

STATE OF MINNESOTA

EIGHTY-THIRD SESSION — 2003

 THIRTY-THIRD DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 3, 2003

The House of Representatives convened at 3:00 p.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Pastor John Keller, St. Andrew's Lutheran Church, Mahtomedi, Minnesota.

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

The roll was called and the following members were present:

Abeler	DeLaForest	Hilstrom	Latz	Osterman	Soderstrom
Abrams	Demmer	Hilty	Lenczewski	Otremba	Solberg
Adolphson	Dempsey	Holberg	Lesch	Otto	Stang
Anderson, B.	Dill	Hoppe	Lieder	Ozment	Swenson
Anderson, I.	Dorman	Hornstein	Lindgren	Paulsen	Sykora
Anderson, J.	Eastlund	Howes	Lindner	Paymar	Thao
Atkins	Eken	Huntley	Lipman	Pelowski	Thissen
Beard	Ellison	Jacobson	Magnus	Penas	Tingelstad
Bernardy	Entenza	Jaros	Mahoney	Peterson	Urdahl
Biernat	Erhardt	Johnson, J.	Mariani	Powell	Vandever
Blaine	Erickson	Johnson, S.	Marquart	Pugh	Wagenius
Borrell	Finstad	Juhnke	McNamara	Rhodes	Walker
Boudreau	Fuller	Kahn	Meslow	Rukavina	Walz
Bradley	Gerlach	Kielkucki	Mullery	Ruth	Wardlow
Brod	Goodwin	Klinzing	Murphy	Samuelson	Wasiluk
Buesgens	Greiling	Knoblach	Nelson, C.	Seagren	Westerberg
Carlson	Gunther	Koenen	Nelson, M.	Seifert	Westrom
Clark	Haas	Kohls	Nelson, P.	Sertich	Wilkin
Cornish	Hackbarth	Krinkie	Nornes	Severson	Zellers
Cox	Harder	Kuisle	Olsen, S.	Sieben	Spk. Sviggum
Davids	Hausman	Lanning	Olson, M.	Slawik	
Davnie	Heidgerken	Larson	Opatz	Smith	

A quorum was present.

Dorn, Kelliher, Simpson and Strachan were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Soderstrom 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 STANDING COMMITTEES

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 171, A bill for an act relating to gambling; prohibiting location of state-operated or state-licensed gambling facility in a city in which the governing body has adopted a resolution of disapproval.

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

The report was adopted.

Boudreau from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 326, A bill for an act relating to health; modifying dental practice provisions; amending Minnesota Statutes 2002, sections 144.1502, subdivisions 3, 4; 150A.06, by adding a subdivision; 150A.10, subdivision 1a; 256B.037, by adding a subdivision; 256B.76; proposing coding for new law in Minnesota Statutes, chapters 150A; 256B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 150A.06, subdivision 1a, is amended to read:

Subd. 1a. [FACULTY DENTISTS.] (a) Faculty members of a school of dentistry must be licensed or registered in order to practice dentistry as defined in section 150A.05. The board may issue to members of the faculty of a school of dentistry a license designated as either a "limited faculty license" or a "full faculty license" entitling the holder to practice dentistry within the school and its affiliated teaching facilities, but only for the purposes of instructing or conducting research. The practice of dentistry at a school facility for purposes other than instruction or research is not allowed unless the faculty member is licensed under subdivision 1 or is a faculty member on August 1, 1993 terms described in paragraph (b) or (c). The dean of the school of dentistry and program directors of accredited Minnesota dental hygiene or dental assisting schools shall certify to the board those members of the school's faculty who practice dentistry but are not licensed to practice dentistry in Minnesota. A faculty member who practices dentistry as defined in section 150A.05, before beginning duties in the school of dentistry, shall apply to the board for a limited or full faculty license. The license expires the next July 1 and may, at the discretion of the board, be renewed on a yearly basis. The faculty applicant shall pay a nonrefundable fee set by the board for issuing and renewing the faculty license. The faculty license is valid during the time the holder remains a member of the faculty of a school of dentistry and subjects the holder to this chapter. This subdivision takes effect on September 1 following the date that the rules adopted under this subdivision become effective.

(b) The board may issue to dentist members of the faculty of an accredited Minnesota school of dentistry, dental hygiene, or dental assisting a license designated as a limited faculty license entitling the holder to practice dentistry within the school and its affiliated teaching facilities, but only for the purposes of instructing or conducting research. The practice of dentistry at a school facility for purposes other than instruction or research is not allowed unless the faculty member is licensed under subdivision 1 or is a faculty member on August 1, 1993.

(c) The board may issue to dentist members of the faculty of an accredited Minnesota school of dentistry, dental hygiene, or dental assisting a license designated as a full faculty license entitling the holder to practice dentistry within the school and its affiliated teaching facilities and elsewhere if the holder of the license is employed 50

percent time or more by the school in the practice of teaching or research, and upon successful review by the board of the applicant's qualifications as described in subdivisions 1c and 4. The board, at its discretion, may waive specific licensing prerequisites.

Sec. 2. Minnesota Statutes 2002, section 150A.06, is amended by adding a subdivision to read:

Subd. 2d. [VOLUNTEER AND RETIRED DENTISTS, DENTAL HYGIENISTS, AND REGISTERED DENTAL ASSISTANTS.] (a) The board shall grant a waiver to the continuing education requirements under this chapter for a dentist, dental hygienist, or registered dental assistant who documents to the satisfaction of the board that the dentist, dental hygienist, or registered dental assistant has retired from active practice in the state and limits the provision of dental care services to those offered without compensation in a public health, community, or tribal clinic or a nonprofit organization that provides services to the indigent or to recipients of medical assistance, general assistance medical care, or MinnesotaCare programs.

(b) The board may require written documentation from the volunteer and retired dentist, dental hygienist, or registered dental assistant prior to granting this waiver.

(c) The board shall require the volunteer and retired dentist, dental hygienist, or registered dental assistant to meet the following requirements:

(1) a licensee or registrant seeking a waiver under this subdivision must complete at least five hours of approved courses in infection control, medical emergencies, and medical management for the license period; and

(2) provide documentation of certification in advanced or basic cardiac life support recognized by the American Heart Association, the American Red Cross, or an equivalent entity.

Sec. 3. Minnesota Statutes 2002, section 150A.06, subdivision 3, is amended to read:

Subd. 3. [WAIVER OF EXAMINATION.] (a) All or any part of the examination for dentists or dental hygienists, except that pertaining to the law of Minnesota relating to dentistry and the rules of the board, may, at the discretion of the board, be waived for an applicant who presents a certificate of qualification from the national board of dental examiners or evidence of having maintained an adequate scholastic standing as determined by the board, in dental school as to dentists, or dental hygiene school as to dental hygienists.

(b) Effective January 1, 2004, the board may waive the clinical examination required for licensure for any applicant who is a graduate of a dental school accredited by the commission on dental accreditation of the American Dental Association or an equivalent organization as determined by the board, who has successfully completed Parts I and II of National Boards, and who has satisfactorily completed a postdoctoral general dentistry residency program accredited by the commission on dental accreditation of the American Dental Association if the program is of at least one year's duration and includes an outcome assessment evaluation assessing the resident's competence to practice dentistry. The board may require the applicant to submit any information deemed necessary by the board to determine whether the waiver is applicable.

Sec. 4. Minnesota Statutes 2002, section 150A.10, subdivision 1a, is amended to read:

Subd. 1a. [LIMITED AUTHORIZATION FOR DENTAL HYGIENISTS.] (a) Notwithstanding subdivision 1, a dental hygienist licensed under this chapter may be employed or retained by a health care facility, program, or nonprofit organization to perform dental hygiene services described under paragraph (b) without the patient first being examined by a licensed dentist if the dental hygienist:

(1) ~~has two years practical clinical experience with a licensed dentist within the preceding five years~~ has been engaged in the active practice of clinical dental hygiene for not less than 2,400 hours in the past 18 months or a career total of 3,000 hours, including a minimum of 200 hours of clinical practice in two of the past three years; and

(2) has entered into a collaborative agreement with a licensed dentist that designates authorization for the services provided by the dental hygienist;

(3) has documented participation in courses in infection control and medical emergencies within each continuing education cycle; and

(4) maintains current certification in advanced or basic cardiac life support as recognized by the American Heart Association, the American Red Cross, or another agency that is equivalent to the American Heart Association or the American Red Cross.

(b) The dental hygiene services authorized to be performed by a dental hygienist under this subdivision are limited to:

(1) oral health promotion and disease prevention education;

(2) removal of deposits and stains from the surfaces of the teeth;

(3) application of topical preventive or prophylactic agents, including fluoride varnishes and pit and fissure sealants;

(4) polishing and smoothing restorations;

(5) removal of marginal overhangs;

(6) performance of preliminary charting;

(7) taking of radiographs; and

(8) performance of scaling and root planing and soft tissue curettage. ~~The dental hygienist shall not place pit and fissure sealants, unless the patient has been recently examined and the treatment planned by a licensed dentist.~~

The dental hygienist shall not perform injections of anesthetic agents or the administration of nitrous oxide unless under the indirect supervision of a licensed dentist. Collaborating dental hygienists may work with unregistered and registered dental assistants who may only perform duties for which registration is not required. The performance of dental hygiene services in a health care facility, program, or nonprofit organization as authorized under this subdivision is limited to patients, students, and residents of the facility, program, or organization.

(c) A collaborating dentist must be licensed under this chapter and may enter into a collaborative agreement with no more than four dental hygienists unless otherwise authorized by the board. The board shall develop parameters and a process for obtaining authorization to collaborate with more than four dental hygienists. The collaborative agreement must include:

(1) consideration for medically compromised patients and medical conditions for which a dental evaluation and treatment plan must occur prior to the provision of dental hygiene services; and

(2) age- and procedure-specific standard collaborative practice protocols, including recommended intervals for the performance of dental hygiene services and a period of time in which an examination by a dentist should occur;

(3) copies of consent to treatment form provided to the patient by the dental hygienist;

(4) specific protocols for the placement of pit and fissure sealants and requirements for follow-up care to assure the efficacy of the sealants after application; and

(5) a procedure for creating and maintaining dental records for the patients that are treated by the dental hygienist. This procedure must specify where these records are to be located.

The collaborative agreement must be signed and maintained by the dentist and the dental hygienist, and the facility, program, or organization; must be reviewed annually by the collaborating dentist and dental hygienist; and must be made available to the board upon request.

(d) Before performing any services authorized under this subdivision, a dental hygienist must provide the patient with a consent to treatment form which must include a statement advising the patient that the dental hygiene services provided are not a substitute for a dental examination by a licensed dentist. If the dental hygienist makes any referrals to the patient for further dental procedures, the dental hygienist must fill out a referral form and provide a copy of the form to the collaborating dentist.

(e) For the purposes of this subdivision, a "health care facility, program, or nonprofit organization" is limited to a hospital; nursing home; home health agency; group home serving the elderly, disabled, or juveniles; state-operated facility licensed by the commissioner of human services or the commissioner of corrections; and federal, state, or local public health facility, community clinic, tribal clinic, school authority, Head Start program, or nonprofit organization that serves individuals who are uninsured or who are Minnesota health care public program recipients.

(f) For purposes of this subdivision, a "collaborative agreement" means a written agreement with a licensed dentist who authorizes and accepts responsibility for the services performed by the dental hygienist. The services authorized under this subdivision and the collaborative agreement may be performed without the presence of a licensed dentist and may be performed at a location other than the usual place of practice of the dentist or dental hygienist and without a dentist's diagnosis and treatment plan, unless specified in the collaborative agreement.

Sec. 5. Minnesota Statutes 2002, section 150A.10, is amended by adding a subdivision to read:

Subd. 4. [RESTORATIVE PROCEDURES.] Notwithstanding subdivisions 1, 1a, and 2, a licensed dental hygienist or a registered dental assistant may perform the following restorative procedures:

(1) place, contour, and adjust amalgam restorations;

(2) place, contour, and adjust glass ionomer;

(3) adapt and cement stainless steel crowns; and

(4) place, contour, and adjust class I and class V supragingival composite restorations where the margins are entirely within the enamel, if:

(i) the licensed dental hygienist or the registered dental assistant has completed a board-approved course on the specific procedures;

(ii) the board-approved course includes a component that sufficiently prepares the dental hygienist or registered dental assistant to adjust the occlusion on the newly placed restoration;

(iii) the dental faculty teaching the dental hygiene and registered dental assistant educators who will teach expanded restorative duties courses have prior experience teaching these procedures in an accredited dental education program;

(iv) a licensed dentist has authorized the procedure to be performed; and

(v) a licensed dentist is available in the clinic while the procedure is being performed.

Sec. 6. Minnesota Statutes 2002, section 256B.55, subdivision 3, is amended to read:

Subd. 3. [DUTIES.] The advisory committee shall provide recommendations on the following:

~~(1) how to reduce the administrative burden governing dental care coverage policies in order to promote administrative simplification, including prior authorization, coverage limits, and co-payment collections developing a new model for purchasing, administering, and delivering dental care services to public program recipients based on public health principles;~~

~~(2) developing and implementing an action plan to improve the oral health of children and persons with special needs in the state exploring innovative ways to develop workforce solutions to ensure access to dental care statewide; and~~

~~(3) exploring alternative ways of purchasing and improving access to dental services;~~

~~(4) developing ways to foster greater responsibility among health care program recipients in seeking and obtaining dental care, including initiatives to keep dental appointments and comply with dental care plans;~~

~~(5) exploring innovative ways for dental providers to schedule public program patients in order to reduce or minimize the effect of appointment no shows;~~

~~(6) exploring ways to meet the barriers that may be present in providing dental services to health care program recipients such as language, culture, disability, and lack of transportation; and~~

~~(7) exploring the possibility of pediatricians, family physicians, and nurse practitioners providing basic oral health screenings and basic preventive dental services identifying data needed to effectively evaluate the dental care needs of the state.~~

Sec. 7. Minnesota Statutes 2002, section 256B.55, subdivision 4, is amended to read:

Subd. 4. [REPORT.] The commissioner shall submit a report by February 1, 2002, and by each February 1, ~~2003~~ thereafter, summarizing the activities and recommendations of the advisory committee.

Sec. 8. Minnesota Statutes 2002, section 256B.55, subdivision 5, is amended to read:

Subd. 5. [SUNSET.] Notwithstanding section 15.059, subdivision 5, this section expires June 30, ~~2003~~ 2007.

Sec. 9. [URGENT CARE DENTAL CLINIC.]

The commissioner of human services, in consultation with the dental access advisory committee, is requested to report on the feasibility of developing one or more urgent care dental clinics. The primary purpose of an urgent care dental clinic is to provide recipients of medical assistance, general assistance medical care, and MinnesotaCare with an alternative to receiving dental care services in hospital emergency rooms. The commissioner shall determine if

savings from the reduction in dental care provided in emergency rooms would warrant the construction of urgent care facilities. The commissioner may seek funding for the construction and operation of a dental urgent care clinic from the federal government as authorized by Congress under the dental health improvement provisions of the Health Care Safety Net Improvement Act of 2002.

Sec. 10. [EXPIRATION.]

Section 3 expires on August 1, 2008."

Delete the title and insert:

"A bill for an act relating to health; modifying dental practice provisions; amending Minnesota Statutes 2002, sections 150A.06, subdivisions 1a, 3, by adding a subdivision; 150A.10, subdivision 1a, by adding a subdivision; 256B.55, subdivisions 3, 4, 5."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 438, A bill for an act relating to landlords and tenants; providing for interest rates on security deposits; amending Minnesota Statutes 2002, section 504B.178, subdivision 2.

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

The report was adopted.

Boudreau from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 491, A bill for an act relating to health; modifying regulatory requirements and standards for nursing facilities; amending Minnesota Statutes 2002, sections 144A.04, subdivision 3, by adding a subdivision; 144A.10, by adding a subdivision; 256B.434, subdivision 10; repealing Minnesota Statutes 2002, sections 256B.0915, subdivision 7; 256B.439; 256B.69, subdivision 6a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 144A.04, subdivision 3, is amended to read:

Subd. 3. [STANDARDS.] (a) The facility must meet the minimum health, sanitation, safety and comfort standards prescribed by the rules of the commissioner of health with respect to the construction, equipment, maintenance and operation of a nursing home. The commissioner of health may temporarily waive compliance with one or more of the standards if the commissioner determines that:

~~(a)~~ (1) temporary noncompliance with the standard will not create an imminent risk of harm to a nursing home resident; and

~~(b)~~ (2) a controlling person on behalf of all other controlling persons:

~~(1)~~ (i) has entered into a contract to obtain the materials or labor necessary to meet the standard set by the commissioner of health, but the supplier or other contractor has failed to perform the terms of the contract and the inability of the nursing home to meet the standard is due solely to that failure; or

~~(2)~~ (ii) is otherwise making a diligent good faith effort to meet the standard.

The commissioner shall make available to other nursing homes information on facility-specific waivers related to technology or physical plant that are granted. The commissioner shall, upon the request of a facility, extend a waiver granted to a specific facility related to technology or physical plant to the facility making the request, if the commissioner determines that the facility also satisfies clauses (1) and (2) and any other terms and conditions of the waiver.

The commissioner of health shall allow, by rule, a nursing home to provide fewer hours of nursing care to intermediate care residents of a nursing home than required by the present rules of the commissioner if the commissioner determines that the needs of the residents of the home will be adequately met by a lesser amount of nursing care.

(b) A facility is not required to seek a waiver for room furniture or equipment under paragraph (a) when responding to resident-specific requests, if the facility has discussed health and safety concerns with the resident and the resident request and discussion of health and safety concerns are documented in the resident's patient record.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 2. Minnesota Statutes 2002, section 144A.04, is amended by adding a subdivision to read:

Subd. 11. [INCONTINENT RESIDENTS.] Notwithstanding Minnesota Rules, part 4658.0520, an incontinent resident must be checked according to a specific time interval written in the resident's care plan. The resident's attending physician must authorize in writing any interval longer than two hours unless the resident, if competent, or a family member or legally appointed conservator, guardian, or health care agent of a resident who is not competent, agrees in writing to waive physician involvement in determining this interval.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 3. Minnesota Statutes 2002, section 144A.10, subdivision 6b, is amended to read:

Subd. 6b. [FINES FOR FEDERAL CERTIFICATION DEFICIENCIES.] If the commissioner determines that a nursing home or certified boarding care home does not meet a requirement of section 1919(b), (c), or (d), of the Social Security Act, or any regulation adopted under that section of the Social Security Act, the nursing home or certified boarding care home may be assessed a civil fine for each day of noncompliance and until a notice of correction is received by the commissioner under subdivision 7. Money collected because of these fines must be applied to the protection of the health or property of residents of nursing facilities the commissioner finds deficient or used by the commissioner to reimburse the office of administrative hearings for costs related to arbitration, as provided under subdivision 16. A fine for a specific deficiency may not exceed \$500 for each day of noncompliance. The commissioner shall adopt rules establishing a schedule of fines.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 4. Minnesota Statutes 2002, section 144A.10, is amended by adding a subdivision to read:

Subd. 16. [INDEPENDENT INFORMAL DISPUTE RESOLUTION.] (a) Notwithstanding subdivision 15, a facility certified under the federal Medicare or Medicaid programs may request from the commissioner, in writing, an independent informal dispute resolution process regarding any deficiency citation issued to the facility. The facility must specify in its written request each deficiency citation that it disputes. The commissioner shall provide a hearing under sections 14.57 to 14.62. Upon the written request of the facility, the parties must submit the issues raised to arbitration by an administrative law judge.

(b) Upon receipt of a written request for an arbitration proceeding, the commissioner shall file with the office of administrative hearings a request for the appointment of an arbitrator and simultaneously serve the facility with notice of the request. The arbitrator for the dispute shall be an administrative law judge appointed by the office of administrative hearings. The disclosure provisions of section 572.10 and the notice provisions of section 572.12 apply. The facility and the commissioner have the right to be represented by an attorney.

(c) The commissioner and the facility may present written evidence, depositions, and oral statements and arguments at the arbitration proceeding. Oral statements and arguments may be made by telephone.

(d) Within ten working days of the close of the arbitration proceeding, the administrative law judge shall issue findings regarding each of the deficiencies in dispute. The findings shall be one or more of the following:

(1) Supported in full. The citation is supported in full, with no deletion of findings and no change in the scope or severity assigned to the deficiency citation.

(2) Supported in substance. The citation is supported, but one or more findings are deleted without any change in the scope or severity assigned to the deficiency.

(3) Deficient practice cited under wrong requirement of participation. The citation is amended by moving it to the correct requirement of participation.

(4) Scope not supported. The citation is amended through a change in the scope assigned to the citation.

(5) Severity not supported. The citation is amended through a change in the severity assigned to the citation.

(6) No deficient practice. The citation is deleted because the findings did not support the citation or the negative resident outcome was unavoidable. The findings of the arbitrator are not binding on the commissioner.

(e) The commissioner shall reimburse the office of administrative hearings for the costs incurred by that office for the arbitration proceeding. The facility shall reimburse the commissioner for the proportion of the costs that represent the sum of deficiency citations supported in full under paragraph (d), clause (1), or in substance under paragraph (d), clause (2), divided by the total number of deficiencies disputed. A deficiency citation for which the administrative law judge's sole finding is that the deficient practice was cited under the wrong requirements of participation shall not be counted in the numerator or denominator in the calculation of the proportion of costs.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 5. Minnesota Statutes 2002, section 256B.434, subdivision 10, is amended to read:

Subd. 10. [EXEMPTIONS.] (a) To the extent permitted by federal law, (1) a facility that has entered into a contract under this section is not required to file a cost report, as defined in Minnesota Rules, part 9549.0020, subpart 13, for any year after the base year that is the basis for the calculation of the contract payment rate for the

first rate year of the alternative payment demonstration project contract; and (2) a facility under contract is not subject to audits of historical costs or revenues, or paybacks or retroactive adjustments based on these costs or revenues, except audits, paybacks, or adjustments relating to the cost report that is the basis for calculation of the first rate year under the contract.

(b) A facility that is under contract with the commissioner under this section is not subject to the moratorium on licensure or certification of new nursing home beds in section 144A.071, unless the project results in a net increase in bed capacity or involves relocation of beds from one site to another. Contract payment rates must not be adjusted to reflect any additional costs that a nursing facility incurs as a result of a construction project undertaken under this paragraph. In addition, as a condition of entering into a contract under this section, a nursing facility must agree that any future medical assistance payments for nursing facility services will not reflect any additional costs attributable to the sale of a nursing facility under this section and to construction undertaken under this paragraph that otherwise would not be authorized under the moratorium in section 144A.073. Nothing in this section prevents a nursing facility participating in the alternative payment demonstration project under this section from seeking approval of an exception to the moratorium through the process established in section 144A.073, and if approved the facility's rates shall be adjusted to reflect the cost of the project. Nothing in this section prevents a nursing facility participating in the alternative payment demonstration project from seeking legislative approval of an exception to the moratorium under section 144A.071, and, if enacted, the facility's rates shall be adjusted to reflect the cost of the project.

(c) Notwithstanding section 256B.48, subdivision 6, paragraphs (c), (d), and (e), and pursuant to any terms and conditions contained in the facility's contract, a nursing facility that is under contract with the commissioner under this section is in compliance with section 256B.48, subdivision 6, paragraph (b), if the facility is Medicare certified.

(d) Notwithstanding paragraph (a), if by April 1, 1996, the health care financing administration has not approved a required waiver, or the Centers for Medicare and Medicaid Services otherwise requires cost reports to be filed prior to the waiver's approval, the commissioner shall require a cost report for the rate year.

(e) A facility that is under contract with the commissioner under this section shall be allowed to change therapy arrangements from an unrelated vendor to a related vendor during the term of the contract. The commissioner may develop reasonable requirements designed to prevent an increase in therapy utilization for residents enrolled in the medical assistance program.

(f) Nursing facilities participating in the alternative payment system demonstration project must either participate in the alternative payment system quality improvement program or submit information on their own quality improvement process to the commissioner for approval. Nursing facilities that have had their own quality improvement process approved by the commissioner must report results for at least one key area of quality improvement annually to the commissioner.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 6. [IMPOSITION OF FEDERAL CERTIFICATION REMEDIES.]

The commissioner of health shall seek changes in the federal policy that mandates the imposition of federal sanctions without providing an opportunity for a nursing facility to correct deficiencies, solely as the result of previous deficiencies issued to the nursing facility.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 7. [STATE LICENSURE ACTIVITIES AND THE ISSUANCE OF STATE CORRECTION ORDERS.]

Notwithstanding the provisions of Minnesota Statutes, section 144A.10, during the biennium ending June 30, 2005, the commissioner of health shall not conduct surveys or complaint investigations, or issue correction orders or penalty assessments, under the provisions of Minnesota Rules, chapters 4638 and 4655 and parts 4658.0010 to 4658.2090, in nursing homes or boarding care homes that are certified for participation in the federal Medicaid or Medicare programs.

During that biennium, the commissioner of health shall establish a working group consisting of nursing home and boarding care home providers, representatives of nursing home residents, and other health care providers to review and evaluate the continued appropriateness of current survey and investigation procedures. The commissioner of health shall present recommendations to the legislature by January 1, 2005.

[EFFECTIVE DATE.] This section is effective July 1, 2003."

Amend the title as follows:

Page 1, line 5, after the second comma, insert "subdivision 6b,"

Page 1, line 6, delete everything after "10" and insert a period

Page 1, delete lines 7 and 8

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 501, A bill for an act relating to consumer protection; regulating membership travel contracts; amending Minnesota Statutes 2002, sections 325G.50; 325G.51; proposing coding for new law in Minnesota Statutes, chapter 325G.

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

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 561, A bill for an act relating to commerce; requiring uniform mandatory penalties against license holders and a licensee's employees for sales to minors; providing for mitigating circumstances in assessing penalties; requiring administrative penalties for failure to electronically verify the age of persons purchasing tobacco; requiring electronic age verification for each sale of tobacco; authorizing a private right of action; amending Minnesota Statutes 2002, sections 461.12, subdivisions 2, 6; 461.19; proposing coding for new law in Minnesota Statutes, chapter 461.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 461.12, subdivision 2, is amended to read:

Subd. 2. [ADMINISTRATIVE PENALTIES; LICENSEES.] (a) If a licensee or employee of a licensee sells tobacco to a person under the age of 18 years, or violates any other provision of this chapter, the licensee shall be charged an administrative penalty of \$75 up to \$500. An administrative penalty of \$200 up to a maximum of \$1,000 must be imposed for a second violation at the same location within 24 months after the initial violation. An administrative penalty of up to a maximum of \$5,000 may be imposed for a third violation at the same location within 24 months after the initial violation. For a third subsequent violation at the same location within 24 months after the initial violation, both of the following must be imposed:

(1) an administrative penalty of \$250 must be imposed, and \$5,000;

(2) the licensee's authority to sell tobacco at that location must may be suspended for not less than up to a maximum of seven days.

(b) The licensing authority may suspend or revoke a tobacco license if the licensee fails to act on any of the following:

(1) imposition of disciplinary sanctions of an employee with multiple noncompliant sales to a minor;

(2) failure to effectively train or retrain any employee on applicable laws and how to prevent sales of tobacco to minors; or

(3) failure to adopt and enforce a written employee policy to prevent the sale of tobacco to minors.

(c) No suspension or penalty may take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing.

(d) In determining the amount of a penalty and the length of a license suspension, the local licensing authority shall take into consideration as mitigating circumstances evidence provided by a licensee of a licensee's adoption and enforcement of a written employee policy to prevent the sale of tobacco to minors, a licensee's training program to instruct employees on applicable laws and how to prevent sales of tobacco to minors, a licensee's adoption and imposition of disciplinary sanctions for employee noncompliance with the licensee's policies, a licensee's policy of conducting voluntary internal compliance checks to test compliance with section 609.685, and whether a licensee or a licensee's employee verified the age of the customer during the transaction in question and reasonably relied on the age verification to complete the sale. A decision that a violation has occurred must be in writing and must include a summary of the mitigating circumstances considered by the local licensing authority in assessing a penalty or a license suspension.

Sec. 2. Minnesota Statutes 2002, section 461.19, is amended to read:

461.19 [EFFECT ON LOCAL ORDINANCE; NOTICE.]

Sections 461.12 to 461.18 do not preempt a local ordinance that provides for more restrictive regulation of tobacco sales, except that on and after the effective date of this act, a licensing authority shall not assess or impose a penalty on a licensee or an employee of a licensee that is greater than the administrative penalties set forth in section 461.12, subdivisions 2 and 3. A governing body shall give notice of its intention to consider adoption or substantial

amendment of any local ordinance required under section 461.12 or permitted under this section. The governing body shall take reasonable steps to send notice by mail at least 30 days prior to the meeting to the last known address of each licensee or person required to hold a license under section 461.12. The notice shall state the time, place, and date of the meeting and the subject matter of the proposed ordinance.

Sec. 3. [REPEALER.]

Minnesota Statutes 2002, section 461.12, subdivision 2, as amended by section 1 and Minnesota Statutes 2002, section 461.12, subdivision 3, are repealed effective June 1, 2007.

Sec. 4. [EFFECTIVE DATE; APPLICATION.]

Sections 1 and 2 are effective the day following final enactment and apply to administrative penalties imposed on or after that date."

Delete the title and insert:

"A bill for an act relating to commerce; requiring uniform mandatory penalties against license holders and a licensee's employees for sales to minors; providing for mitigating circumstances in assessing penalties; amending Minnesota Statutes 2002, sections 461.12, subdivision 2; 461.19; repealing Minnesota Statutes 2002, section 461.12, subdivisions 2, 3."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Law.

The report was adopted.

Haas from the Committee on State Government Finance to which was referred:

H. F. No. 564, A bill for an act relating to the open meeting law; authorizing the commissioner of administration to issue written opinions regarding compliance with the law; amending Minnesota Statutes 2002, section 13.072, subdivisions 1, 2.

Reported the same back with the following amendments:

Page 2, line 3, delete "\$....." and insert "\$200, if the commissioner gives a written opinion."

Page 3, after line 16, insert:

"Sec. 3. [13D.065] [COMMISSIONER'S OPINION.]

A public body that is subject to this chapter or a person who disagrees with the manner in which members of a public body perform their duties under this chapter may request a written opinion from the commissioner of administration under section 13.072."

Amend the title as follows:

Page 1, line 6, after "2" insert "; proposing coding for new law in Minnesota Statutes, chapter 13D"

With the recommendation that when so amended the bill be re-referred to the Committee on Civil Law without further recommendation.

The report was adopted.

Boudreau from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 572, A bill for an act relating to human services; expanding adult foster care license capacity; amending Minnesota Statutes 2002, section 245A.11, subdivision 2a.

Reported the same back with the following amendments:

Page 2, line 2, delete "fifth" and insert "sixth"

Page 2, line 5, after the comma, insert "or other health condition."

Page 2, after line 9, insert:

"(e) Notwithstanding paragraph (a), the commissioner may issue an adult foster care license with a capacity of six adults when the capacity is recommended by the county licensing agency of the county in which the facility is located and if the recommendation verifies that:

(1) the facility meets the physical environment requirements in the adult foster care licensing rule;

(2) the six-bed living arrangement is specified for each resident in the resident's: (i) individualized plan of care; (ii) individual service plan under section 256B.092, subdivision 1b, if required; or (iii) individual resident placement agreement under Minnesota Rules, part 9555.5105, subpart 19, if required; and

(3) the license holder obtains written and signed informed consent from each resident or each resident's legal representative documenting the resident's informed choice to living in the home and that the resident's refusal to consent would not have resulted in service termination."

With the recommendation that when so amended the bill pass.

The report was adopted.

Krinkie from the Committee on Capital Investment to which was referred:

H. F. No. 575, A bill for an act relating to state government; putting a limit on the amount to be spent on art in state-financed buildings; amending Minnesota Statutes 2002, section 16B.35, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 19, after the period, insert "No more than ten percent of the total amount available each fiscal year under this subdivision may be used for administrative expenses, either by the commissioner of administration or by any other entity to whom the commissioner delegates administrative authority."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "limiting administrative expenses;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Boudreau from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 590, A bill for an act relating to child care assistance; preventing fraud; amending Minnesota Statutes 2002, sections 119B.011, subdivisions 19, 21, adding a subdivision; 119B.09, by adding a subdivision; 119B.11, subdivision 2a; 119B.13, subdivision 6; 119B.16, subdivision 2, adding subdivisions; 256.046, subdivision 1; 256.0471, subdivision 1; 256.98, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 119B.

Reported the same back with the following amendments:

Page 2, line 9, reinstate the stricken language and before "a" insert "or"

Page 5, line 15, delete "unlicensed" and insert "nonlicensed"

Page 9, line 27, delete "DISQUALIFICATION" and insert "AUTHORIZATION"

Page 10, line 35, after "parent" insert "or guardian"

Page 10, line 36, after "parent" insert "or guardian"

Page 11, line 3, after "parent" insert "or guardian"

Page 13, after line 6, insert:

"Sec. 12. Minnesota Statutes 2002, section 245A.10, is amended to read:

245A.10 [FEES.]

(a) The commissioner shall charge a fee for evaluation of applications and inspection of programs, other than ~~family day care and~~ foster care, which are licensed under this chapter. The commissioner may charge a fee for the licensing of school age child care programs, in an amount sufficient to cover the cost to the state agency of processing the license.

(b) Pursuant to section 119B.125, a county agency may charge a fee to a legal nonlicensed child care provider or applicant equal to the actual cost of conducting a criminal background check, up to a maximum of \$100.

(c) Counties may allow providers to pay the applicant fees in paragraph (b) on an installment basis for up to one year. If the provider is receiving child care assistance payments from the state, the provider may have the fees under paragraph (b) deducted from the child care assistance payments for up to one year and the state shall reimburse the county for the county fees collected in this manner."

Page 15, after line 35, insert:

"Sec. 16. Minnesota Statutes 2002, section 466.03, subdivision 6d, is amended to read:

Subd. 6d. [LICENSING AND AUTHORIZATION OF PROVIDERS.] A claim against a municipality based on the failure of a provider to meet the standards needed for a license to operate a day care facility under chapter 245A for children, ~~unless the municipality had actual knowledge of a failure to meet licensing standards that resulted in a dangerous condition that foreseeably threatened the plaintiff~~ or to meet the standards needed for authorization as a provider for the child care assistance program under chapter 119B. A municipality shall be immune from liability

for a claim arising out of a provider's use of a swimming pool located at a family day care or group family day care home under section 245A.14, subdivision 10, unless the municipality had actual knowledge of a provider's failure to meet the licensing standards under section 245A.14, subdivision 10, paragraph (a), clauses (1) to (3), that resulted in a dangerous condition that foreseeably threatened the plaintiff."

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "permitting a county fee for a criminal background check;"

Page 1, line 7, after the first semicolon, insert "245A.10;"

Page 1, line 8, after the second semicolon, insert "466.03, subdivision 6d;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Boudreau from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 592, A bill for an act relating to human services; modifying an adult foster care licensing provision; amending Minnesota Statutes 2002, sections 245A.11, subdivision 2b.

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

The report was adopted.

Haas from the Committee on State Government Finance to which was referred:

H. F. No. 624, A bill for an act relating to state government; requiring local government impact notes; requiring a determination of the aggregate cost of complying with proposed rules; proposing coding for new law in Minnesota Statutes, chapter 14.

Reported the same back with the following amendments:

Page 1, line 9, before "The" insert "Subdivision 1. [REQUEST AND PREPARATION.]"

Page 1, line 21, after the period, insert "In assessing the fiscal benefit of the rule, the commissioner shall consider the fiscal impact on the political subdivision requesting the local impact note if the rule is not adopted."

Page 2, after line 5, insert:

"Subd. 2. [FEE.] The commissioner of finance may bill the political subdivision requesting the local fiscal impact and fiscal benefit note up to \$35 per hour for time spent preparing the note. Upon receiving a request for a note from a political subdivision, the commissioner must give the political subdivision an estimate of the fee that the commissioner will charge. The political subdivision may withdraw the request for the note. Upon completion of the note, the requesting political subdivision must pay the fee in the time and manner requested by the commissioner of finance. Fees collected under this subdivision must be deposited in the general fund."

Page 2, line 30, delete the first "the" and insert "all"

Page 2, line 31, after "to" insert "all" and before the period, insert ", even if those affected persons or entities are not identical"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Dauids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 632, A bill for an act relating to insurance; enhancing public employee eligibility for long-term care insurance; improving insurance coverage of long-term care; providing for studies of ways to reduce long-term care costs to the state; amending Minnesota Statutes 2002, sections 43A.318, subdivision 1; 61A.072, subdivision 6; 62A.315; 62A.48, by adding a subdivision; 62A.49, by adding a subdivision; 62S.22, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 62S.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 61A.072, subdivision 6, is amended to read:

Subd. 6. [ACCELERATED BENEFITS.] (a) "Accelerated benefits" covered under this section are benefits payable under the life insurance contract:

(1) to a policyholder or certificate holder, during the lifetime of the insured, ~~in anticipation of death~~ upon the occurrence of a specified life-threatening or catastrophic condition as defined by the policy or rider;

(2) that reduce the death benefit otherwise payable under the life insurance contract; and

(3) that are payable upon the occurrence of a single qualifying event that results in the payment of a benefit amount fixed at the time of acceleration.

(b) "Qualifying event" means one or more of the following:

(1) a medical condition that would result in a drastically limited life span as specified in the contract;

(2) a medical condition that has required or requires extraordinary medical intervention, such as, but not limited to, major organ transplant or continuous artificial life support without which the insured would die; ~~or~~

(3) a condition that requires continuous confinement in an eligible institution as defined in the contract if the insured is expected to remain there for the rest of the insured's life;

(4) a long-term care illness or physical condition that results in cognitive impairment or the inability to perform the activities of daily life or the substantial and material duties of any occupation; or

(5) other qualifying events that the commissioner approves for a particular filing.

Sec. 2. Minnesota Statutes 2002, section 62A.315, is amended to read:

62A.315 [EXTENDED BASIC MEDICARE SUPPLEMENT PLAN; COVERAGE.]

The extended basic Medicare supplement plan must have a level of coverage so that it will be certified as a qualified plan pursuant to section 62E.07, and will provide:

(1) coverage for all of the Medicare part A inpatient hospital deductible and coinsurance amounts, and 100 percent of all Medicare part A eligible expenses for hospitalization not covered by Medicare;

(2) coverage for the daily copayment amount of Medicare part A eligible expenses for the calendar year incurred for skilled nursing facility care;

(3) coverage for the copayment amount of Medicare eligible expenses under Medicare part B regardless of hospital confinement, and the Medicare part B deductible amount;

(4) 80 percent of the usual and customary hospital and medical expenses and supplies described in section 62E.06, subdivision 1, not to exceed any charge limitation established by the Medicare program or state law, the usual and customary hospital and medical expenses and supplies, described in section 62E.06, subdivision 1, while in a foreign country, and prescription drug expenses, not covered by Medicare;

(5) coverage for the reasonable cost of the first three pints of blood, or equivalent quantities of packed red blood cells as defined under federal regulations under Medicare parts A and B, unless replaced in accordance with federal regulations;

(6) 100 percent of the cost of immunizations and routine screening procedures for cancer, including mammograms and pap smears;

(7) preventive medical care benefit: coverage for the following preventive health services:

(i) an annual clinical preventive medical history and physical examination that may include tests and services from clause (ii) and patient education to address preventive health care measures;

(ii) any one or a combination of the following preventive screening tests or preventive services, the frequency of which is considered medically appropriate:

(A) fecal occult blood test and/or digital rectal examination;

(B) dipstick urinalysis for hematuria, bacteriuria, and proteinuria;

(C) pure tone (air only) hearing screening test administered or ordered by a physician;

(D) serum cholesterol screening every five years;

(E) thyroid function test;

(F) diabetes screening;

(iii) any other tests or preventive measures determined appropriate by the attending physician.

Reimbursement shall be for the actual charges up to 100 percent of the Medicare-approved amount for each service as if Medicare were to cover the service as identified in American Medical Association current procedural terminology (AMA CPT) codes to a maximum of \$120 annually under this benefit. This benefit shall not include payment for any procedure covered by Medicare;

(8) at-home recovery benefit: coverage for services to provide short-term at-home assistance with activities of daily living for those recovering from an illness, injury, or surgery:

(i) for purposes of this benefit, the following definitions shall apply:

(A) "activities of daily living" include, but are not limited to, bathing, dressing, personal hygiene, transferring, eating, ambulating, assistance with drugs that are normally self-administered, and changing bandages or other dressings;

(B) "care provider" means a duly qualified or licensed home health aide/homemaker, personal care aide, or nurse provided through a licensed home health care agency or referred by a licensed referral agency or licensed nurses registry;

(C) "home" means a place used by the insured as a place of residence, provided that the place would qualify as a residence for home health care services covered by Medicare. A hospital or skilled nursing facility shall not be considered the insured's place of residence;

(D) "at-home recovery visit" means the period of a visit required to provide at-home recovery care, without limit on the duration of the visit, except each consecutive four hours in a 24-hour period of services provided by a care provider is one visit;

(ii) coverage requirements and limitations:

(A) at-home recovery services provided must be primarily services that assist in activities of daily living;

(B) the insured's attending physician must certify that the specific type and frequency of at-home recovery services are necessary because of a condition for which a home care plan of treatment was approved by Medicare;

(C) coverage is limited to:

(I) no more than the number and type of at-home recovery visits certified as medically necessary by the insured's attending physician. The total number of at-home recovery visits shall not exceed the number of Medicare-approved home health care visits under a Medicare-approved home care plan of treatment;

(II) the actual charges for each visit up to a maximum reimbursement of ~~\$40~~ \$100 per visit;

(III) ~~\$1,600~~ \$4,000 per calendar year;

(IV) seven visits in any one week;

(V) care furnished on a visiting basis in the insured's home;

(VI) services provided by a care provider as defined in this section;

(VII) at-home recovery visits while the insured is covered under the policy or certificate and not otherwise excluded;

(VIII) at-home recovery visits received during the period the insured is receiving Medicare-approved home care services or no more than eight weeks after the service date of the last Medicare-approved home health care visit;

(iii) coverage is excluded for:

(A) home care visits paid for by Medicare or other government programs; and

(B) care provided by ~~family members~~, unpaid volunteers, or providers who are not care providers.

Sec. 3. Minnesota Statutes 2002, section 62A.48, is amended by adding a subdivision to read:

Subd. 12. [REGULATORY FLEXIBILITY.] The commissioner may upon written request issue an order to modify or suspend a specific provision or provisions of sections 62A.46 to 62A.56 with respect to a specific long-term care insurance policy or certificate upon a written finding that:

(1) the modification or suspension is in the best interest of the insureds;

(2) the purpose to be achieved could not be effectively or efficiently achieved without the modifications or suspension; and

(3)(i) the modification or suspension is necessary to the development of an innovative and reasonable approach for insuring long-term care;

(ii) the policy or certificate is to be issued to residents of a life care or continuing care retirement community or some other residential community for the elderly and the modification or suspension is reasonably related to the special needs or nature of such a community; or

(iii) the modification or suspension is necessary to permit long-term care insurance to be sold as part of, or in conjunction with, another insurance product.

Sec. 4. Minnesota Statutes 2002, section 62A.49, is amended by adding a subdivision to read:

Subd. 3. [PROHIBITED LIMITATIONS.] A long-term care insurance policy or certificate shall not, if it provides benefits for home health care or community care services, limit or exclude benefits by:

(1) requiring that the insured would need care in a skilled nursing facility if home health care services were not provided;

(2) requiring that the insured first or simultaneously receive nursing or therapeutic services in a home, community, or institutional setting before home health care services are covered;

(3) limiting eligible services to services provided by a registered nurse or licensed practical nurse;

(4) requiring that a nurse or therapist provide services covered by the policy that can be provided by a home health aide or other licensed or certified home care worker acting within the scope of licensure or certification;

(5) excluding coverage for personal care services provided by a home health aide;

(6) requiring that the provision of home health care services be at a level of certification or licensure greater than that required by the eligible service;

(7) requiring that the insured have an acute condition before home health care services are covered;

(8) limiting benefits to services provided by Medicare-certified agencies or providers;

(9) excluding coverage for adult day care services; or

(10) excluding coverage based upon location or type of residence in which the home health care services would be provided.

Sec. 5. Minnesota Statutes 2002, section 62S.22, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITED LIMITATIONS.] A long-term care insurance policy or certificate shall not, if it provides benefits for home health care or community care services, limit or exclude benefits by:

(1) requiring that the insured would need care in a skilled nursing facility if home health care services were not provided;

(2) requiring that the insured first or simultaneously receive nursing or therapeutic services in a home, community, or institutional setting before home health care services are covered;

(3) limiting eligible services to services provided by a registered nurse or licensed practical nurse;

(4) requiring that a nurse or therapist provide services covered by the policy that can be provided by a home health aide or other licensed or certified home care worker acting within the scope of licensure or certification;

(5) excluding coverage for personal care services provided by a home health aide;

(6) requiring that the provision of home health care services be at a level of certification or licensure greater than that required by the eligible service;

(7) requiring that the insured have an acute condition before home health care services are covered;

(8) limiting benefits to services provided by Medicare-certified agencies or providers; ~~or~~

(9) excluding coverage for adult day care services; or

(10) excluding coverage based upon location or type of residence in which the home health care services would be provided.

Sec. 6. [62S.34] [REGULATORY FLEXIBILITY.]

The commissioner may upon written request issue an order to modify or suspend a specific provision or provisions of this chapter with respect to a specific long-term care insurance policy or certificate upon a written finding that:

(1) the modification or suspension is in the best interest of the insureds;

(2) the purpose to be achieved could not be effectively or efficiently achieved without the modifications or suspension; and

(3)(i) the modification or suspension is necessary to the development of an innovative and reasonable approach for insuring long-term care;

(ii) the policy or certificate is to be issued to residents of a life care or continuing care retirement community or some other residential community for the elderly and the modification or suspension is reasonably related to the special needs or nature of such a community; or

(iii) the modification or suspension is necessary to permit long-term care insurance to be sold as part of, or in conjunction with, another insurance product.

Sec. 7. [REPORTS; POTENTIAL SAVINGS TO STATE FROM CERTAIN LONG-TERM CARE INSURANCE PURCHASE INCENTIVES.]

Subdivision 1. [LONG-TERM CARE INSURANCE PARTNERSHIPS.] The commissioner of human services, in consultation with the commissioner of commerce, shall report to the legislature on the feasibility of Minnesota adopting a long-term care insurance partnership program similar to those adopted in other states. In such a program, the state would encourage purchase of private long-term care insurance by permitting the insured to retain assets in excess of those otherwise permitted for medical assistance eligibility, if the insured later exhausts the private long-term care insurance benefits. The report must include the feasibility of obtaining any necessary federal waiver. The report must comply with Minnesota Statutes, sections 3.195 and 3.197.

Subd. 2. [USE OF MEDICAL ASSISTANCE FUNDS TO SUBSIDIZE PURCHASE OF LONG-TERM CARE INSURANCE.] The commissioner of human services shall report to the legislature on the feasibility of using state medical assistance funds to subsidize the purchase of private long-term care insurance by individuals who would be unlikely to purchase it without a subsidy, in order to generate long-term savings of medical assistance expenditures. The report must comply with Minnesota Statutes, sections 3.195 and 3.197.

Subd. 3. [NURSING FACILITY BENEFITS IN MEDICARE SUPPLEMENT COVERAGE.] The commissioner of human services must study and quantify the cost or savings to the state if a nursing facility benefit were added to Medicare-related coverage, as defined in Minnesota Statutes, section 62Q.01, subdivision 6.

Sec. 8. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment and applies to policies issued on or after that date. Sections 2 to 6 are effective January 1, 2004, and apply to policies issued on or after that date. Section 7 is effective July 1, 2003."

Delete the title and insert:

"A bill for an act relating to insurance; improving insurance coverage of long-term care; providing for studies of ways to reduce long-term care costs to the state; amending Minnesota Statutes 2002, sections 61A.072, subdivision 6; 62A.315; 62A.48, by adding a subdivision; 62A.49, by adding a subdivision; 62S.22, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 62S."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 653, A bill for an act relating to adoption; modifying postadoption services requirements; amending Minnesota Statutes 2002, section 259.83, by adding a subdivision.

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

The report was adopted.

Davids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 662, A bill for an act relating to health; regulating health plan coverages for handicapped children; amending Minnesota Statutes 2002, sections 62A.14; 62A.301; 62C.14, subdivision 5.

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

The report was adopted.

Westrom from the Committee on Regulated Industries to which was referred:

H. F. No. 719, A bill for an act relating to liquor; allowing brewpubs to make retail and wholesale sales of the brewpub's own products under certain circumstances; removing limits on the number of on-sale and off-sale liquor licenses that may be issued by a municipality; amending Minnesota Statutes 2002, sections 340A.301, subdivisions 1, 6, 7, 8; 340A.308; 340A.601, subdivision 5; repealing Minnesota Statutes 2002, section 340A.413.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 340A.318, subdivision 3, is amended to read:

Subd. 3. [POSTING; NOTICE.] Verified lists or statements required by subdivision 2 shall be posted by the commissioner in offices of the department in places available for public inspection not later than the ~~day~~ Monday following receipt. Documents posted shall constitute notice to every distiller, manufacturer, or wholesaler of the information posted. Actual notice, however received, also constitutes notice.

Sec. 2. Minnesota Statutes 2002, section 340A.404, subdivision 2, is amended to read:

Subd. 2. [SPECIAL PROVISION; CITY OF MINNEAPOLIS.] (a) The city of Minneapolis may issue an on-sale intoxicating liquor license to the Guthrie Theater, the Cricket Theatre, the Orpheum Theatre, ~~and~~ the State Theatre, and the Historic Pantages Theatre, notwithstanding the limitations of law, or local ordinance, or charter provision relating to zoning or school or church distances. The licenses authorize sales on all days of the week to holders of tickets for performances presented by the theaters and to members of the nonprofit corporations holding the licenses and to their guests.

(b) The city of Minneapolis may issue an intoxicating liquor license to 510 Groveland Associates, a Minnesota cooperative, for use by a restaurant on the premises owned by 510 Groveland Associates, notwithstanding limitations of law, or local ordinance, or charter provision.

(c) The city of Minneapolis may issue an on-sale intoxicating liquor license to Zuhrah Shrine Temple for use on the premises owned by Zuhrah Shrine Temple at 2540 Park Avenue South in Minneapolis, and to the American Swedish Institute for use on the premises owned by the American Swedish Institute at 2600 Park Avenue South, notwithstanding limitations of law, or local ordinances, or charter provision relating to zoning or school or church distances.

(d) The city of Minneapolis may issue an on-sale intoxicating liquor license to the American Association of University Women, Minneapolis branch, for use on the premises owned by the American Association of University Women, Minneapolis branch, at 2115 Stevens Avenue South in Minneapolis, notwithstanding limitations of law, or local ordinances, or charter provisions relating to zoning or school or church distances.

(e) The city of Minneapolis may issue an on-sale wine license and an on-sale 3.2 percent malt liquor license to a restaurant located at 5000 Penn Avenue South, and an on-sale wine license and an on-sale malt liquor license to a restaurant located at 1931 Nicollet Avenue South, notwithstanding any law or local ordinance or charter provision.

(f) The city of Minneapolis may issue an on-sale wine license and an on-sale malt liquor license to the Brave New Workshop Theatre located at 3001 Hennepin Avenue South, the Theatre de la Jeune Lune, the Illusion ~~Theatre~~ Theater located at 528 Hennepin Avenue South, the Hollywood Theatre located at 2815 Johnson Street Northeast, the Loring Playhouse located at 1633 Hennepin Avenue South, ~~and the Jungle Theater located at 2951 Lyndale Avenue South~~, the Brave New Institute located at 2605 Hennepin Avenue South, the Guthrie Lab located at 700 North First Street, and the Southern Theatre located at 1420 Washington Avenue South, notwithstanding any law or local ordinance or charter provision. The license authorizes sales on all days of the week.

(g) The city of Minneapolis may issue an on-sale intoxicating liquor license to University Gateway Corporation, a Minnesota nonprofit corporation, for use by a restaurant or catering operator at the building owned and operated by the University Gateway Corporation on the University of Minnesota campus, notwithstanding limitations of law, or local ordinance or charter provision. The license authorizes sales on all days of the week.

Sec. 3. [CITY OF BLAINE; LIQUOR LICENSES.]

The city of Blaine may issue 15 on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized by this section.

Sec. 4. [ELKO SPEEDWAY; ON-SALE LICENSE.]

Notwithstanding Minnesota Statutes, section 340A.404, subdivision 1, the city of Elko may issue an on-sale intoxicating liquor license to the Elko Speedway in addition to the number authorized by law. The license may authorize sales only to persons attending racing events at the speedway. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this provision, apply to the license authorized under this section. The license may be issued for a space that is not compact and contiguous, provided that the licensed premises may include only the space within the fenced grandstand area as described in the approved license application.

Sec. 5. [CITY OF HASTINGS; ON-SALE LICENSES.]

The city of Hastings may issue three on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized by this section.

Sec. 6. [CITY OF MAPLE GROVE; ON-SALE LICENSES.]

The city of Maple Grove may issue 12 on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section.

Sec. 7. [CITY OF SARTELL; ON-SALE LICENSES.]

The city of Sartell may issue five on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized by this section.

Sec. 8. [CITY OF ST. MICHAEL; ON-SALE LICENSES.]

The city of St. Michael may issue five on-sale liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section.

Sec. 9. [CITY OF ST. PAUL; STATE FAIR WINE LICENSES.]

(a) Notwithstanding Minnesota Statutes, sections 37.21 and 340A.412, subdivision 4, paragraph (a), clause (3), the city of St. Paul may issue to the holder of a state fair concessions contract with the state agricultural society a license authorizing the licensee to sell Minnesota-produced wine by the glass at the state fair in connection with the concessionaire's sale of food. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to licenses issued under this section.

(b) For purposes of this section, "Minnesota-produced wine" means wine produced by a farm winery licensed under Minnesota Statutes, section 340A.315, and made from at least 75 percent Minnesota-grown grapes, grape juices, other fruit bases, or honey.

Sec. 10. [CITY OF THIEF RIVER FALLS; LIQUOR LICENSES.]

The city of Thief River Falls may issue two on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the licenses authorized by this section.

Sec. 11. [CITY OF WACONIA; LIQUOR LICENSES.]

The city of Waconia may issue three on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section.

Sec. 12. [CITY OF WOODBURY; ON-SALE LICENSES.]

The city of Woodbury may issue 12 on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized by this section.

Sec. 13. [EFFECTIVE DATE.]

Sections 1 to 12 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to liquor; modifying a posting requirement; authorizing the cities of Blaine, Elko, Hastings, Maple Grove, Minneapolis, Sartell, St. Michael, St. Paul, Thief River Falls, Waconia, and Woodbury to issue certain licenses; amending Minnesota Statutes 2002, sections 340A.318, subdivision 3; 340A.404, subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

Haas from the Committee on State Government Finance to which was referred:

H. F. No. 734, A bill for an act relating to lawful gambling; providing for linked bingo games; amending Minnesota Statutes 2002, sections 349.12, subdivisions 4, 18, by adding subdivisions; 349.151, subdivision 4; 349.153; 349.155, subdivision 3; 349.163, subdivision 3; 349.166, subdivisions 1, 2; 349.167, subdivision 6; 349.17, subdivisions 3, 6, 7, by adding a subdivision; 349.18, subdivision 1; 349.19, by adding a subdivision; 349.191, subdivisions 1, 1a; 349.211, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 349.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 754, A bill for an act relating to eminent domain; changing the definition of displaced person to correspond to federal law; amending Minnesota Statutes 2002, section 117.50, subdivision 3.

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

The report was adopted.

Westrom from the Committee on Regulated Industries to which was referred:

H. F. No. 794, A bill for an act relating to education; creating an education telecommunications fund; providing support for kindergarten through grade 12 schools and public library telecommunications networks; providing for an access fee; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 125B.

Reported the same back with the following amendments:

Page 2, line 26, after the period, insert "Up to \$200,000 is transferred in fiscal year 2004 to the public utilities commission for the purposes of subdivision 9."

Page 2, after line 30, insert:

"Subd. 9. [COMMISSION REVIEW.] The public utilities commission shall review the costs associated with the provision by telephone companies and other providers of high-speed telecommunications services and infrastructure in various regions of the state. The commission shall report on any disparities it finds between regions to the legislature by January 15, 2004."

Amend the title as follows:

Page 1, line 6, delete "proprosing" and insert "proposing"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Education Finance.

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 800, A bill for an act relating to public safety; regulating permitted fireworks; authorizing certain licensing fees; limiting local regulation; amending Minnesota Statutes 2002, section 624.20, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 15, delete "not to exceed \$....."

Page 2, line 16, after the period, insert "The annual license fee of each retail seller that is in the business of selling only the items authorized under paragraph (c) may not exceed \$350, and the annual license of each other retail seller may not exceed \$100."

Page 2, after line 17, insert:

"(1) impose any fee or charge, other than the fee authorized by this paragraph, on the retail sale of items authorized under paragraph (c);"

Page 2, line 18, delete "(1)" and insert "(2)" and before "the" insert "or restrict"

Page 2, line 20, delete "(2)" and insert "(3)"

With the recommendation that when so amended the bill pass.

The report was adopted.

Davids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 831, A bill for an act relating to unemployment insurance; modifying provisions to increase the solvency of the trust fund; making policy and technical changes; amending Minnesota Statutes 2002, sections 268.035, subdivisions 15, 23; 268.044, subdivision 1, by adding a subdivision; 268.051, subdivisions 1, 2, 3, 5, 6, by

adding a subdivision; 268.052, subdivision 1; 268.057, subdivision 5; 268.067; 268.07, subdivision 2; 268.085, subdivision 3; 268.086, subdivision 2; 268.095, subdivisions 1, 2, 6, 11; 268.105, subdivision 7; 268.18, subdivisions 1, 4; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Rules, part 3315.1015, subpart 4.

Reported the same back with the following amendments:

Page 2, line 2, after the first "the" insert "trust"

Page 9, line 11, strike "deductible"

Page 15, line 10, delete "competent and" and insert "a preponderance of the"

Page 15, line 11, delete "verifiable"

Page 18, line 27, delete "amounts to" and insert "evinces"

Page 23, line 3, delete "The"

Page 23, delete lines 4 to 11

Page 24, after line 23, insert:

"(I) The revisor of statutes shall change the term "fund" to "trust fund" in Minnesota Statutes, sections 268.029 to 268.23."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Jobs and Economic Development Finance.

The report was adopted.

Gunther from the Committee on Jobs and Economic Development Finance to which was referred:

H. F. No. 849, A bill for an act relating to employment; providing funding for the displaced homemaker program by increasing the marriage license fee; amending Minnesota Statutes 2002, section 517.08, subdivisions 1b, 1c.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Judiciary Policy and Finance.

The report was adopted.

Davids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 851, A bill for an act relating to commerce; regulating motor vehicle sales and distribution; amending Minnesota Statutes 2002, sections 80E.12; 80E.135.

Reported the same back with the following amendments:

Page 4, after line 26, insert:

"Sec. 3. [325E.60] [SALE OF AMERICAN FLAGS.]

No person may sell or offer for sale in this state an American flag unless the flag is manufactured in the United States of America.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 2 are effective August 1, 2003, and apply to contracts entered into or renewed on or after that date. Section 3 is effective the day following final enactment.

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "regulating American flag sales;"

Page 1, line 4, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 325E"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Law.

The report was adopted.

Dauids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 854, A bill for an act relating to regulated occupations; requiring certain mechanical contractors to give bond to the state; authorizing a filing fee; proposing coding for new law in Minnesota Statutes, chapter 326.

Reported the same back with the following amendments:

Page 1, line 14, delete "injured or"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on State Government Finance.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 873, A bill for an act relating to counties; allowing counties to have a private certified public accountant examine its books; removing the mandate of audits by the state auditor; amending Minnesota Statutes 2002, section 6.55; repealing Minnesota Statutes 2002, section 6.48.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, 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~~ may 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 and other property. The state auditor shall, as funds and personnel permit, examine an annual audit and its procedures, reports, working papers, and programs if performed by a private certified public accountant. The state auditor may accept the audit or make additional examinations as the state auditor deems to be in the public interest. 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~~ any examination shall pay to the state general 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 fund shall be credited with all collections made for any such examinations.

Sec. 2. Minnesota Statutes 2002, section 6.49, is amended to read:

6.49 [CITIES OF FIRST CLASS.]

All powers and duties conferred and imposed upon the state auditor with respect to state and county officers, institutions, property, and improvements are hereby extended to cities of the first class. Copies of the written report of the state auditor on the financial condition and accounts of such city shall be filed in the state auditor's office, with the mayor, city council, and city comptroller thereof, and with the city commissioners, if such city have such officers. If such report disclose malfeasance, misfeasance, or nonfeasance in office, copies thereof shall be filed with the city attorney thereof and with the county attorney of the county in which such city is located, and these officials of the law shall institute such proceedings, civil or criminal, as the law and the public interest require.

The state auditor ~~may~~ shall bill said cities monthly for services rendered, including any examination, and the officials responsible for approving and paying claims shall cause said bill to be promptly paid.

Sec. 3. Minnesota Statutes 2002, section 6.54, is amended to read:

6.54 [EXAMINATION OF COUNTY AND MUNICIPAL RECORDS PURSUANT TO PETITION.]

The registered voters in a county, home rule charter, or statutory city or the electors at an annual or special town meeting of a town may petition the state auditor to examine the books, records, accounts, and affairs of the county, home rule charter, or statutory city, town, or of any organizational unit, activity, project, enterprise, or fund thereof; and the scope of the examination may be limited by the petition, but the examination shall cover, at least, all cash

received and disbursed and the transactions relating thereto, provided that the state auditor shall not examine more than the six latest years preceding the circulation of the petition, unless it appears to the state auditor during the examination that the audit period should be extended to permit a full recovery under bonds furnished by public officers or employees, and may if it appears to the auditor in the public interest confine the period or the scope of audit or both period and scope of audit, to less than that requested by the petition. In the case of a county, home rule charter, or statutory city, the petition shall be signed by a number of registered voters at least equal to 20 percent of those voting in the last presidential election. The eligible voters of any school district may petition the state auditor, who shall be subject to the same restrictions regarding the scope and period of audit, provided that the petition shall be signed by at least ten eligible voters for each 50 resident pupils in average daily membership during the preceding school year as shown on the records in the office of the commissioner of children, families, and learning. In the case of school districts, the petition shall be signed by at least ten eligible voters. At the time it is circulated, every petition shall contain a statement that the cost of the audit will be borne by the county, city, or school district as provided by law. Thirty days before the petition is delivered to the state auditor it shall be presented to the appropriate city or school district clerk and the county auditor. The county auditor shall determine and certify whether the petition is signed by the required number of registered voters or eligible voters as the case may be. The certificate shall be conclusive evidence thereof in any action or proceeding for the recovery of the costs, charges, and expenses of any examination made pursuant to the petition.

Sec. 4. Minnesota Statutes 2002, section 6.55, is amended to read:

6.55 [EXAMINATION OF RECORDS PURSUANT TO RESOLUTION OF GOVERNING BODY.]

The governing body of any city, town, county or school district, by appropriate resolution may ask the state auditor to examine the books, records, accounts and affairs of their government, or of any organizational unit, activity, project, enterprise, or fund thereof; and the state auditor shall examine the same upon receiving, pursuant to said resolution, a written request signed by a majority of the members of the governing body; and the governing body of any public utility commission, or of any public corporation having a body politic and corporate, or of any instrumentality joint or several of any city, town, county, or school district, may request an audit of its books, records, accounts and affairs in the same manner; provided that the scope of the examination may be limited by the request, but such examination shall cover, at least, all cash received and disbursed and the transactions relating thereto. Such written request shall be presented to the clerk, or recording officer of such city, town, county, school district, public utility commission, public corporation, or instrumentality, before being presented to the state auditor, who shall determine whether the same is signed by a majority of the members of such governing body and, if found to be so signed, shall certify such fact, and the fact that such resolution was passed, which certificate shall be conclusive evidence thereof in any action or proceedings for the recovery of the costs, charges and expenses of any examination made pursuant to such request. Nothing contained in any of the laws of the state relating to the state auditor, shall be so construed as to prevent any county, city, town, or school district from employing a certified public accountant to examine its books, records, accounts, and affairs. For the purposes of this section, the governing body of a town is the town board.

Sec. 5. Minnesota Statutes 2002, section 6.64, is amended to read:

6.64 [COOPERATION WITH PUBLIC ACCOUNTANTS; PUBLIC ACCOUNTANT DEFINED.]

There shall be mutual cooperation between the state auditor and public accountants in the performance of auditing, accounting, and other related services for counties, cities, towns, school districts, and other public corporations. For the purposes of sections 6.64 to 6.71 the term public accountant shall have the meaning ascribed to it in section 412.222.

Sec. 6. Minnesota Statutes 2002, section 6.65, is amended to read:

6.65 [MINIMUM PROCEDURES FOR AUDITORS, PRESCRIBED.]

The state auditor shall prescribe minimum procedures and the audit scope for auditing the books, records, accounts, and affairs of counties and local governments in Minnesota. The minimum scope for audits of all local governments must include financial and legal compliance audits. Audits of all school districts must include a determination of compliance with uniform financial accounting and reporting standards. The state auditor shall promulgate an audit guide for legal compliance audits, in consultation with representatives of the state auditor, the attorney general, towns, cities, counties, school districts, and private sector public accountants.

Sec. 7. Minnesota Statutes 2002, section 6.66, is amended to read:

6.66 [CERTAIN PRACTICES OF PUBLIC ACCOUNTANTS AUTHORIZED.]

Any public accountant may engage in the practice of auditing the books, records, accounts, and affairs of counties, cities, towns, school districts, and other public corporations which are not otherwise required by law to be audited exclusively by the state auditor.

Sec. 8. Minnesota Statutes 2002, section 6.67, is amended to read:

6.67 [PUBLIC ACCOUNTANTS; REPORT OF EVIDENCE POINTING TO MISCONDUCT.]

Whenever a public accountant in the course of auditing the books and affairs of a county, city, town, school district, or other public corporations, shall discover evidence pointing to nonfeasance, misfeasance, or malfeasance, on the part of an officer or employee in the conduct of duties and affairs, the public accountant shall promptly make a report of such discovery to the state auditor and the county attorney of the county in which the governmental unit is situated and the public accountant shall also furnish a copy of the report of audit upon completion to said officers. The county attorney shall act on such report in the same manner as required by law for reports made to the county attorney by the state auditor.

Sec. 9. Minnesota Statutes 2002, section 6.68, subdivision 1, is amended to read:

Subdivision 1. [REQUEST TO GOVERNING BODY.] If in an audit of a county, city, town, school district, or other public corporation, a public accountant has need of the assistance of the state auditor, the accountant may obtain such assistance by requesting the governing body of the governmental unit being examined to request the state auditor to perform such auditing or investigative services, or both, as the matter and the public interest require.

Sec. 10. Minnesota Statutes 2002, section 6.70, is amended to read:

6.70 [ACCESS TO REPORTS.]

The state auditor and the public accountants shall have reasonable access to each other's audit reports, working papers, and audit programs concerning audits made by each of counties, cities, towns, school districts, and other public corporations.

Sec. 11. Minnesota Statutes 2002, section 6.71, is amended to read:

6.71 [SCOPE OF AUDITOR'S INVESTIGATION.]

Whenever the governing body of a county, city, town, or school district shall have requested a public accountant to make an audit of its books and affairs, and such audit is in progress or has been completed, and freeholders petition or the governing body requests or both the state auditor to make an examination covering the same, or part of the same, period, the state auditor may, in the public interest, limit the scope of the examination to less than that specified in section 6.54, but the scope shall cover, at least, an investigation of those complaints which are within the state auditor's powers and duties to investigate."

Delete the title and insert:

"A bill for an act relating to counties; changing certain auditing requirements; amending Minnesota Statutes 2002, sections 6.48; 6.49; 6.54; 6.55; 6.64; 6.65; 6.66; 6.67; 6.68, subdivision 1; 6.70; 6.71."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Boudreau from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 885, A bill for an act relating to health; exempting certain food establishments from certain equipment design and construction rules; amending Minnesota Statutes 2002, section 157.011, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy.

The report was adopted.

Dauids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 894, A bill for an act relating to property; modifying provisions relating to certificates of title to manufactured homes; amending Minnesota Statutes 2002, section 168A.141.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 168A.141, is amended to read:

168A.141 [MANUFACTURED HOME AFFIXED TO REAL ~~ESTATE~~ PROPERTY.]

Subdivision 1. [~~PROCEDURE~~ CERTIFICATES SURRENDERED FOR CANCELLATION.] ~~The owner of~~
When a manufactured home ~~which~~ is affixed ~~as an improvement~~ as defined in section 273.125, subdivision 8,
paragraph (b), to real estate ~~may~~ property, and financed by the giving of a mortgage on the real property, the owner

of the manufactured home shall surrender the home's manufacturer's certificate of origin or certificate of title to the department for cancellation. The owner of the manufactured home shall give the department the address and location legal description of the real estate property. The department may require the filing of other information. Upon surrender of the manufacturer's certificate of origin or the certificate of title, the manufactured home is deemed to be an improvement to real property.

Subd. 2. [PERFECTED SECURITY INTEREST AVOIDS CANCELLATION.] The department may not cancel a certificate of title if a security interest has been perfected on the manufactured home. If a security interest has been perfected, the department shall notify the owner and each secured party that the certificate of title and a description of the security interest have been surrendered to the department and that the department will not cancel the certificate of title until the security interest is satisfied. Permanent attachment to real estate property does not extinguish an otherwise valid security interest in or tax lien on the manufactured home.

Subd. 3. [NOTICE OF SECURITY INTEREST AVOIDS SURRENDER.] The manufacturer's certificate of origin or the certificate of title need not be surrendered to the department under subdivision 1 when a perfected security interest exists on the manufactured home at the time the manufactured home is affixed to real property, if the owner of the manufactured home files a notice with the county recorder, or with the registrar of titles if the land is registered, stating that the manufactured home located on the property is encumbered by a perfected security interest. The notice must state the name and address of the secured party as set forth on the certificate of title, the legal description of the real property, and the name and address of the record fee owner of the real property on which the manufactured home is affixed. When the security interest is released or satisfied, the secured party shall attach a copy of the release or satisfaction to a notice executed by the secured party containing the county recorder or registrar of titles document number of the notice of security interest. The notice of release or satisfaction must be filed with the county recorder, or with the registrar of titles if the land is registered. Neither the notice described in this subdivision nor the security interest on the certificate of title is deemed an encumbrance.

Subd. 4. [REISSUANCE OF CERTIFICATE OF TITLE.] The department shall issue a certificate of title to the owner of a manufactured home affixed to real property upon receipt of:

(1) an affidavit executed by the owner of the real property stating that the manufactured home is no longer affixed to real property;

(2) a signed inspection report from the authority having jurisdiction, stating that the manufactured home is in compliance with the federal Manufactured Home Construction and Safety Standards; and

(3) proof that any security interests encumbering improvements to the real property have been satisfied or released, as evidenced by a certified copy of the recorded satisfaction or release.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Davids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 896, A bill for an act relating to employment; school conference and activity leave; making technical changes; amending Minnesota Statutes 2002, section 181.9412, subdivision 2.

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

The report was adopted.

Swenson from the Committee on Agriculture Policy to which was referred:

H. F. No. 899, A bill for an act relating to motor fuels; requiring that certain gasoline to contain 9.8 percent denatured ethanol; amending Minnesota Statutes 2002, section 239.791, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Transportation Policy.

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 929, A bill for an act relating to the metropolitan mosquito control district; including the rest of Carver county in the district; restoring the property tax levy base to 1995 levels; adding a second member for Carver county; providing for pesticide application for mosquito control; clarifying the exception to prohibiting entry upon private property if objected to; making the district subject to the Minnesota Uniform Municipal Contracting Law; eliminating per diems for commissioners; making expense payments permissive rather than mandatory; making conforming changes; amending Minnesota Statutes 2002, sections 18B.07, subdivision 2; 473.702; 473.703, subdivision 1; 473.704, subdivision 17; 473.705; 473.711, subdivision 2a; 473.714, subdivision 1; repealing Minnesota Statutes 2002, sections 473.711, subdivision 2b; 473.714, subdivision 2.

Reported the same back with the following amendments:

Page 2, line 7, reinstate the stricken "conducted" and reinstate the stricken "in compliance with"

Page 2, line 8, reinstate the stricken language

Pages 2 and 3, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2002, section 473.702, is amended to read:

473.702 [ESTABLISHMENT OF DISTRICT; PURPOSE; AREA; GOVERNING BODY.]

A metropolitan mosquito control district is created to control mosquitoes, disease vectoring ticks, and black gnats (Simuliidae) in the metropolitan area. The area of the district is the metropolitan area defined in section 473.121. ~~The area of the district is the metropolitan area excluding the part of Carver county west of the west line of township 116N, range 24W, township 115N, range 24W, and township 114N, range 24W.~~ The metropolitan mosquito control commission is created as the governing body of the district, composed and exercising the powers as prescribed in sections 473.701 to 473.716."

Page 4, line 13, delete "potential disease-vectoring" and insert "known disease vector species of"

Pages 5 to 7, delete section 6

Page 7, line 33, delete everything after the first comma and insert "section"

Page 7, line 34, delete "and" and delete "are" and insert "is"

Page 7, delete line 36 and insert:

"Sections 1 to 8 are effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, line 5, delete "levels;"

Page 1, lines 15 and 16, delete "473.711, subdivision 2a;"

Page 1, line 17, delete everything after the first comma and insert "section"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Law.

The report was adopted.

Dauids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 946, A bill for an act relating to insurance; regulating the insurance guaranty association; amending Minnesota Statutes 2002, sections 60C.02, subdivision 1; 60C.03, subdivisions 5, 9; 60C.04; 60C.05, subdivision 1; 60C.07, subdivision 2; 60C.09; 60C.11, subdivision 7; 60C.16; repealing Minnesota Statutes 2002, section 60C.18.

Reported the same back with the following amendments:

Page 2, line 4, after the semicolon, insert "or"

Page 2, delete line 5

Page 2, line 6, delete "(13)" and insert "(12)"

Pages 2 and 3, delete section 4

Page 8, after line 36, insert:

"Sec. 9. Minnesota Statutes 2002, section 60C.18, subdivision 1, is amended to read:

Subdivision 1. The rates and premiums charged for insurance policies and fidelity and surety bonds to which this chapter applies ~~must~~ may include amounts sufficient to recoup a sum equal to the amounts paid to the association by the member insurer less any amounts returned to the member insurer by the association. The rates shall not be deemed excessive because they contain an amount reasonably calculated to recoup assessments paid by the member insurer.

Sec. 10. Minnesota Statutes 2002, section 72A.501, subdivision 2, is amended to read:

Subd. 2. [APPLICATION.] (a) If the authorization is signed to collect information in connection with an application for a property and casualty insurance policy, a policy reinstatement, or a request for a change in benefits, the authorization must not remain valid for longer than one year from the date the authorization is signed or the date the insurer grants or denies coverage, reinstatement, or change in benefits, whichever is sooner.

(b) If the authorization is signed to collect information in connection with an application for a life, disability, and health insurance policy or contract, reinstatement, or request for change in benefits, the authorization may not remain valid for longer than 26 months from the date the authorization is signed.

(c) This section does not apply to the collection and use of a numeric product referred to as an insurance score or credit score that is used by a licensed insurance agent exclusively for the purpose of underwriting or rating an insurance policy, if the agent informs the policyholder or prospective policyholder requesting the insurance coverage that an insurance score or credit score will be obtained for the purpose of underwriting or rating the policy.

Page 9, line 2, after the second comma, insert "subdivision 2."

Page 9, line 4, delete "10" and insert "8 and 11"

Page 9, line 6, after the period, insert "Section 10 is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "regulating the collection and use of certain insurance information;"

Page 1, line 5, delete "60C.04;"

Page 1, line 7, after the first semicolon, insert "60C.18, subdivision 1; 72A.501, subdivision 2;"

Page 1, line 8, before the period, insert ", subdivision 2"

With the recommendation that when so amended the bill pass.

The report was adopted.

Davids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 971, A bill for an act relating to insurance; prohibiting certain insurers from transacting business in the state; proposing coding for new law in Minnesota Statutes, chapter 60A.

Reported the same back with the following amendments:

Page 1, line 8, before "No" insert "(a)"

Page 1, lines 11 and 14, delete "515" and insert "115"

Page 1, after line 21, insert:

"(b) This section does not apply to an insurance company if its sole insurance business in this state is providing workers' compensation insurance and associated employers' liability coverage to an employer principally located in the insurer's state of domicile whose employee may receive benefits under section 176.041, subdivision 4, provided the operations of the employer are for fewer than 30 consecutive days in this state and provided the employer has no other significant contacts with this state.

(c) This section does not apply to a fund established under section 16B.85, subdivision 2."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Law.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 975, A bill for an act relating to public employees; transferring responsibilities relating to local government pay equity to the state auditor; authorizing the state auditor to adopt rules and collect a fee; amending Minnesota Statutes 2002, sections 471.999; 477A.014, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 6; repealing Minnesota Statutes 2002, section 43A.04, subdivision 10.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Boudreau from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 977, A bill for an act relating to education; making supervised competitive high school diving occurring in pools built before January 1, 1987, subject to the swimming and diving rules of the national federation of state high school associations; amending Minnesota Statutes 2002, section 128C.05, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 12, before "Notwithstanding" insert "(a)"

Page 1, line 16, after the period, insert "A school or district using a pool for supervised competitive high school diving under this provision must provide appropriate notice to parents and participants.

(b) Paragraph (a) applies only to a school or district that provided a high school diving program during the 2000-2001 school year."

With the recommendation that when so amended the bill pass.

The report was adopted.

Westrom from the Committee on Regulated Industries to which was referred:

H. F. No. 995, A bill for an act relating to utilities; modifying notice and plan requirements before excavating around utility facilities; allowing notice exception for emergency; requiring rules for damage reports; making technical and clarifying changes; amending Minnesota Statutes 2002, sections 216D.04, subdivisions 1, 1a, 2, 3, 4; 216D.05; 216D.06, subdivision 3, by adding a subdivision; 216D.08, subdivision 1.

Reported the same back with the following amendments:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 2002, section 216D.01, is amended by adding a subdivision to read:

Subd. 12. [UTILITY QUALITY LEVEL.] "Utility quality level" means a professional opinion about the quality and reliability of utility information. There are four levels of utility quality information, ranging from the most precise and reliable, level A, to the least precise and reliable, level D. The utility quality level must be determined in accordance with guidelines established by the Construction Institute of the American Society of Civil Engineers in document CI/ASCE 38-02 entitled "Standard Guidelines for the Collection and Depiction of Existing Subsurface Utility Data."

Page 2, line 16, delete the new language

Page 2, line 29, delete "(e)" and strike the old language

Page 2, strike lines 30 to 36

Page 3, strike lines 1 to 5

Page 3, line 20, after "contract" insert "and must depict the utility quality level of that information"

Page 4, line 20, delete the new language and insert "Prior to the excavation start time on the notice,"

Pages 7 and 8, delete sections 7, 8, and 9

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete everything before "making"

Page 1, line 7, after "sections" insert "216D.01, by adding a subdivision;"

Page 1, line 8, delete everything after "216D.05"

Page 1, line 9, delete everything before the period

With the recommendation that when so amended the bill pass.

The report was adopted.

Stang from the Committee on Higher Education Finance to which was referred:

H. F. No. 999, A bill for an act relating to higher education; adding students to the regent advisory council; amending Minnesota Statutes 2002, section 137.0245, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 13, delete "full-time"

Page 1, line 14, after "student" insert "enrolled in a degree program"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 1003, A bill for an act relating to public employees; providing an exclusion from the political subdivision compensation limit; amending Minnesota Statutes 2002, section 43A.17, subdivision 9.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 1006, A bill for an act relating to elections; providing for conformity with the federal Help America Vote Act; creating a complaint process; imposing a penalty; amending Minnesota Statutes 2002, sections 201.021; 201.022; 201.061, subdivision 1, by adding subdivisions; 201.071, subdivisions 1, 3, by adding a subdivision; 201.091, subdivisions 4, 5; 201.121, subdivision 1; 201.13, subdivision 1; 201.15; 201.155; 201.161; 201.171; 201.221, subdivisions 2, 3; 203B.06, subdivision 4; 203B.08, subdivision 3; 203B.12, subdivision 2; 203B.16, by adding a subdivision; 203B.17; 203B.19; 203B.24, subdivision 2; 203B.26; 204B.47; 204C.10; 206.57, by adding subdivisions; 206.81; proposing coding for new law in Minnesota Statutes, chapters 200; 201; 204C.

Reported the same back with the following amendments:

Page 7, after line 35, insert:

"Sec. 7. Minnesota Statutes 2002, section 201.061, subdivision 3, is amended to read:

Subd. 3. [ELECTION DAY REGISTRATION.] 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 residence. An individual may prove identity and residence for purposes of registering by:

(1) showing a driver's license or Minnesota identification card issued pursuant to section 171.07;

(2) showing any picture identification document approved by the secretary of state as proper identification;

(3) showing one of the following:

(i) a current valid student picture 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) a current student fee statement that contains the student's valid address in the precinct together with a picture identification card;

(4) showing a picture identification card or document listed in clause (1), (2), or (3), and proving current residence in the precinct by 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; or

(5) for tribal band members living on an Indian reservation, an individual may prove residence for purposes of registering by showing an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, street address, signature, and picture of the individual. The county auditor of each county having territory within the reservation shall maintain a record of the number of election day registrations accepted under this section.

A county, school district, or municipality may require that an election judge responsible for election day registration initial each completed registration card."

Page 9, line 10, after the period, insert "A county or municipality may attempt to obtain this information for a registration card accepted before January 1, 2004, 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."

Page 9, after line 21, insert:

"Sec. 11. Minnesota Statutes 2002, section 201.071, is amended by adding a subdivision to read:

Subd. 9. [EXISTING CARDS.] Existing stocks of registration cards printed before August 1, 2003, 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 July 31, 2003, must conform with this section.

Sec. 12. Minnesota Statutes 2002, 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. 13. Minnesota Statutes 2002, 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. 14. Minnesota Statutes 2002, 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.

Page 9, line 30, after the period, insert "The list must not contain the final four digits of the social security number of any voter."

Page 12, line 36, after "report" insert "at least"

Page 13, line 1, after the second comma, insert "final four digits of the voter's social security number (or the statement "NONE" if the voter has no social security number)."

Page 13, line 5, after the second comma, insert "final four digits of the voter's social security number (or the statement "NONE" if the voter has no social security number)."

Page 13, line 7, strike everything after "shall"

Page 13, strike line 8

Page 13, line 9, strike "prepare" and insert "forward" and strike "registrants for" and insert "individuals to"

Page 13, line 10, after "shall" insert "determine if any person identified in the report as a resident of the county is registered to vote in the county and" and strike "those registrants" and insert "each registrant"

Page 14, line 26, delete everything after "office"

Page 14, line 27, delete everything before the period

Pages 21 and 22, delete section 30 and insert:

"Sec. 35. Minnesota Statutes 2002, 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, address, signature, 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."

Page 24, line 18, before "COURT" insert "STATE"

Page 24, line 19, after "the" insert "state"

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to elections; providing for conformity with the federal Help America Vote Act; creating a complaint process; imposing a penalty; amending Minnesota Statutes 2002, sections 201.021; 201.022; 201.061, subdivisions 1, 3, by adding subdivisions; 201.071, subdivisions 1, 3, by adding subdivisions; 201.091, subdivisions 1, 4, 5, by adding a subdivision; 201.121, subdivision 1; 201.13, subdivision 1; 201.15; 201.155; 201.161; 201.171; 201.221, subdivisions 2, 3; 203B.06, subdivision 4; 203B.08, subdivision 3; 203B.12, subdivision 2; 203B.16, by adding a subdivision; 203B.17; 203B.19; 203B.24, subdivision 2; 203B.26; 204B.47; 204C.10; 206.57, by adding subdivisions; 206.81; proposing coding for new law in Minnesota Statutes, chapters 200; 201; 204C."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Law.

The report was adopted.

Boudreau from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 1026, A bill for an act relating to human services; authorizing a medical assistance capitated payment option for waived services, day training and habilitation services, and intermediate care facility services for persons with mental retardation or a related condition; amending Minnesota Statutes 2002, sections 252.46, by adding a subdivision; 256B.69, subdivisions 6a, 23; proposing coding for new law in Minnesota Statutes, chapter 256B.

Reported the same back with the following amendments:

Page 4, lines 10 to 32, delete the new language and insert:

"(b) Notwithstanding chapter 245B, sections 252.40 to 252.46, 256B.092, 256B.501 to 256B.5015, and Minnesota Rules, parts 9525.0004 to 9525.0036, 9525.1200 to 9525.1330, 9525.1580, and 9525.1800 to 9525.1930, the commissioner may implement under this section projects for persons with developmental disabilities. The commissioner may capitate payments for ICF/MR services, waived services for mental retardation or related conditions, including case management services, day training and habilitation and alternative active treatment services, and other services as approved by the state and by the federal government. Case management and active treatment must be individualized and developed in accordance with a person-centered plan. Costs under these projects may not exceed costs that would have been incurred under fee-for-service. Beginning July 1, 2003, and until two years after the pilot project implementation date, subcontractor participation in the long-term care developmental disability pilot is limited to a nonprofit long-term care system providing ICF/MR services, home and community-based waiver services, and in-home services to no more than 120 consumers with developmental disabilities in Carver, Hennepin, and Scott counties. The commissioner shall report to the legislature prior to expansion of the developmental disability pilot project. This paragraph expires two years after the implementation date of the pilot project."

Page 4, line 33, before "Before" insert "(c)"

Page 5, line 2, strike "(b)" and insert "(d)"

Page 5, after line 7, insert:

"Sec. 5. [NOTIFICATION.]

The commissioner of human services shall notify the revisor of statutes of the implementation date of the pilot project established under Minnesota Statutes, section 256B.69, subdivision 23, paragraph (b)."

With the recommendation that when so amended the bill pass.

The report was adopted.

Davids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 1028, A bill for an act relating to landlords and tenants; modifying provisions relating to applicant screening fees; amending Minnesota Statutes 2002, section 504B.173, subdivision 1, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 18, before the period, insert "not to exceed two weeks"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Law.

The report was adopted.

Smith from the Committee on Judiciary Policy and Finance to which was referred:

H. F. No. 1036, A bill for an act relating to corrections; proposing coding for new law in Minnesota Statutes, chapter 243.

Reported the same back with the following amendments:

Page 1, line 6, delete everything before "Where"

Page 1, line 8, after "must" insert ", to the extent possible,"

Page 1, delete lines 11 and 12

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "requiring regular meals to be provided to inmates;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Gunther from the Committee on Jobs and Economic Development Finance to which was referred:

H. F. No. 1048, A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing sale of state bonds; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Transportation Finance.

The report was adopted.

Boudreau from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 1095, A bill for an act relating to human services; extending the deadline for commencing construction for previously approved moratorium projects; providing for expired and canceled proposals; amending Minnesota Statutes 2002, section 144A.073, by adding subdivisions.

Reported the same back with the following amendments:

Page 1, line 18, delete "A"

Page 1, delete lines 19 to 26 and insert "The commissioner shall monitor the status of projects approved under this section to identify, in consultation with each facility with an approved project, if projects will be canceled or will expire. For projects that have been canceled or have expired, if originally approved after June 30, 2001, the commissioner's approval authority for the estimated annual state cost to medical assistance shall carry forward and shall be available for the issuance of a new moratorium round later in that fiscal year or in either of the following two fiscal years."

Page 2, delete lines 1 to 14

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swenson from the Committee on Agriculture Policy to which was referred:

H. F. No. 1096, A bill for an act relating to agriculture; expanding opportunities for the development of rural economic infrastructure; establishing an annual appropriation; amending Minnesota Statutes 2002, section 41A.09, subdivisions 1, 2a, 3a; repealing Minnesota Statutes 2002, section 41A.09, subdivisions 1a, 5a, 6.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Agriculture and Rural Development Finance.

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1122, A bill for an act relating to local government; providing alternative methods for publication of proceedings and public notices; amending Minnesota Statutes 2002, section 331A.03, subdivision 1, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 331B.

Reported the same back with the following amendments:

Page 2, delete lines 7 to 11 and insert:

"Subd. 2. [NEWSLETTER.] "Newsletter" means a print publication of the local public corporation that is delivered to substantially all households and businesses located in the jurisdiction."

Page 2, line 12, delete "4" and insert "3"

Page 2, line 16, delete "ANNUAL" and after "DESIGNATION" insert ", NOTICE"

Page 2, line 18, before "At" insert "Subdivision 1. [ANNUAL DESIGNATION.]"

Page 2, line 21, delete "or more"

Page 2, after line 30, insert:

"Subd. 2. [REGULAR NOTICE.] A local public corporation that designates an alternative method of publication must publish at the same time each month in the local public corporation's official newspaper or newsletter a summary of the types of items that will be published that month by the alternative method designated under subdivision 1. The monthly notice must also indicate how to find the publications by the designated alternative method. This subdivision does not apply during the six-month transition period under subdivision 3.

Subd. 3. [TRANSITION.] For the first six months after a local public corporation designates an alternative method of publication under this chapter, it must continue to publish proceedings and public notices in the official newspaper in addition to in the alternative method. Each publication in the official newspaper must indicate where to find the designated alternative method."

Page 3, delete lines 2 to 17 and insert:

"Subd. 2. [NEWSLETTER.] The local public corporation may publish any proceedings or public notice required to be published by including the proceedings or public notice in a newsletter of the local public corporation. Specific requirements for the format or placement of the proceedings or public notice do not apply to publication in the newsletter. In addition to distribution to substantially all households and businesses in the jurisdiction, the local public corporation must provide the newsletter to any person who asks to receive proceedings or public notices."

Page 3, line 18, delete everything after "RETENTION"

Page 3, line 19, delete "PUBLICATION"

Page 3, line 20, delete everything before "A"

Page 3, delete lines 24 to 27

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Law.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 1133, A bill for an act relating to public employees; transferring duties relating to exceptions to the political subdivision compensation limit; authorizing the state auditor to charge a fee; proposing coding for new law in Minnesota Statutes, chapter 15A; repealing Minnesota Statutes 2002, section 43A.17, subdivision 9.

Reported the same back with the following amendments:

Page 2, line 28, delete everything after the period

Page 2, delete lines 29 to 34

Page 2, line 35, delete everything before "The" and insert:

"Before granting an increase in the limitation, the state auditor must submit the proposed increase to the legislative coordinating commission for its review and recommendation. The recommendation is advisory only. If the commission fails to make a recommendation with 30 days from its receipt of the proposal, it is deemed to have made no recommendation."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Boudreau from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 1139, A bill for an act relating to human services; making technical changes; requiring a report on long-term care; amending Minnesota Statutes 2002, sections 245A.035, subdivision 3; 245A.04, subdivisions 3b, 3d; 256B.056, subdivision 6; 256B.057, subdivision 10; 256B.064, subdivision 2; 256B.437, subdivision 2; 256B.76; 256B.761; 256D.03, subdivision 3a; 256L.12, subdivision 6; 260C.141, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 144A; repealing Minnesota Statutes 2002, sections 62J.66; 62J.68; 144A.071, subdivision 5; 144A.35; Laws 1998, chapter 407, article 4, section 63.

Reported the same back with the following amendments:

Page 32, after line 18, insert:

"Sec. 14. [REPORT ON LONG-TERM CARE.]

The report on long-term care services required under Minnesota Statutes, section 144A.351, that is presented to the legislature by January 15, 2004, must also address the feasibility of offering government or private sector loans or lines of credit to individuals age 65 and over, for the purchase of long-term care services."

Page 32, line 19, delete "14" and insert "15"

Page 32, after line 23, insert:

"(c) Minnesota Rules, parts 9505.3045; 9505.3050; 9505.3055; 9505.3060; 9505.3068; 9505.3070; 9505.3075; 9505.3080; 9505.3090; 9505.3095; 9505.3100; 9505.3105; 9505.3107; 9505.3110; 9505.3115; 9505.3120; 9505.3125; 9505.3130; 9505.3138; 9505.3139; 9505.3140; 9505.3680; 9505.3690; and 9505.3700, are repealed effective July 1, 2003."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "eliminating certain community alternative programs;"

Page 1, line 13, before the period, insert "; Minnesota Rules, parts 9505.3045; 9505.3050; 9505.3055; 9505.3060; 9505.3068; 9505.3070; 9505.3075; 9505.3080; 9505.3090; 9505.3095; 9505.3100; 9505.3105; 9505.3107; 9505.3110; 9505.3115; 9505.3120; 9505.3125; 9505.3130; 9505.3138; 9505.3139; 9505.3140; 9505.3680; 9505.3690; 9505.3700"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Boudreau from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 1141, A bill for an act relating to veterans homes; updating and correcting certain language; amending Minnesota Statutes 2002, sections 198.001, by adding a subdivision; 198.004, subdivision 1; 198.005; 198.007; repealing Minnesota Statutes 2002, sections 198.001, subdivision 7; 198.002, subdivision 5; 198.003, subdivision 2.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy.

The report was adopted.

Sykora from the Committee on Education Policy to which was referred:

H. F. No. 1145, A bill for an act relating to education; coordinating crisis services with removal of certain students; providing for district student removal reports to department of children, families, and learning; increasing graduation rates of students with emotional or behavioral disturbance; requiring warning signs of mental illness to be included in continuing education requirements for teachers; providing for rulemaking; amending Minnesota Statutes 2002, sections 121A.55; 121A.61, subdivision 3; 122A.09, subdivision 4; 125A.08.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 120B.35, is amended by adding a subdivision to read:

Subd. 5. [IMPROVING GRADUATION RATES FOR STUDENTS WITH EMOTIONAL OR BEHAVIORAL DISORDERS.] (a) A district must develop strategies in conjunction with the county board responsible for implementing sections 245.487 to 245.4888 to keep a student with emotional or behavioral disorders in school, when the district has a drop-out rate for students with an emotional or behavioral disorder exceeding 25 percent.

(b) A district must develop a plan in conjunction with the local mental health authority to increase the graduation rates of students with emotional or behavioral disorders. A district with a drop-out rate for children with an emotional or behavioral disturbance in the top 25 percent of all districts shall submit a plan for review and oversight to the commissioner.

Sec. 2. Minnesota Statutes 2002, section 121A.55, is amended to read:

121A.55 [POLICIES TO BE ESTABLISHED.]

(a) The commissioner of children, families, and learning shall promulgate guidelines to assist each school board. Each school board shall establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies shall emphasize preventing dismissals through early detection of problems and shall be designed to address students' inappropriate behavior from recurring. The policies shall recognize the continuing responsibility of the school for the education of the pupil during the dismissal period. The alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress towards meeting the graduation standards adopted under section 120B.02 and help prepare the pupil for readmission.

(b) An area learning center under section 123A.05 may not prohibit an expelled or excluded pupil from enrolling solely because a district expelled or excluded the pupil. The board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to exclude a pupil or to require an admission plan.

(c) The commissioner shall actively encourage and assist school districts to cooperatively establish alternative educational services within school buildings or at alternative program sites that offer instruction to pupils who are dismissed from school for willfully engaging in dangerous, disruptive, or violent behavior, including for possessing a firearm in a school zone.

(d) Each school district shall develop a policy and report it to the commissioner on the appropriate use of peace officers and crisis teams to remove students who have an individualized education plan from school grounds.

Sec. 3. Minnesota Statutes 2002, section 121A.61, subdivision 3, is amended to read:

Subd. 3. [POLICY COMPONENTS.] The policy must include at least the following components:

- (a) rules governing student conduct and procedures for informing students of the rules;
- (b) the grounds for removal of a student from a class;
- (c) the authority of the classroom teacher to remove students from the classroom pursuant to procedures and rules established in the district's policy;
- (d) the procedures for removal of a student from a class by a teacher, school administrator, or other school district employee;
- (e) the period of time for which a student may be removed from a class, which may not exceed five class periods for a violation of a rule of conduct;
- (f) provisions relating to the responsibility for and custody of a student removed from a class;
- (g) the procedures for return of a student to the specified class from which the student has been removed;
- (h) the procedures for notifying a student and the student's parents or guardian of violations of the rules of conduct and of resulting disciplinary actions;
- (i) any procedures determined appropriate for encouraging early involvement of parents or guardians in attempts to improve a student's behavior;
- (j) any procedures determined appropriate for encouraging early detection of behavioral problems;
- (k) any procedures determined appropriate for referring a student in need of special education services to those services;
- (l) the procedures for consideration of whether there is a need for a further assessment or of whether there is a need for a review of the adequacy of a current individual education plan of a student with a disability who is removed from class;
- (m) procedures for detecting and addressing chemical abuse problems of a student while on the school premises;
- (n) the minimum consequences for violations of the code of conduct;
- (o) procedures for immediate and appropriate interventions tied to violations of the code; ~~and~~
- (p) a provision that states that a teacher, school employee, school bus driver, or other agent of a district may use reasonable force in compliance with section 121A.582 and other laws; and
- (q) an agreement of procedures to coordinate crisis services to the extent funds are available with the county board responsible for implementing sections 245.487 to 245.4888 for students with a serious emotional disturbance or other students who have an individualized education plan whose behavior may be addressed by crisis intervention.

Sec. 4. Minnesota Statutes 2002, section 122A.09, subdivision 4, is amended to read:

Subd. 4. [LICENSE AND RULES.] (a) The board must adopt rules to license public school teachers and interns subject to chapter 14.

(b) The board must adopt rules requiring a person to successfully complete a skills examination in reading, writing, and mathematics as a requirement for initial teacher licensure. Such rules must require college and universities offering a board approved teacher preparation program to provide remedial assistance to persons who did not achieve a qualifying score on the skills examination, including those for whom English is a second language.

(c) The board must adopt rules to approve teacher preparation programs. The board, upon the request of a post-secondary student preparing for teacher licensure or a licensed graduate of a teacher preparation program, shall assist in resolving a dispute between the person and a post-secondary institution providing a teacher preparation program when the dispute involves an institution's recommendation for licensure affecting the person or the person's credentials. At the board's discretion, assistance may include the application of chapter 14.

(d) The board must provide the leadership and shall adopt rules for the redesign of teacher education programs to implement a research based, results-oriented curriculum that focuses on the skills teachers need in order to be effective. The board shall implement new systems of teacher preparation program evaluation to assure program effectiveness based on proficiency of graduates in demonstrating attainment of program outcomes.

(e) The board must adopt rules requiring successful completion of an examination of general pedagogical knowledge and examinations of licensure-specific teaching skills. The rules shall be effective on the dates determined by the board but not later than September 1, 2001.

(f) The board must adopt rules requiring teacher educators to work directly with elementary or secondary school teachers in elementary or secondary schools to obtain periodic exposure to the elementary or secondary teaching environment.

(g) The board must grant licenses to interns and to candidates for initial licenses.

(h) The board must design and implement an assessment system which requires a candidate for an initial license and first continuing license to demonstrate the abilities necessary to perform selected, representative teaching tasks at appropriate levels.

(i) The board must receive recommendations from local committees as established by the board for the renewal of teaching licenses.

(j) The board must grant life licenses to those who qualify according to requirements established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and 214.10. The board must not establish any expiration date for application for life licenses.

(k) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further preparation in the areas of using positive behavior interventions and in accommodating, modifying, and adapting curricula, materials, and strategies to appropriately meet the needs of individual students and ensure adequate progress toward the state's graduation rule.

(l) In adopting rules to license public school teachers who provide health-related services for disabled children, the board shall adopt rules consistent with license or registration requirements of the commissioner of health and the health-related boards who license personnel who perform similar services outside of the school.

(m) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further reading preparation, consistent with section 122A.06, subdivision 4. The rules do not take effect until they are approved by law.

(n) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further preparation in understanding the key warning signs of early-onset mental illness in children and adolescents."

Amend the title as follows:

Page 1, line 10, after "sections" insert "120B.35, by adding a subdivision;"

Page 1, line 11, delete the second semicolon and insert a period

Page 1, delete line 12

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy.

The report was adopted.

Sykora from the Committee on Education Policy to which was referred:

H. F. No. 1147, A bill for an act relating to education; authorizing postsecondary enrollment options courses to be taught at nonpublic schools; amending Minnesota Statutes 2002, section 124D.09, subdivision 10.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Education Finance.

The report was adopted.

Erhardt from the Committee on Transportation Policy to which was referred:

H. F. No. 1168, A bill for an act relating to transportation; authorizing commissioner of transportation to charge varying user fees for single-occupant vehicles using high-occupancy vehicle lanes; allowing electronic toll collection; depositing money in special revenue fund; appropriating money for implementation and transit improvements; exempting commissioner from rulemaking and certain statutory provisions; imposing petty misdemeanor penalty; proposing coding for new law in Minnesota Statutes, chapter 160.

Reported the same back with the following amendments:

Page 1, line 28, delete everything after the period and insert "A separate account must be established for each trunk highway corridor. For each such account:

(1) one-half of all money in the account is appropriated to the commissioner for implementation and administration of the user fee system and for transportation capital improvements to the corridor; and

(2) one-half of all money in the account is appropriated to the metropolitan council for expansion and improvement of transit and carpooling services within the corridor beyond the level of service provided on January 1, 2003."

Page 2, delete lines 1 to 6

Page 2, delete lines 10 to 14

Amend the title as follows:

Page 1, line 9, delete everything after the first semicolon

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy.

The report was adopted.

Smith from the Committee on Judiciary Policy and Finance to which was referred:

H. F. No. 1226, A bill for an act relating to criminal justice; expanding permitted uses of funds in automobile theft prevention special revenue account; modifying structure of financial crimes task force and modifying related policies; repealing sunset provision; making clarifying changes; amending Minnesota Statutes 2002, sections 168A.40; 299A.68; 299A.75, subdivisions 1, 3.

Reported the same back with the following amendments:

Pages 1 and 2, delete section 1

Page 2, line 19, delete "Sec. 2." and insert "Section 1."

Page 5, line 17, delete "shall" and insert ", as funding permits, may"

Page 6, line 14, delete "The"

Page 6, delete lines 15 and 16 and insert "The advisory board shall oversee and select a fiscal agent qualified to handle financial accounting of task force funding. The task force shall be assigned an originating reporting number for case tracking and reporting purposes."

Page 7, line 5, after "transfer" insert "all"

Page 7, line 6, delete "the fraud and theft prevention special revenue account" and insert "financial contributions and grants designated to the task force"

Page 7, line 14, strike "June 30, 2002" and insert "July 1, 2003"

Page 7, delete lines 27 and 28 and insert:

"Subd. 11. [EXPIRATION TASK FORCE IS PERMANENT.] ~~This section expires on June 30, 2003~~
Notwithstanding section 15.059, this section does not expire."

Page 7, line 30, delete everything after "source" and insert "or legal business or entity."

Page 7, delete lines 31 to 36

Page 8, delete lines 1 to 3

Pages 8 to 10, delete sections 3 and 4

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete line 3

Page 1, line 4, delete "revenue account;"

Page 1, line 7, delete "sections 168A.40;" and insert "section"

Page 1, line 8, delete "; 299A.75, subdivisions 1, 3"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy.

The report was adopted.

Dauids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 1234, A bill for an act relating to cemeteries; providing for correction of interment errors; proposing coding for new law in Minnesota Statutes, chapters 306; 307.

Reported the same back with the following amendments:

Page 1, line 10, after the comma, insert "unless the interested parties have agreed otherwise in writing."

With the recommendation that when so amended the bill pass.

The report was adopted.

Boudreau from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 1251, A bill for an act relating to health; permitting single background study for home care provider employees; excluding licensed home care agencies from supplemental nursing services law; excluding certain home care agencies from state survey requirements; amending Minnesota Statutes 2002, sections 144.057, subdivision 1; 144A.46, by adding a subdivision; 144A.70, subdivision 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 144A.70, subdivision 6, is amended to read:

Subd. 6. [SUPPLEMENTAL NURSING SERVICES AGENCY.] "Supplemental nursing services agency" means a person, firm, corporation, partnership, or association engaged for hire in the business of providing or procuring temporary employment in health care facilities for nurses, nursing assistants, nurse aides, and orderlies. Supplemental nursing services agency does not include an individual who only engages in providing the individual's services on a temporary basis to health care facilities. Supplemental nursing services agency does not include a professional home care agency licensed as a Class A provider under section 144A.46 and rules adopted thereunder that only provides staff to other home care providers.

Sec. 2. [CHANGES TO THE MEDICARE CONDITIONS OF PARTICIPATION FOR HOME HEALTH AGENCIES.]

(a) The commissioner of health shall convene a working group to consist of home care providers and other interested individuals. The first purpose of this group is to develop a summary of federal home care agency regulations and laws that hamper state flexibility and place burdens on the goal of achieving a high quality of services, such as provisions requiring rigid time frames for the completion of supervisory visits by registered nurses and for the submission of home care client assessment information. The commissioner shall share this summary with the legislature, other states, and national groups that advocate for state interests. The commissioner shall work with officials of the federal government and with members of the Minnesota congressional delegation to achieve necessary changes in the law.

(b) The commissioner of health shall also review with this working group the current licensure process for home care providers and evaluate continued appropriateness of that process. This review shall consider federal certification regulations for home care and hospice and the need to have separate licensure provisions for certified facilities. The commissioner shall make recommendations to the legislature by January 1, 2005.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to health; excluding certain licensed home care agencies from supplemental nursing services law; requiring a review and report on certain home care provider laws; amending Minnesota Statutes 2002, section 144A.70, subdivision 6."

With the recommendation that when so amended the bill pass.

The report was adopted.

Sykora from the Committee on Education Policy to which was referred:

H. F. No. 1336, A bill for an act relating to education; establishing requirements for qualified teachers and paraprofessionals; amending Minnesota Statutes 2002, section 122A.22; proposing coding for new law in Minnesota Statutes, chapter 122A.

Reported the same back with the following amendments:

Page 1, line 16, delete "their" and insert "an"

Page 1, line 25, delete "Before supervising or working" and insert "Within 60 days of the date on which a paraprofessional begins to supervise or work"

Page 2, line 8, delete "diversity,"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy.

The report was adopted.

Swenson from the Committee on Agriculture Policy to which was referred:

H. F. No. 1374, A bill for an act relating to agriculture; providing for the headquarters of the department of agriculture to be named after Orville L. Freeman.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

REPORT FROM THE COMMITTEE ON WAYS AND MEANS

Knoblach from the Committee on Ways and Means, pursuant to House Rule 4.03, reported as follows:

Amend House Resolution No. 6 setting the maximum limit on general fund expenditures for the biennium ending June 30, 2005, and adopted on March 10, 2003, as follows:

Page 1, line 6, delete "\$26,544,216,000" and insert "\$26,564,414,000"

Knoblach moved that the Report from the Committee on Ways and Means be now adopted.

A roll call was requested and properly seconded.

Pursuant to rule 2.21, Solberg gave notice of his intent to debate House Resolution No. 6.

The Speaker ruled the Solberg notice of intent to debate a resolution not in order.

The question recurred on the Knoblach motion and the roll was called. There were 79 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Harder	Lindgren	Penas	Urdahl
Abrams	DeLaForest	Heidgerken	Lindner	Powell	Vandever
Adolphson	Demmer	Holberg	Lipman	Rhodes	Walz
Anderson, B.	Dempsey	Hoppe	Magnus	Ruth	Wardlow
Anderson, J.	Dorman	Howes	McNamara	Samuelson	Westerberg
Beard	Eastlund	Jacobson	Meslow	Seagren	Westrom
Blaine	Erhardt	Johnson, J.	Nelson, C.	Seifert	Wilkin
Borrell	Erickson	Kielkucki	Nelson, P.	Severson	Zellers
Boudreau	Finstad	Klinzing	Nornes	Smith	Spk. Sviggum
Bradley	Fuller	Knoblach	Olsen, S.	Soderstrom	
Brod	Gerlach	Kohls	Olson, M.	Stang	
Buesgens	Gunther	Krinkie	Osterman	Swenson	
Cornish	Haas	Kuisle	Ozment	Sykora	
Cox	Hackbarth	Lanning	Paulsen	Tingelstad	

Those who voted in the negative were:

Anderson, I.	Ellison	Jaros	Lieder	Otto	Solberg
Atkins	Entenza	Johnson, S.	Mahoney	Paymar	Thao
Bernardy	Goodwin	Juhnke	Mariani	Pelowski	Thissen
Biernat	Greiling	Kahn	Marquart	Peterson	Wagenius
Carlson	Hausman	Koenen	Mullery	Pugh	Walker
Clark	Hilstrom	Larson	Murphy	Rukavina	Wasiluk
Davnie	Hilty	Latz	Nelson, M.	Sertich	
Dill	Hornstein	Lenczewski	Opatz	Sieben	
Eken	Huntley	Lesch	Otremba	Slawik	

The motion prevailed and the Report from the Committee on Ways and Means was adopted.

NOTICE OF INTENT TO MOVE RECONSIDERATION

Pursuant to rule 3.14, Paulsen gave notice of his intent to move reconsideration of the vote whereby the Report from the Committee on Ways and Means relating to House Resolution No. 6 was adopted.

MOTION FOR RECONSIDERATION

Paulsen moved that the vote whereby the Report from the Committee on Ways and Means was adopted be now reconsidered.

A roll call was requested and properly seconded.

POINT OF ORDER

Seifert raised a point of order pursuant to section 114 of "Mason's Manual of Legislative Procedure," relating to Asking Questions of Members. The Speaker ruled the point of order not well taken.

The question recurred on the Paulsen motion and the roll was called. There were 0 yeas and 91 nays as follows:

Those who voted in the negative were:

Abeler	DeLaForest	Hilstrom	Lenczewski	Otto	Sykora
Abrams	Demmer	Holberg	Lesch	Ozment	Tingelstad
Adolphson	Dempsey	Hoppe	Lindgren	Paulsen	Urdahl
Anderson, B.	Dill	Hornstein	Lindner	Pelowski	Vandever
Anderson, J.	Dorman	Howes	Lipman	Penas	Walz
Beard	Eastlund	Jacobson	Magnus	Powell	Wardlow
Blaine	Erhardt	Jaros	Marquart	Rhodes	Westerberg
Borrell	Erickson	Johnson, J.	McNamara	Ruth	Westrom
Boudreau	Finstad	Kielkucki	Meslow	Samuelson	Wilkin
Bradley	Fuller	Klinzing	Nelson, C.	Seagren	Zellers
Brod	Gerlach	Knoblach	Nelson, M.	Seifert	Spk. Sviggum
Buesgens	Gunther	Kohls	Nelson, P.	Severson	
Carlson	Haas	Krinkie	Nornes	Smith	
Cornish	Hackbarth	Kuisle	Olsen, S.	Soderstrom	
Cox	Harder	Lanning	Olson, M.	Stang	
Dauids	Heidgerken	Larson	Osterman	Swenson	

The Paulsen motion to reconsider did not prevail.

SECOND READING OF HOUSE BILLS

H. F. Nos. 171, 438, 501, 572, 592, 653, 662, 719, 754, 800, 894, 896, 946, 977, 995, 1026, 1095, 1234, 1251 and 1374 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Westerberg, DeLaForest, Tingelstad, Bernardy and Hackbarth introduced:

H. F. No. 1445, A bill for an act relating to highways; authorizing issuance of trunk highway bonds for improvements to marked trunk highway 65; appropriating money.

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

Osterman; Seifert; Kuisle; Klinzing; Otremba; Hoppe; Cox; Soderstrom; Dorman; Rhodes; Nelson, P.; Juhnke; Dill; Zellers; Harder; Magnus; Lindgren and Simpson introduced:

H. F. No. 1446, A bill for an act relating to highways; directing commissioner of transportation to lease safety rest areas or contract for their private operation; proposing coding for new law in Minnesota Statutes, chapter 160.

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

Bernardy and Otremba introduced:

H. F. No. 1447, A bill for an act relating to veterans; permitting World War I and II veterans the same parking privileges as physically disabled persons; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Dill, Davids, Peterson, Penas, Lanning, Heidgerken, Urdahl, Eken, Marquart, Lindgren, Cornish, Koenen, Lieder, Hoppe, Finstad, Simpson, Swenson, Sertich, Otremba, Juhnke, Dorman and Murphy introduced:

H. F. No. 1448, A bill for an act relating to telecommunications; establishing Minnesota rural communications infrastructure fund and appropriating money for providing low-interest loans and grants to communications infrastructure projects in rural Minnesota; imposing a fee on wireless telephone service; providing ten-year sunset date; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Harder, Kuisle and Magnus introduced:

H. F. No. 1449, A bill for an act relating to transportation; modifying transit assistance provisions for annually appropriating money for transit operations; abolishing property tax replacement aid program; making technical and clarifying changes; amending Minnesota Statutes 2002, sections 16A.88, subdivision 1; 174.24, subdivisions 1, 3b; 275.71, subdivision 5; repealing Minnesota Statutes 2002, section 174.242.

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

Lenczewski, Seagren and Larson introduced:

H. F. No. 1450, A bill for an act relating to highways; authorizing issuance of \$774,000,000 in state trunk highway bonds for trunk highway construction projects in Bloomington; appropriating money.

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

Kahn, Kelliher, Biernat, Paymar, Clark, Hornstein and Hausman introduced:

H. F. No. 1451, A bill for an act relating to smoking; prohibiting smoking in workplaces; providing for smoke-free areas in multitenant buildings; amending Minnesota Statutes 2002, sections 144.413, subdivision 2; 144.414, subdivision 1, by adding a subdivision; 144.415; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Urdahl, Kuisle, Swenson, Juhnke, Heidgerken and Blaine introduced:

H. F. No. 1452, A bill for an act relating to agriculture; clarifying the definition of pastures for the purpose of animal feedlot regulation; amending Minnesota Statutes 2002, section 116.07, subdivision 7.

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

Sertich introduced:

H. F. No. 1453, A bill for an act relating to the city of Hibbing; authorizing an extension of a tax increment financing district.

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

Sertich introduced:

H. F. No. 1454, A bill for an act relating to campaign finance; prohibiting party units from accepting contributions indirectly they could not accept directly; amending Minnesota Statutes 2002, section 10A.27, by adding a subdivision.

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

Nelson, P., introduced:

H. F. No. 1455, A bill for an act relating to border city development zones; authorizing the city of Taylors Falls and the town of Franconia to establish zones and exercise border city development zone powers.

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

Slawik, Greiling, Bernardy and Goodwin introduced:

H. F. No. 1456, A bill for an act relating to Head Start; transferring the Head Start program from the department of children, families, and learning to the department of human services.

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

Gunther and Simpson introduced:

H. F. No. 1457, A bill for an act relating to commerce; regulating cigarette delivery sales; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 325D.

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

Severson introduced:

H. F. No. 1458, A bill for an act relating to natural resources; permitting the harvesting of farmed cervidae on licensed shooting preserves; appropriating money; amending Minnesota Statutes 2002, sections 17.451, subdivision 2; 17.452, subdivisions 5, 8; proposing coding for new law in Minnesota Statutes, chapter 84.

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

Cornish introduced:

H. F. No. 1459, A bill for an act relating to highways; directing commissioner of transportation to consider design-build method in reconstructing highway 14; authorizing issuance of trunk highway bonds for improvements to highway 14; appropriating money.

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

Dorman introduced:

H. F. No. 1460, A bill for an act relating to ethanol; clarifying shareholder rights in certain business associations; prohibiting ethanol producer payments for associations not in compliance; amending Minnesota Statutes 2002, section 41A.09, by adding subdivisions.

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

Lanning introduced:

H. F. No. 1461, A bill for an act relating to the city of Moorhead; extending authority to impose a tax levy; amending Laws 2002, chapter 377, article 11, section 1.

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

Hoppe introduced:

H. F. No. 1462, A bill for an act relating to crime prevention; requiring the bureau of criminal apprehension to establish and maintain an Internet Web site containing public criminal history data; amending Minnesota Statutes 2002, section 13.87, subdivision 3.

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

Latz introduced:

H. F. No. 1463, A bill for an act relating to taxation; making changes to sales and use tax provisions to conform to streamlined sales tax project; amending Minnesota Statutes 2002, sections 289A.18, subdivision 4; 289A.20, subdivision 4; 289A.40, subdivision 2; 289A.50, by adding a subdivision; 297A.61, subdivisions 3, 7, 10, 17, 30, 31, by adding subdivisions; 297A.66, by adding a subdivision; 297A.668; 297A.67, subdivisions 7, 8, by adding a subdivision; 297A.68, subdivision 36; 297A.72, subdivision 1; 297A.81; 297A.99, subdivisions 5, 10, 12; 297A.995, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 297A; repealing Minnesota Statutes 2002, sections 297A.61, subdivisions 14, 15, 18; 297A.69, subdivision 5.

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

Pugh, Sieben and Atkins introduced:

H. F. No. 1464, A bill for an act relating to environmental improvement; authorizing phase II stormwater pollution prevention program plans to certain municipalities.

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

Finstad introduced:

H. F. No. 1465, A bill for an act relating to education; using other revenue for recognition of volunteers for extracurricular activities; amending Minnesota Statutes 2002, section 123B.49, subdivision 4.

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

Smith introduced:

H. F. No. 1466, A bill for an act relating to retirement; requiring an actuarial study to determine the costs to restructure the four Minnesota teacher retirement plans.

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

Clark, Mariani and Lieder introduced:

H. F. No. 1467, A bill for an act relating to transportation; requiring commissioner of transportation to require contractors to take certain actions for hiring women and minorities for highway projects; proposing coding for new law in Minnesota Statutes, chapter 161.

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

Peterson, Eken, Otremba, Koenen, Juhnke and Hilty introduced:

H. F. No. 1468, A bill for an act relating to agriculture; providing a mechanism for farmers to reserve seed from an agricultural crop for purposes of planting in subsequent crop years; authorizing a fee; imposing a penalty; amending Minnesota Statutes 2002, sections 21.81, by adding subdivisions; 21.87; proposing coding for new law in Minnesota Statutes, chapter 21.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 6, A Senate concurrent resolution relating to adjournment for more than three days.

PATRICK E. FLAHAVEN, Secretary of the Senate

SUSPENSION OF RULES

Paulsen moved that the rules be so far suspended that Senate Concurrent Resolution No. 6 be now considered and be placed upon its adoption. The motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 6

A Senate concurrent resolution relating to adjournment for more than three days.

Be It Resolved, by the Senate of the State of Minnesota, the House of Representatives concurring:

1. Upon their adjournments on April 16, 2003, the Senate and House of Representatives may each set its next day of meeting for April 22, 2003.

2. Each house consents to adjournment of the other house for more than three days.

Paulsen moved that Senate Concurrent Resolution No. 6 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 6 was adopted.

Mr. Speaker:

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

S. F. No. 293.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 293, A bill for an act relating to state government; ratifying certain state employee labor agreements and compensation plans with certain exceptions; specifying terms and conditions of employment in certain circumstances.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Eastlund moved that the rule therein be suspended and an urgency be declared so that S. F. No. 293 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Eastlund moved that the rules of the House be so far suspended that S. F. No. 293 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 293 was read for the second time.

POINT OF ORDER

Davids raised a point of order pursuant to section 114 of "Mason's Manual of Legislative Procedure," relating to Asking Questions of Members. The Speaker ruled the point of order well taken.

Clark and Entenza moved to amend S. F. No. 293 as follows:

Page 1, lines 14 and 15, delete ", except as provided in subdivision 19"

Page 1, line 22, delete ", except as provided in subdivision 19"

Page 2, lines 3 and 4, delete ", except as provided in subdivision 19"

Page 2, lines 18 and 25, delete ", except as provided in subdivision 19"

Page 2, lines 31 and 32, delete ", except as provided in subdivision 19"

Page 3, lines 3 and 4, delete ", except as provided in subdivision 19"

Page 3, lines 17 and 18, delete ", except as provided in subdivision 19"

Page 3, lines 26 and 27, delete ", except as provided in subdivision 19"

Page 4, line 25, delete ", except as provided in subdivision 19"

Page 4, delete lines 26 to 36

Page 5, delete lines 1 to 3

Page 5, line 8, delete "20" and insert "19"

Page 5, line 18, delete ", except that any provision in"

Page 5, delete line 19

Page 5, line 20, delete "implemented"

A roll call was requested and properly seconded.

The question was taken on the Clark and Entenza amendment and the roll was called.

Pursuant to rule 2.05, the Speaker excused DeLaForest and Opatz from voting on the Clark and Entenza amendment to S. F. No. 293.

There were 35 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Atkins	Ellison	Hornstein	Latz	Paymar	Slawik
Bernardy	Entenza	Huntley	Lesch	Pugh	Thao
Biernat	Goodwin	Jaros	Mariani	Rhodes	Thissen
Carlson	Greiling	Johnson, S.	Mullery	Rukavina	Wagenius
Clark	Hausman	Kahn	Nelson, M.	Sertich	Walker
Davnie	Hilstrom	Larson	Osterman	Sieben	

Those who voted in the negative were:

Abeler	Demmer	Heidgerken	Lenczewski	Olson, M.	Soderstrom
Abrams	Dempsey	Holberg	Lieder	Otremba	Stang
Adolphson	Dill	Hoppe	Lindgren	Otto	Swenson
Anderson, B.	Dorman	Howes	Lindner	Ozment	Sykora
Anderson, J.	Eastlund	Jacobson	Lipman	Paulsen	Tingelstad
Beard	Eken	Johnson, J.	Magnus	Pelowski	Urdahl
Blaine	Erhardt	Juhnke	Mahoney	Penas	Vandever
Borrell	Erickson	Kielkucki	Marquart	Peterson	Walz
Boudreau	Finstad	Klinzing	McNamara	Powell	Wardlow
Bradley	Fuller	Knoblach	Meslow	Ruth	Wasiluk
Brod	Gerlach	Koenen	Murphy	Samuelson	Westerberg
Buesgens	Gunther	Kohls	Nelson, C.	Seagren	Westrom
Cornish	Haas	Krinkie	Nelson, P.	Seifert	Wilkin
Cox	Hackbarth	Kuistle	Nornes	Severson	Zellers
Davids	Harder	Lanning	Olsen, S.	Smith	Spk. Sviggum

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

Ellison, Sieben, Mariani and Davnie moved to amend S. F. No. 293 as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2002, section 43A.27, subdivision 2, is amended to read:

Subd. 2. [ELECTIVE ELIGIBILITY.] The following persons, if not otherwise covered by section 43A.24, may elect coverage for themselves or their dependents at their own expense:

(a) a state employee, including persons on layoff from a civil service position as provided in collective bargaining agreements or a plan established pursuant to section 43A.18;

(b) an employee of the board of regents of the University of Minnesota, including persons on layoff, as provided in collective bargaining agreements or by the board of regents;

(c) an officer or employee of the state agricultural society, state horticultural society, Sibley house association, Minnesota humanities commission, Minnesota area industry labor management councils, Minnesota international center, Minnesota academy of science, science museum of Minnesota, Minnesota safety council, state office of disabled American veterans, state office of the American Legion and its auxiliary, state office of veterans of foreign wars and its auxiliary, or state office of the Military Order of the Purple Heart;

(d) a civilian employee of the adjutant general who is paid from federal funds and who is not eligible for benefits from any federal civilian employee group life insurance or health benefits program; ~~and~~

(e) an officer or employee of the state capitol credit union or the highway credit union; and

(f) a domestic partner of a state employee. For purposes of this clause, "domestic partner" has the meaning given in Agreement between Minnesota State Employees Union AFSCME, Council No. 6, AFL-CIO and the State of Minnesota, for July 1, 2001, through June 30, 2003, Appendix R.

Page 5, line 25, before "Sections" insert "Section 1 is effective as of the beginning of the 2004 benefit year." and delete "1 and 2" and insert "2 and 3"

Page 5, line 33, delete "1 and 2" and insert "2 and 3"

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 Ellison et al amendment and the roll was called.

Pursuant to rule 2.05, the Speaker excused DeLaForest and Opatz from voting on the Ellison et al amendment to S. F. No. 293.

There were 38 yeas and 88 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dill	Hornstein	Lesch	Pugh	Thissen
Atkins	Ellison	Huntley	Lieder	Rukavina	Wagenius
Bernardy	Entenza	Jaros	Mahoney	Sertich	Walker
Biernat	Goodwin	Johnson, S.	Mariani	Sieben	
Carlson	Greiling	Kahn	Mullery	Slawik	
Clark	Hausman	Larson	Nelson, M.	Solberg	
Davnie	Hilstrom	Latz	Paymar	Thao	

Those who voted in the negative were:

Abeler	Bradley	Eastlund	Hackbarth	Kielkucki	Lindgren
Abrams	Brod	Eken	Harder	Klinzing	Lindner
Adolphson	Buesgens	Erhardt	Heidgerken	Knoblach	Lipman
Anderson, B.	Cornish	Erickson	Holberg	Koenen	Magnus
Anderson, J.	Cox	Finstad	Hoppe	Kohls	Marquart
Beard	Dauids	Fuller	Howes	Krinkie	McNamara
Blaine	Demmer	Gerlach	Jacobson	Kuisle	Meslow
Borrell	Dempsey	Gunther	Johnson, J.	Lanning	Nelson, C.
Boudreau	Dorman	Haas	Juhnke	Lenczewski	Nelson, P.

Nornes	Ozment	Rhodes	Smith	Urdahl	Westrom
Olsen, S.	Paulsen	Ruth	Soderstrom	Vandever	Wilkin
Olson, M.	Pelowski	Samuelson	Stang	Walz	Zellers
Osterman	Penas	Seagren	Swenson	Wardlow	Spk. Sviggum
Otremba	Peterson	Seifert	Sykora	Wasiluk	
Otto	Powell	Severson	Tingelstad	Westerberg	

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

CALL OF THE HOUSE

On the motion of Paulsen and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Demmer	Holberg	Lesch	Otto	Stang
Abrams	Dempsey	Hoppe	Lieder	Ozment	Swenson
Adolphson	Dill	Hornstein	Lindgren	Paulsen	Sykora
Anderson, B.	Eastlund	Howes	Lindner	Paymar	Thao
Anderson, I.	Eken	Huntley	Lipman	Pelowski	Thissen
Anderson, J.	Ellison	Jacobson	Magnus	Penas	Tingelstad
Beard	Entenza	Jaros	Mahoney	Peterson	Urdahl
Bernardy	Erhardt	Johnson, J.	Mariani	Powell	Vandever
Biernat	Erickson	Johnson, S.	Marquart	Pugh	Wagenius
Blaine	Finstad	Juhnke	McNamara	Rhodes	Walker
Borrell	Fuller	Kahn	Meslow	Rukavina	Walz
Boudreau	Gerlach	Kielkucki	Mullery	Ruth	Wardlow
Bradley	Goodwin	Klinzing	Murphy	Samuelson	Wasiluk
Brod	Greiling	Knoblach	Nelson, C.	Seagren	Westerberg
Buesgens	Gunther	Koenen	Nelson, M.	Seifert	Westrom
Carlson	Haas	Kohls	Nelson, P.	Sertich	Wilkin
Clark	Hackbarth	Krinkie	Nornes	Severson	Zellers
Cornish	Harder	Kuisle	Olsen, S.	Sieben	Spk. Sviggum
Cox	Hausman	Lanning	Olson, M.	Slawik	
Davids	Heidgerken	Larson	Opatz	Smith	
Davnie	Hilstrom	Latz	Osterman	Soderstrom	
DeLaForest	Hilty	Lenczewski	Otremba	Solberg	

Paulsen 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.

S. F. No. 293, A bill for an act relating to state government; ratifying certain state employee labor agreements and compensation plans with certain exceptions; specifying terms and conditions of employment in certain circumstances.

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

The question was taken on the passage of the bill and the roll was called.

Pursuant to rule 2.05, the Speaker excused DeLaForest and Opatz from voting on final passage of S. F. No. 293.

There were 121 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Holberg	Lieder	Ozment	Stang
Abrams	Dempsey	Hoppe	Lindgren	Paulsen	Swenson
Adolphson	Dill	Howes	Lindner	Paymar	Sykora
Anderson, B.	Dorman	Huntley	Lipman	Pelowski	Thao
Anderson, I.	Eastlund	Jacobson	Magnus	Penas	Thissen
Anderson, J.	Eken	Jaros	Mahoney	Peterson	Tingelstad
Atkins	Entenza	Johnson, J.	Mariani	Powell	Urdahl
Beard	Erhardt	Johnson, S.	Marquart	Pugh	Vandever
Bernardy	Erickson	Juhnke	McNamara	Rhodes	Walz
Biernat	Finstad	Kielkucki	Meslow	Rukavina	Wardlow
Blaine	Fuller	Klinzing	Mullery	Ruth	Wasiluk
Borrell	Gerlach	Knoblach	Murphy	Samuelson	Westerberg
Boudreau	Goodwin	Koenen	Nelson, C.	Seagren	Westrom
Bradley	Greiling	Kohls	Nelson, M.	Seifert	Wilkin
Brod	Gunther	Krinkie	Nelson, P.	Sertich	Zellers
Buesgens	Haas	Kuisle	Nornes	Severson	Spk. Sviggum
Carlson	Hackbarth	Lanning	Olsen, S.	Sieben	
Cornish	Harder	Larson	Olson, M.	Slawik	
Cox	Heidgerken	Latz	Osterman	Smith	
Davids	Hilstrom	Lenczewski	Otremba	Soderstrom	
Davnie	Hilty	Lesch	Otto	Solberg	

Those who voted in the negative were:

Clark	Hausman	Kahn	Walker
Ellison	Hornstein	Wagenius	

The bill was passed and its title agreed to.

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

CALENDAR FOR THE DAY

Paulsen moved that the Calendar for the Day be continued. The motion prevailed.

MOTION TO FIX TIME TO CONVENE

Paulsen moved that when the House adjourns today it adjourn until 3:00 p.m., Monday, April 7, 2003. The motion prevailed.

MOTIONS AND RESOLUTIONS

Olson, M., moved that the name of Osterman be added as an author on H. F. No. 472. The motion prevailed.

Olson, M., moved that the name of Osterman be added as an author on H. F. No. 473. The motion prevailed.

Slawik moved that her name be stricken as an author on H. F. No. 590. The motion prevailed.

Lenczewski moved that the name of Smith be added as chief author on H. F. No. 656. The motion prevailed.

Walz moved that the name of Otremba be added as an author on H. F. No. 849. The motion prevailed.

Jacobson moved that the words "by request" be added after his name on H. F. No. 1031. The motion prevailed.

Slawik moved that the name of Lipman be added as an author on H. F. No. 1032. The motion prevailed.

Slawik moved that her name be stricken as an author on H. F. No. 1071. The motion prevailed.

Lanning moved that the name of Peterson be added as an author on H. F. No. 1079. The motion prevailed.

Lanning moved that the name of Blaine be added as an author on H. F. No. 1093. The motion prevailed.

Tingelstad moved that the name of McNamara be added as an author on H. F. No. 1233. The motion prevailed.

Gunther moved that the name of Abeler be added as an author on H. F. No. 1271. The motion prevailed.

Abeler moved that the name of Lieder be added as an author on H. F. No. 1309. The motion prevailed.

Westrom moved that the name of Heidgerken be added as an author on H. F. No. 1333. The motion prevailed.

Beard moved that the name of Hornstein be added as an author on H. F. No. 1372. The motion prevailed.

Hausman moved that the names of Tingelstad and Hornstein be added as authors on H. F. No. 1395. The motion prevailed.

Atkins moved that the name of Pugh be added as an author on H. F. No. 1403. The motion prevailed.

Beard moved that the name of Erickson be added as an author on H. F. No. 1414. The motion prevailed.

Gerlach moved that the name of Erickson be added as an author on H. F. No. 1415. The motion prevailed.

Urdahl moved that the name of Westerberg be added as an author on H. F. No. 1416. The motion prevailed.

Goodwin moved that the name of Latz be added as an author on H. F. No. 1434. The motion prevailed.

Krinkie moved that the name of Howes be added as an author on H. F. No. 1442. The motion prevailed.

Huntley moved that H. F. No. 924 be recalled from the Committee on State Government Finance and be re-referred to the Committee on Health and Human Services Finance. The motion prevailed.

Osterman moved that H. F. No. 1446 be recalled from the Committee on Transportation Policy and be re-referred to the Committee on Transportation Finance. The motion prevailed.

ADJOURNMENT

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Monday, April 7, 2003.

EDWARD A. BURDICK, Chief Clerk, House of Representatives