior service which was credited to a member for service on or before June 30, 1961.

(b) Allowable service also includes any period of absence from duty by a member who, by reason of injury incurred in the performance of duty, is temporarily disabled and for which disability the state is liable under the workers' compensation law, until the date authorized by the executive director for commencement of payment of a disability benefit or return to employment.

(c) Allowable service also includes a period purchased under section 356.555.

Sec. 3. Minnesota Statutes 2000, section 353.01, subdivision 16, is amended to read:

Subd. 16. [ALLOWABLE SERVICE.] (a) "Allowable service" means service during years of actual membership in the course of which employee contributions were made, periods covered by payments in lieu of salary deductions under section 353.35, and service in years during which the public employee was not a member but for which the member later elected, while a member, to obtain credit by making payments to the fund as permitted by any law then in effect.

(b) "Allowable service" also means a period of authorized leave of absence with pay from which deductions for employee contributions are made, deposited, and credited to the fund.

(c) "Allowable service" also means a period of authorized leave of absence without pay that does not exceed one year, and during or for which a member obtained credit by payments to the fund made in place of salary deductions, provided that the payments are made in an amount or amounts based on the member's average salary on which deductions were paid for the last six months of public service, or for that portion of the last six months while the member was in public service, to apply to the period in either case immediately preceding commencement of the leave of absence. If the employee elects to pay employee contributions for the period of any leave of absence without pay, or for any portion of the leave, the employee shall also, as a condition to the exercise of the election, pay to the fund an amount equivalent to both the required employer and additional employer contributions for the employee. The payment must be made within one year from the expiration of the leave of absence or within 20 days after termination of public service under subdivision 11a. The employer by appropriate action of its governing body, made a part of its official records, before the date of the first payment of the employee contribution, may certify to the association in writing its commitment to pay the employer and additional employer contributions from the proceeds of a tax levy made under section 353.28. Payments under this paragraph must include interest at an annual rate of 8.5 percent compounded annually from the date of the termination of the leave of absence to the date payment is made. An employee shall return to public service and receive a minimum of three months of allowable service to be eligible to pay employee and employer contributions for a subsequent authorized leave of absence without pay.

(d) "Allowable service" also means a periodic, repetitive leave that is offered to all employees of a governmental subdivision. The leave program may not exceed 208 hours per annual normal work cycle as certified to the association by the employer. A participating member obtains service credit by making employee contributions in an amount or amounts based on the member's average salary that would have been paid if the leave had not been taken. The employer shall pay the employer and additional employer contributions on behalf of the participating member. The employee and the employer are responsible to pay interest on their respective shares at the rate of 8.5 percent a year, compounded annually, from the end of the normal cycle until full payment is made. An employer shall also make the employer and additional employer contributions, plus 8.5 percent interest, compounded annually,

on behalf of an employee who makes employee contributions but terminates public service. The employee contributions must be made within one year after the end of the annual normal working cycle or within 20 days after termination of public service, whichever is sooner. The association shall prescribe the manner and forms to be used by a governmental subdivision in administering a periodic, repetitive leave.

(e) "Allowable service" also means a period during which a member is on an authorized sick leave of absence, without pay, limited to one year. An employee who has received one year of allowable service shall return to public service and receive a minimum of three months of allowable service to receive allowable service for a subsequent authorized sick leave of absence.

(f) "Allowable service" also means an authorized temporary layoff under subdivision 12, limited to three months allowable service per authorized temporary layoff in one calendar year. An employee who has received the maximum service allowed for an authorized temporary layoff shall return to public service and receive a minimum of three months of allowable service to receive allowable service for a subsequent authorized temporary layoff.

(g) Notwithstanding any law to the contrary, "allowable service" also means a parental leave. The association shall grant a maximum of two months service credit for a parental leave, within six months after the birth or adoption, upon documentation from the member's governmental subdivision or presentation of a birth certificate or other evidence of birth or adoption to the association.

(h) "Allowable service" also means a period during which a member is on an authorized leave of absence to enter military service, provided that the member returns to public service upon discharge from military service under section 192.262 and pays into the fund employee contributions based upon the employee's salary at the date of return from military service. Payment must be made within five years of the date of discharge from the military service. The amount of these contributions must be in accord with the contribution rates and salary limitations, if any, in effect during the leave, plus interest at an annual rate of 8.5 percent compounded annually from the date of return to public service to the date payment is made. The matching employer contribution and additional employer contribution under section 353.27, subdivisions 3 and 3a, must be paid by the governmental subdivision employing the member upon return to public service if the member makes the employee contributions. The governmental subdivision involved may appropriate money for those payments. A member may not receive credit for a voluntary extension of military service at the instance of the member beyond the initial period of enlistment, induction, or call to active duty.

(i) For calculating benefits under sections 353.30, 353.31, 353.32, and 353.33 for state officers and employees displaced by the Community Corrections Act, chapter 401, and transferred into county service under section 401.04, "allowable service" means combined years of allowable service as defined in paragraphs (a) to (i) and section 352.01, subdivision 11.

(j) For a public employee who has prior service covered by a local police or firefighters relief association that has consolidated with the public employees retirement association or to which section 353.665 applies, and who has elected the type of benefit coverage provided by the public employees police and fire fund either under section 353A.08 following the consolidation or under section 353.665, subdivision 4, "applicable service" is a period of service credited by the local police or firefighters relief association as of the effective date of the consolidation based on law and on bylaw provisions governing the relief association on the date of the initiation of the consolidation procedure.

(k) "Allowable service" also means a period purchased under section 356.555.

Sec. 4. Minnesota Statutes 2000, section 354.534, subdivision 1, is amended to read:

Subdivision 1. [SERVICE CREDIT PURCHASE AUTHORIZED.] (a) A teacher who has at least three years of allowable service credit with the teachers retirement association is entitled to purchase up to ten years of allowable and formula service credit for out-of-state teaching service by making payment under section 356.55, provided the out-of-state teaching service was performed for an educational institution established and operated by another ~~state~~;

~~governmental subdivision of another state, or the federal government~~ governmental jurisdiction and the teacher is not entitled to receive a current or deferred age and service retirement annuity or disability benefit and has not purchased service credit from another defined benefit public employee pension plan for that out-of-state teaching service.

(b) For purposes of paragraph (a), "another governmental jurisdiction" means:

(1) another state of the United States;

(2) a governmental subdivision of another state of the United States;

(3) the federal government;

(4) a federally recognized American Indian tribe; or

(5) a country other than the United States.

Sec. 5. Minnesota Statutes 2000, section 354.536, subdivision 1, is amended to read:

Subdivision 1. [SERVICE CREDIT PURCHASE AUTHORIZED.] A teacher who has at least three years of allowable service credit with the teachers retirement association is entitled to purchase up to ten years of allowable and formula service credit for developmental achievement center, nonprofit community-based corporation, private, or parochial school teaching service by making payment under section 356.55, provided that the teacher is not entitled to receive a current or deferred age and service retirement annuity or disability benefit from the applicable employer-sponsored pension plan and has not purchased service credit from the applicable defined benefit employer-sponsored pension plan for that service.

Sec. 6. Minnesota Statutes 2000, section 354.539, is amended to read:

354.539 [USE OF COLLEGE SUPPLEMENTAL RETIREMENT FUNDS TO PURCHASE SERVICE CREDIT.]

(a) Unless prohibited by or subject to a penalty under federal law, a teacher who is a participant in the college supplemental retirement plan established under chapter 354C may utilize the teacher's supplemental plan account to purchase service credit under sections 354.53, 354.533, 354.534, 354.535, 354.536, 354.537, ~~and 354.538,~~ 354.541, and 354.542 or to repay a refund under section 354.50.

(b) At the request of a member, if determined by the executive director to be eligible to purchase service credit, the executive director shall notify the board of the Minnesota state colleges and universities system of the cost of the purchase and shall request the transfer of funds from the member's college supplemental retirement account to the teachers retirement association. Upon receipt of the full prior service credit purchase payment amount, the teachers retirement association shall grant the requested allowable and formula service credit.

Sec. 7. [354.541] [PRIOR UNIVERSITY OF MINNESOTA TEACHING SERVICE CREDIT PURCHASE.]

Subdivision 1. [SERVICE CREDIT PURCHASE AUTHORIZED.] A teacher who has at least three years of allowable service credit with the teachers retirement association is entitled to purchase up to ten years of allowable and formula service credit for University of Minnesota teaching service by making payment under section 356.55, provided the teacher is not entitled to receive a current or deferred age and service retirement annuity or disability benefit and has not purchased service credit from another defined benefit public employee pension plan for that University of Minnesota teaching service.

Subd. 2. [APPLICATION AND DOCUMENTATION.] A teacher who desires to purchase service credit under subdivision 1 must apply with the executive director to make the purchase. The application must include all necessary documentation of the teacher's qualifications to make the purchase, signed written permission to allow the

executive director to request and receive necessary verification of applicable facts and eligibility requirements, and any other relevant information that the executive director may require. Payment must be made before the teacher's effective date of retirement.

Subd. 3. [SERVICE CREDIT GRANT.] Allowable and formula service credit for the purchase period must be granted by the teachers retirement association to the purchasing teacher on receipt of the purchase payment amount.

Sec. 8. [354.542] [PRIOR TEACHING SERVICE CREDIT PURCHASE BY IRAP MEMBERS WITH DEFERRED TEACHERS RETIREMENT ASSOCIATION CREDIT.]

A person in covered employment under section 354B.20, subdivision 4, who is a participant in the individual retirement account plan authorized by chapter 354B and who has at least three years of allowable service credit with the teachers retirement association may purchase service credit as provided in sections 354.533 to 354.538 and 354.541.

Sec. 9. Minnesota Statutes 2000, section 354A.098, subdivision 1, is amended to read:

Subdivision 1. [SERVICE CREDIT PURCHASE AUTHORIZED.] (a) A teacher who has at least three years of allowable service credit with one of the retirement fund associations under this chapter and who rendered out-of-state teaching service for an educational institution established and operated by another state, ~~governmental subdivision of another state, or the federal government~~ governmental entity specified in paragraph (b) is entitled to purchase up to ten years of allowable service credit for that out-of-state service by making payment under section 356.55, provided the teacher is not entitled to receive a current or deferred age and service retirement annuity or disability benefit and has not purchased service credit from another defined benefit public employee pension plan for that out-of-state teaching service. Payment must be made before the teacher's effective date of retirement.

(b) An eligible governmental entity for purposes of paragraph (a) is:

- (1) another state of the United States;
- (2) a governmental subdivision of another state of the United States;
- (3) the federal government;
- (4) a federally recognized American Indian tribe; or
- (5) a public education institution in a foreign country.

Sec. 10. Minnesota Statutes 2000, section 354A.101, subdivision 1, is amended to read:

Subdivision 1. [SERVICE CREDIT PURCHASE AUTHORIZED.] A teacher who has at least three years of allowable service credit with the teachers retirement fund association is entitled to purchase up to ten years of allowable service credit for developmental achievement center, nonprofit community-based corporation, private, or parochial school teaching service by making payment under section 356.55, provided that the teacher is not entitled to receive a current or deferred age and service retirement annuity or disability benefit from the applicable employer-sponsored pension plan and has not purchased service credit from the applicable defined benefit employer-sponsored pension plan for that service.

Sec. 11. Minnesota Statutes 2000, section 354A.106, is amended to read:

354A.106 [USE OF COLLEGE SUPPLEMENTAL RETIREMENT FUNDS TO PURCHASE SERVICE CREDIT.]

(a) Unless prohibited by or subject to a penalty under federal law, a teacher who is a participant in the college supplemental retirement plan established under chapter 354C may utilize the teacher's supplemental plan account to purchase service credit under sections 354A.097, 354A.098, 354A.099, 354A.101, 354A.102, 354A.103, ~~and~~ 354A.104, 354A.107, and 354A.108, or to repay a refund under section 354A.38.

(b) At the request of a member, if determined by the executive director of the applicable teachers retirement fund association to be eligible to purchase service credit, the executive director shall notify the board of the Minnesota state colleges and universities system of the cost of the purchase and shall request the transfer of funds from the member's college supplemental retirement account to the applicable teachers retirement fund association. Upon receipt of the full prior service credit purchase payment amount, the applicable teachers retirement fund association shall grant the requested allowable and formula service credit.

Sec. 12. [354A.107] [PRIOR UNIVERSITY OF MINNESOTA TEACHING SERVICE CREDIT PURCHASE.]

Subdivision 1. [SERVICE CREDIT PURCHASE AUTHORIZED.] A teacher who has at least three years of allowable service credit with the teachers retirement fund association is entitled to purchase up to ten years of allowable service credit for University of Minnesota teaching service by making payment under section 356.55, provided the teacher is not entitled to receive a current or deferred age and service retirement annuity or disability benefit and has not purchased service credit from another defined benefit public employee pension plan for that University of Minnesota teaching service.

Subd. 2. [APPLICATION AND DOCUMENTATION.] A teacher who desires to purchase service credit under subdivision 1 must apply with the executive director to make the purchase. The application must include all necessary documentation of the teacher's qualifications to make the purchase, signed written permission to allow the executive director to request and receive necessary verification of applicable facts and eligibility requirements, and any other relevant information that the executive director may require. Payment must be made before the teacher's effective date of retirement.

Subd. 3. [SERVICE CREDIT GRANT.] Allowable service credit for the purchase period must be granted by the teachers retirement association to the purchasing teacher on receipt of the purchase payment amount.

Sec. 13. [354A.108] [PRIOR TEACHING SERVICE CREDIT PURCHASE BY IRAP MEMBERS WITH DEFERRED TEACHERS RETIREMENT ASSOCIATION CREDIT.]

A teacher who is a participant in the individual retirement account plan authorized by chapter 354B and who has at least three years of allowable service credit with a teachers retirement fund association may purchase service credit as provided in sections 354A.091 to 354A.099 and 354A.101 to 354A.107.

Sec. 14. Minnesota Statutes 2000, section 356.55, subdivision 7, is amended to read:

Subd. 7. [EXPIRATION OF PURCHASE PAYMENT DETERMINATION PROCEDURE.] (a) This section expires and is repealed on July 1, ~~2001~~ 2003.

(b) Authority for any public pension plan to accept a prior service credit payment calculated in a timely fashion under this section expires on October 1, ~~2001~~ 2003.

Sec. 15. [356.555] [PARENTAL OR FAMILY LEAVE SERVICE CREDIT PURCHASE.]

Subdivision 1. [SERVICE CREDIT PURCHASE AUTHORIZATION.] (a) Notwithstanding any provision to the contrary of the laws governing a plan enumerated in subdivision 4, a member of the pension plan who has at least three years of allowable service covered by the applicable pension plan and who was granted by the employer a parental leave of absence as defined in paragraph (b), or who was granted by the employer a family leave of absence as defined in paragraph (c), or who had a parental- or family-related break in employment, as defined in paragraph (d), for which the person did not previously receive service credit or for which the person did not receive or purchase service credit from another defined benefit public employee pension plan, is entitled to purchase the actual period of the leave or of the break in service, up to five years, of allowable service credit in the applicable retirement plan. The purchase payment amount is governed by section 356.55.

(b) For purposes of this section, a parental leave of absence is a temporary period of interruption of or separation from active employment for the purposes of handling maternity or paternity duties that has been approved by the employing unit and that includes the right of reinstatement to employment.

(c) For purposes of this section, a family leave of absence is a family leave under United States Code, title 42, section 12631, as amended.

(d) For purposes of this section, a parental- or family-related break in employment is a period following a termination of active employment primarily for the purpose of the birth of a child, the adoption of a child, or the provision of care to a near relative or in-law, after which the person returned to the prior employing unit or to an employing unit covered by the same pension plan that provided retirement coverage immediately prior to the termination of employment.

Subd. 2. [APPLICATION AND DOCUMENTATION.] A person who desires to purchase service credit under subdivision 1 must apply for the service credit purchase with the chief administrative officer of the enumerated pension plan. The application must include all necessary documentation of the qualifications of the person to make the purchase, signed written permission to allow the chief administrative officer to request and receive necessary verification of all applicable facts and eligibility requirements, and any other relevant information that the chief administrative officer may require.

Subd. 3. [SERVICE CREDIT GRANT.] Allowable service credit in the applicable enumerated pension plan for the purchase period must be granted to the purchaser upon receipt of the purchase payment amount calculated under section 356.55. Payment of the purchase amount must be made before the person retires.

Subd. 4. [COVERED PENSION PLANS.] This section applies to the following pension plans:

- (1) general state employees retirement plan governed by chapter 352;
- (2) correctional state employees retirement plan governed by chapter 352;
- (3) general public employees retirement plan governed by chapter 353;
- (4) public employees police and fire plan governed by chapter 353;
- (5) Minneapolis employees retirement plan governed by chapter 422A;
- (6) Minneapolis police relief association governed by chapter 423B; and
- (7) Minneapolis fire department relief association governed by sections 69.25 to 69.53 and augmented by Laws 1959, chapters 213, 491, and 568, and other special local legislation.

Sec. 16. Minnesota Statutes 2000, section 422A.155, is amended to read:

422A.155 [DETERMINATION OF SERVICE CREDIT.]

(a) Notwithstanding the provisions of section 422A.15, subdivision 1, no employee of the contributing class of the Minneapolis employees retirement fund shall be entitled to receive a year of service credit during the employee's final year of service unless the employee is employed and has received compensation from the city of Minneapolis or other applicable employing unit during each of the calendar months making up the year for which the employee would usually be employed. Any employee of the contributing class who is employed and receives compensation in fewer than the usual number of calendar months during the final year of service shall receive credit for that portion of a year that the employee's completed months of employment and receipt of compensation bears to the usual number of months which the employee would usually be employed.

(b) Notwithstanding any provision of this chapter to the contrary, service credit also means a period purchased under section 356.555.

Sec. 17. Minnesota Statutes 2000, section 423B.01, is amended by adding a subdivision to read:

Subd. 3a. [ALLOWABLE SERVICE CREDIT.] "Allowable service credit" means:

- (1) service rendered as an active member;
- (2) service as an elected public official under section 423B.03;
- (3) military service credited under section 423B.09, subdivision 3; and
- (4) a period of service purchased under section 356.555.

Sec. 18. [MINNEAPOLIS FIRE DEPARTMENT RELIEF ASSOCIATION; PARENTAL LEAVE PURCHASE.]

Notwithstanding any provision of Minnesota Statutes, sections 69.25 to 69.53; Laws 1959, chapters 213, 491, and 568; or any other special local law governing the Minneapolis fire department relief association to the contrary, service credit for the purposes of calculating service pensions, disability benefits, or survivor benefits includes a period purchased under Minnesota Statutes, section 356.555.

Sec. 19. [EXPIRATION DATE.]

- (a) The amendments in sections 1, 2, 3, 14, 15, 16, 17, and 18 expire May 16, 2003.
- (b) Sections 8 and 13 expire May 16, 2002.

Sec. 20. [EFFECTIVE DATE.]

- (a) Sections 5 and 9 are effective the day following final enactment.
- (b) Sections 1 to 4, 6 to 8, and 10 to 19 are effective July 1, 2001.

ARTICLE 8

STATE PATROL RETIREMENT PLAN MEMBERSHIP EXPANSION

Section 1. Minnesota Statutes 2000, section 352.01, subdivision 2b, is amended to read:

Subd. 2b. [EXCLUDED EMPLOYEES.] "State employee" does not include:

- (1) elective state officers;
- (2) students employed by the University of Minnesota, the state universities, and community colleges unless approved for coverage by the board of regents or the board of trustees of the Minnesota state colleges and universities, as the case may be;
- (3) employees who are eligible for membership in the state teachers retirement association except employees of the department of children, families, and learning who have chosen or may choose to be covered by the Minnesota state retirement system instead of the teachers retirement association;
- (4) employees of the University of Minnesota who are excluded from coverage by action of the board of regents;

- (5) officers and enlisted personnel in the national guard and the naval militia who are assigned to permanent peacetime duty and who under federal law are or are required to be members of a federal retirement system;
- (6) election officers;
- (7) persons engaged in public work for the state but employed by contractors when the performance of the contract is authorized by the legislature or other competent authority;
- (8) officers and employees of the senate and house of representatives or a legislative committee or commission who are temporarily employed;
- (9) receivers, jurors, notaries public, and court employees who are not in the judicial branch as defined in section 43A.02, subdivision 25, except referees and adjusters employed by the department of labor and industry;
- (10) patient and inmate help in state charitable, penal, and correctional institutions including the Minnesota veterans home;
- (11) persons employed for professional services where the service is incidental to regular professional duties and whose compensation is paid on a per diem basis;
- (12) employees of the Sibley House Association;
- (13) the members of any state board or commission who serve the state intermittently and are paid on a per diem basis; the secretary, secretary-treasurer, and treasurer of those boards if their compensation is \$5,000 or less per year, or, if they are legally prohibited from serving more than three years; and the board of managers of the state agricultural society and its treasurer unless the treasurer is also its full-time secretary;
- (14) state troopers;
- (15) temporary employees of the Minnesota state fair employed on or after July 1 for a period not to extend beyond October 15 of that year; and persons employed at any time by the state fair administration for special events held on the fairgrounds;
- (16) emergency employees in the classified service; except that if an emergency employee, within the same pay period, becomes a provisional or probationary employee on other than a temporary basis, the employee shall be considered a "state employee" retroactively to the beginning of the pay period;
- (17) persons described in section 352B.01, subdivision 2, clauses (2) to ~~(5)~~ (6);
- (18) temporary employees in the classified service, and temporary employees in the unclassified service appointed for a definite period of not more than six months and employed less than six months in any one-year period;
- (19) trainee employees, except those listed in subdivision 2a, clause (10);
- (20) persons whose compensation is paid on a fee basis;
- (21) state employees who in any year have credit for 12 months service as teachers in the public schools of the state and as teachers are members of the teachers retirement association or a retirement system in St. Paul, Minneapolis, or Duluth;
- (22) employees of the adjutant general employed on an unlimited intermittent or temporary basis in the classified and unclassified service for the support of army and air national guard training facilities;

(23) chaplains and nuns who are excluded from coverage under the federal Old Age, Survivors, Disability, and Health Insurance Program for the performance of service as specified in United States Code, title 42, section 410(a)(8)(A), as amended, if no irrevocable election of coverage has been made under section 3121(r) of the Internal Revenue Code of 1986, as amended through December 31, 1992;

(24) examination monitors employed by departments, agencies, commissions, and boards to conduct examinations required by law;

(25) persons appointed to serve as members of fact-finding commissions or adjustment panels, arbitrators, or labor referees under chapter 179;

(26) temporary employees employed for limited periods under any state or federal program for training or rehabilitation including persons employed for limited periods from areas of economic distress except skilled and supervisory personnel and persons having civil service status covered by the system;

(27) full-time students employed by the Minnesota historical society intermittently during part of the year and full-time during the summer months;

(28) temporary employees, appointed for not more than six months, of the metropolitan council and of any of its statutory boards, if the board members are appointed by the metropolitan council;

(29) persons employed in positions designated by the department of employee relations as student workers;

(30) members of trades employed by the successor to the metropolitan waste control commission with trade union pension plan coverage under a collective bargaining agreement first employed after June 1, 1977;

(31) persons employed in subsidized on-the-job training, work experience, or public service employment as enrollees under the federal Comprehensive Employment and Training Act after March 30, 1978, unless the person has as of the later of March 30, 1978, or the date of employment sufficient service credit in the retirement system to meet the minimum vesting requirements for a deferred annuity, or the employer agrees in writing on forms prescribed by the director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal Comprehensive Employment and Training Act, or the person agrees in writing on forms prescribed by the director to make the required employer contribution in addition to the required employee contribution;

(32) off-duty peace officers while employed by the metropolitan council;

(33) persons who are employed as full-time police officers by the metropolitan council and as police officers are members of the public employees police and fire fund;

(34) persons who are employed as full-time firefighters by the department of military affairs and as firefighters are members of the public employees police and fire fund;

(35) foreign citizens with a work permit of less than three years, or an H-1b/JV visa valid for less than three years of employment, unless notice of extension is supplied which allows them to work for three or more years as of the date the extension is granted, in which case they are eligible for coverage from the date extended; and

(36) persons who are employed by the board of trustees of the Minnesota state colleges and universities and who elect to remain members of the public employees retirement association or the Minneapolis employees retirement fund, whichever applies, under section 136C.75.

Sec. 2. Minnesota Statutes 2000, section 352B.01, subdivision 2, is amended to read:

Subd. 2. [MEMBER.] "Member" means:

~~(a) persons referred to and~~ (1) a state patrol member currently employed after June 30, 1943, under ~~Laws 1929, chapter 355, as amended or supplemented, currently employed section 299D.03~~ by the state, who is a peace officer under section 626.84, and whose ~~salaries~~ salary or compensation is paid out of state funds;

~~(b)~~ (2) a conservation officer employed under section 97A.201, currently employed by the state, whose salary or compensation is paid out of state funds;

~~(c)~~ (3) a crime bureau officer who was employed by the crime bureau and was a member of the highway patrolmen's retirement fund on July 1, 1978, whether or not that person has the power of arrest by warrant after that date, or who is employed as police personnel, with powers of arrest by warrant under section 299C.04, and who is currently employed by the state, and whose salary or compensation is paid out of state funds;

~~(d)~~ (4) a person who is employed by the state in the department of public safety in a data processing management position with salary or compensation paid from state funds, who was a crime bureau officer covered by the state patrol retirement plan on August 15, 1987, and who was initially hired in the data processing management position within the department during September 1987, or January 1988, with membership continuing for the duration of the person's employment in that position, whether or not the person has the power of arrest by warrant after August 15, 1987; ~~and~~

~~(e)~~ (5) a public safety ~~employees~~ employee defined as a ~~peace officers~~ officer in section 626.84, subdivision 1, paragraph (c), and employed with the division of alcohol and gambling enforcement under section 299L.01; ~~and~~

(6) a fugitive apprehension unit officer after October 31, 2000, employed by the office of special investigations of the department of corrections who is a peace officer under section 626.84.

Sec. 3. [DISPOSITION OF CERTAIN CONTRIBUTIONS.]

(a) The employee contributions for the period November 1, 2000, to the effective date of this section for a person described in Minnesota Statutes, section 352B.01, subdivision 2, clause (6), must be transferred, with 8.5 percent per annum interest for the period from the date of the contribution to the date of transfer, from the general state employees retirement plan of the Minnesota state retirement system to the state patrol retirement fund.

(b) The employer contributions associated with the employee contributions governed by paragraph (a) also must be transferred for the period from the date of the contribution to the date of transfer, with 8.5 percent per annum interest, from the general state employees retirement plan of the Minnesota state retirement system to the state patrol retirement fund.

(c) A person described in Minnesota Statutes, section 352B.01, subdivision 2, clause (6), must pay, by additional payroll deduction, to the state patrol retirement fund an amount equal to the difference between the transferred employee contributions and interest and the full member contribution under Minnesota Statutes, section 352B.02, subdivision 1a, plus 8.5 percent per annum interest on the balance from March 1, 2001, to the date the additional payment is complete. The additional payment must be completed by December 31, 2001, or by the date of retirement, whichever is earlier.

(d) The department of corrections, for each person described in Minnesota Statutes, section 352B.01, subdivision 2, clause (6), must pay, in a lump sum on July 1, 2001, to the state patrol retirement fund an amount equal to the difference between the transferred employer contributions and interest and the full employer contribution under Minnesota Statutes, section 352B.02, subdivision 1c, plus 8.5 percent per annum interest on the amount from March 1, 2001, to July 1, 2001.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 2 are effective retroactively to November 1, 2000. Section 3 is effective on the day following final enactment.

ARTICLE 9

PRIVATIZED PUBLIC EMPLOYEE DISABILITY COVERAGE

Section 1. [352F.051] [CONTINUATION OF DISABILITY COVERAGE.]

Subdivision 1. [ELIGIBILITY.] A terminated hospital employee who is totally and permanently disabled under section 352.01, subdivision 17, and who had a medically documented preexisting condition of the disability before January 1, 1997, may apply under Minnesota Statutes 1996, section 352.113, subdivision 1, for a disability benefit.

Subd. 2. [CALCULATION OF BENEFITS.] A person qualifying under subdivision 1 is entitled to receive a disability benefit calculated under Minnesota Statutes 1996, section 352.113, subdivision 3. The disability benefit must be augmented under section 352.72, subdivision 2, from January 1, 1997, to the date on which the disability benefit begins to accrue.

Subd. 3. [APPLICABILITY OF GENERAL LAW.] Except as otherwise provided, section 352.113 applies to a person who qualifies for disability under subdivision 1.

Sec. 2. [353F.051] [CONTINUATION OF DISABILITY COVERAGE.]

Subdivision 1. [ELIGIBILITY.] A terminated medical facility or other public employing unit employee who is totally and permanently disabled under Minnesota Statutes 1998, section 353.01, subdivision 19, and who had a medically documented preexisting condition of the disability before the termination of coverage, may apply for a disability benefit.

Subd. 2. [CALCULATION OF BENEFITS.] A person qualifying under subdivision 1 is entitled to receive a disability benefit calculated under Minnesota Statutes 1998, section 353.33, subdivision 3. The disability benefit must be augmented under Minnesota Statutes 1998, section 353.71, subdivision 2, from the date of termination to the date the disability benefit begins to accrue.

Subd. 3. [APPLICABILITY OF GENERAL LAW.] Except as otherwise provided, Minnesota Statutes 1998, section 353.33, applies to a person who qualifies for disability under subdivision 1.

Sec. 3. [EFFECTIVE DATE.]

(a) Sections 1 and 2 are effective the day following final enactment.

(b) A disability benefit under section 1 is payable retroactively to March 1, 2000, or to the first of the month next following the date on which the eligible person attempted to apply for a disability benefit from the general state employees retirement plan of the Minnesota state retirement system, whichever is later.

ARTICLE 10

PERA-GENERAL MEMBERSHIP INCLUSIONS

Section 1. Minnesota Statutes 2000, section 353.01, subdivision 2a, is amended to read:

Subd. 2a. [INCLUDED EMPLOYEES.] Public employees whose salary from one governmental subdivision exceeds \$425 in any month shall participate as members of the association. If the salary of an employee is less than \$425 in a subsequent month, the employee retains membership eligibility. The following persons are considered public employees:

(1) employees whose annual salary from one governmental subdivision exceeds a stipulation prepared in advance, in writing, to be not more than \$5,100 per calendar year or per school year for school employees for employment expected to be of a full year's duration or more than the prorated portion of \$5,100 per employment period expected to be of less than a full year's duration. If compensation from one governmental subdivision to an employee under this clause exceeds \$5,100 per calendar year or school year after being stipulated in advance not to exceed that amount, the stipulation is no longer valid and contributions must be made on behalf of the employee under section 353.27, subdivision 12, from the month in which the employee's salary first exceeded \$425;

(2) employees whose total salary from concurrent nontemporary positions in one governmental subdivision exceeds \$425 in any month;

(3) elected officers for service to which they were elected by the public-at-large, or persons appointed to fill a vacancy in an elective office, who elect to participate by filing an application for membership, but not for service on a joint or regional board that is a governmental subdivision under subdivision 6, paragraph (a), unless the salary earned for that service exceeds \$425 in any month. The option to become a member, once exercised, may not be withdrawn during the incumbency of the person in office;

(4) members who are appointed by the governor to be a state department head and elect not to be covered by the Minnesota state retirement system under section 352.021;

(5) employees of elected officers;

(6) persons who elect to remain members under section 480.181, subdivision 2;

(7) employees of a school district who receive separate salaries for driving their own buses;

(8) employees of the Minnesota association of townships when the board of the association, at its option, certifies to the executive director that its employees are to be included for purposes of retirement coverage, in which case coverage of all employees of the association is permanent;

(9) employees of a county historical society who are county employees;

(10) employees of a county historical society located in the county whom the county, at its option, certifies to the executive director to be county employees for purposes of retirement coverage under this chapter, which status must be accorded to all similarly situated county historical society employees and, once established, must continue as long as a person is an employee of the county historical society and is not excluded under subdivision 2b; ~~and~~

(11) employees who became members before July 1, 1988, based on the total salary of positions held in more than one governmental subdivision; and

(12) full-time employees of the Dakota county agricultural society.

Sec. 2. Minnesota Statutes 2000, section 353.01, subdivision 2b, is amended to read:

Subd. 2b. [EXCLUDED EMPLOYEES.] The following public employees shall not participate as members of the association with retirement coverage by the public employees retirement plan or the public employees police and fire retirement plan:

(1) elected public officers, or persons appointed to fill a vacancy in an elective office, who do not elect to participate in the association by filing an application for membership;

(2) election officers;

(3) patient and inmate personnel who perform services in charitable, penal, or correctional institutions of a governmental subdivision;

(4) employees who are hired for a temporary position under subdivision 12a, and employees who resign from a nontemporary position and accept a temporary position within 30 days in the same governmental subdivision, but not those employees who are hired for an unlimited period but are serving a probationary period. If the period of employment extends beyond six consecutive months and the employee earns more than \$425 from one governmental subdivision in any one calendar month, the department head shall report the employee for membership and require employee deductions be made on behalf of the employee under section 353.27, subdivision 4.

Membership eligibility of an employee who resigns or is dismissed from a temporary position and within 30 days accepts another temporary position in the same governmental subdivision is determined on the total length of employment rather than on each separate position. Membership eligibility of an employee who holds concurrent temporary and nontemporary positions in one governmental subdivision is determined by the length of employment and salary of each separate position;

(5) employees whose actual salary from one governmental subdivision does not exceed \$425 per month, or whose annual salary from one governmental subdivision does not exceed a stipulation prepared in advance, in writing, that the salary must not exceed \$5,100 per calendar year or per school year for school employees for employment expected to be of a full year's duration or more than the prorated portion of \$5,100 per employment period for employment expected to be of less than a full year's duration;

(6) employees who are employed by reason of work emergency caused by fire, flood, storm, or similar disaster;

(7) employees who by virtue of their employment in one governmental subdivision are required by law to be a member of and to contribute to any of the plans or funds administered by the Minnesota state retirement system, the teachers retirement association, the Duluth teachers retirement fund association, the Minneapolis teachers retirement association, the St. Paul teachers retirement fund association, the Minneapolis employees retirement fund, or any police or firefighters relief association governed by section 69.77 that has not consolidated with the public employees retirement association, or any local police or firefighters consolidation account but who have not elected the type of benefit coverage provided by the public employees police and fire fund under sections 353A.01 to 353A.10, or any persons covered by section 353.665, subdivision 4, 5, or 6, who have not elected public employees police and fire plan benefit coverage. This clause must not be construed to prevent a person from being a member of and contributing to the public employees retirement association and also belonging to and contributing to another public pension fund for other service occurring during the same period of time. A person who meets the definition of "public employee" in subdivision 2 by virtue of other service occurring during the same period of time becomes a member of the association unless contributions are made to another public retirement fund on the salary based on the other service or to the teachers retirement association by a teacher as defined in section 354.05, subdivision 2;

(8) persons who are excluded from coverage under the federal Old Age, Survivors, Disability, and Health Insurance Program for the performance of service as specified in United States Code, title 42, section 410(a)(8)(A), as amended through January 1, 1987, if no irrevocable election of coverage has been made under section 3121(r) of the Internal Revenue Code of 1954, as amended;

(9) full-time students who are enrolled and are regularly attending classes at an accredited school, college, or university and who are part-time employees as defined by a governmental subdivision;

(10) resident physicians, medical interns, and pharmacist residents and pharmacist interns who are serving in a degree or residency program in public hospitals;

(11) students who are serving in an internship or residency program sponsored by an accredited educational institution;

(12) persons who hold a part-time adult supplementary technical college license who render part-time teaching service in a technical college;

(13) foreign citizens working for a governmental subdivision with a work permit of less than three years, or an H-1b visa valid for less than three years of employment. Upon notice to the association that the work permit or visa extends beyond the three-year period, the foreign citizens are eligible for membership from the date of the extension;

(14) public hospital employees who elected not to participate as members of the association before 1972 and who did not elect to participate from July 1, 1988, to October 1, 1988;

(15) except as provided in section 353.86, volunteer ambulance service personnel, as defined in subdivision 35, but persons who serve as volunteer ambulance service personnel may still qualify as public employees under subdivision 2 and may be members of the public employees retirement association and participants in the public employees retirement fund or the public employees police and fire fund on the basis of compensation received from public employment service other than service as volunteer ambulance service personnel;

(16) except as provided in section 353.87, volunteer firefighters, as defined in subdivision 36, engaging in activities undertaken as part of volunteer firefighter duties; provided that a person who is a volunteer firefighter may still qualify as a public employee under subdivision 2 and may be a member of the public employees retirement association and a participant in the public employees retirement fund or the public employees police and fire fund on the basis of compensation received from public employment activities other than those as a volunteer firefighter;

(17) pipefitters and associated trades personnel employed by independent school district No. 625, St. Paul, with coverage under a collective bargaining agreement by the pipefitters local 455 pension plan ~~under a collective bargaining agreement~~ who were either first employed after May 1, 1997, or, if first employed before May 2, 1997, elected to be excluded under Laws 1997, chapter 241, article 2, section 12; ~~and~~

(18) electrical workers, plumbers, carpenters, and associated trades personnel employed by independent school district No. 625, St. Paul, or the city of St. Paul, with coverage under a collective bargaining agreement by the electrical workers local 110 pension plan, the united association plumbers local 34 pension plan, or the carpenters local 87 pension plan ~~under a collective bargaining agreement~~ who were either first employed after May 1, 2000, or, if first employed before May 2, 2000, elected to be excluded under Laws 2000, chapter 461, article 7, section 5;

(19) bricklayers, allied craftworkers, cement masons, glaziers, glassworkers, painters, allied tradesworkers, and plasterers employed by the city of St. Paul or independent school district No. 625, St. Paul, with coverage under a collective bargaining agreement by the bricklayers and allied craftworkers local 1 pension plan, the cement masons local 633 pension plan, the glaziers and glassworkers local L-1324 pension plan, the painters and allied trades local 61 pension plan, or the Twin Cities plasterers local 265 pension plan who were either first employed after May 1, 2001, or if first employed before May 2, 2001, elected to be excluded under section 6; and

(20) plumbers employed by the metropolitan airports commission with coverage under a collective bargaining agreement by the plumbers local 34 pension plan who were either first employed after May 1, 2001, or if first employed before May 2, 2001, elected to be excluded under section 6.

Sec. 3. Minnesota Statutes 2000, section 353.01, subdivision 6, is amended to read:

Subd. 6. [GOVERNMENTAL SUBDIVISION.] (a) "Governmental subdivision" means a county, city, town, school district within this state, or a department or unit of state government, or any public body whose revenues are derived from taxation, fees, assessments or from other sources.

(b) Governmental subdivision also means the public employees retirement association, the league of Minnesota cities, the association of metropolitan municipalities, public hospitals owned or operated by, or an integral part of, a governmental subdivision or governmental subdivisions, the association of Minnesota counties, the metropolitan

intercounty association, the Minnesota municipal utilities association, the metropolitan airports commission, the Minneapolis employees retirement fund for employment initially commenced after June 30, 1979, the range association of municipalities and schools, soil and water conservation districts, ~~and~~ economic development authorities created or operating under sections 469.090 to 469.108, the Spring Lake Park fire department, incorporated, and the Dakota county agricultural society.

(c) Governmental subdivision does not mean any municipal housing and redevelopment authority organized under the provisions of sections 469.001 to 469.047; or any port authority organized under sections 469.048 to 469.089; or any hospital district organized or reorganized prior to July 1, 1975, under sections 447.31 to 447.37 or the successor of the district, nor the Minneapolis community development agency.

Sec. 4. [383D.48] [METROPOLITAN INTER-COUNTY ASSOCIATION.]

Notwithstanding any other law to the contrary, Dakota county may provide financial and accounting services, including payroll management and records, to the Metropolitan Inter-county Association. Notwithstanding this section, Metropolitan Inter-county Association employees are not county employees for any purpose.

Sec. 5. [383D.49] [AGRICULTURAL SOCIETY.]

Notwithstanding any other law to the contrary, Dakota county may provide financial and accounting services, including payroll management and records, to the Dakota county agricultural society and may determine that employees of the society are county employees for the purposes of section 471.61. Dakota county agricultural society employees are not county employees for any other purpose.

Sec. 6. [PUBLIC PENSION COVERAGE EXCLUSION FOR CERTAIN TRADES PERSONNEL.]

Subdivision 1. [EXCLUSION ELECTION.] (a) A bricklayer, allied craftworker, cement mason, glazier, glassworker, painter, allied tradesworker, or plasterer who is employed by the city of St. Paul or independent school district No. 625, St. Paul, on the effective date of this section and who has pension coverage under a collective bargaining agreement by the bricklayers and allied craftworkers local 1 pension plan, the cement masons local 633 pension plan, the glaziers and glassworkers local L-1324 pension plan, the painters and allied trades local 61 pension plan, or the Twin Cities plasterers local 265 pension plan may elect to be excluded from pension coverage by the public employees retirement association.

(b) A plumber who is employed by the metropolitan airports commission on the effective date of this section and who has pension coverage under a collective bargaining agreement by the plumbers local 34 pension plan may elect to be excluded from pension coverage by the public employees retirement association.

(c) The exclusion election under this section must be made in writing on a form prescribed by the executive director of the public employees retirement association and must be filed with the executive director. The exclusion election is irrevocable. Authority to make the coverage exclusion expires on January 1, 2002.

Subd. 2. [ELIGIBILITY FOR MEMBER CONTRIBUTION REFUND.] A person who has less than three years of allowable service in the public employees retirement association and who elects the pension coverage exclusion under subdivision 1 is entitled to immediately apply for a refund under Minnesota Statutes, section 353.34, subdivisions 1 and 2, following the effective date of the exclusion election.

Subd. 3. [DEFERRED ANNUITY ELIGIBILITY.] In lieu of the refund under subdivision 2, a person who elects the pension coverage exclusion under subdivision 1 is entitled to a deferred retirement annuity under Minnesota Statutes, sections 353.34, subdivision 3; and 353.71, subdivision 2, based on any length of allowable service credit under Minnesota Statutes, section 353.01, subdivision 16, to the credit of the person as of the date of the coverage exclusion election.

Sec. 7. [DAKOTA COUNTY AGRICULTURAL SOCIETY EMPLOYEE PENSION CERTIFICATION.]

Notwithstanding section 5, the Dakota county board of commissioners may certify to the executive director of the public employees retirement association that full-time employees of the Dakota county agricultural society are county employees for purposes of retirement coverage under Minnesota Statutes, chapter 353, which status must be accorded to all similarly situated Dakota county agricultural society employees.

Sec. 8. [EFFECTIVE DATE; LOCAL APPROVAL.]

(a) Sections 1, 3, 4, and 5 are effective the day after the governing body of Dakota county and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

(b) Section 7 is effective the day after the governing board of Dakota county and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3, and certification to the executive director of the public employees retirement association.

(c) Sections 2 and 6 are effective for bricklayers, allied craftworkers, cement masons, glaziers, glassworkers, painters, allied tradesworkers, and plasterers employed by the city of St. Paul or independent school district No. 625, St. Paul, as applicable, on the day following approval by majority vote of the St. Paul city council or governing board of independent school district No. 625, St. Paul, as applicable, and compliance with Minnesota Statutes, section 645.021.

(d) Sections 2 and 6 are effective for plumbers employed by the metropolitan airports commission on the day following approval by majority vote of the metropolitan airports commission and compliance with Minnesota Statutes, section 645.021.

ARTICLE 11

REMEDIAL MEASURES FOR THE PERA-GENERAL FUNDING DEFICIENCY

Section 1. Minnesota Statutes 2000, section 353.01, subdivision 1, is amended to read:

Subdivision 1. [TERMS.] Unless the language or context clearly indicates that a different meaning is intended, each of the following terms, for the purposes of this chapter, shall be have the meaning given the meanings subjoined to them it.

Sec. 2. Minnesota Statutes 2000, section 353.01, subdivision 2, is amended to read:

Subd. 2. [PUBLIC EMPLOYEE.] "Public employee" means ~~an~~ a governmental employee performing personal services for a governmental subdivision ~~under defined in~~ subdivision 6, whose salary is paid, in whole or in part, from revenue derived from taxation, fees, assessments, or from other sources. The term ~~also includes special~~ also includes special the classes of persons described or listed in subdivision 2a, but. The term also includes persons who elect association membership under subdivision 2d, paragraph (a), and persons for whom the applicable governmental subdivision had elected association membership under subdivision 2d, paragraph (b). The term excludes special the classes of persons listed in subdivision 2b for purposes of membership in the association. ~~Public employee does not include independent contractors and their employees. A reemployed annuitant under section 353.37 must not be considered to be a public employee for purposes of that reemployment.~~

Sec. 3. Minnesota Statutes 2000, section 353.01, subdivision 2a, is amended to read:

Subd. 2a. [INCLUDED EMPLOYEES.] ~~(a) Public employees whose salary from one governmental subdivision exceeds \$425 in any month shall participate as members of the association. If the salary of an employee is less than \$425 in a subsequent month, the employee retains membership eligibility. The following persons are considered public employees:~~

(1) employees whose annual salary from one governmental subdivision exceeds a stipulation prepared in advance, in writing, to be not more than \$5,100 per calendar year or per school year for school employees for employment expected to be of a full year's duration or more than the prorated portion of \$5,100 per employment period expected to be of less than a full year's duration. If compensation from one governmental subdivision to an employee under this clause exceeds \$5,100 per calendar year or school year after being stipulated in advance not to exceed that amount, the stipulation is no longer valid and contributions must be made on behalf of the employee under section 353.27, subdivision 12, from the month in which the employee's salary first exceeded \$425;

(2) employees whose total salary from concurrent nontemporary positions in one governmental subdivision exceeds \$425 in any month;

(3) elected officers for service to which they were elected by the public-at-large, or persons appointed to fill a vacancy in an elective office, who elect to participate by filing an application for membership, but not for service on a joint or regional board that is a governmental subdivision under subdivision 6, paragraph (a), unless the salary earned for that service exceeds \$425 in any month. The option to become a member, once exercised, may not be withdrawn during the incumbency of the person in office;

(4) members who are appointed by the governor to be a state department head and elect not to be covered by the Minnesota state retirement system under section 352.021;

(5) employees of elected officers;

(6) persons who elect to remain members under section 480.181, subdivision 2;

(7) employees of a school district who receive separate salaries for driving their own buses;

(8) employees of the Minnesota association of townships when the board of the association, at its option, certifies to the executive director that its employees are to be included for purposes of retirement coverage, in which case coverage of all employees of the association is permanent;

(9) employees of a county historical society who are county employees;

(10) employees of a county historical society located in the county whom the county, at its option, certifies to the executive director to be county employees for purposes of retirement coverage under this chapter, which status must be accorded to all similarly situated county historical society employees and, once established, must continue as long as a person is an employee of the county historical society and is not excluded under subdivision 2b; and

(11) employees who became members before July 1, 1988, based on the total salary of positions held in more than one governmental subdivision: shall participate as members of the association with retirement coverage by the public employees retirement plan or the public employees police and fire retirement plan under this chapter, or the local government correctional employees retirement plan under chapter 353E, whichever applies, as a condition of their employment on the first day of employment unless they:

(1) are specifically excluded under subdivision 2b;

(2) do not exercise their option to elect retirement coverage in the association as provided in subdivision 2d, paragraph (a); or

(3) are employees of the governmental subdivisions listed in subdivision 2d, paragraph (b), where the governmental subdivision has not elected to participate as a governmental subdivision covered by the association.

(b) A public employee who was a member of the association on June 30, 2002, based on employment that qualified for membership coverage by the public employees retirement plan or the public employees police and fire plan under this chapter, or the local government correctional employees retirement plan under chapter 353E as of June 30, 2002, retains that membership until the employee terminates public employment under subdivision 11a or terminates membership under subdivision 11b.

Sec. 4. Minnesota Statutes 2000, section 353.01, subdivision 2b, is amended to read:

Subd. 2b. [EXCLUDED EMPLOYEES.] The following public employees ~~shall~~ are not eligible to participate as members of the association with retirement coverage by the public employees retirement plan, the local government correctional employees retirement plan under chapter 353E, or the public employees police and fire retirement plan:

(1) ~~elected public officers, other than county sheriffs, who are elected to a governing body, or persons who are appointed to fill a vacancy in an elective office, who do not elect to participate in the association by filing an application for membership of a governing body, whose term of office first commences on or after July 1, 2002, for the service to be rendered in that elective position. Elected governing body officials who were active members of the association's coordinated or basic retirement program of the general employees retirement plan as of June 30, 2002, must continue participation throughout incumbency in office until the termination of public service occurs as defined in subdivision 11a;~~

(2) election officers or election judges;

(3) patient and inmate personnel who perform services ~~in charitable, penal, or correctional institutions of~~ for a governmental subdivision;

(4) employees who are hired for a temporary position under subdivision 12a, and employees who resign from a nontemporary position and accept a temporary position within 30 days in the same governmental subdivision, ~~but not those. An employer must not apply the definition of temporary position so as to exclude~~ employees who are hired ~~for an unlimited period to fill positions that are permanent or that are for an unspecified period but who are serving a probationary period at the start of the employment.~~ If the period of employment extends beyond six consecutive months ~~and the employee earns more than \$425 from one governmental subdivision in any one calendar month,~~ the department head shall report the employee for membership and require employee deductions be made on behalf of the employee under section 353.27, subdivision 4.

The membership eligibility of an employee who resigns or is dismissed from a temporary position and within 30 days accepts another temporary position in the same governmental subdivision is determined on the total length of employment rather than on each separate position. Membership eligibility of an employee who holds concurrent temporary and nontemporary positions in one governmental subdivision is determined by the length of employment and salary of each separate position;

(5) ~~employees whose actual salary from one governmental subdivision does not exceed \$425 per month, or whose annual salary from one governmental subdivision does not exceed a stipulation prepared in advance, in writing, that the salary must not exceed \$5,100 per calendar year or per school year for school employees for employment expected to be of a full year's duration or more than the prorated portion of \$5,100 per employment period for employment expected to be of less than a full year's duration;~~

(6) employees who are employed by reason of work emergency caused by fire, flood, storm, or similar disaster;

(7) ~~(6)~~ employees who by virtue of their employment in one governmental subdivision are required by law to be a member of and to contribute to any of the plans or funds administered by the Minnesota state retirement system, the teachers retirement association, the Duluth teachers retirement fund association, the Minneapolis teachers retirement association, the St. Paul teachers retirement fund association, the Minneapolis employees retirement fund, or any police or firefighters relief association governed by section 69.77 that has not consolidated with the public employees retirement association, or any local police or firefighters consolidation account but who have not elected

the type of benefit coverage provided by the public employees police and fire fund under sections 353A.01 to 353A.10, or any persons covered by section 353.665, subdivision 4, 5, or 6, who have not elected public employees police and fire plan benefit coverage. This clause must not be construed to prevent a person from being a member of and contributing to the public employees retirement association and also belonging to and contributing to another public pension fund for other service occurring during the same period of time. A person who meets the definition of "public employee" in subdivision 2 by virtue of other service occurring during the same period of time becomes a member of the association unless contributions are made to another public retirement fund on the salary based on the other service or to the teachers retirement association by a teacher as defined in section 354.05, subdivision 2;

~~(8)~~ (7) persons who are members of a religious order and are excluded from coverage under the federal Old Age, Survivors, Disability, and Health Insurance Program for the performance of service as specified in United States Code, title 42, section 410(a)(8)(A), as amended through January 1, 1987, if no irrevocable election of coverage has been made under section 3121(r) of the Internal Revenue Code of 1954, as amended;

~~(9)~~ ~~full-time students who~~ (8) employees who, at the time they are hired by a governmental subdivision, are enrolled and on a full-time basis to attend or are regularly attending classes at an accredited school, college, or university and who are part-time employees as defined by a governmental subdivision in an undergraduate, graduate, or professional-technical program, or in a public or charter high school, if the employment is predicated on the student status of the individual;

~~(10)~~ (9) resident physicians, medical interns, and pharmacist residents and pharmacist interns who are serving in a degree or residency program in public hospitals;

~~(11)~~ (10) students who are serving in an internship or residency program sponsored by an accredited educational institution;

~~(12)~~ (11) persons who hold a part-time adult supplementary technical college license who render part-time teaching service in a technical college;

~~(13)~~ (12) foreign citizens working for a governmental subdivision with a work permit of less than three years, or an H-1b visa valid for less than three years of employment. Upon notice to the association that the work permit or visa extends beyond the three-year period, the foreign citizens are eligible for membership from the date of the extension;

~~(14)~~ (13) public hospital employees who elected not to participate as members of the association before 1972 and who did not elect to participate from July 1, 1988, to October 1, 1988;

~~(15)~~ (14) except as provided in section 353.86, volunteer ambulance service personnel, as defined in subdivision 35, but persons who serve as volunteer ambulance service personnel may still qualify as public employees under subdivision 2 and may be members of the public employees retirement association and participants in the public employees retirement fund or the public employees police and fire fund, whichever applies, on the basis of compensation received from public employment service other than service as volunteer ambulance service personnel;

~~(16)~~ (15) except as provided in section 353.87, volunteer firefighters, as defined in subdivision 36, engaging in activities undertaken as part of volunteer firefighter duties; provided that a person who is a volunteer firefighter may still qualify as a public employee under subdivision 2 and may be a member of the public employees retirement association and a participant in the public employees retirement fund or the public employees police and fire fund, whichever applies, on the basis of compensation received from public employment activities other than those as a volunteer firefighter;

~~(17)~~ (16) pipefitters and associated trades personnel employed by independent school district No. 625, St. Paul, with coverage by the pipefitters local 455 pension plan under a collective bargaining agreement who were either first employed after May 1, 1997, or, if first employed before May 2, 1997, elected to be excluded under Laws 1997, chapter 241, article 2, section 12;

~~(18)~~ (17) electrical workers, plumbers, carpenters, and associated trades personnel employed by independent school district No. 625, St. Paul, or the city of St. Paul, ~~with~~ who have retirement coverage by the electrical workers local 110 pension plan, the united association plumbers local 34 pension plan, or the carpenters local 87 pension plan under a collective bargaining agreement who were either first employed after May 1, 2000, or, if first employed before May 2, 2000, elected to be excluded under Laws 2000, chapter 461, article 7, section 5;

(18) employees who are hired after June 30, 2002, to fill seasonal positions under subdivision 12b which are limited in duration by the employer to 185 consecutive calendar days or less in each business year of the governmental subdivision;

(19) persons who are provided sheltered employment or work-study positions by a governmental subdivision and who participate in an employment or industries program maintained for the benefit of these persons where the governmental subdivision limits the position's duration to three years or less, including persons participating in a federal or state subsidized on-the-job training, work experience, senior citizen, youth, or unemployment relief program where the training or work experience is not provided as a part of, or intended to result in, future permanent public employment;

(20) independent contractors and the employees of independent contractors; and

(21) reemployed annuitants of the association during the course of that reemployment.

Sec. 5. Minnesota Statutes 2000, section 353.01, is amended by adding a subdivision to read:

Subd. 2d. [OPTIONAL MEMBERSHIP.] (a) Membership in the association is optional by action of the individual employee for the following public employees who meet the conditions set forth in subdivision 2a:

(1) members of the coordinated plan who are also employees of labor organizations as defined in section 353.017, subdivision 1, for their employment by the labor organization only if they elect to have membership under section 353.017, subdivision 2;

(2) persons who are elected or persons who are appointed to elected positions other than local governing body elected positions who elect to participate by filing a written election for membership;

(3) members of the association who are appointed by the governor to be a state department head and who elect not to be covered by the general state employees retirement plan of the Minnesota state retirement system under section 352.021; and

(4) city managers as defined in section 353.028, subdivision 1, who do not elect to be excluded from membership in the association under section 353.028, subdivision 2.

(b) Membership in the association is optional by action of the governmental subdivision for the employees of the following governmental subdivisions under the conditions specified:

(1) the Minnesota association of townships if the board of the association, at its option, certifies to the executive director that its employees are to be included for purposes of retirement coverage, in which case the status of the association as a participating employer is permanent; and

(2) a county historical society if the county in which the historical society is located, at its option, certifies to the executive director that the employees of the historical society are to be county employees for purposes of retirement coverage under this chapter. The status as a county employee for retirement coverage purposes must be accorded to all similarly situated county historical society employees and, once established, must continue as long as a person is an employee of the county historical society.

(c) For employees who are covered by paragraph (a), clause (1), (2), or (3), or covered by paragraph (b), if the necessary membership election is not made, the employee is excluded from retirement coverage under this chapter. For employees who are covered by paragraph (a), clause (4), if the necessary election is not made, the employee must become a member and have retirement coverage under this chapter. The option to become a member, once exercised under this subdivision, may not be withdrawn until the termination of public service as defined under subdivision 11a.

Sec. 6. Minnesota Statutes 2000, section 353.01, subdivision 6, is amended to read:

Subd. 6. [GOVERNMENTAL SUBDIVISION.] (a) "Governmental subdivision" means a county, city, town, school district within this state, or a department or unit of state government, or any public body whose revenues are derived from taxation, fees, assessments or from other sources.

(b) Governmental subdivision also means the public employees retirement association, the league of Minnesota cities, the association of metropolitan municipalities, public hospitals owned or operated by, or an integral part of, a governmental subdivision or governmental subdivisions, the association of Minnesota counties, the metropolitan intercounty association, the Minnesota municipal utilities association, the metropolitan airports commission, the Minneapolis employees retirement fund for employment that initially commenced after June 30, 1979, the range association of municipalities and schools, soil and water conservation districts, and economic development authorities created or operating under sections 469.090 to 469.108.

(c) Governmental subdivision does not mean any municipal housing and redevelopment authority organized under the provisions of sections 469.001 to 469.047; ~~or any port authority organized under sections 469.048 to 469.089; or any hospital district organized or reorganized prior to July 1, 1975, under sections 447.31 to 447.37 or the successor of the district;~~ nor the Minneapolis community development agency.

Sec. 7. Minnesota Statutes 2000, section 353.01, subdivision 7, is amended to read:

Subd. 7. [MEMBER.] "Member" means a person who accepts employment as a "public employee" under subdivision 2, who is an employee who works in one or more positions that require or allow membership in the association under subdivision 2a or 2d, for whom contributions have been withheld from salary, and who is not covered by the plan established in chapter 353D or excluded under subdivision 2b. A person who is a member remains a member while the person is performing services as a public employee and while on an authorized leave of absence or an authorized temporary layoff, subject to the provisions of subdivision 16, paragraph (a), clause (4), (5), (6), or (7), whichever applies.

Sec. 8. Minnesota Statutes 2000, section 353.01, subdivision 11b, is amended to read:

Subd. 11b. [TERMINATION OF MEMBERSHIP.] (a) "Termination of membership" means the conclusion of membership in the association and occurs:

(1) upon termination of public service under subdivision 11a;

~~(2) when a member who is a part-time employee is excluded from membership as a full-time student under subdivision 2b, clause (9);~~

~~(3) when a member does not return to work within 30 days of the expiration of an authorized temporary layoff under subdivision 12 or an authorized leave of absence under subdivision 31. If the employee subsequently returns to a position in the same governmental subdivision, the employee shall not again be required to earn a salary in excess of \$425 per month, unless the employee has taken a refund of accumulated employee deductions plus interest under section 353.34, subdivision 1 as evidenced by the appropriate record filed by the governmental subdivision;~~
or

~~(4) (3) when a person files a written election to discontinue employee deductions under section 353.27, subdivision 7, paragraph (a), clause (1).~~

(b) The termination of membership must be reported to the association by the governmental subdivision.

Sec. 9. Minnesota Statutes 2000, section 353.01, subdivision 12, is amended to read:

Subd. 12. [AUTHORIZED TEMPORARY LAYOFF.] "Authorized temporary layoff," ~~including seasonal leave of absence,~~ means a suspension of public service authorized by the employing governmental subdivision for a specified period, not exceeding three months in any calendar year, as evidenced by appropriate record of the employer ~~and~~ promptly transmitted to the association. The association shall credit the member for an authorized temporary layoff only as provided in subdivision 16, paragraph (a), clause (6).

Sec. 10. Minnesota Statutes 2000, section 353.01, subdivision 12a, is amended to read:

Subd. 12a. [TEMPORARY POSITION.] (1) "Temporary position" means an employment position predetermined by the employer at the time of hiring to be a period of six months or less ~~or.~~ The term also means an employment position occupied by a person hired by the employer as a temporary replacement who is employed for a predetermined period of six months or less.

(2) "Temporary position" does not mean an employment position for ~~an unlimited period~~ a specified term in which a person serves a probationary period ~~or works an irregular schedule~~ as a requirement for subsequent employment on a permanent or unlimited basis.

Sec. 11. Minnesota Statutes 2000, section 353.01, is amended by adding a subdivision to read:

Subd. 12b. [SEASONAL POSITION.] "Seasonal position" means a position where the nature of the work or its duration are related to a specific season or seasons of the year, regardless of whether or not the employing agency anticipates that the same employee will return to the position each season in which it becomes available. The entire period of employment in a business year must be used to determine whether or not a position may be excluded as seasonal when there is less than a 30-day break between one seasonal position and a subsequent seasonal position for employment with the same governmental employer. Seasonal positions include, but are not limited to, coaching athletic activities, employment to plow snow or to maintain roads or parks, or to operate skating rinks, ski lodges, golf courses, or swimming pools.

Sec. 12. Minnesota Statutes 2000, section 353.01, subdivision 16, is amended to read:

Subd. 16. [ALLOWABLE SERVICE; LIMITS AND COMPUTATION.] (a) "Allowable service" means:

(1) service during years of actual membership in the course of which employee contributions were made, periods covered by payments in lieu of salary deductions under section 353.35, ~~and;~~

(2) service in years during which the public employee was not a member but for which the member later elected, while a member, to obtain credit by making payments to the fund as permitted by any law then in effect;

~~(b) "Allowable service" also means (3) a period of authorized leave of absence with pay from which deductions for employee contributions are made, deposited, and credited to the fund;~~

~~(c) "Allowable service" also means (4) a period of authorized personal, parental, or medical leave of absence without pay, including a leave of absence covered under the federal Family Medical Leave Act, that does not exceed one year, and during or for which a member obtained full or fractional service credit for each month in the leave period by payments to the fund made in place of salary deductions, provided that. The payments are must be made in an amount or amounts based on the member's average salary on which deductions were paid for the last six months of public service, or for that portion of the last six months while the member was in public service, to apply to the period in either case that immediately preceding precedes the commencement of the leave of absence. If the employee elects to pay the employee contributions for the period of any authorized personal, parental, or medical leave of absence without pay, or for any portion of the leave, the employee shall also, as a condition to the exercise~~

of the election, pay to the fund an amount equivalent to ~~both~~ the required employer and the additional employer contributions, if any, for the employee. The payment must be made within one year from the expiration of the leave of absence or within 20 days after termination of public service under subdivision 11a. The employer, if by appropriate action of its governing body, which is made a part of its official records, and which is adopted before the date of the first payment of the employee contribution, may certify to the association in writing its commitment to pay the employer and additional employer contributions from the proceeds of a tax levy made under section 353.28. Payments under this paragraph must include interest at an annual rate of 8.5 percent compounded annually from the date of the termination of the leave of absence to the date payment is made. An employee shall return to public service and receive render a minimum of three months of allowable service in order to be eligible to pay employee and employer contributions for a subsequent authorized leave of absence without pay. Upon payment, the employee must be granted allowable service credit for full calendar months or fractions of a month during the leave period as described in paragraph (d), clauses (1) and (2), based on the salary or the compensated hours used in computing the payment amount;

~~(d) "Allowable service" also means (5) a periodic, repetitive leave that is offered to all employees of a governmental subdivision. The leave program may not exceed 208 hours per annual normal work cycle as certified to the association by the employer. A participating member obtains service credit by making employee contributions in an amount or amounts based on the member's average salary that would have been paid if the leave had not been taken. The employer shall pay the employer and additional employer contributions on behalf of the participating member. The employee and the employer are responsible to pay interest on their respective shares at the rate of 8.5 percent a year, compounded annually, from the end of the normal cycle until full payment is made. An employer shall also make the employer and additional employer contributions, plus 8.5 percent interest, compounded annually, on behalf of an employee who makes employee contributions but terminates public service. The employee contributions must be made within one year after the end of the annual normal working cycle or within 20 days after termination of public service, whichever is sooner. The association shall prescribe the manner and forms to be used by a governmental subdivision in administering a periodic, repetitive leave. Upon payment, the member must be granted allowable service credit for full calendar months or fractions of a month during the leave period as described in paragraph (d), clauses (1) and (2), based on the salary or the compensated hours used in computing the payment amount;~~

~~(e) "Allowable service" also means a period during which a member is on an authorized sick leave of absence, without pay, limited to one year. An employee who has received one year of allowable service shall return to public service and receive a minimum of three months of allowable service to receive allowable service for a subsequent authorized sick leave of absence.~~

~~(f) "Allowable service" also means (6) an authorized temporary layoff under subdivision 12;. For temporary layoffs that begin before January 1, 2002, allowable service credit is limited to three months allowable service per authorized temporary layoff in one calendar year. An employee who has received the maximum service allowed for an authorized temporary layoff shall return to public service and receive a minimum of three months of allowable service to receive allowable service for a subsequent authorized temporary layoff. For temporary layoffs that begin on or after January 1, 2002, allowable service credit for the calendar month in which the member does not receive salary due to the layoff must be determined using the following formula:~~

~~(i) members who earned one month of allowable service credit for each of the nine calendar months of compensated employment with the governmental subdivision authorizing the layoff that immediately preceded the layoff shall receive one month of allowable service credit, limited to three months of allowable service credit per year, for each month of the temporary layoff; or~~

~~(ii) members who earned less than nine months of allowable service credit in the year of compensated employment with the governmental subdivision authorizing the layoff that immediately preceded the layoff shall receive allowable service credit on a fractional basis for each month of the authorized layoff, limited to three months of allowable service credit, determined by dividing the total number of months of service credit earned for the compensated employment by nine and multiplying the resulting number by the total number of months in the layoff period that are not compensated; or~~

~~(g) Notwithstanding any law to the contrary, "allowable service" also means a parental leave. The association shall grant a maximum of two months service credit for a parental leave, within six months after the birth or adoption, upon documentation from the member's governmental subdivision or presentation of a birth certificate or other evidence of birth or adoption to the association.~~

~~(h) "Allowable service" also means (7) a period during which a member is on an authorized leave of absence to enter military service in the armed forces of the United States, provided that the member returns to public service upon discharge from military service under section 192.262 and pays into the fund employee contributions based upon the employee's salary at the date of return from military service. Payment must be made within three times the length of the military leave period, or five years of the date of discharge from the military service, whichever is less. The amount of these contributions must be in accord with the contribution rates and salary limitations, if any, in effect during the leave, plus interest at an annual rate of 8.5 percent compounded annually from the date of return to public service to the date payment is made. The matching employer contribution and additional employer contribution under section 353.27, subdivisions 3 and 3a, must be paid by the governmental subdivision employing the member upon return to public service if the member makes the employee contributions. The governmental subdivision involved may appropriate money for those payments. A member may not receive credit for a voluntary extension of military service at the instance of the member beyond the initial period of enlistment, induction, or call to active duty. Upon payment, the employee must be granted allowable service credit for full calendar months or fractions of a month during the leave period as described in paragraph (d), clauses (1) and (2), based on the salary or compensated hours used in computing the payment amount.~~

~~(i) (b) For calculating benefits under sections 353.30, 353.31, 353.32, and 353.33 for state officers and employees displaced by the Community Corrections Act, chapter 401, and transferred into county service under section 401.04, "allowable service" means combined years of allowable service as defined in paragraphs paragraph (a) to (i), clauses (1) to (6), and section 352.01, subdivision 11.~~

~~(j) (c) For a public employee who has prior service covered by a local police or firefighters relief association that has consolidated with the public employees retirement association or to which section 353.665 applies, and who has elected the type of benefit coverage provided by the public employees police and fire fund either under section 353A.08 following the consolidation or under section 353.665, subdivision 4, "applicable service" is a period of service credited by the local police or firefighters relief association as of the effective date of the consolidation based on law and on bylaw provisions governing the relief association on the date of the initiation of the consolidation procedure.~~

~~(d) For persons who, after January 1, 2002, either first become members or terminated membership under subdivision 11b, and again become members, of the public employees retirement plan, the public employees police and fire plan under this chapter, or the local government correctional employee retirement plan under chapter 353E, whichever applies, "allowable service" means credit for compensated hours from which deductions are made, or for which payments are made in lieu of salary deductions as provided under this subdivision, and which are deposited and credited in the fund as provided in section 353.27, determined as follows:~~

~~(1) one month of allowable service credit for each month during which the employee has received salary for 80 or more compensated hours; or~~

~~(2) a fraction of one month of allowable service for each month for which the employee has received salary for less than 80 compensated hours equal to the percentage relationship that the number of compensated hours bear to 80 hours.~~

~~(e) Elected officials and other public employees who are compensated solely on an annual basis shall be granted a full year of credit for each year for which compensation is earned.~~

(f) Allowable service that is determined and credited on a fractional basis must be used only in calculating the amount of benefits payable. In determining the length of service required for vesting, a member shall be granted a month of service credit for each month in which the member received compensation from which employee contributions were deducted. For periods of part-time service that are duplicated service credit, section 356.30, subdivision 1, paragraphs (g) and (h), govern.

(g) No member shall receive more than 12 months of allowable service credit in a year either for vesting purposes or for benefit calculation purposes.

Sec. 13. Minnesota Statutes 2000, section 353.01, is amended by adding a subdivision to read:

Subd. 38. [BUSINESS YEAR.] "Business year" means the first day of the first full pay period through the last day of the last full pay period of the 12-month fiscal year applicable to the respective governmental subdivision.

Sec. 14. Minnesota Statutes 2000, section 353.01, is amended by adding a subdivision to read:

Subd. 39. [COMPENSATED HOURS.] "Compensated hours" means the hours during which an employee performs services in one or more positions for a single governmental subdivision for which the employee receives compensation. The term also includes the following:

(1) paid holiday hours for which the employee is not required to work;

(2) paid used sick leave hours;

(3) paid used personal leave hours and vacation hours; and

(4) paid hours drawn from accrued compensatory time.

Sec. 15. Minnesota Statutes 2000, section 353.03, subdivision 1, is amended to read:

Subdivision 1. [MANAGEMENT; COMPOSITION; ELECTION.] (a) The management of the public employees retirement fund is vested in an 11-member board of trustees consisting of ten members and the state auditor who. The state auditor may designate a deputy auditor with expertise in pension matters as the auditor's representative on the board.

(b) The governor shall appoint five trustees to four-year terms, one of whom shall be designated to represent school boards, one to represent cities, one to represent counties, one who is a retired annuitant, and one who is a public member knowledgeable in pension matters.

(c) The membership of the association, including recipients of retirement annuities and disability and survivor benefits, shall elect five trustees, one of whom must be a member of the police and fire fund and one of whom must be a former member who met the definition of public employee under section 353.01, subdivisions 2 and 2a, for at least five years prior to terminating membership or a member who receives a disability benefit, for terms of four years. Except as provided in this subdivision, trustees elected by the membership of the association must be public employees and members of the association.

(d) For seven days beginning October 1 of each year preceding a year in which an election is held, the association shall accept at its office filings in person or by mail of candidates for the board of trustees. A candidate shall submit at the time of filing a nominating petition signed by 25 or more members of the fund. No name may be withdrawn from nomination by the nominee after October 15. At the request of a candidate for an elected position on the board of trustees, the board shall mail a statement of up to 300 words prepared by the candidate to all persons eligible to vote in the election of the candidate. The board may adopt policies to govern form and length of these statements,

timing of mailings, and deadlines for submitting materials to be mailed. These policies must be approved by the secretary of state. The secretary of state shall resolve disputes between the board and a candidate concerning application of these policies to a particular statement.

(e) A candidate who:

(1) receives contributions or makes expenditures in excess of \$100; or

(2) has given implicit or explicit consent for any other person to receive contributions or make expenditures in excess of \$100 for the purpose of bringing about the candidate's election, shall file a report with the campaign finance and public disclosure board disclosing the source and amount of all contributions to the candidate's campaign. The campaign finance and public disclosure board shall prescribe forms governing these disclosures. Expenditures and contributions have the meaning defined in section 10A.01. These terms do not include the mailing made by the association board on behalf of the candidate. A candidate shall file a report within 30 days from the day that the results of the election are announced. The campaign finance and public disclosure board shall maintain these reports and make them available for public inspection in the same manner as the board maintains and makes available other reports filed with it.

(f) By January 10 of each year in which elections are to be held the board shall distribute by mail to the members ballots listing the candidates. No member may vote for more than one candidate for each board position to be filled. A ballot indicating a vote for more than one person for any position is void. No special marking may be used on the ballot to indicate incumbents. The last day for mailing ballots to the fund is January 31. Terms expire on January 31 of the fourth year, and positions are vacant until newly elected members are qualified. The ballot envelopes must be so designed and the ballots counted in a manner that ensures that each vote is secret. The secretary of state shall supervise the elections.

(g) The board of trustees and the executive director shall undertake their activities consistent with chapter 356A.

Sec. 16. Minnesota Statutes 2000, section 353.27, subdivision 2, is amended to read:

Subd. 2. [EMPLOYEE CONTRIBUTION.] (a) The employee contribution is ~~an~~ the following applicable percentage of total salary amount ~~(1)~~ for a "basic member" ~~equal to 8.75 percent of total salary;~~ and ~~(2)~~ for a "coordinated member" ~~equal to 4.75 percent of total salary.;~~

	<u>basic program</u>	<u>coordinated program</u>
<u>before January 1, 2002</u>	<u>8.75</u>	<u>4.75</u>
<u>effective January 1, 2002</u>	<u>9.10</u>	<u>5.10</u>

(b) These contributions must be made by deduction from salary in the manner provided in subdivision 4. Where any portion of a member's salary is paid from other than public funds, such member's employee contribution must be based on the total salary received from all sources.

Sec. 17. Minnesota Statutes 2000, section 353.27, subdivision 3, is amended to read:

Subd. 3. [EMPLOYER CONTRIBUTION.] (a) The employer contribution is ~~an~~ the following applicable percentage of total salary amount ~~equal to the employee contribution under subdivision 2.;~~

	<u>basic program</u>	<u>coordinated program</u>
<u>before January 1, 2002</u>	<u>8.75</u>	<u>4.75</u>
<u>effective January 1, 2002</u>	<u>9.10</u>	<u>5.10</u>

(b) This contribution must be made from funds available to the employing subdivision by the means and in the manner provided in section 353.28.

Sec. 18. Minnesota Statutes 2000, section 353.27, subdivision 4, is amended to read:

Subd. 4. [EMPLOYER REPORTING REQUIREMENTS; CONTRIBUTIONS; MEMBER STATUS.] (a) A representative authorized by the head of each department shall deduct employee contributions from the salary of each employee who qualifies for membership under this chapter and remit payment in a manner prescribed by the executive director for the aggregate amount of the employee contributions, the employer contributions and the additional employer contributions to be received within 14 calendar days. The head of each department or the person's designee shall for each pay period submit to the association a salary deduction report in the format prescribed by the executive director. Data to be submitted as part of salary deduction reporting must include, but are not limited to:

- (1) the legal names and social security numbers of employees who are members;
- (2) the amount of each employee's salary deduction;
- (3) the amount of salary from which each deduction was made;
- (4) the beginning and ending dates of the payroll period covered and the date of actual payment; ~~and~~
- (5) adjustments or corrections covering past pay periods; and
- (6) the number of compensated hours of each employee during the payroll period.

(b) Employers must furnish the data required for enrollment for each new employee who qualifies for membership in the format prescribed by the executive director. The required enrollment data on new employees must be submitted to the association prior to or concurrent with the submission of the initial employee salary deduction. The employer shall also report to the association all member employment status changes, such as leaves of absence, terminations, and death, and the effective dates of those changes, on an ongoing basis for the payroll cycle in which they occur. The employer shall furnish data, forms, and reports as may be required by the executive director for proper administration of the retirement system. Before implementing new or different computerized reporting requirements, the executive director shall give appropriate advance notice to governmental subdivisions to allow time for system modifications.

(c) Notwithstanding paragraph (a), the association may provide for less frequent reporting and payments for small employers.

Sec. 19. Minnesota Statutes 2000, section 353.27, subdivision 11, is amended to read:

Subd. 11. [EMPLOYERS; REQUIRED TO FURNISH REQUESTED INFORMATION.] All governmental subdivisions shall furnish promptly such other information relative to the employment status of all employees or former employees, including but not limited to payroll abstracts pertaining to all past and present employees, as may be requested by the association or its executive director, including schedules of salaries applicable to various categories of employment, and the number of actual or estimated compensated hours for employees. In the event payroll abstract records have been lost or destroyed, for whatever reason or in whatever manner, so that such schedules of salaries cannot be furnished therefrom, the employing governmental subdivision, in lieu thereof, shall

furnish to the association an estimate of the earnings of any employee or former employee for any period as may be requested by the association or its executive director. Should the association receive such schedules of estimated earnings, the executive director is hereby authorized to use the same as a basis for making whatever computations might be necessary for determining obligations of the employee and employer to the retirement fund. If estimates are not furnished by the employer pursuant to the request of the association or its executive director, the association may estimate the obligations of the employee and employer to the retirement fund based upon such records as are in its possession. Where payroll abstracts have been lost or destroyed, the governmental agency need not furnish any information pertaining to employment prior to July 1, 1963. The association shall make no estimate of any obligation of any employee, former employee, or employer covering employment prior to July 1, 1963.

Sec. 20. Minnesota Statutes 2000, section 353.86, subdivision 1, is amended to read:

Subdivision 1. [PARTICIPATION.] Volunteer ambulance service personnel, as defined in section 353.01, subdivision 35, who are or become members of and participants in the public employees retirement fund or the public employees police and fire fund before July 1, 2002, and make contributions to either of those funds based on compensation for service other than volunteer ambulance service may elect to participate in that same fund with respect to compensation received for volunteer ambulance service, provided that the volunteer ambulance service is not credited to another public or private pension plan including the public employees retirement plan established by chapter 353D and provided further that the volunteer ambulance service is rendered for the same governmental unit for which the nonvolunteer ambulance service is rendered.

Sec. 21. Minnesota Statutes 2000, section 356.215, subdivision 4g, is amended to read:

Subd. 4g. [AMORTIZATION CONTRIBUTIONS.] (a) In addition to the exhibit indicating the level normal cost, the actuarial valuation must contain an exhibit indicating the additional annual contribution sufficient to amortize the unfunded actuarial accrued liability. For funds governed by chapters 3A, 352, 352B, 352C, 353, 354, 354A, and 490, the additional contribution must be calculated on a level percentage of covered payroll basis by the established date for full funding in effect when the valuation is prepared. For funds governed by chapter 3A, sections 352.90 through 352.951, chapters 352B, 352C, sections 353.63 through 353.68, and chapters 353C, 354A, and 490, the level percent additional contribution must be calculated assuming annual payroll growth of 6.5 percent. For funds governed by sections 352.01 through 352.86 and chapter 354, the level percent additional contribution must be calculated assuming an annual payroll growth of five percent. For the fund governed by sections 353.01 through 353.46, the level percent additional contribution must be calculated assuming an annual payroll growth of six percent. For all other funds, the additional annual contribution must be calculated on a level annual dollar amount basis.

(b) For any fund other than the Minneapolis employees retirement fund and the public employees retirement association general plan, after the first actuarial valuation date occurring after June 1, 1989, if there has not been a change in the actuarial assumptions used for calculating the actuarial accrued liability of the fund, a change in the benefit plan governing annuities and benefits payable from the fund, a change in the actuarial cost method used in calculating the actuarial accrued liability of all or a portion of the fund, or a combination of the three, which change or changes by themselves without inclusion of any other items of increase or decrease produce a net increase in the unfunded actuarial accrued liability of the fund, the established date for full funding ~~for the first actuarial valuation made after June 1, 1989, and each successive actuarial valuation~~ is the first actuarial valuation date occurring after June 1, 2020.

(c) For any fund or plan other than the Minneapolis employees retirement fund and the public employees retirement association general plan, after the first actuarial valuation date occurring after June 1, 1989, if there has been a change in any or all of the actuarial assumptions used for calculating the actuarial accrued liability of the fund, a change in the benefit plan governing annuities and benefits payable from the fund, a change in the actuarial cost method used in calculating the actuarial accrued liability of all or a portion of the fund, or a combination of the three, and the change or changes, by themselves and without inclusion of any other items of increase or decrease, produce a net increase in the unfunded actuarial accrued liability in the fund, the established date for full funding must be determined using the following procedure:

(i) the unfunded actuarial accrued liability of the fund must be determined in accordance with the plan provisions governing annuities and retirement benefits and the actuarial assumptions in effect before an applicable change;

(ii) the level annual dollar contribution or level percentage, whichever is applicable, needed to amortize the unfunded actuarial accrued liability amount determined under item (i) by the established date for full funding in effect before the change must be calculated using the interest assumption specified in subdivision 4d in effect before the change;

(iii) the unfunded actuarial accrued liability of the fund must be determined in accordance with any new plan provisions governing annuities and benefits payable from the fund and any new actuarial assumptions and the remaining plan provisions governing annuities and benefits payable from the fund and actuarial assumptions in effect before the change;

(iv) the level annual dollar contribution or level percentage, whichever is applicable, needed to amortize the difference between the unfunded actuarial accrued liability amount calculated under item (i) and the unfunded actuarial accrued liability amount calculated under item (iii) over a period of 30 years from the end of the plan year in which the applicable change is effective must be calculated using the applicable interest assumption specified in subdivision 4d in effect after any applicable change;

(v) the level annual dollar or level percentage amortization contribution under item (iv) must be added to the level annual dollar amortization contribution or level percentage calculated under item (ii);

(vi) the period in which the unfunded actuarial accrued liability amount determined in item (iii) is amortized by the total level annual dollar or level percentage amortization contribution computed under item (v) must be calculated using the interest assumption specified in subdivision 4d in effect after any applicable change, rounded to the nearest integral number of years, but not to exceed 30 years from the end of the plan year in which the determination of the established date for full funding using the procedure set forth in this clause is made and not to be less than the period of years beginning in the plan year in which the determination of the established date for full funding using the procedure set forth in this clause is made and ending by the date for full funding in effect before the change; and

(vii) the period determined under item (vi) must be added to the date as of which the actuarial valuation was prepared and the date obtained is the new established date for full funding.

(d) For the Minneapolis employees retirement fund, the established date for full funding is June 30, 2020.

(e) For the public employees retirement association general plan, the established date for full funding is June 30, 2031.

(f) For the retirement plans for which the annual actuarial valuation indicates an excess of valuation assets over the actuarial accrued liability, the valuation assets in excess of the actuarial accrued liability must be recognized as a reduction in the current contribution requirements by an amount equal to the amortization of the excess expressed as a level percentage of pay over a 30-year period beginning anew with each annual actuarial valuation of the plan.

Sec. 22. [IMPLEMENTATION PLAN; MAJOR STATEWIDE RETIREMENT SYSTEM ADMINISTRATIVE SERVICES CONSOLIDATION.]

(a) Based on the July 15, 2001, report required under Laws 1999, chapter 222, article 22, section 5, the executive directors of the Minnesota state retirement system, the public employees retirement association, and the teachers retirement association jointly shall prepare a report detailing the implementation steps that would be necessary to consolidate the administrations of the three systems into a single administrative structure if the legislature subsequently determines that such a consolidation would be in the best interests of the state, its taxpayers, and its public employees.

(b) The report must include the draft proposed legislation that would be required to effect an administrative consolidation as well as a detailed schedule and timetable of the completion steps for a consolidation.

(c) The report must be filed by February 15, 2002, with the chair of the legislative commission on pensions and retirement, the chair of the senate committee on state and local government operations, and the chair of the house committee on government operations and veterans affairs policy.

Sec. 23. [IMPLEMENTATION PLAN; AGGREGATION OF TEACHER RETIREMENT PLANS.]

(a) The executive director of the teachers retirement association, the secretary of the Duluth teachers retirement fund association, the executive director of the Minneapolis teachers retirement fund association, and the secretary of the St. Paul teachers retirement fund association jointly shall prepare a report detailing the steps that would be necessary to create a restructured teacher retirement plan if the legislature subsequently determines that this restructuring would be in the best interests of the state, its taxpayers, and the public education community.

(b) In preparing the report, the pension plan administrators must establish and consult with a task force. The task force must consist of representatives of the affected employing units and representatives of the collective bargaining organizations representing members of the affected pension plans.

(c) The report must include the draft proposed legislation that would be required to create a restructured teacher retirement plan as well as a detailed schedule and timetable of the completion steps for the creation of a restructured teacher retirement plan.

(d) The report must be filed by February 15, 2003, with the chair of the legislative commission on pensions and retirement, the chair of the senate committee on state and local government operations, and the chair of the house committee on government operations and veterans affairs policy.

Sec. 24. [MANDATED STUDY.]

The legislative commission on pensions and retirement, using information from the July 1, 2002, public employees retirement association actuarial valuation performed by the actuary retained by the commission, from available experience study or studies prepared by the actuary, and from any other sources or documents deemed applicable by the commission, shall study the funding requirements of the public employees retirement association. If further changes in funding from contributions, state aid, or any other applicable source is deemed appropriate, the legislative commission on pensions and retirement shall report recommendations to the chair of the House government operations and veterans affairs policy committee and to the chair of the Senate state and local government operations committee by March 1, 2003.

Sec. 25. [EFFECTIVE DATE.]

(a) Sections 1, 6, and 15 are effective June 30, 2001.

(b) Sections 2, 3, 4, 5, 7, 8, 9, 10, 11, 13, and 20 are effective July 1, 2002.

(c) Section 21 is effective for actuarial valuations prepared after June 1, 2001.

(d) Sections 12, 14, 16, 17, 18, and 19 are effective July 1, 2001.

(e) Sections 22 to 24 are effective on the day following final enactment.

ARTICLE 12

MINNESOTA STATE COLLEGES AND
UNIVERSITIES SYSTEM RETIREMENT PROVISIONS

Section 1. Minnesota Statutes 2000, section 354.41, subdivision 4, is amended to read:

Subd. 4. [MEMBERSHIP ELIGIBILITY FOR LABOR ORGANIZATION EMPLOYEES.] (a) A person who is a member on an authorized leave of absence and is employed as an employee or officer by ~~the Minnesota federation of teachers or its affiliated branches within the state, the Minnesota education association, the Minnesota association of school principals, the Minnesota association of secondary school principals or the Minnesota~~ a labor organization that is the exclusive bargaining agent representing teachers covered by this chapter or by an association of school administrators may elect to be a coordinated member of the association based on that employment, subject to the limitations set forth in subdivisions 4a and 4b. However, no person is entitled to membership under this section if the person also is a member of a teachers retirement association in a city of the first class organized under chapter 354A for the same period of service.

(b) The election must be made within 90 days of commencing employment by the labor organization.

Sec. 2. [354B.32] [TRANSFER OF FUNDS TO IRAP.]

A participant in the individual retirement account plan established in this chapter who has less than ten years of allowable service under the teachers retirement association or the teachers retirement fund association may elect to transfer an amount equal to the participant's accumulated member contributions to the teachers retirement association or the teachers retirement fund association, plus compound interest at the rate of six percent per annum, to the individual retirement account plan. The transfers are irrevocable fund to fund transfers, and in no event may the participant receive direct payment of the money transferred prior to retirement. If a participant elects the contribution transfer, all of the participant's allowable and formula service credit in the teachers retirement association or the teachers retirement fund association associated with the transferred amount is forfeited.

The executive director of the teachers retirement association and the chief administrative officers of the teachers retirement fund associations, in cooperation with the chancellor of the Minnesota state colleges and universities, shall notify participants who are eligible to transfer of their right to transfer and the amount that they are eligible to transfer, and shall, upon request, provide forms to implement the transfer. The chancellor of the Minnesota state colleges and universities shall assist the teachers retirement association and the teachers retirement fund associations in developing transfer forms and in implementing the transfers.

Authority to elect a transfer under this section expires on July 1, 2004.

Sec. 3. [REPEALER.]

Minnesota Statutes 2000, section 354.41, subdivision 9, is repealed.

Sec. 4. [EFFECTIVE DATE.]

(a) Sections 1 to 3 are effective the day following final enactment.

(b) Coverage under section 1 applies to employment as an officer of the interfaculty organization on or after July 1, 1996.

ARTICLE 13

LOCAL POLICE AND PAID FIRE PENSION PLANS

Section 1. Minnesota Statutes 2000, section 423B.05, is amended by adding a subdivision to read:

Subd. 4. [RIGHT TO PARTICIPATE BY MAIL-IN BALLOT.] Active members, retired members, and surviving spouse members of the relief association have the right to participate in the election of board members of the association by mail-in ballot.

Sec. 2. Minnesota Statutes 2000, section 423B.05, is amended by adding a subdivision to read:

Subd. 5. [MAIL-IN REFERENDUM ON VOTING BY MAIL.] (a) The board of the association is authorized to submit the following question in a binding member referendum to be conducted by mail:

"Shall the bylaws of the Minneapolis police relief association be amended to allow future proposed amendments to the bylaws of the relief association to be approved by a vote of relief association members by mail?"

Yes

No"

(b) The board of the relief association shall conduct the referendum by mailing a printed copy of the referendum question and of the ballot to all active members, retired members, and surviving spouse members in accordance with the voting procedures that the board of the relief association used in the most recent board election prior to March 1, 2001.

(c) Before submitting the referendum question to a vote by the relief association membership, the relief association board shall solicit the opinions of relief association members for the question and against the question. The solicitation for member comments must be included in the next regular relief association communication to relief association members following the proposal of the bylaw amendment and on the internet web site of the relief association. The comment period continues for 30 days. The executive director of the relief association shall prepare a summary of the comments of relief association members for and against the question in a fair and impartial manner. A draft of the summary document must be placed on the internet web site of the relief association for five days. If a relief association board member challenges the objectivity of the draft summary, the draft summary must be reviewed by a neutral third party. The neutral third party must be an accredited professional mediator. The relief association executive director shall include the recommendations of the neutral third party in the final summary document. The written summary prepared by the relief association executive director must be included with the question and the ballot mailed to relief association members.

(d) Balloting procedures must be designed to maintain secrecy as to the identity of voting members. The receipt of returned ballots and the counting of those ballots must be conducted by an accounting firm designated by the relief association board to perform those functions.

(e) For adoption, the question must receive favorable votes from two-thirds of the relief association members who return ballots on the question.

(f) If the question in paragraph (a) is approved in the referendum, future bylaw amendments must be conducted in the same manner as provided in this subdivision.

Sec. 3. [EVELETH RETIRED POLICE AND FIRE TRUST FUND; AD HOC POSTRETIREMENT ADJUSTMENT.]

In addition to the current pensions and other retirement benefits payable, the pensions and retirement benefits payable to retired police officers and firefighters and their surviving spouses by the Eveleth police and fire trust fund are increased by \$100 per month. Increases are retroactive to January 1, 2001.

[EFFECTIVE DATE.] This section is effective on the day after the date on which the Eveleth city council and the chief clerical officer of the city of Eveleth complete in a timely manner their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

ARTICLE 14

VOLUNTEER FIREFIGHTER RELIEF ASSOCIATION PROVISIONS

Section 1. Minnesota Statutes 2000, section 424A.04, is amended by adding a subdivision to read:

Subd. 3. [CONDITIONS ON RELIEF ASSOCIATION CONSULTANTS.] (a) If a volunteer firefighter relief association hires or contracts with a consultant to provide legal or financial advice, the association shall obtain and the consultant shall provide a copy of the consultant's certificate of insurance.

(b) A consultant is any person who is employed under contract to provide legal or financial advice and who is or who represents to the volunteer firefighter relief association that the person is:

- (1) an actuary;
- (2) a licensed public accountant or a certified public accountant;
- (3) an attorney;
- (4) an investment advisor or manager, or an investment counselor;
- (5) an investment advisor or manager selection consultant;
- (6) a pension benefit design advisor or consultant; or
- (7) any other financial consultant.

Sec. 2. [WHITE BEARLAKE VOLUNTEER FIREFIGHTER RELIEF ASSOCIATION; QUALIFICATION FOR SERVICE PENSION IN CERTAIN INSTANCES.]

Notwithstanding any provision to the contrary of Minnesota Statutes, section 424A.001, subdivision 9; or 424A.02, subdivision 1, paragraph (d), or subdivision 9b, a member of the White Bear Lake volunteer firefighter relief association who has terminated active membership in the relief association and has otherwise qualified for a service pension is entitled to receive a service pension from the relief association despite subsequent employment of the person by the city of White Bear Lake to perform duties as fire chief or as fire inspector within the municipal fire department on a full-time basis.

Sec. 3. [EFFECTIVE DATE.]

(a) Section 1 is effective July 1, 2001.

(b) Section 2 is effective on the day after the city council of the city of White Bear Lake and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

ARTICLE 15

ONE PERSON OR SMALL GROUP SERVICE CREDIT PURCHASES

Section 1. [TEACHERS RETIREMENT ASSOCIATION; SABBATICAL LEAVE OF ABSENCE SERVICE CREDIT PURCHASE.]

(a) An eligible person described in paragraph (b) is entitled to purchase 0.34 of a year of allowable and formula service credit from the teachers retirement association.

(b) An eligible person is a person who:

(1) was born on August 7, 1942;

(2) was employed by independent school district No. 11, Anoka-Hennepin, on August 28, 1970;

(3) was on a sabbatical leave of absence from July 1, 1977, to June 30, 1978; and

(4) due to inadvertent clerical error by independent school district No. 11, Anoka-Hennepin, did not have full contributions for the sabbatical leave made in a timely fashion and 0.654 of a year of service credit was credited rather than one year of service for the sabbatical leave.

(c) To purchase the service credit under this section, the eligible person must pay to the teachers retirement association the amount of the shortage in member contributions for the sabbatical leave period plus interest from June 30, 1978, to the date on which payment is made at an annual compound rate of 8.5 percent. Authority to make this payment expires on July 1, 2002, or the date of termination of service, whichever is earlier.

(d) If the eligible person makes the payment required in paragraph (c) in a timely manner, independent school district No. 11, Anoka-Hennepin, may pay the balance of the full prior service credit purchase payment amount calculated under Minnesota Statutes, section 356.55 or 356.551, whichever applies. If independent school district No. 11, Anoka-Hennepin, does not pay the balance within 30 days of notification by the executive director of the teachers retirement association of the payment of the member contribution payment by the eligible person under paragraph (c), the executive director shall notify the commissioner of finance of that fact and the commissioner shall deduct from any state aid payable to independent school district No. 11, Anoka-Hennepin, that amount, plus interest on that amount of 1.5 percent per month for each month or portion of a month that has elapsed from the effective date of this section.

(e) The eligible person shall provide any relevant documentation related to eligibility to make this service credit purchase that is required by the executive director of the teachers retirement association.

Sec. 2. [TEACHERS RETIREMENT ASSOCIATION; PURCHASE OF EXTENDED LEAVE OF ABSENCE SERVICE CREDIT.]

(a) An eligible person, as described in paragraph (b), is entitled to purchase allowable and formula service credit in the teachers retirement association for the period specified in paragraph (c) by making the payment specified in Minnesota Statutes, section 356.55.

(b) An eligible person is a person who:

(1) was born on May 25, 1948;

(2) was employed by the Hutchinson public schools for 26 years;

(3) was granted an extended leave of absence on May 27, 1997; and

(4) due to a clerical error within the person's electrical business, omitted payment of contributions under Minnesota Statutes, section 354.094, for the 1997-1998 school year.

(c) The prior service credit purchase period is the 1997-1998, 1998-1999, and 1999-2000 school years.

(d) The service credit purchase authority expires on June 29, 2001, or the date of the person's retirement, whichever is earlier.

Sec. 3. [PUBLIC EMPLOYEES RETIREMENT ASSOCIATION; PURCHASE OF PREVIOUSLY UNCREDITED WHITE BEAR LAKE PUBLIC SCHOOL CLERICAL SERVICE.]

(a) An eligible person described in paragraph (b) is entitled to receive credit for one year of allowable service from the public employees retirement association on June 30, 2001.

(b) An eligible person is a person who:

(1) was born on July 24, 1939;

(2) was initially employed by independent school district No. 624, White Bear Lake, as a casual clerical employee on March 15, 1971;

(3) was subsequently employed as a full-time clerical employee by independent school district No. 624, White Bear Lake, from the 1973-1974 school year until the 1990-1991 school year;

(4) was subsequently employed as a teacher by independent school district No. 624, White Bear Lake, from August 26, 1991; and

(5) was not included in coverage by the public employees retirement association for full-time clerical employment during the 1973-1974 school year.

(c) The prior service credit purchase payment must be determined under Minnesota Statutes, section 356.55 or 356.551, whichever provision is in effect, and must include the impact of the purchase on the eligible person's prospective retirement annuity from the teachers retirement association. Notwithstanding any provision of Minnesota Statutes, section 356.55 or 356.551, to the contrary, independent school district No. 624, White Bear Lake, is obligated to pay the full required service credit payment, including any amount attributable to the teachers retirement association. If the school district does not make payment of the service credit purchase amount by June 30, 2001, the executive director of the public employees retirement association and the executive director of the teachers retirement association shall notify the commissioner of finance of the school district's failure. Following notification, the commissioner of finance shall deduct the required amount from any state aid otherwise payable to independent school district No. 624, White Bear Lake, and shall transfer the appropriate amounts to the public employees retirement fund and the teachers retirement fund.

(d) The eligible person must provide the executive director of the public employees retirement association with necessary documentation of the applicability of this section and with any other relevant information that the executive director may require.

Sec. 4. [MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION; SERVICE CREDIT PURCHASE AUTHORIZATION.]

(a) Notwithstanding any provision of law to the contrary, an eligible person described in paragraph (b) is authorized to purchase allowable service credit under procedures specified in Minnesota Statutes, section 356.55 or 356.551, whichever is in effect, from the Minneapolis teachers retirement fund association for the period described in paragraph (c).

(b) An eligible person is a person who:

(1) was born on July 21, 1941;

(2) initially was employed as a teacher by independent school district No. 281, Robbinsdale, in December 1962;

(3) began employment as a teacher in special school district No. 1, Minneapolis, in August 1985;

(4) currently is a special education teacher at the Webster open school; and

(5) had no retirement contributions or social security contributions withheld from compensation by special school district No. 1, Minneapolis, for the 1985-1986 school year.

(c) The allowable service credit purchase period is the 1985-1986 school year.

(d) The eligible person must provide all relevant documentation of the applicability of the requirements set forth in paragraph (b) and any other applicable information that the executive director of the Minneapolis teachers retirement fund association may request.

(e) Allowable service credit for the purchase period must be granted by the Minneapolis teachers retirement fund association to the eligible person upon receipt of the payment amounts. If the service credit purchase created additional liabilities in the teachers retirement association, the applicable portion of the full payment amounts shall be transferred to that association.

(f) The prior service credit purchase authority expires on July 1, 2001, or on the date of the termination of active teaching service with special school district No. 1, Minneapolis, by the eligible person, whichever occurs earlier.

Sec. 5. [PUBLIC EMPLOYEES RETIREMENT ASSOCIATION; PAYMENT OF OMITTED SALARY DEDUCTIONS.]

Subdivision 1. [APPLICATION.] A person who was born on February 1, 1961, who was employed by Lac Qui Parle county in March 1989, June 1989, and July 1989, but who first had public employees retirement association member contributions deducted in August 1989, is entitled to purchase service credit from the public employees retirement association for the service in March, June, and July 1989.

Subd. 2. [PAYMENT.] (a) The purchase payment amount for the service credit purchase authorized in subdivision 1 is governed by Minnesota Statutes, section 356.55 or 356.551, whichever is applicable.

(b) To purchase the allowable service credit, the eligible person must pay an amount equal to the employee contribution rate or rates in effect during the service credit purchase period applied to the actual salary in effect during that period, plus 8.5 percent compound annual interest from the date the contributions should have been made until the date of actual payment.

(c) Upon receipt of the payment by the eligible person as specified under paragraph (b), the executive director of the public employees retirement association shall notify the chief administrative officer of Lac Qui Parle county of that fact. Within 30 days of that notification, Lac Qui Parle county shall pay to the public employees retirement association the balance of the service credit purchase payment amount under Minnesota Statutes, section 356.55 or 356.551, whichever is in effect, that is not paid by the eligible person.

(d) If Lac Qui Parle county does not make the payments required by paragraph (c) in a timely fashion, the executive director of the public employees retirement association shall notify the commissioner of finance, who shall then deduct the required amounts from any state aid payable to the county, plus interest at the rate of one percent per month or part of a month that has elapsed since the date on which the eligible person made payment under paragraph (b).

Subd. 3. [APPLICATION; DOCUMENTATION.] A person described in subdivision 1 must apply to the executive director of the public employees retirement association to make the purchase. The application must be on a form provided by the executive director and must include all necessary documentation of the applicability of this section and any other relevant information that the executive director may require.

Subd. 4. [LIMITATION.] Authority under this section expires on July 1, 2002, or upon termination of service, whichever is earlier.

Sec. 6. [PUBLIC EMPLOYEES RETIREMENT ASSOCIATION; PAYMENT OF OMITTED SALARY DEDUCTION.]

Subdivision 1. [APPLICATION.] (a) An eligible person described in paragraph (b) and an eligible person described in paragraph (c) are authorized to purchase service credit in the public employees retirement association general plan for the period specified in paragraph (d).

(b) An eligible person is a person who:

(1) was born on February 11, 1948;

(2) is currently a member of the public employees retirement association general plan; and

(3) is currently employed by the Minneapolis park board and was first employed by that board on March 8, 1983.

(c) An eligible person is a person who:

(1) was born on August 12, 1936;

(2) is currently a member of the public employees retirement association general plan; and

(3) is currently employed by the Minneapolis park board and was first employed by that board on April 4, 1983.

(d) The service credit purchase period is any period of previously uncredited service, unless properly excluded under law, during which the eligible person in paragraph (b) or (c), as applicable, was employed by the Minneapolis park board following the date on which, under applicable requirements of public employees retirement association law, the applicable eligible person should have been reported for plan membership.

Subd. 2. [PAYMENT.] The purchase payment for the service credit purchases authorized in subdivision 1 is governed by Minnesota Statutes, section 356.55 or 356.551, whichever is applicable.

Subd. 3. [DOCUMENTATION.] A person described in subdivision 1 must apply to the executive director of the public employees retirement association to make the purchase. The application must be in writing and must include all necessary documentation of the applicability of this section and any other relevant information required by the executive director.

Subd. 4. [APPLICATION DATE.] Authority to purchase service credit under this section terminates on January 1, 2002, or upon termination of the applicable person from service.

Sec. 7. [PERA-COORDINATED RETIREMENT PLAN; SERVICE CREDIT PURCHASE AUTHORIZED.]

(a) Notwithstanding any provision of law to the contrary, an eligible person described in paragraph (b) is authorized to purchase allowable service credit from the coordinated plan of the public employees retirement system for the period described in paragraph (c) by making a prior service credit purchase payment required under Minnesota Statutes, section 356.55 or 356.551, whichever is applicable. Notwithstanding the authority in these sections, neither the Minneapolis employees retirement fund nor the city of Minneapolis is authorized to pay any portion of the purchase payment amount.

(b) An eligible person is a person who:

(1) is a current employee of the Minneapolis employees retirement fund and is a current member of the coordinated plan of the public employees retirement association and an inactive member of the unclassified retirement plan of the Minnesota state retirement system;

(2) was born on April 26, 1949;

(3) was employed as a full-time instructor temporary classification on August 15, 1981, by the accounting department, Carlson school of management, University of Minnesota; and

(4) was subsequently reappointed annually as a full-time instructor temporary classification for an additional three years and terminated employment on August 14, 1985.

(c) The allowable service credit purchase period is the period described in paragraph (b), clauses (3) and (4).

(d) The eligible person must provide all relevant documentation of the applicability of the requirements in paragraph (b) and any other applicable information that the executive director of the public employees retirement association may request.

(e) Allowable service credit for the purchase period must be granted by the coordinated plan of the public employees retirement fund to the eligible person upon receipt of the prior service credit purchase payment amount.

(f) The prior service credit purchase authority expires on July 1, 2002, or on the date of termination of active service covered by the public employees retirement association by the eligible person, whichever occurs earlier.

Sec. 8. [PUBLIC EMPLOYEES POLICE AND FIRE PLAN; PURCHASE OF PRIOR SERVICE CREDIT.]

Subdivision 1. [AUTHORIZATION.] A member of the public employees retirement association police and fire plan who was born on August 2, 1951, who was employed by the city of Brainerd as a police officer before February 29, 1996, and who has at least three years of allowable service credit with the public employees retirement association police and fire fund is entitled to purchase up to ten years of allowable service credit for employment by the city of Brainerd as a full-time police officer in a position that was not covered by the police and fire fund but was covered by a local relief association governed by Minnesota Statutes, section 69.77. This authorization applies notwithstanding any contrary provision of Minnesota Statutes, section 353A.10. To purchase service credit, an eligible person must make payments required under Minnesota Statutes, section 356.55 or 356.551, whichever is applicable. This authorization applies only if the person is not entitled to receive a current or deferred service pension or retirement annuity or a current disability benefit from another Minnesota public pension plan, including a local police relief association, for that service.

Subd. 2. [APPLICATION AND DOCUMENTATION.] A person who desires to purchase service credit under subdivision 1 must apply in writing with the executive director of the public employees retirement association to make the purchase. The application must include all necessary documentation of the person's qualifications to make the purchase, signed written permission to allow the executive director to request and receive necessary verification of applicable facts and eligibility requirements, and any other relevant information that the executive director may require.

Subd. 3. [SERVICE CREDIT GRANT.] Allowable service credit for the purchase period must be granted by the public employees retirement association to the purchasing person only upon receipt of the purchase payment amount. Payment must be made before the person's effective date of retirement.

Sec. 9. [PUBLIC EMPLOYEES RETIREMENT ASSOCIATION; PURCHASE OF SERVICE FOR UNCREDITED SERVICE AS A MEMBER OF THE ST. PAUL CITY COUNCIL.]

Subdivision 1. [APPLICABILITY.] This section applies to a person:

- (1) who was born September 10, 1938;
- (2) who began service as a member of the St. Paul city council in 1970;
- (3) who was eligible for membership in the public employees retirement association for the period from July 1, 1974, to March 31, 1975;
- (4) for whom no employer contributions were paid and no employee contributions deducted by the city of St. Paul for the period described in clause (3); and
- (5) who retired September 1, 2000, and is currently receiving retirement annuities from the St. Paul teachers retirement fund association, the public employees retirement association general plan, and the Minnesota state retirement system general plan.

Subd. 2. [PURCHASE OF SERVICE.] (a) A person described in subdivision 1 may purchase service credit under Minnesota Statutes, section 356.55, in the public employees retirement association general plan for the period described in subdivision 1, clause (3).

(b) To purchase the allowable service credit, the eligible person must pay an amount equal to the employee contribution rate or rates in effect during the service credit purchase period applied to the actual salary in effect during that period, plus 8.5 percent compound annual interest from the date the contributions should have been made until the date of actual payment.

(c) Upon receipt of the payment under paragraph (b) by the eligible person, the executive director of the public employees retirement association shall notify the chief administrative officer of the city of St. Paul of that fact. Within 30 days of that notification, the city of St. Paul shall pay to the public employees retirement association the balance of the service credit purchase payment amount under Minnesota Statutes, section 356.55, that is not paid by the eligible person.

(d) If the city of St. Paul does not make the payments required by paragraph (c) in a timely fashion, the executive director of the public employees retirement association shall notify the commissioner of finance, who shall then deduct the required amounts from any state aid payable to the city, plus interest at the rate of one percent per month or part of a month that has elapsed since the date on which the eligible person made payment under paragraph (b).

Subd. 3. [APPLICATION; DOCUMENTATION.] A person described in subdivision 1 must apply to the executive director of the public employees retirement association to make the purchase. The application must be on a form provided by the executive director and must include all necessary documentation of the applicability of this section and any other relevant information that the executive director may require.

Subd. 4. [LIMITATION.] Authority under this section expires on July 1, 2001.

Subd. 5. [BENEFIT REVISION DATE.] The annuity of the eligible individual under subdivision 1 is to be revised on the first day of the month following the month in which the full purchase price determined under subdivision 2 is received by the public employees retirement association.

Subd. 6. [LUMP-SUM PAYMENT.] The public employees retirement association shall also pay the person described in subdivision 1 a lump-sum amount equal to the difference between the annuity received from the association from September 1, 2000, to the date of payment for the service credit and the amount the person would have received with the additional service credit purchased under this section.

Sec. 10. [PUBLIC EMPLOYEES POLICE AND FIRE PLAN; PURCHASE OF SERVICE CREDIT FOR EMPLOYEE ERRONEOUSLY ENROLLED IN PERA-GENERAL.]

(a) Notwithstanding any provision of law to the contrary, an eligible person described in paragraph (b) is authorized to elect to transfer past service credit for the period May 5, 1983, to August 29, 1987, in the general employee retirement plan of the public employees retirement association to the public employees police and fire retirement plan. The transfer includes the transfer of assets provided for in paragraph (c). The transfer occurs following the receipt by the executive director of the public employees retirement association of the payment amounts specified in paragraphs (d) and (e).

(b) An eligible person is a person who:

(1) was born on October 23, 1956;

(2) was hired as a part-time town constable by White Bear township from May 5, 1983, to August 29, 1987; and

(3) was covered by the general employees retirement plan of the public employees retirement association rather than the public employees police and fire retirement plan for this public safety employer service.

(c) Assets equal to 86.31 percent of the actuarial accrued liability of the general employees retirement plan of the public employees retirement association determined with respect to the eligible person by the actuary retained by the legislative commission on pensions and retirement in accordance with Minnesota Statutes, section 356.215, must be transferred from the general employees retirement fund to the public employees police and fire retirement fund. The expense of the legislative commission on pensions and retirement related to these calculations must be reimbursed by the public employees police and fire fund. The transfer of assets must be made within 30 days of the date on which the eligible employee elects to transfer past service credit to the public employees police and fire retirement plan.

(d) To obtain the service credit transfer under this section, the eligible person must pay to the public employees police and fire retirement plan the difference between the member contribution rate of the general employees retirement plan of the public employees retirement association and the member contribution rate of the public employees police and fire retirement plan for the period May 5, 1983, to August 29, 1987, applied to the eligible person's average salary for that period, plus 8.5 percent compound annual interest on the total from July 1, 1985, to the date of payment. Authority for the eligible person to make the payment under this paragraph expires on July 1, 2002.

(e) If the eligible person makes the required payment under paragraph (d) in a timely manner, the executive director of the public employees retirement association shall notify the clerk-treasurer of White Bear township of that fact. Within 30 days of that notification, White Bear township shall pay to the public employees police and fire fund: (1) the balance of the payment amount calculated under Minnesota Statutes, section 356.55 or 356.551, whichever is in effect, that exceeds the total of the amount transferred under paragraph (c) and the amount paid by the eligible person under paragraph (d); and (2) the cost associated with the actuarial calculation under paragraph (c). If White Bear township does not make the payment required by the paragraph in a timely fashion, the executive director of the public employees retirement association shall notify the commissioner of finance of that fact, who shall then deduct the required amount from any subsequent state aid or other state payments to the township, plus interest at the rate of one percent per month or a part of a month that has elapsed since the date on which the eligible person made payment under paragraph (d).

(f) The eligible person must elect to make the service credit transfer on a form prescribed by the executive director of the public employees retirement association. The eligible person must supply all necessary documentation of the applicability of this section and any other relevant information that the executive director may require.

(g) Authority under this section expires on July 1, 2002, or upon the retirement of the eligible person from the general employees retirement plan of the public employees retirement association or from the public employees police and fire retirement plan, whichever is earlier.

Sec. 11. [EFFECTIVE DATE.]

(a) Sections 1 to 10 are effective the day following final enactment.

(b) Section 8 is repealed effective May 16, 2002."

Renumber the sections in sequence

Renumber the articles in sequence

Correct internal cross-references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Kahn, Krinkie and Mares moved to amend S. F. No. 2360, as amended, as follows:

Page 18, after line 29, insert:

"Sec. 13. Minnesota Statutes 2000, section 3.85, subdivision 3, is amended to read:

Subd. 3. [MEMBERSHIP.] The commission consists of five members of the senate appointed by the subcommittee on committees of the committee on rules and administration and five members of the house of representatives appointed by the speaker. Members shall be appointed at the commencement of each regular session of the legislature for a two-year term beginning January 16 of the first year of the regular session. Members continue to serve until their successors are appointed. Vacancies that occur while the legislature is in session shall be filled like regular appointments. If the legislature is not in session, senate vacancies shall be filled by the last subcommittee on committees of the senate committee on rules and administration or other appointing authority designated by the senate rules, and house vacancies shall be filled by the last speaker of the house, or if the speaker is not available, by the last chair of the house rules committee."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

CALL OF THE HOUSE LIFTED

Seifert moved that the call of the House be suspended. The motion prevailed and it was so ordered.

Rukavina; Sertich; Solberg; Goodno; Westrom; Tuma; Osskopp; Stang; Anderson, B.; Bishop and Pawlenty moved to amend S. F. No. 2360, as amended, as follows:

Page 101, after line 23, insert:

"Sec. 130. [HOUSE CHAMBER POLICY.]

The Sergeant-at-Arms of the House of Representatives must not allow a male member of the Minnesota Senate to be admitted within the House Chamber while the person is wearing a neck tie, bow tie, or other cravat. The Sergeant-at-Arms must strictly enforce this section."

The motion prevailed and the amendment was adopted.

Pawlenty moved to amend S. F. No. 2360, as amended, as follows:

Page 9, after line 55, insert:

"(e) During the biennium ending June 30, 2003, Minnesota Statutes, section 16E.0465 does not apply to the CriMNet system."

A roll call was requested and properly seconded.

The question was taken on the Pawlenty amendment and the roll was called. There were 79 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Abeler	Eastlund	Jacobson	McElroy	Penas	Vandever
Abrams	Erhardt	Johnson, J.	Molnau	Rhodes	Wagenius
Biernat	Finseth	Johnson, S.	Mulder	Rifenberg	Walz
Bishop	Fuller	Kielkucki	Murphy	Ruth	Westerberg
Boudreau	Gerlach	Knoblach	Ness	Seagren	Westrom
Bradley	Goodno	Koskinen	Nornes	Seifert	Wilkin
Buesgens	Gunther	Krinkie	Olson	Skoe	Wolf
Cassell	Haas	Kuisle	Opatz	Smith	Workman
Clark, J.	Hackbarth	Larson	Osskopp	Stanek	Spk. Sviggum
Daggett	Harder	Lenczewski	Ozment	Stang	
Davids	Hilstrom	Leppik	Paulsen	Swenson	
Dehler	Holberg	Lindner	Pawlenty	Sykora	
Dempsey	Holsten	Lipman	Paymar	Tingelstad	
Dorman	Howes	Mares	Pelowski	Tuma	

Those who voted in the negative were:

Anderson, I.	Dibble	Gray	Jennings	Kubly	Marko
Bakk	Dorn	Greiling	Johnson, R.	Leighton	Marquart
Bernardy	Entenza	Hausman	Juhnke	Lieder	McGuire
Carlson	Evans	Hilty	Kahn	Luther	Milbert
Davnie	Gleason	Huntley	Kalis	Mahoney	Mullery
Dawkins	Goodwin	Jaros	Kelliher	Mariani	Osthoff

Otremba	Rukavina	Skoglund	Swapinski	Wenzel
Peterson	Schumacher	Slawik	Thompson	Winter
Pugh	Sertich	Solberg	Wasiluk	

The motion prevailed and the amendment was adopted.

Ozment moved to amend S. F. No. 2360, as amended, as follows:

Page 123, after line 16, insert:

"Sec. 37. Minnesota Statutes 2000, section 204C.04, subdivision 1, is amended to read:

Subdivision 1. [RIGHT TO BE ABSENT.] Every employee and student who is eligible to vote in an election has the right to be absent from work or school for the purpose of voting during the morning of the day of that election, without penalty or deduction from salary or wages because of the absence; or in the case of a student, without the absence being considered truancy. An employer or other person may not directly or indirectly refuse, abridge, or interfere with this right or any other election right of an employee or student."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Rukavina; Osskopp; Hilty; Koskinen; Fuller; Walz; Howes; Anderson, I.; Leighton; Marko; Juhnke; Winter; Goodwin; Kubly; Bernardy; Hausman; Hilstrom; Paymar; Bakk; Gunther; Walker; Opatz; Evans; Greiling; Smith; Lenczewski; Kuisle; Rifenberg; Sertich; Dorman and Ozment moved to amend S. F. No. 2360, as amended, as follows:

Page 59, after line 6, insert:

"Sec. 56. [16B.9701] [PURCHASES OF MATERIALS MADE WITH AMERICAN-MADE STEEL.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the terms defined in paragraphs (a) to (c) have the meanings given them:

(a) "materials" means goods, supplies, equipment, or other tangible products or materials;

(b) "public agency" includes all state agencies, the state legislative and judicial branches, any governmental unit as defined in section 471.59, state colleges and universities, and any contractor under a contract with a public agency; and

(c) "purchase" means acquire by purchase or lease.

Subd. 2. [REQUIREMENT.] Notwithstanding the provisions of any other law to the contrary, no materials containing steel may be purchased by a public agency for use for governmental purposes unless the steel has been produced in the United States. To the extent possible, bid specifications for the purchase of materials must be written so as to permit the public agency to purchase materials in compliance with this section, and must provide for the imposition of appropriate certification requirements on vendors.

Subd. 3. [EXEMPTION.] Subdivision 2 does not apply if the person having contracting authority in respect to the purchase determines that the materials containing steel are not manufactured in the United States in sufficient or reasonably available quantities."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Molnau moved to amend the Rukavina et al amendment to S. F. No. 2360, as amended, as follows:

Page 1, line 18, after the first "the" insert "public agency gives first priority to products containing" and delete "has been"

Page 1, line 19, after the period, insert "This provision does not apply if the product containing steel produced in the United States costs in excess of five percent more than other products."

Page 1, line 21, delete the comma and insert a period

Page 1, delete lines 22 and 23

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

The question recurred on the Rukavina et al amendment, as amended, to S. F. No. 2360, as amended. The motion prevailed and the amendment, as amended, was adopted.

Hilty moved to amend S. F. No. 2360, as amended, as follows:

Article 2, delete section 67

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 Hilty amendment and the roll was called. There were 62 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dempsey	Gray	Johnson, S.	Leighton	McGuire
Bakk	Dibble	Greiling	Juhnke	Lenczewski	Mullery
Bernardy	Dorn	Hausman	Kahn	Lieder	Murphy
Biernat	Eastlund	Hilstrom	Kalis	Luther	Opatz
Carlson	Entenza	Hilty	Kelliher	Mahoney	Otremba
Clark, K.	Evans	Huntley	Koskinen	Mariani	Paymar
Davnie	Gleason	Jaros	Kubly	Marko	Pelowski
Dawkins	Goodwin	Johnson, R.	Larson	Marquart	Peterson

Pugh	Sertich	Slawik	Thompson	Wenzel
Rukavina	Skoe	Solberg	Wagenius	Winter
Schumacher	Skoglund	Swapinski	Wasiluk	

Those who voted in the negative were:

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

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

Thompson, Evans, Fuller, Bernardy, Juhnke, Westerberg and Schumacher moved to amend S. F. No. 2360, as amended, as follows:

Page 94, after line 19 of the Mares et al amendment, insert:

"Section 1. [424A.021] [QUALIFICATION FOR SERVICE PENSION IN CERTAIN INSTANCES.]

Notwithstanding any provision to the contrary of section 424A.001, subdivision 9; or 424A.02, subdivision 1, paragraph (d), or subdivision 9b, a member of a volunteer firefighter relief association who has terminated active membership in the relief association and has otherwise qualified for a service pension is entitled to receive a service pension from the relief association despite subsequent employment of the person by the applicable city or nonprofit firefighting corporation to perform duties as fire chief or as fire inspector within the municipal fire department or corporation on a full-time basis."

Page 95 of the Mares et al amendment, delete section 2

Page 95, line 19 of the Mares et al amendment, delete "(a) Section 1 is" and insert "Sections 1 and 2 are"

Page 95 of the Mares et al amendment, delete lines 20 through 23

Re-number the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Hilty, Entenza and Kelliher offered an amendment to S. F. No. 2360, as amended.

POINT OF ORDER

Pawlenty raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills, that the Hilty et al amendment was not in order. The Speaker ruled the point of order well taken and the Hilty et al amendment out of order.

Solberg appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 68 yeas and 63 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Hilty moved to amend S. F. No. 2360, as amended, as follows:

Article 2, delete section 122

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 Hilty amendment and the roll was called. There were 61 yeas and 66 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

SUSPENSION OF RULES

Pawlenty moved that rule 1.50, relating to the adjourning of the House be suspended to allow the House to continue in session after 12:00 midnight. The motion prevailed.

Kahn and Skoglund moved to amend S. F. No. 2360, as amended, as follows:

Page 44 of the Mares et al amendment, after line 9, insert:

"(5) teachers retirement plan governed by chapter 354;

(6) Minneapolis teachers retirement fund association governed by chapter 354A;

(7) Saint Paul teachers retirement fund association governed by chapter 354A:"

Renumber the clauses in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

McElroy and Anderson, I., moved to amend S. F. No. 2360, as amended, as follows:

Page 34, after line 16, insert:

"Sec. 35. Minnesota Statutes 2000, section 15.0575, subdivision 3, as amended by Laws 2001, chapter 61, section 1, is amended to read:

Subd. 3. [COMPENSATION.] (a) Members of the boards may be compensated at the rate of \$55 a day spent on board activities, when authorized by the board, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2. Members who, as a result of time spent attending board meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon board authorization.

(b) Members who are state employees or employees of the political subdivisions of the state must not receive the daily payment for activities that occur during working hours for which they are compensated by the state or political subdivision. However, a state or political subdivision employee may receive the daily payment if the employee uses vacation time or compensatory time accumulated in accordance with a collective bargaining agreement or compensation plan for board activities. Members who are state employees or employees of the political subdivisions of the state may receive the expenses provided for in this subdivision unless the expenses are reimbursed by another source. Members who are state employees or employees of political subdivisions of the state may be reimbursed for child care expenses only for time spent on board activities that are outside their working hours.

(c) Each board must adopt internal standards prescribing what constitutes a day spent on board activities for purposes of making daily payments under this subdivision.

[EFFECTIVE DATE.] This section is effective July 1, 2001, and applies to service on or after that date.

Sec. 36. Minnesota Statutes 2000, section 15.059, subdivision 3, as amended by Laws 2001, chapter 61, section 2, is amended to read:

Subd. 3. [COMPENSATION.] (a) Members of the advisory councils and committees may be compensated at the rate of \$55 a day spent on council or committee activities, when authorized by the council or committee, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2. Members who, as a result of time spent attending council or committee meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon council or committee authorization.

(b) Members who are state employees or employees of political subdivisions must not receive the daily compensation for activities that occur during working hours for which they are compensated by the state or political subdivision. However, a state or political subdivision employee may receive the daily payment if the employee uses vacation time or compensatory time accumulated in accordance with a collective bargaining agreement or

compensation plan for council or committee activity. Members who are state employees or employees of the political subdivisions of the state may receive the expenses provided for in this section unless the expenses are reimbursed by another source. Members who are state employees or employees of political subdivisions of the state may be reimbursed for child care expenses only for time spent on board activities that are outside their working hours.

(c) Each council and committee must adopt internal standards prescribing what constitutes a day spent on council or committee activities for purposes of making daily payments under this subdivision.

[EFFECTIVE DATE.] This section is effective July 1, 2001, and applies to service on or after that date."

Page 79, after line 17, insert:

"Sec. 93. Minnesota Statutes 2000, section 214.09, subdivision 3, as amended by Laws 2001, chapter 61, section 3, is amended to read:

Subd. 3. [COMPENSATION.] (a) Members of the boards may be compensated at the rate of \$55 a day spent on board activities, when authorized by the board, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2. Members who, as a result of time spent attending board meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon board authorization.

(b) Members who are state employees or employees of the political subdivisions of the state must not receive the daily payment for activities that occur during working hours for which they are also compensated by the state or political subdivision. However, a state or political subdivision employee may receive the daily payment if the employee uses vacation time or compensatory time accumulated in accordance with a collective bargaining agreement or compensation plan for board activity. Members who are state employees or employees of the political subdivisions of the state may receive the expenses provided for in this subdivision unless the expenses are reimbursed by another source. Members who are state employees or employees of political subdivisions of the state may be reimbursed for child care expenses only for time spent on board activities that are outside their working hours.

(c) Each board must adopt internal standards prescribing what constitutes a day spent on board activities for purposes of making daily payments under this subdivision.

[EFFECTIVE DATE.] This section is effective July 1, 2001, and applies to service on or after that date."

Reorder the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Pawlenty moved to amend S. F. No. 2360, as amended, as follows:

Pages 99 and 100, delete section 125

Reorder the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Pawlenty amendment and the roll was called. There were 82 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Holsten	Leppik	Ozment	Thompson
Bernardy	Eastlund	Howes	Lindner	Pawlenty	Tingelstad
Bishop	Entenza	Huntley	Lipman	Pelowski	Vandever
Boudreau	Erickson	Jacobson	Luther	Penas	Wagenius
Bradley	Finseth	Jennings	Mares	Peterson	Walz
Buesgens	Gerlach	Johnson, J.	Marquart	Pugh	Wenzel
Carlson	Greiling	Johnson, R.	McGuire	Rifenberg	Westerberg
Cassell	Gunther	Kalis	Molnau	Ruth	Westrom
Clark, K.	Haas	Kielkucki	Mulder	Seifert	Wilkin
Daggett	Hackbarth	Knobloch	Ness	Skoglund	Wolf
Davids	Harder	Koskinen	Nornes	Slawik	Workman
Dempsey	Hilstrom	Kubly	Olson	Smith	Spk. Sviggum
Dibble	Hilty	Kuisle	Osskopp	Stanek	
Dorman	Holberg	Lenczewski	Osthoff	Swenson	

Those who voted in the negative were:

Anderson, B.	Erhardt	Johnson, S.	Mahoney	Paulsen	Stang
Anderson, I.	Evans	Juhnke	Marko	Paymar	Swapinski
Bakk	Fuller	Kahn	McElroy	Rhodes	Sykora
Biernat	Gleason	Kelliher	Milbert	Rukavina	Tuma
Clark, J.	Goodno	Krinkie	Mullery	Schumacher	Wasiluk
Davnie	Goodwin	Larson	Murphy	Seagren	Winter
Dawkins	Gray	Leighton	Opatz	Sertich	
Dehler	Jaros	Lieder	Otremba	Skoe	

The motion prevailed and the amendment was adopted.

Juhnke and Schumacher moved to amend S. F. No. 2360, as amended, as follows:

Page 76, after line 29, insert:

"Sec. 86. Minnesota Statutes 2000, section 192.501, subdivision 2, is amended to read:

Subd. 2. [TUITION AND TEXTBOOK REIMBURSEMENT GRANT PROGRAM.] (a) The adjutant general shall establish a program to provide tuition and textbook reimbursement grants to eligible members of the Minnesota national guard within the limitations of this subdivision.

(b) Eligibility is limited to a member of the national guard who:

- (1) is serving satisfactorily as defined by the adjutant general;
- (2) is attending a post-secondary educational institution, as defined by section 136A.15, subdivision 6, including a vocational or technical school operated or regulated by this state or another state or province; and
- (3) provides proof of satisfactory completion of coursework, as defined by the adjutant general.

In addition, if a member of the Minnesota national guard is killed in the line of state active service or federally funded state active service, as defined in section 190.05, subdivisions 5a and 5b, the member's surviving spouse, and any surviving dependent who has not yet reached 24 years of age, is eligible for a tuition and textbook reimbursement grant.

The adjutant general may, within the limitations of this paragraph and other applicable laws, determine additional eligibility criteria for the grant, and must specify the criteria in department regulations and publish changes as necessary.

(c) The amount of a tuition and textbook reimbursement grant must be specified on a schedule as determined and published in department regulations by the adjutant general, but is limited to a maximum of an amount equal to the greater of:

(1) ~~75~~ 100 percent of the cost of tuition for lower division programs in the college of liberal arts at the twin cities campus of the University of Minnesota in the most recent academic year; or

(2) ~~50~~ 100 percent of the cost of tuition for the program in which the person is enrolled at that Minnesota public institution, or if that public institution is outside the state of Minnesota, for the cost of a comparable program at the University of Minnesota, except that in the case of a survivor as defined in paragraph (b), the amount of the tuition and textbook reimbursement grant for coursework satisfactorily completed by the person is limited to 100 percent of the cost of tuition for post-secondary courses at a Minnesota public educational institution.

Paragraph (b) notwithstanding, a person is no longer eligible for a grant under this subdivision once the person has received grants under this subdivision for the equivalent of 208 quarter credits or 144 semester credits of coursework.

(d) Tuition and textbook reimbursement grants received under this subdivision may not be considered by the Minnesota higher education services office or by any other state board, commission, or entity in determining a person's eligibility for a scholarship or grant-in-aid under sections 136A.095 to 136A.1311.

(e) If a member fails to complete a term of enlistment during which a tuition and textbook reimbursement grant was paid, the adjutant general may seek to recoup a prorated amount as determined by the adjutant general."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Anderson, B., moved to amend the Juhnke and Schumacher amendment to S. F. No. 2360, as amended, as follows:

Page 3, after line 3, insert:

"(f) The adjutant general shall maintain records and report any findings to the legislature by March 1, 2003, on the impact of increasing the reimbursement amounts under paragraph (c) during the period July 1, 2001, through December 31, 2002.

(g) This paragraph, paragraph (f), and the amendments made by this act to paragraph (c) expire June 30, 2003."

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

The question recurred on the Juhnke and Schumacher amendment, as amended, and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Hilty moved to amend S. F. No. 2360, as amended, as follows:

Page 8, after line 19, insert:

"\$600,000 the first year and \$600,000 the second year are from the public broadcasting and arts account in the special revenue fund for equipment grants to public television stations.

\$1,450,000 the first year and \$1,450,000 the second year are from the public broadcasting and arts account in the special revenue fund from matching grants to public television stations.

\$25,000 the first year and \$25,000 the second year are from the public broadcasting and arts account in the special revenue fund account for grants to the twin cities regional cable channel."

Page 9, line 60, delete "\$9,000,000" and insert "\$4,850,000"

A roll call was requested and properly seconded.

The question was taken on the Hilty amendment and the roll was called. There were 65 yeas and 67 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

S. F. No. 2360, A bill for an act relating to state government; appropriating money for the general legislative, judicial, and administrative expenses of state government; modifying provisions relating to state and local government; providing for economic development; regulating various criminal justice, judiciary, housing, technology, and election provisions; authorizing local bonds and airport impact mitigations; providing for a credit enhancement program; authorizing contingency property tax levies in the metropolitan area; amending Minnesota Statutes 2000, sections 2.722, subdivision 1; 2.724, subdivision 3; 3.3005, subdivision 2, by adding a subdivision; 3.98, subdivision 2; 8.15, by adding a subdivision; 10A.01, subdivisions 9, 18; 10A.20, subdivision 6b, by adding a subdivision; 10A.25, subdivision 1, by adding subdivisions; 10A.27, subdivisions 1, 2, 10; 10A.275, subdivision 1; 10A.28, subdivision 1; 10A.31, subdivisions 3a, 5, 7, by adding a subdivision; 10A.322; 10A.323; 16A.10, subdivision 2; 16A.103, subdivisions 1, 1a; 16A.152, subdivision 7; 16B.25, subdivision 2; 16B.335, subdivision 3; 16B.61, subdivision 1; 16B.62, subdivision 1; 16B.63, by adding a subdivision; 16B.88, subdivision 2; 16C.22; 16E.04, subdivision 2; 116L.02; 116L.03; 116L.04, by adding a subdivision; 116L.05, by adding a subdivision; 116L.16; 181.945; 200.02, subdivisions 7, 23; 211A.12; 268.022, subdivision 2; 268.085, by adding a subdivision; 268.665, by adding subdivisions; 268.666, by adding a subdivision; 270A.07, subdivision 1; 290.06, subdivision 23; 326.90, subdivision 1; 349.165, subdivisions 1, 3; 357.18, subdivision 3; 403.11, subdivision 1; 403.113, subdivisions 1, 3; 462.353, subdivision 4; 462.358, subdivision 2b; 462A.01; 462A.03, subdivisions 1, 6, 10, by adding a subdivision; 462A.04, subdivision 6; 462A.05, subdivisions 14, 14a, 16, 22, 26; 462A.06, subdivisions 1, 4; 462A.07, subdivisions 10, 12; 462A.073, subdivision 1; 462A.15; 462A.17, subdivision 3; 462A.20, subdivision 3;

462A.201, subdivisions 2, 6; 462A.204, subdivision 3; 462A.205, subdivisions 4, 4a; 462A.209; 462A.2091, subdivision 3; 462A.2093, subdivision 1; 462A.2097; 462A.21, subdivisions 5, 10, by adding subdivisions; 462A.222, subdivision 1a; 462A.24; 462A.33, subdivisions 1, 2, 3, 5, by adding a subdivision; 473.195, by adding a subdivision; 473.255, subdivisions 1, 2; 473.517, subdivision 3; 473.901, subdivision 1; 480.182; 517.08, subdivisions 1b, 1c; Laws 1997, chapter 202, article 2, section 61, as amended; Laws 1998, chapter 366, section 80; Laws 1999, chapter 250, article 1, section 12, subdivision 3; Laws 1999, chapter 250, article 1, section 34; Laws 2000, chapter 488, article 8, section 2; proposing coding for new law in Minnesota Statutes, chapters 4A; 8; 11A; 15A; 16B; 16E; 116J; 137; 268; 336; 462; 462A; 473; repealing Minnesota Statutes 2000, sections 8.15, subdivision 2; 16E.08; 129D.06; 179A.07, subdivision 7; 462A.201, subdivision 4; 462A.207; 462A.209, subdivision 4; 462A.21, subdivision 17; 462A.221, subdivision 4; 462A.30, subdivision 2; 462A.33, subdivisions 4, 6, 7.

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 69 yeas and 62 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

CALENDAR FOR THE DAY

Seifert moved that the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Knoblach moved that his name be stricken as an author on H. F. No. 2193. The motion prevailed.

Knoblach moved that his name be stricken as an author on H. F. No. 2498. The motion prevailed.

Gerlach moved that the name of Mulder be added as an author on H. F. No. 2504. The motion prevailed.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 9:30 a.m., Friday, May 4, 2001. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:30 a.m., Friday, May 4, 2001.

EDWARD A. BURDICK, Chief Clerk, House of Representatives