

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-FIRST LEGISLATURE

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EIGHTY-FIFTH DAY

St. Paul, Minnesota, Thursday, March 9, 2000

The Senate met at 8:00 a.m. and was called to order by the President.

## CALL OF THE SENATE

Senator Betzold imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. David McCauley.

The roll was called, and the following Senators answered to their names:

Anderson	Higgins	Knutson	Novak	Runbeck
Belanger	Hottinger	Krentz	Oliver	Sams
Berg	Janezich	Langseth	Olson	Samuelson
Berglin	Johnson, D.E.	Larson	Ourada	Scheevel
Betzold	Johnson, D.H.	Lesewski	Pappas	Solon
Cohen	Johnson, D.J.	Lessard	Pariseau	Spear
Day	Junge	Limmer	Piper	Stevens
Dille	Kelley, S.P.	Lourey	Pogemiller	Stumpf
Fischbach	Kelly, R.C.	Marty	Price	Terwilliger
Flynn	Kierlin	Metzen	Ranum	Vickerman
Foley	Kinkel	Moe, R.D.	Ring	Wiener
Frederickson	Kiscaden	Murphy	Robertson	Wiger
Hanson	Kleis	Neuville	Robling	Ziegler

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

## MEMBERS EXCUSED

Senators Laidig and Scheid were excused from the Session of today.

## REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 3703 and the report pertaining to appointments. The motion prevailed.

**Senator Hottinger from the Committee on Health and Family Security, to which was referred**

**S.F. No. 3117:** A bill for an act relating to state government; modifying reporting requirements for health-related boards; changing membership requirements for the health professionals services

program committee; amending Minnesota Statutes 1998, sections 147.01, subdivision 4; 148B.04, subdivision 4; 148B.285, subdivision 3; 214.07; 214.10, subdivision 8; and 214.32, subdivision 1; Minnesota Statutes 1999 Supplement, section 148.691, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [144E.287] [DIVERSION PROGRAM.]

The board shall either conduct a health professionals service program under sections 214.31 to 214.37 or contract for a diversion program under section 214.28 for professionals regulated by the board who are unable to perform their duties with reasonable skill and safety by reason of illness, use of alcohol, drugs, chemicals, or any other materials, or as a result of any mental, physical, or psychological condition.

Sec. 2. Minnesota Statutes 1998, section 147.01, subdivision 4, is amended to read:

Subd. 4. [DISCLOSURE.] Subject to the exceptions listed in this subdivision, all communications or information received by or disclosed to the board relating to any person or matter subject to its regulatory jurisdiction are confidential and privileged and any disciplinary hearing shall be closed to the public.

(a) Upon application of a party in a proceeding before the board under section 147.091, the board shall produce and permit the inspection and copying, by or on behalf of the moving party, of any designated documents or papers relevant to the proceedings, in accordance with the provisions of rule 34, Minnesota rules of civil procedure.

(b) If the board imposes disciplinary measures of any kind, whether by contested case or by settlement agreement, the name and business address of the licensee, the nature of the misconduct, and the action taken by the board are public data. If disciplinary action is taken by settlement agreement, the entire agreement is public data. The board shall decide disciplinary matters, whether by settlement or by contested case, by roll call vote. The votes are public data.

(c) The board shall exchange information with other licensing boards, agencies, or departments within the state, as required under section 214.10, subdivision 8, paragraph ~~(d)~~ (c), and may release information in the reports required under ~~sections~~ section 147.02, subdivision 6, ~~and 214.10, subdivision 8, paragraph (b).~~

(d) The board shall upon request furnish to a person who made a complaint, or the alleged victim of a violation of section 147.091, subdivision 1, paragraph (t), or both, a description of the activities and actions of the board relating to that complaint, a summary of the results of an investigation of that complaint, and the reasons for actions taken by the board.

(e) A probable cause hearing held pursuant to section 147.092 shall be closed to the public, except for the notices of hearing made public by operation of section 147.092.

(f) Findings of fact, conclusions, and recommendations issued by the administrative law judge, and transcripts of oral arguments before the board pursuant to a contested case proceeding in which an administrative law judge found a violation of section 147.091, subdivision 1, paragraph (t), are public data.

Sec. 3. Minnesota Statutes 1999 Supplement, section 148.691, subdivision 3, is amended to read:

Subd. 3. [DISCLOSURE.] Subject to the exceptions listed in this subdivision, all communications or information received by or disclosed to the board relating to any person or matter subject to its regulatory jurisdiction are confidential and privileged and any disciplinary hearing shall be closed to the public.

(a) Upon application of a party in a proceeding before the board, the board shall produce and

permit the inspection and copying, by or on behalf of the moving party, of any designated documents or papers relevant to the proceedings, in accordance with the provisions of rule 34, Minnesota Rules of Civil Procedure.

(b) If the board imposes disciplinary measures of any kind, whether by contested case or by settlement agreement, the name and business address of the licensee, the nature of the misconduct, and the action taken by the board are public data. If disciplinary action is taken by settlement agreement, the entire agreement is public data. The board shall decide disciplinary matters, whether by settlement or by contested case, by roll call vote. The votes are public data.

(c) The board shall exchange information with other licensing boards, agencies, or departments within the state, as required under section 214.10, subdivision 8, paragraph (d), and may release information in the reports required under section 214.10, subdivision 8, paragraph (b) (c).

(d) The board shall upon request furnish to a person who made a complaint, a description of the activities and actions of the board relating to that complaint, a summary of the results of an investigation of that complaint, and the reasons for actions taken by the board.

Sec. 4. Minnesota Statutes 1998, section 148B.04, subdivision 4, is amended to read:

Subd. 4. [EXCHANGE OF INFORMATION.] The board shall exchange information with other boards, agencies, or departments within the state, as required under section 214.10, subdivision 8, paragraph (d) (c).

Sec. 5. Minnesota Statutes 1998, section 148B.285, subdivision 3, is amended to read:

Subd. 3. [EXCHANGE OF INFORMATION.] The board shall exchange information with other boards, agencies, or departments within the state, as required under section 214.10, subdivision 8, paragraph (d) (c).

Sec. 6. Minnesota Statutes 1998, section 214.07, is amended to read:

214.07 [REPORTS.]

Subdivision 1. [NON-HEALTH-RELATED BOARD REPORTS.] The ~~health-related licensing boards and the non-health-related licensing boards~~ shall prepare reports according to this subdivision and subdivision 1a by October 1 of each even-numbered year. Copies of the reports shall be delivered to the governor. ~~Copies of the reports of the health-related licensing boards shall also be delivered to the commissioner of health.~~ The reports shall contain the following information relating to the two-year period ending the previous June 30:

- (a) a general statement of board activities;
- (b) the number of meetings and approximate total number of hours spent by all board members in meetings and on other board activities;
- (c) the receipts and disbursements of board funds;
- (d) the names of board members and their addresses, occupations, and dates of appointment and reappointment to the board;
- (e) the names and job classifications of board employees;
- (f) a brief summary of board rules proposed or adopted during the reporting period with appropriate citations to the State Register and published rules;
- (g) the number of persons having each type of license and registration issued by the board as of June 30 in the year of the report;
- (h) the locations and dates of the administration of examinations by the board;
- (i) the number of persons examined by the board with the persons subdivided into groups showing age categories, sex, and states of residency;

(j) the number of persons licensed or registered by the board after taking the examinations referred to in clause (h) with the persons subdivided by age categories, sex, and states of residency;

(k) the number of persons not licensed or registered by the board after taking the examinations referred to in clause (h) with the persons subdivided by age categories, sex, and states of residency;

(l) the number of persons not taking the examinations referred to in clause (h) who were licensed or registered by the board or who were denied licensing or registration with the reasons for the licensing or registration or denial thereof and with the persons subdivided by age categories, sex, and states of residency;

(m) the number of persons previously licensed or registered by the board whose licenses or registrations were revoked, suspended, or otherwise altered in status with brief statements of the reasons for the revocation, suspension or alteration;

(n) the number of written and oral complaints and other communications received by the executive director or executive secretary of the board, a board member, or any other person performing services for the board (1) which allege or imply a violation of a statute or rule which the board is empowered to enforce and (2) which are forwarded to other agencies as required by section 214.10;

(o) a summary, by specific category, of the substance of the complaints and communications referred to in clause (n) and, for each specific category, the responses or dispositions thereof pursuant to section 214.10 or 214.11;

(p) any other objective information which the board members believe will be useful in reviewing board activities.

~~Subd. 1a. [REPORT REQUIREMENT FOR BOARD OF MEDICAL PRACTICE AND BOARD OF NURSING.] The board of medical practice and the board of nursing shall include in the report required under subdivision 1, clause (o), specific information regarding complaints and communications involving obstetrics, gynecology, prenatal care, and delivery, and the boards' responses or dispositions.~~

~~Subd. 1b. [HEALTH-RELATED LICENSING BOARD REPORTS.] Each health-related licensing board must prepare a report by October 15 of each even-numbered year. The report must be submitted to the administrative services unit serving the boards. The report must contain the following information for the two-year period ending the previous June 30: (1) the number and type of credentials issued or renewed; (2) the number of complaints received; (3) the number and age of complaints open at the end of the period; (4) receipts, disbursements, and major fees; and (5) such other information that the interests of health occupation regulation require. The report must also contain information showing historical trends. The reports must use a common format and consistent terminology and data.~~

~~Subd. 2. [SUMMARY OF BOARD REPORTS.] Not later than December 15 of each even-numbered year, the commissioner of health with respect to the health-related licensing boards shall prepare summary reports compiling the information required by subdivision 1, clauses (b) and (g) to (p), and contained in the reports submitted by the boards the preceding year pursuant to subdivision 1. The summary reports must also specify the staff and services provided by the department to each board. The summary reports must be distributed to the legislature under section 3.195 and to the governor. [ADMINISTRATIVE SERVICES REPORT.] The administrative services unit serving the boards shall prepare a report by December 15 of each even-numbered year. One copy of the administrative services report must be delivered to each of the following: the governor, the commissioner of health, and the chairs of the house and senate policy and appropriations committees with jurisdiction over health-related licensing boards. Six copies must be delivered to the legislative reference library. The administrative services report must contain the following information:~~

(1) a summary of the information contained in the reports submitted by the health-related licensing boards pursuant to subdivision 1b;

(2) a description of the health-related licensing boards' cooperative activities during the two-year period ending the previous June 30;

(3) a description of emerging issues relating to health occupation regulation that affect more than one board or more than one occupation; and

(4) a copy of each health-related licensing board report submitted to the administrative services unit pursuant to subdivision 1b.

Sec. 7. Minnesota Statutes 1998, section 214.10, subdivision 8, is amended to read:

Subd. 8. [SPECIAL REQUIREMENTS FOR HEALTH-RELATED LICENSING BOARDS.] In addition to the provisions of this section that apply to all examining and licensing boards, the requirements in this subdivision apply to all health-related licensing boards, except the board of veterinary medicine.

(a) If the executive director or consulted board member determines that a communication received alleges a violation of statute or rule that involves sexual contact with a patient or client, the communication shall be forwarded to the designee of the attorney general for an investigation of the facts alleged in the communication. If, after an investigation it is the opinion of the executive director or consulted board member that there is sufficient evidence to justify disciplinary action, the board shall conduct a disciplinary conference or hearing. If, after a hearing or disciplinary conference the board determines that misconduct involving sexual contact with a patient or client occurred, the board shall take disciplinary action. Notwithstanding subdivision 2, a board may not attempt to correct improper activities or redress grievances through education, conciliation, and persuasion, unless in the opinion of the executive director or consulted board member there is insufficient evidence to justify disciplinary action. The board may settle a case by stipulation prior to, or during, a hearing if the stipulation provides for disciplinary action.

~~(b) In addition to the information required under section 214.07, subdivision 1, each board shall include in its reports to the legislature summaries of each individual case that involved possible sexual contact with a patient or client. The summary must include a description of the alleged misconduct; the general results of the investigation; the nature of board activities relating to that case; the disposition of the case; and the reasons for board decisions concerning the disposition of the case. The information disclosed under this section must not include the name or specific identifying information about any person, agency, or organization.~~

(e) A board member who has a direct current or former financial connection or professional relationship to a person who is the subject of board disciplinary activities must not participate in board activities relating to that case.

~~(d) (c)~~ Each health-related licensing board shall establish procedures for exchanging information with other Minnesota state boards, agencies, and departments responsible for regulating health-related occupations, facilities, and programs, and for coordinating investigations involving matters within the jurisdiction of more than one regulatory body. The procedures must provide for the forwarding to other regulatory bodies of all information and evidence, including the results of investigations, that are relevant to matters within that licensing body's regulatory jurisdiction. Each health-related licensing board shall have access to any data of the department of human services relating to a person subject to the jurisdiction of the licensing board. The data shall have the same classification under sections 13.01 to 13.88, the Minnesota Government Data Practices Act, in the hands of the agency receiving the data as it had in the hands of the department of human services.

(e) ~~(d)~~ Each health-related licensing board shall establish procedures for exchanging information with other states regarding disciplinary actions against licensees. The procedures must provide for the collection of information from other states about disciplinary actions taken against persons who are licensed to practice in Minnesota or who have applied to be licensed in this state

and the dissemination of information to other states regarding disciplinary actions taken in Minnesota. In addition to any authority in chapter 13 permitting the dissemination of data, the board may, in its discretion, disseminate data to other states regardless of its classification under chapter 13. Before transferring any data that is not public, the board shall obtain reasonable assurances from the receiving state that the data will not be made public.

Sec. 8. [214.28] [ALTERNATIVE DIVERSION PROGRAM.]

A health-related licensing board may establish performance criteria and contract for a diversion program for regulated professionals who are unable to practice with reasonable skill and safety by reason of illness, use of alcohol, drugs, chemicals, or any other materials, or as a result of any mental, physical, or psychological condition.

Sec. 9. [214.29] [DIVERSION PROGRAM.]

Each health-related licensing board, including the emergency medical services regulatory board under chapter 144E, shall either conduct a health professionals service program under sections 214.31 to 214.37 or contract for a diversion program under section 214.28.

Sec. 10. Minnesota Statutes 1998, section 214.31, is amended to read:

214.31 [AUTHORITY.]

Two or more of the health-related licensing boards listed in section 214.01, subdivision 2, may jointly conduct a health professionals services program to protect the public from persons regulated by the boards who are unable to practice with reasonable skill and safety by reason of illness, use of alcohol, drugs, chemicals, or any other materials, or as a result of any mental, physical, or psychological condition. The program does not affect a board's authority to discipline violations of a board's practice act. For purposes of sections 214.31 to 214.37, the emergency medical services regulatory board shall be included in the definition of a health-related licensing board under chapter 144E.

Sec. 11. Minnesota Statutes 1998, section 214.32, subdivision 1, is amended to read:

Subdivision 1. [MANAGEMENT.] (a) A health professionals services program committee is established, consisting of one person appointed by each participating board, with each participating board having one vote. The committee shall designate one board to provide administrative management of the program, set the program budget and the pro rata share of program expenses to be borne by each participating board, provide guidance on the general operation of the program, including hiring of program personnel, and ensure that the program's direction is in accord with its authority. ~~No more than half plus one of the members of the committee may be of one gender.~~ If the participating boards change which board is designated to provide administrative management of the program, any appropriation remaining for the program shall transfer to the newly designated board on the effective date of the change. The participating boards must inform the appropriate legislative committees and the commissioner of finance of any change in the administrative management of the program, and the amount of any appropriation transferred under this provision.

(b) The designated board, upon recommendation of the health professional services program committee, shall hire the program manager and employees and pay expenses of the program from funds appropriated for that purpose. The designated board may apply for grants to pay program expenses and may enter into contracts on behalf of the program to carry out the purposes of the program. The participating boards shall enter into written agreements with the designated board.

(c) An advisory committee is established to advise the program committee consisting of:

(1) one member appointed by each of the following: the Minnesota Academy of Physician Assistants, the Minnesota Dental Association, the Minnesota Chiropractic Association, the Minnesota Licensed Practical Nurse Association, the Minnesota Medical Association, the Minnesota Nurses Association, and the Minnesota Podiatric Medicine Association;

(2) one member appointed by each of the professional associations of the other professions regulated by a participating board not specified in clause (1); and

(3) two public members, as defined by section 214.02.

Members of the advisory committee shall be appointed for two years and members may be reappointed.

~~No more than half plus one of the members of the committee may be of one gender.~~

The advisory committee expires June 30, 2001.

Sec. 12. [EFFECTIVE DATE.]

Sections 1, 8, 9, and 10 are effective July 1, 2001."

Delete the title and insert:

"A bill for an act relating to state government; modifying reporting requirements for health-related boards; changing membership requirements for the health professionals services program committee; amending Minnesota Statutes 1998, sections 147.01, subdivision 4; 148B.04, subdivision 4; 148B.285, subdivision 3; 214.07; 214.10, subdivision 8; 214.31; and 214.32, subdivision 1; Minnesota Statutes 1999 Supplement, section 148.691, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 144E; and 214."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 3703:** A bill for an act relating to Indians; recognizing the Sandy Lake Band of Mississippi Chippewa as a state recognized Indian tribe.

Reports the same back with the recommendation that the bill do pass. Senator Vickerman questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was re-referred**

**S.F. No. 1038:** A bill for an act relating to health occupations; establishing licensing requirements for occupational therapists and occupational therapy assistants; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Rules, parts 4666.0010; 4666.0020; 4666.0030; 4666.0040; 4666.0050; 4666.0060; 4666.0070; 4666.0080; 4666.0090; 4666.0100; 4666.0200; 4666.0300; 4666.0400; 4666.0500; 4666.0600; 4666.0700; 4666.0800; 4666.0900; 4666.1000; 4666.1100; 4666.1200; 4666.1300; and 4666.1400.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, delete lines 11 to 21

Page 4, line 22, delete "20" and insert "19"

Page 4, line 25, delete "21" and insert "20"

Page 4, line 27, delete "22" and insert "21"

Page 4, line 32, delete "23" and insert "22"

Page 4, line 36, delete "24" and insert "23"

Page 5, line 17, delete "25" and insert "24"

Page 5, line 27, delete "26" and insert "25"

Page 5, line 36, delete "27" and insert "26"

Page 15, line 29, before the semicolon, insert "under direct supervision"

Page 16, line 8, delete "provisional licensure,"

Page 18, line 24, delete "subdivision 4" and insert "paragraph (c)"

Page 18, line 34, delete "shall" and insert "and the continuing education contact hours to be reported at the next renewal must"

Page 19, delete lines 15 to 22

Page 42, line 24, delete "July 1, 2000" and insert "the day following final enactment"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 2676:** A bill for an act relating to local government; removing the sunset on provisions for authorizing local governments to petition to amend or repeal a rule; amending Minnesota Statutes 1999 Supplement, section 14.091.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, strike the first "or" and insert a comma and after "county" insert ", or a sanitary district"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 2972:** A bill for an act relating to state government; authorizing open bidding for state purchases; amending Minnesota Statutes 1998, sections 16C.03, subdivision 3; and 16C.10, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 21, after "provide" insert "goods at"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which were referred the following appointments as reported in the Journal for February 1, 2000:**

BOARD OF THE ARTS

Kirsten Giese  
Penelope Haru Snipper  
Benjamin Vander Kooi, Jr.

MINNESOTA VETERANS HOMES BOARD OF DIRECTORS

George Ross  
Wayne Sletten

Reports the same back with the recommendation that the appointments be confirmed.

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

## SECOND READING OF SENATE BILLS

S.F. Nos. 3117, 1038, 2676 and 2972 were read the second time.

## MOTIONS AND RESOLUTIONS

Senator Pappas moved that her name be stricken as a co-author to S.F. No. 2500. The motion prevailed.

Senator Johnson, D.J. moved that the name of Senator Pappas be added as a co-author to S.F. No. 3743. The motion prevailed.

### Senator Olson introduced--

**Senate Resolution No. 128:** A Senate resolution recognizing Olga M. Krantz on the occasion of her 100th birthday on March 10, 2000.

Referred to the Committee on Rules and Administration.

Senator Hottinger moved that S.F. No. 3465, No. 150 on General Orders, be stricken and re-referred to the Committee on Governmental Operations and Veterans. The motion prevailed.

## CALENDAR

**H.F. No. 979:** A bill for an act relating to landlords and tenants; providing that landlords may apportion utility payments among residential units; amending Minnesota Statutes 1998, section 504.185, subdivision 1a.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 44 and nays 13, as follows:

Those who voted in the affirmative were:

Belanger	Junge	Larson	Ourada	Scheevel
Berg	Kelley, S.P.	Lesewski	Pariseau	Solon
Cohen	Kelly, R.C.	Lessard	Piper	Stevens
Day	Kierlin	Limmer	Price	Stumpf
Dille	Kinkel	Metzen	Ring	Vickerman
Hottinger	Kiscaden	Moe, R.D.	Robertson	Wiener
Johnson, D.E.	Kleis	Neuville	Robling	Wiger
Johnson, D.H.	Krentz	Oliver	Runbeck	Ziegler
Johnson, D.J.	Langseth	Olson	Samuelson	

Those who voted in the negative were:

Anderson	Flynn	Janezich	Pappas	Spear
Berglin	Foley	Lourey	Pogemiller	
Betzold	Higgins	Marty	Ranum	

So the bill passed and its title was agreed to.

**S.F. No. 2407:** A bill for an act relating to human services; clarifying the treatment of crime victims reparations for purposes of medical assistance eligibility determinations; amending Minnesota Statutes 1999 Supplement, sections 256B.056, by adding a subdivision; and 256B.0575.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Krentz	Olson	Samuelson
Belanger	Janezich	Langseth	Ourada	Scheevel
Berg	Johnson, D.E.	Larson	Pappas	Solon
Berglin	Johnson, D.H.	Lesewski	Pariseau	Spear
Betzold	Johnson, D.J.	Lessard	Piper	Stevens
Cohen	Junge	Limmer	Pogemiller	Stumpf
Day	Kelley, S.P.	Lourey	Price	Vickerman
Dille	Kelly, R.C.	Marty	Ranum	Wiener
Fischbach	Kierlin	Metzen	Ring	Wiger
Flynn	Kinkel	Moe, R.D.	Robertson	Ziegler
Foley	Kiscaden	Neuville	Robling	
Higgins	Kleis	Oliver	Runbeck	

So the bill passed and its title was agreed to.

**H.F. No. 3338:** A bill for an act relating to Scott county; authorizing the county board to reorganize and delegate the duties of certain county offices; amending Laws 1997, chapter 90.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Kleis	Oliver	Runbeck
Belanger	Hottinger	Krentz	Olson	Sams
Berg	Janezich	Langseth	Ourada	Samuelson
Berglin	Johnson, D.E.	Larson	Pappas	Scheevel
Betzold	Johnson, D.H.	Lesewski	Pariseau	Solon
Cohen	Johnson, D.J.	Lessard	Piper	Spear
Day	Junge	Limmer	Pogemiller	Stumpf
Dille	Kelley, S.P.	Lourey	Price	Vickerman
Fischbach	Kelly, R.C.	Marty	Ranum	Wiener
Flynn	Kierlin	Metzen	Ring	Wiger
Foley	Kinkel	Moe, R.D.	Robertson	Ziegler
Frederickson	Kiscaden	Neuville	Robling	

So the bill passed and its title was agreed to.

**S.F. No. 3097:** A bill for an act relating to corrections; authorizing creation of a fugitive apprehension unit in the department of corrections; prescribing duties for the unit; amending Minnesota Statutes 1999 Supplement, section 626.84, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 241.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Day	Higgins	Kelley, S.P.	Krentz
Belanger	Dille	Hottinger	Kelly, R.C.	Langseth
Berg	Fischbach	Janezich	Kierlin	Larson
Berglin	Flynn	Johnson, D.E.	Kinkel	Lesewski
Betzold	Foley	Johnson, D.H.	Kiscaden	Lessard
Cohen	Frederickson	Junge	Kleis	Limmer

Lourey	Olson	Price	Sams	Stumpf
Marty	Ourada	Ranum	Samuelson	Vickerman
Metzen	Pappas	Ring	Scheevel	Wiener
Moe, R.D.	Pariseau	Robertson	Solon	Wiger
Neuville	Piper	Robling	Spear	Ziegler
Oliver	Pogemiller	Runbeck	Stevens	

So the bill passed and its title was agreed to.

**S.F. No. 2348:** A resolution memorializing the President and Congress of the United States to take whatever action is necessary to obtain the release of Americans who may be held against their will in North Korea, China, Russia, and Vietnam.

Was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 57 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Janezich	Langseth	Ourada	Samuelson
Belanger	Johnson, D.E.	Larson	Pappas	Scheevel
Berg	Johnson, D.H.	Lesewski	Pariseau	Solon
Berglin	Johnson, D.J.	Lessard	Piper	Stevens
Cohen	Junge	Limmer	Pogemiller	Stumpf
Day	Kelley, S.P.	Lourey	Price	Vickerman
Dille	Kelly, R.C.	Marty	Ranum	Wiener
Fischbach	Kierlin	Metzen	Ring	Wiger
Foley	Kinkel	Moe, R.D.	Robertson	Ziegler
Frederickson	Kiscaden	Neuville	Robling	
Higgins	Kleis	Oliver	Runbeck	
Hottinger	Krentz	Olson	Sams	

Those who voted in the negative were:

Betzold	Flynn	Spear
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So the resolution passed and its title was agreed to.

## SUSPENSION OF RULES

Senator Moe, R.D. moved that Rule 9 be suspended as to the lie-over requirement on the Consent Calendar. The motion prevailed.

## CONSENT CALENDAR

**S.F. No. 2776:** A bill for an act relating to human services; extending the deadline for commencing construction for a previously approved moratorium project; providing for changes to the rate setting for a nursing facility in St. Louis county approved for a renovation; amending Minnesota Statutes 1999 Supplement, section 256B.431, subdivision 17.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Foley	Janezich	Kelley, S.P.
Belanger	Day	Frederickson	Johnson, D.E.	Kelly, R.C.
Berg	Dille	Hanson	Johnson, D.H.	Kierlin
Berglin	Fischbach	Higgins	Johnson, D.J.	Kinkel
Betzold	Flynn	Hottinger	Junge	Kiscaden

Kleis	Marty	Pappas	Robertson	Spear
Krentz	Metzen	Pariseau	Robling	Stevens
Langseth	Moe, R.D.	Piper	Runbeck	Stumpf
Larson	Neuville	Pogemiller	Sams	Vickerman
Lesewski	Oliver	Price	Samuelson	Wiener
Limmer	Olson	Ranum	Scheevel	Wiger
Lourey	Ourada	Ring	Solon	Ziegler

So the bill passed and its title was agreed to.

**H.F. No. 2749:** A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1998, sections 13.551, subdivision 1; 15.0591, subdivision 2; 15A.086; 17.101, subdivision 1; 43A.18, subdivision 4a; 47.58, subdivision 8; 60A.74, subdivision 6; 60H.05, subdivision 6; 103I.005, subdivision 22; 116J.966, subdivision 1; 136A.29, subdivision 19; 145.698, subdivision 1; 146.23, subdivision 6; 148.7805, subdivision 1; 204C.04, subdivision 2; 245A.04, subdivision 3; 256B.031, subdivision 2; 257.34, subdivision 1; 270.101, subdivision 1; 273.1398, subdivision 1; 275.065, subdivision 3a; 275.16; 281.21; 281.22; 287.28; 290.0802, subdivision 2; 299A.02; 319B.02, subdivision 13; 325D.33, subdivision 8; 325D.415; 352D.02, subdivision 1; 429.091, subdivision 8; 430.12; 459.35; 469.036; 469.040, subdivision 4; 469.063; 469.116, subdivision 8; 469.1733, subdivision 1; 469.178, subdivision 6; 469.203, subdivision 4; 473.3994, subdivision 13; 475.77; 574.03; and 611A.43; Minnesota Statutes 1999 Supplement, sections 3.739, subdivision 1; 10A.01, subdivisions 1 and 35; 13.99, subdivision 11; 16E.02, subdivision 2; 85.41, subdivision 1; 116J.70, subdivision 2a; 119A.04, subdivision 1; 119B.011, subdivision 15; 144A.46, subdivision 2; 147.09; 148.96, subdivision 3; 243.166, subdivision 1; 259.47, subdivision 8; 260B.007, subdivision 20; 260C.007, subdivision 19; 260C.163, subdivision 11; 260C.176, subdivisions 1 and 2; 260C.178, subdivision 3; 260C.181, subdivision 2; 260C.201, subdivision 11; 260C.213, subdivision 1; 287.29, subdivision 1; 290.01, subdivision 19b; 465.797, subdivision 1; 504B.161, subdivision 1; 504B.181, subdivision 5; 515B.1-102; 515B.1-103; 515B.2-105; 515B.3-105; 515B.3-115; 515B.3-116; 515B.4-106; 515B.4-107; and 518.57, subdivision 3; Laws 1997, chapter 150, section 1; and Laws 1999, chapter 110, section 22; chapter 139, article 4, section 3; chapter 159, sections 2, 86, and 154; and chapter 205, article 1, section 1; repealing Minnesota Statutes 1998, sections 281.20; 421.11; 421.12; 421.13; 421.14; and 462A.21, subdivision 19; Minnesota Statutes 1999 Supplement, section 260C.401; Laws 1987, chapter 186, section 11; Laws 1989, chapter 282, article 5, section 45; Laws 1991, chapter 286, section 2; Laws 1994, chapter 572, section 6; Laws 1995, chapter 207, article 4, section 21, subdivision 4; Laws 1996, chapter 412, article 4, section 25; Laws 1997, chapter 85, article 3, section 18; article 4, section 20; chapter 187, article 1, section 4; chapter 203, article 11, section 3; chapter 217, article 1, section 89; Laws 1998, chapter 407, article 6, section 9; Laws 1999, chapter 154, section 3; chapter 159, sections 6, 18, 49, 90, 110, 112, and 113; chapter 177, sections 56 and 58; and chapter 216, article 2, section 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Kiscaden	Neuville	Robling
Belanger	Higgins	Kleis	Oliver	Runbeck
Berg	Hottinger	Krentz	Olson	Sams
Berglin	Janezich	Langseth	Ourada	Samuelson
Betzold	Johnson, D.E.	Larson	Pappas	Scheevel
Cohen	Johnson, D.H.	Lesewski	Pariseau	Spear
Day	Johnson, D.J.	Lessard	Piper	Stevens
Dille	Junge	Limmer	Pogemiller	Stumpf
Fischbach	Kelley, S.P.	Lourey	Price	Vickerman
Flynn	Kelly, R.C.	Marty	Ranum	Wiener
Foley	Kierlin	Metzen	Ring	Wiger
Frederickson	Kinkel	Moe, R.D.	Robertson	Ziegler

So the bill passed and its title was agreed to.

**H.F. No. 2642:** A bill for an act relating to employment agencies; providing for waiver of bond requirement in certain circumstances; amending Minnesota Statutes 1998, section 184.30, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Knutson	Olson	Samuelson
Belanger	Hottinger	Krentz	Ourada	Scheevel
Berg	Janezich	Langseth	Pappas	Spear
Berglin	Johnson, D.E.	Larson	Pariseau	Stevens
Betzold	Johnson, D.H.	Lesewski	Piper	Stumpf
Cohen	Johnson, D.J.	Lessard	Pogemiller	Vickerman
Day	Junge	Limmer	Price	Wiener
Dille	Kelley, S.P.	Lourey	Ranum	Wiger
Fischbach	Kelly, R.C.	Marty	Ring	Ziegler
Flynn	Kierlin	Metzen	Robertson	
Foley	Kinkel	Moe, R.D.	Robling	
Frederickson	Kiscaden	Neuville	Runbeck	
Hanson	Kleis	Oliver	Sams	

So the bill passed and its title was agreed to.

**S.F. No. 3623:** A bill for an act relating to human services; excluding income earned by a temporary census employee for purposes of public assistance eligibility; amending Minnesota Statutes 1998, sections 256D.06, subdivision 1; 256D.435, subdivision 5; and 256L.01, subdivision 5; Minnesota Statutes 1999 Supplement, sections 256B.056, subdivision 4; 256D.03, subdivision 3; and 256J.21, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Knutson	Olson	Samuelson
Belanger	Hottinger	Krentz	Ourada	Scheevel
Berg	Janezich	Larson	Pappas	Solon
Berglin	Johnson, D.E.	Lesewski	Pariseau	Spear
Betzold	Johnson, D.H.	Lessard	Piper	Stevens
Cohen	Johnson, D.J.	Limmer	Pogemiller	Stumpf
Day	Junge	Lourey	Price	Vickerman
Dille	Kelley, S.P.	Marty	Ranum	Wiener
Fischbach	Kelly, R.C.	Metzen	Ring	Wiger
Flynn	Kierlin	Moe, R.D.	Robertson	Ziegler
Foley	Kinkel	Neuville	Robling	
Frederickson	Kiscaden	Novak	Runbeck	
Hanson	Kleis	Oliver	Sams	

So the bill passed and its title was agreed to.

**H.F. No. 1865:** A bill for an act relating to courts; jury service; excusing from service nursing mothers; proposing coding for new law in Minnesota Statutes, chapter 593.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Knutson	Olson	Samuelson
Belanger	Hottinger	Krentz	Ourada	Scheevel
Berg	Janezich	Larson	Pappas	Solon
Berglin	Johnson, D.E.	Lesewski	Pariseau	Spear
Betzold	Johnson, D.H.	Lessard	Piper	Stevens
Cohen	Johnson, D.J.	Limmer	Pogemiller	Stumpf
Day	Junge	Lourey	Price	Vickerman
Dille	Kelley, S.P.	Marty	Ranum	Wiener
Fischbach	Kelly, R.C.	Metzen	Ring	Wiger
Flynn	Kierlin	Moe, R.D.	Robertson	Ziegler
Foley	Kinkel	Neuville	Robling	
Frederickson	Kiscaden	Novak	Runbeck	
Hanson	Kleis	Oliver	Sams	

So the bill passed and its title was agreed to.

**S.F. No. 2810:** A bill for an act relating to employment; repealing laws governing entertainment agencies; repealing Minnesota Statutes 1998, sections 184A.01; 184A.02; 184A.03; 184A.04; 184A.05; 184A.06; 184A.07; 184A.08; 184A.09; 184A.10; 184A.11; 184A.12; 184A.13; 184A.14; 184A.15; 184A.16; 184A.17; 184A.18; 184A.19; and 184A.20.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Knutson	Olson	Samuelson
Belanger	Hottinger	Krentz	Ourada	Scheevel
Berg	Janezich	Langseth	Pappas	Solon
Berglin	Johnson, D.E.	Larson	Pariseau	Spear
Betzold	Johnson, D.H.	Lesewski	Piper	Stevens
Cohen	Johnson, D.J.	Lessard	Pogemiller	Stumpf
Day	Junge	Limmer	Price	Vickerman
Dille	Kelley, S.P.	Lourey	Ranum	Wiener
Fischbach	Kelly, R.C.	Marty	Ring	Wiger
Flynn	Kierlin	Metzen	Robertson	Ziegler
Foley	Kinkel	Moe, R.D.	Robling	
Frederickson	Kiscaden	Neuville	Runbeck	
Hanson	Kleis	Oliver	Sams	

So the bill passed and its title was agreed to.

**S.F. No. 3300:** A bill for an act relating to courts; extending the streamlined dissolution procedure project; modifying the duties and powers of a referee for the duration of a family court block calendar pilot program; amending Laws 1996, chapter 365, section 3, as amended.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Hottinger	Kierlin	Larson
Belanger	Fischbach	Janezich	Kinkel	Lesewski
Berg	Flynn	Johnson, D.H.	Kiscaden	Lessard
Berglin	Foley	Johnson, D.J.	Kleis	Limmer
Betzold	Frederickson	Junge	Knutson	Lourey
Cohen	Hanson	Kelley, S.P.	Krentz	Marty
Day	Higgins	Kelly, R.C.	Langseth	Metzen

Moe, R.D.	Pariseau	Robertson	Solon	Wiger
Neuville	Piper	Robling	Spear	Ziegler
Novak	Pogemiller	Runbeck	Stevens	
Oliver	Price	Sams	Stumpf	
Olson	Ranum	Samuelson	Vickerman	
Ourada	Ring	Scheevel	Wiener	

So the bill passed and its title was agreed to.

**S.F. No. 3014:** A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Lake county; authorizing private sale of certain tax-forfeited land in St. Louis county.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Knutson	Olson	Scheevel
Belanger	Hottinger	Krentz	Ourada	Solon
Berg	Janezich	Larson	Pappas	Spear
Berglin	Johnson, D.E.	Lesewski	Pariseau	Stevens
Betzold	Johnson, D.H.	Lessard	Piper	Stumpf
Cohen	Johnson, D.J.	Limmer	Pogemiller	Vickerman
Day	Junge	Lourey	Price	Wiener
Dille	Kelley, S.P.	Marty	Ranum	Wiger
Fischbach	Kelly, R.C.	Metzen	Ring	Ziegler
Flynn	Kierlin	Moe, R.D.	Robertson	
Foley	Kinkel	Neuville	Robling	
Frederickson	Kiscaden	Novak	Runbeck	
Hanson	Kleis	Oliver	Sams	

Those who voted in the negative were:

Samuelson

So the bill passed and its title was agreed to.

## GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Senator Kleis in the chair.

After some time spent therein, the committee arose, and Senator Kleis reported that the committee had considered the following:

S.F. Nos. 2193, 2691, 2500, 2688, 2748, 2652 and H.F. No. 2873, which the committee recommends to pass.

S.F. No. 2385, which the committee recommends to pass, after the following motion:

The question was taken on the recommendation to pass S.F. No. 2385.

The roll was called, and there were yeas 33 and nays 30, as follows:

Those who voted in the affirmative were:

Belanger	Kelly, R.C.	Metzen	Pariseau	Stevens
Berg	Kierlin	Murphy	Ring	Stumpf
Day	Kleis	Neuville	Robling	Terwilliger
Fischbach	Knutson	Novak	Runbeck	Vickerman
Frederickson	Langseth	Oliver	Sams	Ziegler
Hottinger	Larson	Olson	Samuelson	
Kelley, S.P.	Lesewski	Ourada	Scheevel	

Those who voted in the negative were:

Anderson	Foley	Junge	Marty	Ranum
Berglin	Hanson	Kinkel	Moe, R.D.	Robertson
Betzold	Higgins	Kiscaden	Pappas	Solon
Cohen	Janezich	Krentz	Piper	Spear
Dille	Johnson, D.E.	Limmer	Pogemiller	Wiener
Flynn	Johnson, D.H.	Lourey	Price	Wiger

The motion prevailed. So S.F. No. 2385 was recommended to pass.

S.F. No. 2737, which the committee recommends to pass with the following amendment offered by Senator Lourey:

Page 2, line 9, delete everything after the period

Page 2, line 10, delete everything before "grants" and insert "Amounts donated under this paragraph are appropriated to the commissioner for"

The motion prevailed. So the amendment was adopted.

S.F. No. 2511, which the committee recommends to pass with the following amendment offered by Senator Betzold:

Page 1, line 14, after the period, insert "This subdivision does not grant immunity to the town board, its employees, or agents for damage caused to public or private property as the result of an entry onto the property."

The motion prevailed. So the amendment was adopted.

On motion of Senator Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Without objection, the Senate reverted to the Orders of Business of Reports of Committees, Second Reading of Senate Bills, Second Reading of House Bills, Motions and Resolutions and the Consent Calendar.

## REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

**Senator Hottinger from the Committee on Health and Family Security, to which was referred**

**S.F. No. 3107:** A bill for an act relating to human services; modifying provisions for family and adult self-sufficiency; amending Minnesota Statutes 1998, sections 256D.425, subdivision 1; 256J.39, subdivision 2; 256J.42, by adding a subdivision; 256J.48, by adding a subdivision; 256J.49, subdivisions 2, 13, and by adding a subdivision; 256J.50, subdivisions 5, 10, and 11; 256J.52, subdivisions 2 and 6; and 256K.03, subdivision 5; Minnesota Statutes 1999 Supplement, sections 256.019; 256.98, subdivision 8; 256J.08, subdivision 55a; 256J.21, subdivision 2; 256J.24, subdivision 2; 256J.32, subdivision 4; 256J.42, subdivision 1; 256J.45, subdivisions 1 and 2; 256J.46, subdivision 1; 256J.52, subdivision 5a; 256J.56; and 256J.62, subdivision 9; repealing Minnesota Statutes 1998, sections 256J.08, subdivision 50a; 256J.42, subdivision 3; and 256J.49, subdivision 11; Minnesota Statutes 1999 Supplement, sections 256J.42, subdivisions 4 and 5; and 256J.43.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1999 Supplement, section 256.98, subdivision 8, is amended to read:

Subd. 8. [DISQUALIFICATION FROM PROGRAM.] (a) Any person found to be guilty of wrongfully obtaining assistance by a federal or state court or by an administrative hearing determination, or waiver thereof, through a disqualification consent agreement, or as part of any approved diversion plan under section 401.065, or any court-ordered stay which carries with it any probationary or other conditions, in the Minnesota family assistance program, the food stamp program, the general assistance program, or the Minnesota supplemental aid program shall be disqualified from that program. In addition, any person disqualified from the Minnesota family investment program shall also be disqualified from the food stamp program. The needs of that individual shall not be taken into consideration in determining the grant level for that assistance unit:

- (1) for one year after the first offense;
- (2) for two years after the second offense; and
- (3) permanently after the third or subsequent offense.

The period of program disqualification shall begin on the date stipulated on the advance notice of disqualification without possibility of postponement for administrative stay or administrative hearing and shall continue through completion unless and until the findings upon which the sanctions were imposed are reversed by a court of competent jurisdiction. The period for which sanctions are imposed is not subject to review. The sanctions provided under this subdivision are in addition to, and not in substitution for, any other sanctions that may be provided for by law for the offense involved. A disqualification established through hearing or waiver shall result in the disqualification period beginning immediately unless the person has become otherwise ineligible for assistance. If the person is ineligible for assistance, the disqualification period begins when the person again meets the eligibility criteria of the program from which they were disqualified and makes application for that program.

(b) A family receiving assistance through child care assistance programs under chapter 119B with a family member who is found to be guilty of wrongfully obtaining child care assistance by a federal court, state court, or an administrative hearing determination or waiver, through a disqualification consent agreement, as part of an approved diversion plan under section 401.065, or a court-ordered stay with probationary or other conditions, is disqualified from child care assistance programs. The disqualifications must be for periods of three months, six months, and two years for the first, second, and third offenses respectively. Subsequent violations must result in permanent disqualification. During the disqualification period, disqualification from any child care program must extend to all child care programs and must be immediately applied.

Sec. 2. Minnesota Statutes 1998, section 256D.425, subdivision 1, is amended to read:

Subdivision 1. [PERSONS ENTITLED TO RECEIVE AID.] A person who is aged, blind, or 18 years of age or older and disabled and who is receiving supplemental security benefits under Title XVI on the basis of age, blindness, or disability (or would be eligible for such benefits except for excess income) is eligible for a payment under the Minnesota supplemental aid program, if the person's net income is less than the standards in section 256D.44. Persons who are not receiving supplemental security income benefits under Title XVI of the Social Security Act or disability insurance benefits under Title II of the Social Security Act due to exhausting time limited benefits are not eligible to receive benefits under the MSA program. Persons who are not receiving social security or other maintenance benefits for failure to meet or comply with the social security or other maintenance program requirements are not eligible to receive benefits under the MSA program. Persons who are found ineligible for supplemental security income because of excess income, but whose income is within the limits of the Minnesota supplemental aid program, must have blindness or disability determined by the state medical review team.

Sec. 3. Minnesota Statutes 1999 Supplement, section 256J.08, subdivision 55a, is amended to read:

Subd. 55a. [MFIP STANDARD OF NEED.] "MFIP standard of need" means the appropriate standard used to determine MFIP benefit payments for the MFIP unit and applies to:

- (1) the transitional standard, sections 256J.08, subdivision 85, and 256J.24, subdivision 5; and
- (2) the shared household standard, section 256J.24, subdivision 9; ~~and~~
- ~~(3) the interstate transition standard, section 256J.43.~~

Sec. 4. Minnesota Statutes 1998, section 256J.08, is amended by adding a subdivision to read:

Subd. 67a. [PERSON TRAINED IN DOMESTIC VIOLENCE.] "Person trained in domestic violence" means an individual who works for an organization that is designated by the Minnesota center for crime victims services or the department of public safety as providing services to victims of domestic violence.

Sec. 5. Minnesota Statutes 1999 Supplement, section 256J.21, subdivision 2, is amended to read:

Subd. 2. [INCOME EXCLUSIONS.] (a) The following must be excluded in determining a family's available income:

(1) payments for basic care, difficulty of care, and clothing allowances received for providing family foster care to children or adults under Minnesota Rules, parts 9545.0010 to 9545.0260 and 9555.5050 to 9555.6265, and payments received and used for care and maintenance of a third-party beneficiary who is not a household member;

(2) reimbursements for employment training received through the Job Training Partnership Act, United States Code, title 29, chapter 19, sections 1501 to 1792b;

(3) reimbursement for out-of-pocket expenses incurred while performing volunteer services, jury duty, employment, or informal carpooling arrangements directly related to employment;

(4) all educational assistance, except the county agency must count graduate student teaching assistantships, fellowships, and other similar paid work as earned income and, after allowing deductions for any unmet and necessary educational expenses, shall count scholarships or grants awarded to graduate students that do not require teaching or research as unearned income;

(5) loans, regardless of purpose, from public or private lending institutions, governmental lending institutions, or governmental agencies;

(6) loans from private individuals, regardless of purpose, provided an applicant or participant documents that the lender expects repayment;

(7)(i) state income tax refunds; and

(ii) federal income tax refunds;

(8)(i) federal earned income credits;

(ii) Minnesota working family credits;

(iii) state homeowners and renters credits under chapter 290A; and

(iv) federal or state tax rebates;

(9) funds received for reimbursement, replacement, or rebate of personal or real property when these payments are made by public agencies, awarded by a court, solicited through public appeal, or made as a grant by a federal agency, state or local government, or disaster assistance organizations, subsequent to a presidential declaration of disaster;

(10) the portion of an insurance settlement that is used to pay medical, funeral, and burial expenses, or to repair or replace insured property;

- (11) reimbursements for medical expenses that cannot be paid by medical assistance;
- (12) payments by a vocational rehabilitation program administered by the state under chapter 268A, except those payments that are for current living expenses;
- (13) in-kind income, including any payments directly made by a third party to a provider of goods and services;
- (14) assistance payments to correct underpayments, but only for the month in which the payment is received;
- (15) emergency assistance payments;
- (16) funeral and cemetery payments as provided by section 256.935;
- (17) nonrecurring cash gifts of \$30 or less, not exceeding \$30 per participant in a calendar month;
- (18) any form of energy assistance payment made through Public Law Number 97-35, Low-Income Home Energy Assistance Act of 1981, payments made directly to energy providers by other public and private agencies, and any form of credit or rebate payment issued by energy providers;
- (19) Supplemental Security Income (SSI), including retroactive SSI payments and other income of an SSI recipient;
- (20) Minnesota supplemental aid, including retroactive payments;
- (21) proceeds from the sale of real or personal property;
- (22) adoption assistance payments under section 259.67;
- (23) state-funded family subsidy program payments made under section 252.32 to help families care for children with mental retardation or related conditions;
- (24) interest payments and dividends from property that is not excluded from and that does not exceed the asset limit;
- (25) rent rebates;
- (26) income earned by a minor caregiver, minor child through age 6, or a minor child who is at least a half-time student in an approved elementary or secondary education program;
- (27) income earned by a caregiver under age 20 who is at least a half-time student in an approved elementary or secondary education program;
- (28) MFIP child care payments under section 119B.05;
- (29) all other payments made through MFIP to support a caregiver's pursuit of greater self-support;
- (30) income a participant receives related to shared living expenses;
- (31) reverse mortgages;
- (32) benefits provided by the Child Nutrition Act of 1966, United States Code, title 42, chapter 13A, sections 1771 to 1790;
- (33) benefits provided by the women, infants, and children (WIC) nutrition program, United States Code, title 42, chapter 13A, section 1786;
- (34) benefits from the National School Lunch Act, United States Code, title 42, chapter 13, sections 1751 to 1769e;

(35) relocation assistance for displaced persons under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, United States Code, title 42, chapter 61, subchapter II, section 4636, or the National Housing Act, United States Code, title 12, chapter 13, sections 1701 to 1750jj;

(36) benefits from the Trade Act of 1974, United States Code, title 19, chapter 12, part 2, sections 2271 to 2322;

(37) war reparations payments to Japanese Americans and Aleuts under United States Code, title 50, sections 1989 to 1989d;

(38) payments to veterans or their dependents as a result of legal settlements regarding Agent Orange or other chemical exposure under Public Law Number 101-239, section 10405, paragraph (a)(2)(E);

(39) income that is otherwise specifically excluded from MFIP consideration in federal law, state law, or federal regulation;

(40) security and utility deposit refunds;

(41) American Indian tribal land settlements excluded under Public Law Numbers 98-123, 98-124, and 99-377 to the Mississippi Band Chippewa Indians of White Earth, Leech Lake, and Mille Lacs reservations and payments to members of the White Earth Band, under United States Code, title 25, chapter 9, section 331, and chapter 16, section 1407;

(42) all income of the minor parent's parents and stepparents when determining the grant for the minor parent in households that include a minor parent living with parents or stepparents on MFIP with other children; and

(43) income of the minor parent's parents and stepparents equal to 200 percent of the federal poverty guideline for a family size not including the minor parent and the minor parent's child in households that include a minor parent living with parents or stepparents not on MFIP when determining the grant for the minor parent. The remainder of income is deemed as specified in section 256J.37, subdivision 1b;

(44) payments made to children eligible for relative custody assistance under section 257.85;

(45) vendor payments for goods and services made on behalf of a client unless the client has the option of receiving the payment in cash; and

(46) the principal portion of a contract for deed payment.

Sec. 6. Minnesota Statutes 1999 Supplement, section 256J.24, subdivision 2, is amended to read:

Subd. 2. [MANDATORY ASSISTANCE UNIT COMPOSITION.] Except for minor caregivers and their children who must be in a separate assistance unit from the other persons in the household, when the following individuals live together, they must be included in the assistance unit:

- (1) a minor child, including a pregnant minor;
- (2) the minor child's minor siblings, minor half-siblings, and minor step-siblings;
- (3) the minor child's natural parents, adoptive parents, and stepparents; and
- (4) the spouse of a pregnant woman.

A minor child must have a caregiver for the child to be included in the assistance unit.

Sec. 7. Minnesota Statutes 1999 Supplement, section 256J.32, subdivision 4, is amended to read:

Subd. 4. [FACTORS TO BE VERIFIED.] The county agency shall verify the following at application:

- (1) identity of adults;
- (2) presence of the minor child in the home, if questionable;
- (3) relationship of a minor child to caregivers in the assistance unit;
- (4) age, if necessary to determine MFIP eligibility;
- (5) immigration status;
- (6) social security number according to the requirements of section 256J.30, subdivision 12;
- (7) income;
- (8) self-employment expenses used as a deduction;
- (9) source and purpose of deposits and withdrawals from business accounts;
- (10) spousal support and child support payments made to persons outside the household;
- (11) real property;
- (12) vehicles;
- (13) checking and savings accounts;
- (14) savings certificates, savings bonds, stocks, and individual retirement accounts;
- (15) pregnancy, if related to eligibility;
- (16) inconsistent information, if related to eligibility;
- (17) medical insurance;
- (18) burial accounts;
- (19) school attendance, if related to eligibility;
- (20) residence;
- (21) a claim of ~~domestic family~~ violence if used as a basis for a ~~deferral or exemption~~ waiver from the 60-month time limit in section 256J.42 ~~or~~ and regular employment and training services requirements in section 256J.56;
- (22) disability if used as an exemption from employment and training services requirements under section 256J.56; and
- (23) information needed to establish an exception under section 256J.24, subdivision 9.

Sec. 8. Minnesota Statutes 1998, section 256J.39, subdivision 2, is amended to read:

Subd. 2. [PROTECTIVE AND VENDOR PAYMENTS.] Alternatives to paying assistance directly to a participant may be used when:

- (1) a county agency determines that a vendor payment is the most effective way to resolve an emergency situation pertaining to basic needs;
- (2) a caregiver makes a written request to the county agency asking that part or all of the assistance payment be issued by protective or vendor payments for shelter and utility service only. The caregiver may withdraw this request in writing at any time;

- (3) the vendor payment is part of a sanction under section 256J.46;
- (4) the vendor payment is required under section 256J.24, subdivision 8, or 256J.26, ~~or 256J.43;~~
- (5) protective payments are required for minor parents under section 256J.14; or
- (6) a caregiver has exhibited a continuing pattern of mismanaging funds as determined by the county agency.

The director of a county agency, or the director's designee, must approve a proposal for protective or vendor payment for money mismanagement when there is a pattern of mismanagement under clause (6). During the time a protective or vendor payment is being made, the county agency must provide services designed to alleviate the causes of the mismanagement.

The continuing need for and method of payment must be documented and reviewed every 12 months. The director of a county agency or the director's designee must approve the continuation of protective or vendor payments. When it appears that the need for protective or vendor payments will continue or is likely to continue beyond two years because the county agency's efforts have not resulted in sufficiently improved use of assistance on behalf of the minor child, judicial appointment of a legal guardian or other legal representative must be sought by the county agency.

Sec. 9. Minnesota Statutes 1999 Supplement, section 256J.42, subdivision 1, is amended to read:

Subdivision 1. [TIME LIMIT.] (a) ~~Except for the exemptions as otherwise provided for in this section, an assistance unit in which any adult caregiver has received 60 months of cash assistance funded in whole or in part by the TANF block grant in this or any other state or United States territory, or from a tribal TANF program, MFIP, the AFDC program formerly codified in sections 256.72 to 256.87, or the family general assistance program formerly codified in sections 256D.01 to 256D.23, funded in whole or in part by state appropriations, is ineligible to receive MFIP. Any cash assistance funded with TANF dollars in this or any other state or United States territory, or from a tribal TANF program, or MFIP assistance funded in whole or in part by state appropriations, that was received by the unit on or after the date TANF was implemented, including any assistance received in states or United States territories of prior residence, counts toward the 60-month limitation. The 60-month limit applies to a minor who is the head of a household or who is married to the head of a household except under subdivision 5. The 60-month time period does not need to be consecutive months for this provision to apply.~~

(b) The months before July 1998 in which individuals received assistance as part of the field trials as an MFIP, MFIP-R, or MFIP or MFIP-R comparison group family are not included in the 60-month time limit.

(c) In determining the number of months for which an adult has received assistance under MFIP, the county agency must disregard any month during which the adult lived in Indian country if during the month at least 50 percent of the adults living in Indian country were not employed.

(d) Diversionary assistance and emergency assistance are not considered assistance for purposes of the 60-month time limit.

Sec. 10. Minnesota Statutes 1998, section 256J.42, is amended by adding a subdivision to read:

Subd. 6. [HARDSHIP EXTENSION FOR CERTAIN FAMILIES.] Individuals in clauses (1) to (4) who receive cash assistance shall receive an extension to the 60-month time limit that equals the total number of months that the individual received cash assistance while under the specified circumstances.

(1) A minor caregiver who, from July 1, 1997, until the date MFIP was operative in the caregiver's county of financial responsibility, was complying with Minnesota Statutes 1996, section 256.73, subdivision 5a, and Minnesota Statutes 1998, section 256.736, if applicable. Thereafter, any minor caregiver who is complying with the requirements of sections 256J.14 and 256J.54, if applicable.

(2) Any 18- or 19-year-old caregiver who is complying with the requirements of section 256J.54.

(3) A caregiver who is age 60 or older.

(4) An individual who is or was the victim of family violence as defined in section 256J.49, subdivision 2, and the individual complied with an alternative plan under section 256J.49, subdivision 1a, or is currently complying with an alternative employment plan under section 256J.49, subdivision 1a, unless the individual is currently exempt from employment services under section 256J.56.

Sec. 11. Minnesota Statutes 1999 Supplement, section 256J.45, subdivision 1, is amended to read:

Subdivision 1. [COUNTY AGENCY TO PROVIDE ORIENTATION.] A county agency must provide each MFIP caregiver ~~who is not exempt under section 256J.56, paragraph (a), clause (6) or (8),~~ with a face-to-face orientation, unless the caregiver: (1) is a single parent, or one parent in a two-parent family, employed at least 35 hours per week; or (2) a second parent in a two-parent family who is employed for 20 or more hours per week provided the first parent is employed at least 35 hours per week. The county agency must inform caregivers who are not exempt under ~~section 256J.56, paragraph (a), clause (6) or (8),~~ clause (1) or (2) that failure to attend the orientation is considered an occurrence of noncompliance with program requirements, and will result in the imposition of a sanction under section 256J.46. If the client complies with the orientation requirement prior to the first day of the month in which the grant reduction is proposed to occur, the orientation sanction shall be lifted.

Sec. 12. Minnesota Statutes 1999 Supplement, section 256J.45, subdivision 2, is amended to read:

Subd. 2. [GENERAL INFORMATION.] The ~~MFIP-S~~ MFIP orientation must consist of a presentation that informs caregivers of:

- (1) the necessity to obtain immediate employment;
- (2) the work incentives under ~~MFIP-S~~ MFIP, including the availability of the federal earned income tax credit and the Minnesota working family tax credit;
- (3) the requirement to comply with the employment plan and other requirements of the employment and training services component of ~~MFIP-S~~ MFIP, including a description of the range of work and training activities that are allowable under ~~MFIP-S~~ MFIP to meet the individual needs of participants;
- (4) the consequences for failing to comply with the employment plan and other program requirements, and that the county agency may not impose a sanction when failure to comply is due to the unavailability of child care or other circumstances where the participant has good cause under subdivision 3;
- (5) the rights, responsibilities, and obligations of participants;
- (6) the types and locations of child care services available through the county agency;
- (7) the availability and the benefits of the early childhood health and developmental screening under sections 121A.16 to 121A.19; 123B.02, subdivision 16; and 123B.10;
- (8) the caregiver's eligibility for transition year child care assistance under section 119B.05;
- (9) the caregiver's eligibility for extended medical assistance when the caregiver loses eligibility for ~~MFIP-S~~ MFIP due to increased earnings or increased child or spousal support;
- (10) the caregiver's option to choose an employment and training provider and information about each provider, including but not limited to, services offered, program components, job placement rates, job placement wages, and job retention rates;

(11) the caregiver's option to request approval of an education and training plan according to section 256J.52; and

(12) the work study programs available under the higher education system; and

(13) effective October 1, 2000, information about time limit extensions and waivers of regular employment and training requirements for family violence victims and referral information about shelters and programs for victims of family violence.

Sec. 13. Minnesota Statutes 1999 Supplement, section 256J.46, subdivision 1, is amended to read:

Subdivision 1. [SANCTIONS FOR PARTICIPANTS NOT COMPLYING WITH PROGRAM REQUIREMENTS.] (a) A participant who fails without good cause to comply with the requirements of this chapter, and who is not subject to a sanction under subdivision 2, shall be subject to a sanction as provided in this subdivision. A participant who fails to comply with an alternative employment plan must have the plan reviewed by a job counselor with a person trained in domestic violence to determine if activities contained in the plan are appropriate. If the activities are no longer appropriate, the plan must be revised by a job counselor with the assistance of a person trained in domestic violence. A sanction may be imposed only if a participant has not complied with a plan, which following review by a person trained in domestic violence, is determined to be appropriate and not in need of revision.

A sanction under this subdivision becomes effective the month following the month in which a required notice is given. A sanction must not be imposed when a participant comes into compliance with the requirements for orientation under section 256J.45 or third-party liability for medical services under section 256J.30, subdivision 10, prior to the effective date of the sanction. A sanction must not be imposed when a participant comes into compliance with the requirements for employment and training services under sections 256J.49 to 256J.72 ten days prior to the effective date of the sanction. For purposes of this subdivision, each month that a participant fails to comply with a requirement of this chapter shall be considered a separate occurrence of noncompliance. A participant who has had one or more sanctions imposed must remain in compliance with the provisions of this chapter for six months in order for a subsequent occurrence of noncompliance to be considered a first occurrence.

(b) Sanctions for noncompliance shall be imposed as follows:

(1) For the first occurrence of noncompliance by a participant in a single-parent household or by one participant in a two-parent household, the assistance unit's grant shall be reduced by ten percent of the MFIP standard of need for an assistance unit of the same size with the residual grant paid to the participant. The reduction in the grant amount must be in effect for a minimum of one month and shall be removed in the month following the month that the participant returns to compliance.

(2) For a second or subsequent occurrence of noncompliance, or when both participants in a two-parent household are out of compliance at the same time, the assistance unit's shelter costs shall be vendor paid up to the amount of the cash portion of the MFIP grant for which the participant's assistance unit is eligible. At county option, the assistance unit's utilities may also be vendor paid up to the amount of the cash portion of the MFIP grant remaining after vendor payment of the assistance unit's shelter costs. The residual amount of the grant after vendor payment, if any, must be reduced by an amount equal to 30 percent of the MFIP standard of need for an assistance unit of the same size before the residual grant is paid to the assistance unit. The reduction in the grant amount must be in effect for a minimum of one month and shall be removed in the month following the month that a participant in a one-parent household returns to compliance. In a two-parent household, the grant reduction must be in effect for a minimum of one month and shall be removed in the month following the month both participants return to compliance. The vendor payment of shelter costs and, if applicable, utilities shall be removed six months after the month in which the participant or participants return to compliance.

(c) No later than during the second month that a sanction under paragraph (b), clause (2), is in

effect due to noncompliance with employment services, the participant's case file must be reviewed to determine if:

- (i) the continued noncompliance can be explained and mitigated by providing a needed preemployment activity, as defined in section 256J.49, subdivision 13, clause (16);
- (ii) the participant qualifies for a good cause exception under section 256J.57; ~~or~~
- (iii) the participant qualifies for an exemption under section 256J.56; or
- (iv) the participant qualifies for a waiver under section 256J.52, subdivision 6.

If the lack of an identified activity can explain the noncompliance, the county must work with the participant to provide the identified activity, and the county must restore the participant's grant amount to the full amount for which the assistance unit is eligible. The grant must be restored retroactively to the first day of the month in which the participant was found to lack preemployment activities or to qualify for an exemption ~~or~~, a good cause exception, or a family violence waiver.

If the participant is found to qualify for a good cause exception or ~~an~~ exemption, or a family violence waiver, the county must restore the participant's grant to the full amount for which the assistance unit is eligible.

Sec. 14. Minnesota Statutes 1998, section 256J.48, is amended by adding a subdivision to read:

Subd. 1a. [PROCESSING EMERGENCY APPLICATIONS.] Within seven days of receiving the application, or sooner if the immediacy and severity of the situation warrants it, families must be notified in writing whether their application was approved, denied, or pending.

Sec. 15. Minnesota Statutes 1998, section 256J.49, is amended by adding a subdivision to read:

Subd. 1a. [ALTERNATIVE EMPLOYMENT PLAN.] "Alternative employment plan" means a plan that is based on an individualized assessment of need and which is developed and approved by a job counselor with a person trained in family violence which may address safety, legal, or emotional issues and other demands on the family as a result of the family violence. The information in section 256J.515, clauses (1) to (8), must be included as part of the development of the alternative employment plan. To the extent it is consistent with ensuring safety, an alternative employment plan may also include activities that are designed to lead to self-sufficiency. An alternative employment plan may not automatically include a provision that requires a participant to obtain an order for protection or to attend counseling.

Sec. 16. Minnesota Statutes 1998, section 256J.49, subdivision 2, is amended to read:

Subd. 2. [DOMESTIC FAMILY VIOLENCE.] "Domestic Family violence" means:

- (1) physical acts that result, or threaten to result in, physical injury to an individual;
- (2) sexual abuse;
- (3) sexual activity involving a minor child;
- (4) being forced as the caregiver of a minor child to engage in nonconsensual sexual acts or activities;
- (5) threats of, or attempts at, physical or sexual abuse;
- (6) mental abuse; or
- (7) neglect or deprivation of medical care.

Sec. 17. Minnesota Statutes 1998, section 256J.49, subdivision 13, is amended to read:

Subd. 13. [WORK ACTIVITY.] "Work activity" means any activity in a participant's approved

employment plan that is tied to the participant's employment goal. For purposes of the MFIP-S MFIP program, any activity that is included in a participant's approved employment plan meets the definition of work activity as counted under the federal participation standards. Work activity includes, but is not limited to:

- (1) unsubsidized employment;
- (2) subsidized private sector or public sector employment, including grant diversion as specified in section 256J.69;
- (3) work experience, including CWEP as specified in section 256J.67, and including work associated with the refurbishing of publicly assisted housing if sufficient private sector employment is not available;
- (4) on-the-job training as specified in section 256J.66;
- (5) job search, either supervised or unsupervised;
- (6) job readiness assistance;
- (7) job clubs, including job search workshops;
- (8) job placement;
- (9) job development;
- (10) job-related counseling;
- (11) job coaching;
- (12) job retention services;
- (13) job-specific training or education;
- (14) job skills training directly related to employment;
- (15) the self-employment investment demonstration (SEID), as specified in section 256J.65;
- (16) preemployment activities, based on availability and resources, such as volunteer work, literacy programs and related activities, citizenship and English as a second language classes, or participation in dislocated worker services, chemical dependency treatment, mental health services, peer group networks, displaced homemaker programs, strength-based resiliency training, parenting education, or other programs designed to help families reach their employment goals and enhance their ability to care for their children;
- (17) community service programs;
- (18) vocational educational training or educational programs that can reasonably be expected to lead to employment, as limited by the provisions of section 256J.53;
- (19) apprenticeships;
- (20) satisfactory attendance in general educational development diploma classes or an adult diploma program;
- (21) satisfactory attendance at secondary school, if the participant has not received a high school diploma;
- (22) adult basic education classes;
- (23) internships;
- (24) bilingual employment and training services;

(25) providing child care services to a participant who is working in a community service program; and

(26) activities included in a ~~safety~~ an alternative employment plan that is developed under section 256J.52, subdivision 6.

Sec. 18. Minnesota Statutes 1998, section 256J.50, subdivision 5, is amended to read:

Subd. 5. [PARTICIPATION REQUIREMENTS FOR SINGLE-PARENT AND TWO-PARENT CASES.] (a) A county must establish a uniform schedule for requiring participation by single parents. Mandatory participation must be required within six months of eligibility for cash assistance. For two-parent cases, participation is required concurrent with the receipt of ~~MFIP-S~~ MFIP cash assistance.

(b) Beginning January 1, 1998, with the exception of caregivers required to attend high school under the provisions of section 256J.54, subdivision 5, MFIP caregivers, upon completion of the secondary assessment, must develop an employment plan and participate in work activities.

(c) Upon completion of the secondary assessment:

(1) In single-parent families with no children under six years of age, the job counselor and the caregiver must develop an employment plan that includes 20 to 35 hours per week of work activities for the period January 1, 1998, to September 30, 1998; 25 to 35 hours of work activities per week in federal fiscal year 1999; and 30 to 35 hours per week of work activities in federal fiscal year 2000 and thereafter.

(2) In single-parent families with a child under six years of age, the job counselor and the caregiver must develop an employment plan that includes 20 to 35 hours per week of work activities.

(3) In two-parent families, the job counselor and the caregivers must develop employment plans which result in a combined total of at least 55 hours per week of work activities, at least 30 hours of which must be completed by one of the parents.

Sec. 19. Minnesota Statutes 1998, section 256J.50, subdivision 10, is amended to read:

Subd. 10. [REQUIRED NOTIFICATION TO VICTIMS OF DOMESTIC FAMILY VIOLENCE.] County agencies and their contractors must provide universal notification to all applicants and recipients of ~~MFIP-S~~ MFIP that:

(1) referrals to counseling and supportive services are available for victims of ~~domestic~~ family violence;

(2) nonpermanent resident battered individuals married to United States citizens or permanent residents may be eligible to petition for permanent residency under the federal Violence Against Women Act, and that referrals to appropriate legal services are available;

(3) victims of ~~domestic~~ family violence are ~~exempt from~~ eligible for an extension of the 60-month limit on assistance while the individual is complying with an approved safety plan, as defined in section 256J.49, subdivision 11; and

(4) victims of ~~domestic~~ family violence may choose to ~~be exempt or deferred from~~ have regular work requirements ~~for up to 12 months~~ waived while the individual is complying with an approved safety alternative employment plan as defined in section 256J.49, subdivision 11 1a.

Notification must be in writing and orally at the time of application and recertification, when the individual is referred to the title IV-D child support agency, and at the beginning of any job training or work placement assistance program.

Sec. 20. Minnesota Statutes 1998, section 256J.50, is amended by adding a subdivision to read:

Subd. 12. [ACCESS TO PERSONS TRAINED IN DOMESTIC VIOLENCE.] In a county

where there is no local organization with a staff person who is trained in domestic violence, as that term is defined in section 256J.08, subdivision 67a, the county must work with the nearest organization that is designated as providing services to victims of domestic violence to develop a process, which ensures that domestic violence victims have access to a person trained in domestic violence.

Sec. 21. Minnesota Statutes 1999 Supplement, section 256J.515, is amended to read:

256J.515 [OVERVIEW OF EMPLOYMENT AND TRAINING SERVICES.]

During the first meeting with participants, job counselors must ensure that an overview of employment and training services is provided that:

- (1) stresses the necessity and opportunity of immediate employment;
- (2) outlines the job search resources offered;
- (3) outlines education or training opportunities available;
- (4) describes the range of work activities, including activities under section 256J.49, subdivision 13, clause (18), that are allowable under MFIP to meet the individual needs of participants;
- (5) explains the requirements to comply with an employment plan;
- (6) explains the consequences for failing to comply; ~~and~~
- (7) explains the services that are available to support job search and work and education; and
- (8) provides referral information about shelters and programs for victims of family violence, time limit extensions, and waivers of regular employment and training requirements for family violence victims.

Failure to attend the overview of employment and training services without good cause results in the imposition of a sanction under section 256J.46.

Effective October 1, 2000, a participant who has an alternative employment plan under section 256J.52, subdivision 6, as defined in section 256J.49, subdivision 1a, or who is in the process of developing such a plan, is exempt from the requirement to attend the overview.

Sec. 22. Minnesota Statutes 1998, section 256J.52, subdivision 2, is amended to read:

Subd. 2. [INITIAL ASSESSMENT.] (a) The job counselor must, with the cooperation of the participant, assess the participant's ability to obtain and retain employment. This initial assessment must include a review of the participant's education level, prior employment or work experience, transferable work skills, and existing job markets.

(b) In assessing the participant, the job counselor must determine if the participant needs refresher courses for professional certification or licensure, in which case, the job search plan under subdivision 3 must include the courses necessary to obtain the certification or licensure, in addition to other work activities, provided the combination of the courses and other work activities are at least for 40 hours per week.

(c) If a participant can demonstrate to the satisfaction of the county agency that lack of proficiency in English is a barrier to obtaining suitable employment, the job counselor must include participation in an intensive English as a second language program if available or otherwise a regular English as a second language program in the individual's employment plan under subdivision 5. Lack of proficiency in English is not necessarily a barrier to employment.

(d) The job counselor may approve an education or training plan, and postpone the job search requirement, if the participant has a proposal for an education program which:

(1) can be completed within 12 months;

(2) meets the criteria of section 256J.53, subdivisions 2, 3, and 5; and

(3) is likely, without additional training, to lead to monthly employment earnings which, after subtraction of the earnings disregard under section 256J.21, equal or exceed the family wage level for the participant's assistance unit.

(e) A participant who, at the time of the initial assessment, presents a plan that includes farming as a self-employed work activity must have an employment plan developed under subdivision 5 that includes the farming as an approved work activity.

(f) Effective October 1, 2000, an alternative employment plan must be developed and approved for a participant who at any time declares or reveals current or past family violence.

Sec. 23. Minnesota Statutes 1999 Supplement, section 256J.52, subdivision 3, is amended to read:

Subd. 3. [JOB SEARCH; JOB SEARCH SUPPORT PLAN.] (a) If, after the initial assessment, the job counselor determines that the participant possesses sufficient skills that the participant is likely to succeed in obtaining suitable employment, the participant must conduct job search for a period of up to eight weeks, for at least 30 hours per week. The participant must accept any offer of suitable employment. Upon agreement by the job counselor and the participant, a job search support plan may limit a job search to jobs that are consistent with the participant's employment goal. The job counselor and participant must develop a job search support plan which specifies, at a minimum: whether the job search is to be supervised or unsupervised; support services that will be provided while the participant conducts job search activities; the courses necessary to obtain certification or licensure, if applicable, and after obtaining the license or certificate, the client must comply with subdivision 5; and how frequently the participant must report to the job counselor on the status of the participant's job search activities. The job search support plan may also specify that the participant fulfill a specified portion of the required hours of job search through attending adult basic education or English as a second language classes.

(b) A participant with low skills in reading or mathematics who is proficient only at or below an eighth-grade level must be allowed to include basic education activities in a job search support plan.

(c) During the eight-week job search period, either the job counselor or the participant may request a review of the participant's job search plan and progress towards obtaining suitable employment. If a review is requested by the participant, the job counselor must concur that the review is appropriate for the participant at that time. If a review is conducted, the job counselor may make a determination to conduct a secondary assessment prior to the conclusion of the job search.

(e) (d) Failure to conduct the required job search, to accept any offer of suitable employment, to develop or comply with a job search support plan, or voluntarily quitting suitable employment without good cause results in the imposition of a sanction under section 256J.46. If at the end of eight weeks the participant has not obtained suitable employment, the job counselor must conduct a secondary assessment of the participant under subdivision 3 4.

Sec. 24. Minnesota Statutes 1999 Supplement, section 256J.52, subdivision 5, is amended to read:

Subd. 5. [EMPLOYMENT PLAN; CONTENTS.] (a) Based on the secondary assessment under subdivision 4, the job counselor and the participant must develop an employment plan for the participant that includes specific activities that are tied to an employment goal and a plan for long-term self-sufficiency, and that is designed to move the participant along the most direct path to unsubsidized employment. The employment plan must list the specific steps that will be taken to obtain employment and a timetable for completion of each of the steps. Upon agreement by the job counselor and the participant, the employment plan may limit a job search to jobs that are consistent with the participant's employment goal.

(b) As part of the development of the participant's employment plan, the participant shall have the option of selecting from among the vendors or resources that the job counselor determines will be effective in supplying one or more of the services necessary to meet the employment goals specified in the participant's plan. In compiling the list of vendors and resources that the job counselor determines would be effective in meeting the participant's employment goals, the job counselor must determine that adequate financial resources are available for the vendors or resources ultimately selected by the participant.

(c) A participant with low skills in reading or mathematics who is proficient only at or below an eighth-grade level must be allowed to include basic education activities in an employment plan.

(d) The job counselor and the participant must sign the developed plan to indicate agreement between the job counselor and the participant on the contents of the plan.

Sec. 25. Minnesota Statutes 1998, section 256J.52, subdivision 6, is amended to read:

Subd. 6. ~~[SAFETY ALTERNATIVE EMPLOYMENT PLAN AND WAIVER PROVISIONS.] Notwithstanding subdivisions 1 to 5,~~ A participant who is a victim of domestic family violence and who agrees to develop ~~or has developed a safety~~ an alternative employment plan meeting the definition under section 256J.49, subdivision 1a, is deferred ~~waived~~ from the requirements of this section, sections 256J.54, and 256J.55 for a period of three months from the date the safety alternative employment plan is approved. ~~A participant deferred under this subdivision must submit a safety plan status report to the county agency on a quarterly basis. Based on a review of the status report, the county agency may approve or renew the participant's deferral each quarter, provided the personal safety of the participant is still at risk and the participant is complying with the plan. A participant who is deferred under this subdivision may be deferred for a total of 12 months under a safety plan, provided the individual is complying with the terms of the plan. An alternative employment plan must be reviewed and approved by a person trained in domestic violence at the end of three months to determine if the activities contained in the alternative employment plan are still appropriate. If the activities are still appropriate, the alternative employment plan must be renewed. If the activities in the alternative employment plan are no longer appropriate, the plan must be revised with the assistance of a person trained in domestic violence. If a plan under this subdivision is no longer needed, the participant must be referred for an initial assessment under subdivision 2.~~

Sec. 26. Minnesota Statutes 1999 Supplement, section 256J.56, is amended to read:

256J.56 [EMPLOYMENT AND TRAINING SERVICES COMPONENT; EXEMPTIONS.]

(a) An MFIP caregiver is exempt from the requirements of sections 256J.52 to 256J.55 if the caregiver belongs to any of the following groups:

- (1) individuals who are age 60 or older;
- (2) individuals who are suffering from a professionally certified permanent or temporary illness, injury, or incapacity which is expected to continue for more than 30 days and which prevents the person from obtaining or retaining employment. Persons in this category with a temporary illness, injury, or incapacity must be reevaluated at least quarterly;
- (3) caregivers whose presence in the home is required because of the professionally certified illness or incapacity of another member in the assistance unit, a relative in the household, or a foster child in the household;
- (4) women who are pregnant, if the pregnancy has resulted in a professionally certified incapacity that prevents the woman from obtaining or retaining employment;
- (5) caregivers of a child under the age of one year who personally provide full-time care for the child. This exemption may be used for only 12 months in a lifetime. In two-parent households, only one parent or other relative may qualify for this exemption;
- (6) individuals who are single parents, or one parent in a two-parent family, employed at least 35 hours per week;

(7) individuals experiencing a personal or family crisis that makes them incapable of participating in the program, as determined by the county agency. If the participant does not agree with the county agency's determination, the participant may seek professional certification, as defined in section 256J.08, that the participant is incapable of participating in the program.

Persons in this exemption category must be reevaluated every 60 days; or

(8) second parents in two-parent families employed for 20 or more hours per week, provided the first parent is employed at least 35 hours per week.

A personal or family crisis related to family violence, as determined by a job counselor with the assistance of a person trained in domestic violence, should not result in an exemption but should be addressed through the development or revision of an alternative employment plan under section 256J.52, subdivision 6.

A caregiver who is exempt under clause (5) must enroll in and attend an early childhood and family education class, a parenting class, or some similar activity, if available, during the period of time the caregiver is exempt under this section. Notwithstanding section 256J.46, failure to attend the required activity shall not result in the imposition of a sanction.

(b) The county agency must provide employment and training services to MFIP caregivers who are exempt under this section, but who volunteer to participate. Exempt volunteers may request approval for any work activity under section 256J.49, subdivision 13. The hourly participation requirements for nonexempt caregivers under section 256J.50, subdivision 5, do not apply to exempt caregivers who volunteer to participate.

Sec. 27. Minnesota Statutes 1999 Supplement, section 256J.62, subdivision 9, is amended to read:

Subd. 9. [CONTINUATION OF CERTAIN SERVICES.] At the request of the caregiver, the county may continue to provide case management, counseling or other support services to a participant following the participant's achievement of the employment goal, for up to 12 months following termination of the participant's eligibility for MFIP, as long as the participant's household income is below 200 percent of the federal poverty guidelines.

~~A county may expend funds for a specific employment and training service for the duration of that service to a participant if the funds are obligated or expended prior to the participant losing MFIP eligibility.~~

Sec. 28. [REVISOR INSTRUCTION.]

In the next edition of Minnesota Statutes and Minnesota Rules, the revisor shall change all references to Minnesota Family Investment Program-Statewide (MFIP-S) to Minnesota Family Investment Program (MFIP).

Sec. 29. [REPEALER.]

(a) Minnesota Statutes 1998, sections 256J.08, subdivision 50a; 256J.42, subdivision 3; and Minnesota Statutes 1999 Supplement, sections 256J.42, subdivision 5; 256J.43; and 256J.52, subdivision 5a, are repealed.

(b) Minnesota Statutes 1998, section 256J.49, subdivision 11; and Minnesota Statutes 1999 Supplement, section 256J.42, subdivision 4, are repealed October 1, 2000.

Sec. 30. [EFFECTIVE DATE.]

Section 1 is effective January 1, 2001. Sections 4, 7, 10, 13, 15, 16, 17, 19, 20, and 23, are effective October 1, 2000."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "256J.08, by adding a subdivision;"

Page 1, line 8, delete "11" and insert "by adding a subdivision"

Page 1, line 11, delete "256.019;"

Page 1, line 15, after the first semicolon, insert "256J.515;" and delete "subdivision 5a" and insert "subdivisions 3 and 5"

Page 1, line 20, delete the second "and" and before the period, insert "; and 256J.52, subdivision 5a"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Hottinger from the Committee on Health and Family Security, to which was referred**

**S.F. No. 3060:** A bill for an act relating to human services; requiring the commissioner to develop proposals to provide respite care for family adult foster care providers.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

**Senator Hottinger from the Committee on Health and Family Security, to which was referred**

**S.F. No. 3089:** A bill for an act relating to health occupations; permitting an additional pharmacy technician in a pharmacy if the technician is nationally certified; amending Minnesota Statutes 1999 Supplement, section 151.102, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, delete "two-to-one"

Page 1, line 17, after "subdivision" insert "or in rule"

Page 1, line 23, before the period, insert "as determined by the board of pharmacy"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Hottinger from the Committee on Health and Family Security, to which was referred**

**H.F. No. 2670:** A bill for an act relating to human services; allowing certain individuals to simultaneously receive a one-time family support grant and community-based waived services; setting a maximum for family support grants; amending Minnesota Statutes 1998, section 252.32, subdivisions 1a and 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 32, strike "Effective July 1, 1997,"

Page 3, after line 36, insert:

"Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Hottinger from the Committee on Health and Family Security, to which was referred**

**S.F. No. 3253:** A bill for an act relating to medical assistance reimbursement for special transportation services; amending Minnesota Statutes 1998, section 256B.0625, subdivision 17.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [STUDY ON REIMBURSEMENT FOR SPECIAL TRANSPORTATION PROVIDERS.]

The commissioner of human services, in consultation with special transportation providers, shall prepare a study on appropriate reimbursement for special transportation providers. The study shall include, but not be limited to, an analysis of the cost characteristics of special transportation services, including the differences in costs for services provided to:

- (1) persons who need a wheelchair lift or ramp van;
- (2) persons who need a stretcher-equipped vehicle;
- (3) persons who are ambulatory with assistance multiple door through multiple door;
- (4) persons who are ambulatory without assistance;
- (5) persons residing in rural areas; and
- (6) persons residing in urban areas.

The commissioner shall make recommendations for reimbursement rates for services to persons in clauses (1) to (6), based primarily on the analysis of service cost characteristics, capital cost characteristics, and industry growth cost characteristics. The commissioner shall present the study to the legislature no later than September 15, 2000."

Delete the title and insert:

"A bill for an act relating to human services; requiring the commissioner of human services to study the medical assistance reimbursement rates for special transportation providers."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Hottinger from the Committee on Health and Family Security, to which was referred**

**S.F. No. 3348:** A bill for an act relating to health; modifying requirements for potluck events sponsored by organizations; amending Minnesota Statutes 1998, section 157.22.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 11, after the period, insert "The sponsoring organization shall post a sign stating: "The food served at this event was not prepared in a licensed kitchen and is not subject to health department regulation." Licensed food establishments cannot be sponsors of potluck events. Potluck event food shall not be brought into a licensed food establishment kitchen."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Spear from the Committee on Crime Prevention, to which was re-referred**

**S.F. No. 2381:** A bill for an act relating to liens; modifying mechanics' lien penalties; creating a civil cause of action; authorizing attorney fees; providing that proceeds are exempt from execution; imposing penalties; amending Minnesota Statutes 1998, sections 514.02, subdivision 1, and by adding a subdivision; and 550.37, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 514.02, subdivision 1, is amended to read:

Subdivision 1. [ACTS CONSTITUTING THEFT.] Proceeds of payments received by a person contributing to an improvement to real property within the meaning of section 514.01 shall be held by that person for the benefit of those persons who furnished the labor, skill, material, or machinery contributing to the improvement. Proceeds of the payment are not subject to garnishment, execution, levy, or attachment. Nothing contained in this subdivision shall require money to be placed in a separate account and not commingled with other money of the person receiving payment or create a fiduciary liability or tort liability on the part of any person receiving payment or entitle any person to an award of punitive damages among persons contributing to an improvement to real property under section 514.01 for a violation of this subdivision. If a person, on any improvement to real estate within the meaning of section 514.01, fails to use the proceeds of any a payment made to that person on account of such for the improvement by the owner of such real estate or person having any improvement made, for the payment for labor, skill, material, and machinery contributed to such the improvement, knowing that the cost of any such the labor performed, or skill, material, or machinery furnished for such improvement remains unpaid, and who has not furnished to the person making such payment either a valid lien waiver as to any unpaid labor performed, or skill, material, or machinery furnished for such improvement under section 514.07, or a payment bond in the basic amount of the contract price for such the improvement, conditioned for the prompt payment to any person or persons entitled thereto for the performance of labor or the furnishing of skill, material, or machinery for the improvement, shall be guilty of theft of the proceeds of such the payment and upon conviction shall be fined not more than \$3,000 or imprisoned not more than one year, or both is punishable under section 609.52. For an improvement to real property that requires a pre-lien notice under section 514.011, if the person is a corporation:

(1) any officers, directors, or agents of the corporation responsible for the theft shall be guilty of theft of the proceeds; and

(2) proceeds of the payment, received as salary, dividend, loan repayment, capital distribution, or otherwise by any shareholder not responsible for the theft shall be a civil liability of the shareholder and may be recovered and restored as provided in subdivision 1a.

Sec. 2. Minnesota Statutes 1998, section 514.02, is amended by adding a subdivision to read:

Subd. 1a. [CIVIL ACTION.] A person injured by a violation of subdivision 1 may bring a civil action against the person who committed the theft and recover damages, together with costs and disbursements, including costs of investigation and reasonable attorney fees, and receive other relief as determined by the court, including, without limitation, equitable tracing.

Sec. 3. Minnesota Statutes 1998, section 550.37, is amended by adding a subdivision to read:

Subd. 25. [PROCEEDS FOR IMPROVEMENTS TO PROPERTY.] Proceeds of payments received by a person for labor, skill, material, or machinery contributing to an improvement to real property within the meaning of section 514.01.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 2 are effective August 1, 2000, and apply to crimes committed on or after that date and civil claims for causes of action arising on or after that date."

Delete the title and insert:

"A bill for an act relating to liens; modifying mechanics' lien penalties; creating a civil cause of action; authorizing attorney fees; providing that proceeds are exempt from execution; imposing criminal penalties; amending Minnesota Statutes 1998, sections 514.02, subdivision 1, and by adding a subdivision; and 550.37, by adding a subdivision."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Spear from the Committee on Crime Prevention, to which was re-referred**

**S.F. No. 3210:** A bill for an act relating to agriculture; prohibiting tampering with anhydrous ammonia; limiting the cause of action for a person tampering with anhydrous ammonia; imposing penalties; amending Minnesota Statutes 1998, sections 18C.005, by adding subdivisions; 18C.201, by adding subdivisions; and 18D.331, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, after line 4, insert:

"Sec. 6. Minnesota Statutes 1999 Supplement, section 609.035, subdivision 1, is amended to read:

Subdivision 1. Except as provided in subdivisions 2, 3, 4, ~~and 5, and 6,~~ and in sections 609.251, 609.585, 609.21, subdivisions 3 and 4, 609.2691, 609.486, 609.494, and 609.856, if a person's conduct constitutes more than one offense under the laws of this state, the person may be punished for only one of the offenses and a conviction or acquittal of any one of them is a bar to prosecution for any other of them. All the offenses, if prosecuted, shall be included in one prosecution which shall be stated in separate counts.

Sec. 7. Minnesota Statutes 1998, section 609.035, subdivision 3, is amended to read:

Subd. 3. [EXCEPTION; FIREARMS OFFENSES.] Notwithstanding ~~section 609.04 subdivision 1,~~ a prosecution for or conviction of a violation of section 609.165 or 624.713, ~~subdivision 1,~~ clause (b), is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.

Sec. 8. Minnesota Statutes 1998, section 609.035, subdivision 4, is amended to read:

Subd. 4. [EXCEPTION; ARSON OFFENSES.] Notwithstanding ~~section 609.04 subdivision 1,~~ a prosecution for or conviction of a violation of sections 609.561 to 609.563 or 609.5641 is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct when the defendant is shown to have violated sections 609.561 to 609.563 or 609.5641 for the purpose of concealing any other crime.

For purposes of the sentencing guidelines, a violation of sections 609.561 to 609.563 or 609.5641 is a crime against the person.

Sec. 9. Minnesota Statutes 1998, section 609.035, is amended by adding a subdivision to read:

Subd. 6. [EXCEPTION; NEGLIGENCE OR ENDANGERMENT OF A CHILD.] Notwithstanding ~~subdivision 1,~~ a prosecution for or conviction of a violation of section 609.378 is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.

Sec. 10. Minnesota Statutes 1998, section 609.378, is amended by adding a subdivision to read:

Subd. 3. [CONSECUTIVE SENTENCES AUTHORIZED.] Notwithstanding any provision of the sentencing guidelines, the court may provide that a sentence imposed for a violation of this section shall run consecutively to any sentence imposed for another crime committed as part of the same conduct. A consecutive sentence imposed under this subdivision is not a departure from the sentencing guidelines.

Sec. 11. Minnesota Statutes 1999 Supplement, section 609.52, subdivision 3, is amended to read:

Subd. 3. [SENTENCE.] Whoever commits theft may be sentenced as follows:

(1) to imprisonment for not more than 20 years or to payment of a fine of not more than \$100,000, or both, if the property is a firearm, or the value of the property or services stolen is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4), (15), or (16); or

(2) to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the value of the property or services stolen exceeds \$2,500, or if the property stolen was an article representing a trade secret, an explosive or incendiary device, or a controlled substance listed in schedule I or II pursuant to section 152.02 with the exception of marijuana; or

(3) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if:

(a) the value of the property or services stolen is more than \$500 but not more than \$2,500; or

(b) the property stolen was a controlled substance listed in schedule III, IV, or V pursuant to section 152.02; or

(c) the value of the property or services stolen is more than \$250 but not more than \$500 and the person has been convicted within the preceding five years for an offense under this section, section 256.98; 268.182; 609.24; 609.245; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state, the United States, or a foreign jurisdiction, in conformity with any of those sections, and the person received a felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony or gross misdemeanor sentence; or

(d) the value of the property or services stolen is not more than \$500, and any of the following circumstances exist:

(i) the property is taken from the person of another or from a corpse, or grave or coffin containing a corpse; or

(ii) the property is a record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or office; or

(iii) the property is taken from a burning, abandoned, or vacant building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle; or

(iv) the property consists of public funds belonging to the state or to any political subdivision or agency thereof; or

(v) the property stolen is a motor vehicle; or

(vi) the property stolen is anhydrous ammonia; or

(4) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the value of the property or services stolen is more than \$250 but not more than \$500; or

(5) in all other cases where the value of the property or services stolen is \$250 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3), (4), and (13), the value of the money or property or services received by the defendant in violation of any one or more of the above provisions within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

Sec. 12. [609.6655] [BOOBY TRAPS PROHIBITED.]

Subdivision 1. [DEFINITION.] As used in this section, "booby trap" means a concealed or camouflaged device designed to cause bodily harm or death when triggered by an action of an unsuspecting person making contact with the device. "Booby trap" includes, but is not limited to,

firearms, ammunition, or explosive devices attached to trip wires or other triggering mechanisms, sharpened stakes, nails, spikes, electrical devices, lines or wires with hooks attached, and devices for the production of toxic fumes or gases.

Subd. 2. [CRIME DEFINED.] A person who assembles, maintains, places, or causes to be placed a booby trap in a location where a controlled substance is being manufactured, distributed, or dispensed, with the intent to kill or injure a person who approaches the location, is guilty of a felony and may be sentenced as provided in subdivision 3.

Subd. 3. [PENALTY.] (a) If the violation does not constitute first degree murder and results in the death of a human being other than the perpetrator or the perpetrator's accomplice, the person may be sentenced to imprisonment for not more than 40 years or to payment of a fine of not more than \$50,000, or both.

(b) If the violation results in great bodily harm to a human being other than the perpetrator or the perpetrator's accomplice, the person may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$30,000, or both.

(c) If the violation results in substantial bodily harm to a human being other than the perpetrator or the perpetrator's accomplice, the person may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(d) In all other cases, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Sec. 13. [EFFECTIVE DATE.]

Sections 1 to 12 are effective August 1, 2000, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crime prevention; prohibiting tampering with anhydrous ammonia; specifying that a conviction for neglect or endangerment of a child is not a bar for a conviction of another offense committed as part of the same conduct and authorizing consecutive sentences in these situations; imposing criminal penalties for placing a booby trap in locations where controlled substances are manufactured; providing for increased penalties for the theft of anhydrous ammonia; imposing criminal penalties; amending Minnesota Statutes 1998, sections 18C.005, by adding subdivisions; 18C.201, by adding subdivisions; 18D.331, by adding a subdivision; 609.035, subdivisions 3, 4, and by adding a subdivision; and 609.378, by adding a subdivision; Minnesota Statutes 1999 Supplement, sections 609.035, subdivision 1; and 609.52, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 609."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Ranum from the Committee on Judiciary, to which was referred**

**S.F. No. 3291:** A bill for an act relating to liens; motor vehicles towed at the request of law enforcement; clarifying the extent of the lien; providing for notice to the owner of towing, sale, and right to reclaim; proposing coding for new law in Minnesota Statutes, chapter 514; repealing Minnesota Statutes 1998, section 514.18, subdivision 1a.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, delete "so" and insert "the storing"

Page 1, line 26, delete "any lienholders" and insert "a secured party or lessor"

Page 2, line 5, delete "lienholders" and insert "a secured party or lessor"

Page 2, lines 13 and 18, delete "lienholders" and insert "secured parties and lessors"

Page 2, delete lines 22 to 27

Page 2, line 28, delete "5" and insert "4" and delete "lienholder" and insert "secured party or lessor"

Page 2, delete lines 35 and 36

Page 3, delete lines 1 to 6

Page 3, line 7, delete "7" and insert "5"

Page 3, line 9, delete "5" and insert "4"

Page 3, line 10, delete "8" and insert "6" and after the period, insert "A vehicle encumbered by a bona fide security interest or subject to a lease that has a term of 180 days or more is subject to the interest of the secured party or lessor."

(b) If the proceeds of the sale exceed the outstanding loan balance on the vehicle, the proceeds from the sale of the vehicle are to be applied in the following order of priority:

- (1) payment of the towing, storage, and selling costs of the person who towed the vehicle;
- (2) satisfaction of valid liens against the vehicle; and
- (3) any remainder to the owner of the vehicle.

If the proceeds of the sale do not equal or exceed the outstanding loan balance, the proceeds are to be remitted to the secured party or lessor."

Page 3, line 11, delete "(b)" and insert "(c)"

Page 3, line 13, after the period, insert "If the secured party's or lessor's lien is satisfied,"

Page 3, line 16, delete everything after the period

Page 3, delete line 17

Page 3, line 18, delete "8" and insert "6"

Page 3, line 19, after "owner" insert "or a secured party or lessor"

And when so amended the bill do pass. Amendments adopted. Report adopted.

### **Senator Ranum from the Committee on Judiciary, to which was referred**

**S.F. No. 2806:** A bill for an act relating to government data; codifying temporary classifications dealing with data of the St. Paul housing and redevelopment authority and St. Paul economic assistance data; proposing coding for new law in Minnesota Statutes, chapter 13.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1999 Supplement, section 3.979, is amended by adding a subdivision to read:

Subd. 5. [DATA ON RECOMMENDED TOPICS.] Data submitted to the legislative auditor by legislators relating to suggested topics for evaluation are private data on individuals or nonpublic data, as defined in section 13.02.

Sec. 2. Minnesota Statutes 1998, section 13.01, is amended by adding a subdivision to read:

Subd. 4. [HEADNOTES.] The headnotes printed in boldface type before paragraphs in this chapter are mere catchwords to indicate the content of a paragraph and are not part of the statute.

Sec. 3. Minnesota Statutes 1998, section 13.01, is amended by adding a subdivision to read:

Subd. 5. [PROVISIONS CODED IN OTHER CHAPTERS.] The sections referenced in this chapter that are codified outside this chapter, classify government data as other than public, place restrictions on access to government data, or involve data sharing. Those sections are governed by the definitions and general provisions in sections 13.01 to 13.07 and the remedies and penalties provided in sections 13.08 and 13.09, except:

(1) for records of the judiciary, as provided in section 13.90; or

(2) as specifically provided otherwise by law.

Sec. 4. Minnesota Statutes 1998, section 13.02, is amended by adding a subdivision to read:

Subd. 7a. [GOVERNMENT ENTITY.] "Government entity" means a state agency, statewide system, or political subdivision.

Sec. 5. Minnesota Statutes 1999 Supplement, section 13.03, subdivision 3, is amended to read:

Subd. 3. [REQUEST FOR ACCESS TO DATA.] (a) Upon request to a responsible authority or designee, a person shall be permitted to inspect and copy public government data at reasonable times and places, and, upon request, shall be informed of the data's meaning. If a person requests access for the purpose of inspection, the responsible authority may not assess a charge or require the requesting person to pay a fee to inspect data.

(b) For purposes of this section, "inspection" includes, but is not limited to, the visual inspection of paper and similar types of government data. Inspection does not include printing copies by the government entity, unless printing a copy is the only method to provide for inspection of the data. In the case of data stored in electronic form and made available in electronic form on a remote access basis to the public by the government entity, inspection includes remote access to the data by the public and the ability to print copies of or download the data on the public's own computer equipment. Nothing in this section prohibits a government entity from charging a reasonable fee for remote access to data under a specific statutory grant of authority. A government entity may charge a fee for remote access to data where either the data or the access is enhanced at the request of the person seeking access.

(c) The responsible authority or designee shall provide copies of public data upon request. If a person requests copies or electronic transmittal of the data to the person, the responsible authority may require the requesting person to pay the actual costs of searching for and retrieving government data, including the cost of employee time, and for making, certifying, compiling, and electronically transmitting the copies of the data or the data, but may not charge for separating public from not public data. If the responsible authority or designee is not able to provide copies at the time a request is made, copies shall be supplied as soon as reasonably possible.

(d) When a request under this subdivision involves any person's receipt of copies of public government data that has commercial value and is a substantial and discrete portion of or an entire formula, pattern, compilation, program, device, method, technique, process, database, or system developed with a significant expenditure of public funds by the agency, the responsible authority may charge a reasonable fee for the information in addition to the costs of making, certifying, and compiling the copies. Any fee charged must be clearly demonstrated by the agency to relate to the actual development costs of the information. The responsible authority, upon the request of any person, shall provide sufficient documentation to explain and justify the fee being charged.

(e) The responsible authority of a state agency, statewide system, or political subdivision that maintains public government data in a computer storage medium shall provide to any person making a request under this section a copy of any public data contained in that medium, in electronic form, if the government entity can reasonably make the copy or have a copy made. This does not require a government entity to provide the data in an electronic format or program that is different from the format or program in which the data are maintained by the government entity. The entity may require the requesting person to pay the actual cost of providing the copy.

(e) (f) If the responsible authority or designee determines that the requested data is classified so as to deny the requesting person access, the responsible authority or designee shall inform the requesting person of the determination either orally at the time of the request, or in writing as soon after that time as possible, and shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based. Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.

Sec. 6. Minnesota Statutes 1998, section 13.03, subdivision 5, is amended to read:

Subd. 5. [~~COPYRIGHT OR PATENT OF COMPUTER PROGRAM OF GOVERNMENT DATA.~~] ~~Nothing in this chapter or any other statute shall be construed to prevent~~ A state agency, statewide system, or political subdivision ~~from acquiring~~ may enforce a copyright or acquire a patent for a computer software program or components of a program created by that government agency ~~without statutory authority.~~ In the event that a government agency ~~does acquire~~ acquires a patent or copyright to a computer software program or component of a program, the data shall be treated as trade secret information pursuant to section 13.37.

Sec. 7. Minnesota Statutes 1998, section 13.05, subdivision 3, is amended to read:

Subd. 3. [~~GENERAL STANDARDS FOR COLLECTION AND STORAGE.~~] ~~Collection and, storage, and use of all data on individuals and the use and dissemination of private and confidential data on individuals shall be~~ is limited to that necessary for the administration and management of programs specifically authorized by the legislature or local governing body or mandated by the federal government. Dissemination of private or confidential data on individuals is limited to that necessary for the administration and management of programs specifically authorized by the legislature or mandated by the federal government.

Sec. 8. Minnesota Statutes 1998, section 13.05, is amended by adding a subdivision to read:

Subd. 12. [~~MONITORING OF CITIZENS.~~] Unless specifically authorized by statute, state agencies, statewide systems, and political subdivisions may not require citizens to identify themselves, state a reason for, or justify a request to gain access to public government data. A citizen may be asked to provide certain identifying or clarifying information for the sole purpose of facilitating access to the data.

Sec. 9. Minnesota Statutes 1998, section 13.05, is amended by adding a subdivision to read:

Subd. 13. [~~DATA PRACTICES COMPLIANCE OFFICIAL.~~] By December 1, 2000, each responsible authority or other appropriate authority in every government entity shall appoint or designate an employee of the government entity to act as the entity's data practices compliance official. The data practices compliance official is the designated employee of the government entity to whom citizens may direct questions or concerns regarding problems in obtaining access to data or other data practices problems. The data practices compliance official is responsible for monitoring and facilitating compliance with this chapter by the government entity. The responsible authority may be the data practices compliance official. By January 15, 2001, the responsible authority or other appropriate authority in every government entity shall report, in a form prescribed by the commissioner, the name of the individual designated as the data practices compliance official. Whenever the government entity makes a change in the individual assigned to the position of data practices compliance official, it shall report that change to the commissioner. Each biennial budget session, the commissioner shall report to the legislature with information on which government entities have failed to file reports under this subdivision.

Sec. 10. Minnesota Statutes 1998, section 13.08, subdivision 4, is amended to read:

Subd. 4. [~~ACTION TO COMPEL COMPLIANCE.~~] (a) In addition to the remedies provided in subdivisions 1 to 3 or any other law, any aggrieved person seeking to enforce rights under this chapter or obtain access to data may bring an action in district court to compel compliance with this chapter and may recover costs and disbursements, including reasonable attorney's fees, as

determined by the court. If the court determines that an action brought under this subdivision is frivolous and without merit and a basis in fact, it may award reasonable costs and attorney fees to the responsible authority. If the court issues an order to compel compliance under this subdivision, the court may impose a civil penalty of up to \$1,000 against the government entity. This penalty is payable to the state general fund and is in addition to damages under subdivision 1. The matter shall be heard as soon as possible. In an action involving a request for government data under section 13.03 or 13.04, the court may inspect in camera the government data in dispute, but shall conduct its hearing in public and in a manner that protects the security of data classified as not public. If the court issues an order to compel compliance under this subdivision, the court shall forward a copy of the order to the commissioner of administration.

(b) In determining whether to assess a civil penalty under this subdivision, the court shall consider whether the government entity has substantially complied with general data practices under this chapter, including but not limited to, whether the government has:

- (1) designated a responsible authority under section 13.02, subdivision 16;
- (2) designated a data practices compliance official under section 13.05, subdivision 13;
- (3) prepared the public document that names the responsible authority and describes the records and data on individuals that are maintained by the government entity under section 13.05, subdivision 1;
- (4) developed public access procedures under section 13.03, subdivision 2; procedures to guarantee the rights of data subjects under section 13.05, subdivision 8; and procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under section 13.05, subdivision 5;
- (5) sought an advisory opinion from the commissioner of administration under section 13.072 related to the matter at issue and acted in conformity with that opinion or an opinion sought by another person; or
- (6) provided ongoing training to government entity personnel who respond to requests under this chapter.

Sec. 11. [13.081] [ADMINISTRATIVE REMEDIES.]

Subdivision 1. [COMPLAINTS.] Any person who believes that a government entity is not in compliance with this chapter may file a complaint with the commissioner. The commissioner shall specify the form of the complaint. The commissioner shall conduct an investigation to determine whether the complaint is valid or whether another alternative dispute resolution process exists to address the issue presented. If the commissioner determines the complaint is not valid or another alternative dispute resolution process is a more appropriate forum for resolving the dispute, the commissioner shall dismiss the complaint and so inform the person who filed the complaint and the government entity that was the subject of the complaint. If the commissioner determines the complaint is valid, the commissioner may take any of the actions under subdivision 2 or 3 to resolve the complaint.

Subd. 2. [INFORMAL RESOLUTION OF COMPLAINT.] The commissioner may attempt to resolve a complaint informally or, with the consent of both parties, refer the matter to an alternative dispute resolution process and use the services of the office of dispute resolution or the office of administrative hearings to arbitrate or mediate the dispute.

Subd. 3. [FORMAL RESOLUTION OF COMPLAINT.] (a) The commissioner may refer a complaint to the office of administrative hearings for formal resolution. A complaint referred by the commissioner must be heard as a contested case, except that the report of the administrative law judge is binding on all parties to the proceeding and, if appropriate, must be implemented by an order as provided for below. The hearing must be conducted at a place designated by the commissioner within the county where the alleged violation occurred or where the complainant resides or has a principal place of business. The hearing must be conducted under sections 14.57 to 14.62, and is subject to appeal under sections 14.63 to 14.68.

(b) The administrative law judge shall make findings of fact and conclusions of law and, if the administrative law judge finds that the government entity has violated this chapter, the administrative law judge shall issue an order directing the government entity to take affirmative action as in the judgment of the administrative law judge will effectuate the purposes of this chapter. The order is a final decision of the commissioner. If the administrative law judge determines that the government entity's failure to comply with this chapter has caused damage to the complainant, the administrative law judge may also order the government entity to pay any actual damages.

Subd. 4. [CIVIL DAMAGE ACTION PRECLUDED.] A person who files a complaint under this section may not bring an action for damages under section 13.08.

Sec. 12. Minnesota Statutes 1998, section 13.41, subdivision 2, is amended to read:

Subd. 2. [PRIVATE DATA; DESIGNATED ADDRESSES AND TELEPHONE NUMBERS.] (a) The following data collected, created or maintained by any licensing agency are classified as private, pursuant to section 13.02, subdivision 12: data, other than their names and designated addresses, submitted by applicants for licenses; the identity of complainants who have made reports concerning licensees or applicants which appear in inactive complaint data unless the complainant consents to the disclosure; the nature or content of unsubstantiated complaints when the information is not maintained in anticipation of legal action; the identity of patients whose medical records are received by any health licensing agency for purposes of review or in anticipation of a contested matter; inactive investigative data relating to violations of statutes or rules; and the record of any disciplinary proceeding except as limited by subdivision 4.

(b) An applicant for a license shall designate on the application a residence or business address and telephone number at which the applicant can be contacted in connection with the license application. A licensee who is subject to a health-related licensing board, as defined in section 214.01, subdivision 2, shall designate a residence or business address and telephone number at which the licensee can be contacted in connection with the license. By designating an address under this paragraph, the applicant or licensee is deemed to have consented to service of process at that address for legal or administrative proceedings arising from licensed activities.

Sec. 13. [13.512] [PROPERTY TAX DATA; OPTION TO WITHHOLD ACCESS FOR NONGOVERNMENT PURPOSES.]

Subdivision 1. [APPLICATION.] This section applies in a county where the county board has approved its application in the county.

Subd. 2. [PROCEDURE.] A county shall send an owner of property in the county that is subject to property taxation a clear and conspicuous notice that the owner's name and other information may be disclosed for nongovernment purposes, including surveys, marketing, and solicitation. The notice must be in a form that includes a provision under which the owner may request that the owner's name be excluded from lists generated by the county and disclosed to a nongovernment entity. If the property owner so requests on the form provided, the county shall exclude the owner's name from any list generated by the county and disclosed to a nongovernment entity.

Sec. 14. [13.623] [ST. PAUL HOUSING AND REDEVELOPMENT AUTHORITY DATA.]

Subdivision 1. [PRIVATE AND NONPUBLIC DATA.] The following data that are submitted to the St. Paul housing and redevelopment authority by individuals and business entities that are requesting financial assistance are private data on individuals or nonpublic data: financial statements; credit reports; business plans; income and expense projections; customer lists; balance sheets; income tax returns; and design, market, and feasibility studies not paid for with public funds.

Subd. 2. [PUBLIC DATA.] Data submitted to the authority under subdivision 1 becomes public data if the authority provides financial assistance to the individual or business entity, except that the following data remain private or nonpublic: business plans; income and expense projections;

customer lists; income tax returns; and design, market, and feasibility studies not paid for with public funds.

Sec. 15. [13.624] [ST. PAUL ECONOMIC ASSISTANCE DATA.]

Subdivision 1. [PRIVATE AND NONPUBLIC DATA.] The following data that are submitted to the city of St. Paul by individuals and business entities that are requesting financial assistance are private data on individuals or nonpublic data: financial statements; credit reports; business plans; income and expense projections; customer lists; balance sheets; income tax returns; and design, market, and feasibility studies not paid for with public funds.

Subd. 2. [PUBLIC DATA.] Data submitted to the city under subdivision 1 become public data if the city provides financial assistance to the individual or business entity, except that the following data remain private or nonpublic: business plans; income and expense projections; customer lists; income tax returns; and design, market, and feasibility studies not paid for with public funds.

Sec. 16. Minnesota Statutes 1998, section 13.84, subdivision 5, is amended to read:

Subd. 5. [DISCLOSURE.] Private or confidential court services data shall not be disclosed except:

- (a) Pursuant to section 13.05;
- (b) Pursuant to a statute specifically authorizing disclosure of court services data;
- (c) With the written permission of the source of confidential data;
- (d) To the court services department, parole or probation authority or state or local correctional agency or facility having statutorily granted supervision over the individual subject of the data;
- (e) Pursuant to subdivision 5a; or
- (f) Pursuant to a valid court order.

Sec. 17. Minnesota Statutes 1998, section 13.84, subdivision 6, is amended to read:

Subd. 6. [PUBLIC DATA.] The following court services data on adult individuals is public:

- (a) name, age, date of birth, sex, occupation and the fact that an individual is a parolee, probationer or participant in a diversion program, and if so, at what location;
- (b) the offense for which the individual was placed under supervision;
- (c) the dates supervision began and ended and the duration of supervision;
- (d) court services data which was public in a court or other agency which originated the data;
- (e) arrest and detention orders, orders for parole or probation revocation and the reasons for revocation;
- (f) the conditions of parole, probation or participation and the extent to which those conditions have been or are being met;
- (g) identities of agencies, units within agencies and individuals providing supervision; and
- (h) the legal basis for any change in supervision and the date, time and locations associated with the change.

Sec. 18. Minnesota Statutes 1999 Supplement, section 13.99, subdivision 3, is amended to read:

Subd. 3. [LEGISLATIVE AUDIT DATA.] Data relating to an audit performed under sections 3.97, 3.971, and 3.979 are classified under section 3.979, subdivision 3. Data relating to suggested evaluation topics submitted by legislators are classified under section 3.979, subdivision 5.

Sec. 19. Minnesota Statutes 1999 Supplement, section 13.99, is amended by adding a subdivision to read:

Subd. 27g. [DEPARTMENT OF CHILDREN, FAMILIES, AND LEARNING PROGRAM SERVICES.] Data on individuals receiving services under certain programs administered by the department of children, families, and learning are classified under section 119A.03, subdivision 3.

Sec. 20. Minnesota Statutes 1998, section 119A.03, is amended by adding a subdivision to read:

Subd. 3. [DATA.] Data on individuals receiving services under the following programs administered by the commissioner are private data on individuals:

- (1) community action programs under section 119A.376;
- (2) the foodshelf program under section 119A.44; and
- (3) the Head Start program under section 119A.50.

Sec. 21. Minnesota Statutes 1999 Supplement, section 256.978, subdivision 1, is amended to read:

Subdivision 1. [REQUEST FOR INFORMATION.] (a) The public authority responsible for child support in this state or any other state, in order to locate a person or to obtain information necessary to establish paternity and child support or to modify or enforce child support or distribute collections, may request information reasonably necessary to the inquiry from the records of (1) all departments, boards, bureaus, or other agencies of this state agencies or political subdivisions of this state, as defined in section 13.02, which shall, notwithstanding the provisions of section 268.19 or any other law to the contrary, provide the information necessary for this purpose; and (2) employers, utility companies, insurance companies, financial institutions, credit grantors, and labor associations doing business in this state. They shall provide a response upon written or electronic request within 30 days of service of the request made by the public authority. Information requested and used or transmitted by the commissioner according to the authority conferred by this section may be made available to other agencies, statewide systems, and political subdivisions of this state, and agencies of other states, interstate information networks, federal agencies, and other entities as required by federal regulation or law for the administration of the child support enforcement program.

(b) For purposes of this section, "state" includes the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

Sec. 22. Minnesota Statutes 1999 Supplement, section 268.19, is amended to read:

268.19 [INFORMATION DATA PRIVACY.]

(a) Except as otherwise provided by this section, data gathered from any employer or individual pursuant to the administration of sections 268.03 to 268.23 are private data on individuals or nonpublic data not on individuals as defined in section 13.02, subdivisions 9 and 12, and may not be disclosed except pursuant to a court order or section 13.05. These data may be disseminated to and used by the following agencies without the consent of the subject of the data:

- (1) state and federal agencies specifically authorized access to the data by state or federal law;
- (2) any agency of Minnesota or any other state; or any federal agency charged with the administration of an employment security law or the maintenance of a system of public employment offices;
- (3) human rights agencies within Minnesota that have enforcement powers;
- (4) the department of revenue must have access to department private data on individuals and nonpublic data not on individuals only to the extent necessary for enforcement of Minnesota tax laws;

(5) public and private agencies responsible for administering publicly financed assistance programs for the purpose of monitoring the eligibility of the program's recipients;

(6) the department of labor and industry on an interchangeable basis with the department subject to the following limitations and regardless of any law to the contrary:

(i) the department must have access to private data on individuals and nonpublic data not on individuals for uses consistent with the administration of its duties under sections 268.03 to 268.23; and

(ii) the department of labor and industry must have access to private data on individuals and nonpublic data not on individuals for uses consistent with the administration of its duties under Minnesota law;

(7) the department of trade and economic development may have access to private data on individual employers and nonpublic data not on individual employers for its internal use only; when received by the department of trade and economic development, the data remain private data on individuals or nonpublic data;

(8) local and state welfare agencies for monitoring the eligibility of the data subject for assistance programs, or for any employment or training program administered by those agencies, whether alone, in combination with another welfare agency, or in conjunction with the department or to monitor and evaluate the statewide Minnesota family investment program by providing data on recipients and former recipients of food stamps, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;

(9) local, state, and federal law enforcement agencies for the sole purpose of ascertaining the last known address and employment location of the data subject, provided the data subject is the subject of a criminal investigation; and

(10) the federal Immigration and Naturalization Service may have access to data on specific individuals and specific employers provided the specific individual or specific employer is the subject of an investigation by that agency; and

(11) the department of health may have access to private data on individuals and nonpublic data not on individuals solely for the purposes of epidemiologic investigations.

(b) Data on individuals and employers that are collected, maintained, or used by the department in an investigation pursuant to section 268.182 are confidential as to data on individuals and protected nonpublic data not on individuals as defined in section 13.02, subdivisions 3 and 13, and must not be disclosed except pursuant to statute or court order or to a party named in a criminal proceeding, administrative or judicial, for preparation of a defense.

(c) Tape recordings and transcripts of recordings of proceedings conducted in accordance with section 268.105 and exhibits received into evidence at those proceedings are private data on individuals and nonpublic data not on individuals and must be disclosed only pursuant to the administration of section 268.105, or pursuant to a court order.

(d) The department may disseminate an employer's name, address, industry code, occupations employed, and the number of employees by ranges of not less than 100 for the purpose of assisting individuals using the Minnesota workforce center system in obtaining employment.

(e) The general aptitude test battery and the nonverbal aptitude test battery as administered by the department are private data on individuals or nonpublic data.

(f) Data gathered by the department pursuant to the administration of sections 268.03 to 268.23 must not be made the subject or the basis for any suit in any civil proceedings, administrative or judicial, unless the action is initiated by the department.

Sec. 23. Minnesota Statutes 1998, section 270B.14, subdivision 8, is amended to read:

Subd. 8. [EXCHANGE BETWEEN DEPARTMENTS OF LABOR AND INDUSTRY AND REVENUE.] The departments of labor and industry and revenue may exchange information as follows:

- (1) data used in determining whether a business is an employer or a contracting agent;
- (2) taxpayer identity information relating to employers and employees for purposes of supporting tax administration and chapter 176; and
- (3) data to the extent provided in and for the purpose set out in section 176.181, subdivision 8.

Sec. 24. Minnesota Statutes 1998, section 609.115, subdivision 5, is amended to read:

Subd. 5. [REPORT TO COMMISSIONER OR LOCAL CORRECTIONAL AGENCY.] If the defendant is sentenced to the commissioner of corrections, a copy of any report made pursuant to this section and not made by the commissioner shall accompany the commitment. If the defendant is sentenced to a local correctional agency or facility, a copy of the report must be provided to that agency or facility.

Sec. 25. Laws 1999, chapter 216, article 2, section 27, subdivision 1, is amended to read:

Subdivision 1. [PILOT PROJECT AUTHORIZED; PURPOSE.] The fourth judicial district may establish a domestic fatality review team as a 30-month pilot project to review domestic violence deaths that have occurred in the district. The team may review cases in which prosecution has been completed or the prosecutorial authority has decided not to pursue the case. The purpose of the review team is to assess domestic violence deaths in order to develop recommendations for policies and protocols for community prevention and intervention initiatives to reduce and eliminate the incidence of domestic violence and resulting fatalities.

Sec. 26. Laws 1999, chapter 216, article 2, section 27, is amended by adding a subdivision to read:

Subd. 3a. [DUTIES; ACCESS TO DATA.] (a) The domestic fatality review team shall collect, review, and analyze death certificates and death data, including investigative reports; medical and counseling records; victim service records; employment records; child abuse reports; or other information concerning domestic violence deaths; survivor interviews and surveys; and other information deemed by the team as necessary and appropriate concerning the causes and manner of domestic violence deaths.

(b) The review team has access to the following not public data, as defined in Minnesota Statutes, section 13.02, subdivision 8a, relating to a case being reviewed by the team: inactive law enforcement investigative data under Minnesota Statutes, section 13.82; autopsy records and coroner or medical examiner investigative data under Minnesota Statutes, section 13.83; hospital, public health, or other medical records of the victim under Minnesota Statutes, section 13.42; records under Minnesota Statutes, section 13.46, created by social service agencies that provided services to the victim, the alleged perpetrator, or another victim who experienced or was threatened with domestic abuse by the perpetrator; and child maltreatment records under Minnesota Statutes, section 626.556, relating to the victim or a family or household member of the victim. Access to medical records under this paragraph also includes records governed by Minnesota Statutes, section 144.335.

(c) As part of any review, the domestic fatality review team may compel the production of other records by applying to the district court for a subpoena, which will be effective throughout the state according to the rules of civil procedure.

Sec. 27. Laws 1999, chapter 216, article 2, section 27, is amended by adding a subdivision to read:

Subd. 3b. [CONFIDENTIALITY; DATA PRIVACY.] A person attending a domestic fatality review team meeting may not disclose what transpired at the meeting, except to carry out the purposes of the review team or as otherwise provided in this subdivision. The review team may

disclose the names of the victims in the cases it reviewed. The proceedings and records of the review team are confidential or protected nonpublic data as defined in Minnesota Statutes, section 13.02, subdivision 13, regardless of their classification in the hands of the person who provided the data, and are not subject to discovery or introduction into evidence in a civil or criminal action against a professional, the state or a county agency, arising out of the matters the team is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because they were presented during proceedings of the review team. This section does not limit a person who presented information before the review team or who is a member of the panel from testifying about matters within the person's knowledge. However, in a civil or criminal proceeding, a person may not be questioned about the person's good faith presentation of information to the review team or opinions formed by the person as a result of the review team meetings.

Sec. 28. Laws 1999, chapter 216, article 2, section 27, is amended by adding a subdivision to read:

Subd. 3c. [IMMUNITY.] Members of the fourth judicial district domestic fatality advisory board, members of the domestic fatality review team, and members of each review panel, as well as their agents or employees, are immune from claims and are not subject to any suits, liability, damages, or any other recourse, civil or criminal, arising from any act, proceeding, decision, or determination undertaken or performed or recommendation made by the domestic fatality review team, provided they acted in good faith and without malice in carrying out their responsibilities. Good faith is presumed until proven otherwise and the complainant has the burden of proving malice or a lack of good faith. No organization, institution, or person furnishing information, data, testimony, reports, or records to the domestic fatality review team as part of an investigation is civilly or criminally liable or subject to any other recourse for providing the information.

Sec. 29. [EFFECTIVE DATE.]

Section 11 is effective July 1, 2001."

Delete the title and insert:

"A bill for an act relating to government data practices; classifying data; providing for access to and sharing of data; authorizing certain restrictions on access to data; clarifying definitions and application provisions; modifying penalty provisions; providing for electronic copies of data; limiting authority of local governments to disseminate private or confidential data; prohibiting monitoring of citizens requesting access to public data; requiring government entities to have a data practices compliance official; providing for administrative remedies; amending Minnesota Statutes 1998, sections 13.01, by adding subdivisions; 13.02, by adding a subdivision; 13.03, subdivision 5; 13.05, subdivision 3, and by adding subdivisions; 13.08, subdivision 4; 13.41, subdivision 2; 13.84, subdivisions 5 and 6; 119A.03, by adding a subdivision; 270B.14, subdivision 8; and 609.115, subdivision 5; Minnesota Statutes 1999 Supplement, sections 3.979, by adding a subdivision; 13.03, subdivision 3; 13.99, subdivision 3, and by adding a subdivision; 256.978, subdivision 1; and 268.19; Laws 1999, chapter 216, article 2, section 27, subdivision 1, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 13."

And when so amended the bill do pass. Amendments adopted. Report adopted.

#### **Senator Ranum from the Committee on Judiciary, to which was referred**

**S.F. No. 2854:** A bill for an act relating to civil commitment; allowing county attorneys or their designee to have access to certain information for purposes of determining whether good cause exists to file a commitment proceeding; amending Minnesota Statutes 1998, section 253B.185, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 253B.185, is amended by adding a subdivision to read:

Subd. 1b. [COUNTY ATTORNEY ACCESS TO DATA.] Notwithstanding sections 144.335, 245.467, subdivision 6, 245.4876, subdivision 7, 260B.171, 260B.235, subdivision 8, 260C.171, and 609.749, subdivision 6, or any provision of chapter 13 or other state law, prior to filing a petition for commitment as a sexual psychopathic personality or as a sexually dangerous person, and upon notice to the proposed patient the county attorney or the county attorney's designee may move the court for an order granting access to all or part of the following data, to the extent it relates to the proposed patient, for the purpose of determining whether good cause exists to file a petition and, if a petition is filed, to support the allegations set forth in the petition during the commitment proceedings:

(1) private medical data under section 13.42 or welfare data under section 13.46 relating to foster care placement or social services records;

(2) health records maintained under section 144.335;

(3) private and confidential domestic abuse data under section 13.80;

(4) private and confidential comprehensive law enforcement data under section 13.82;

(5) private and confidential court services data under section 13.84;

(6) private and confidential corrections data under section 13.85;

(7) private criminal history data under section 13.87;

(8) mental health data under chapter 245;

(9) private and confidential juvenile court records, court administrator records, as well as peace officers, court services, and corrections data of juveniles under chapters 260, 260B, and 260C;

(10) data collected under section 609.749, subdivision 6; and

(11) private and confidential court records and court administrator records.

The court may grant the motion if:

(1) the department of corrections refers the case for commitment as a sexual psychopathic personality or a sexually dangerous person; or

(2) the court determines that there is good cause for the county attorney to consider filing a petition for commitment as a sexual psychopathic personality or a sexually dangerous person and the person is required to register under section 243.166, subdivision 1."

And when so amended the bill do pass. Amendments adopted. Report adopted.

### **Senator Ranum from the Committee on Judiciary, to which was referred**

**S.F. No. 2891:** A bill for an act relating to crime; providing for data sharing between probation officers and school officials for juveniles on probation; amending Minnesota Statutes 1999 Supplement, section 260B.171, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 13.32, subdivision 8, is amended to read:

Subd. 8. [ACCESS BY JUVENILE JUSTICE SYSTEM.] (a) Upon request, the following education data shall be disclosed under subdivision 3, clause (i), to the juvenile justice system: a

student's full name, home address, telephone number, date of birth; a student's school schedule, attendance record, and photographs, if any; and parents' names, home addresses, and telephone numbers.

(b) In addition, the following data on behavior by a student who is on probation may be disclosed under subdivision 3, clause (i) or (l), to the juvenile justice system to the extent necessary to serve the student or protect students or staff:

(1) use of a controlled substance, alcohol, or tobacco;

(2) assaultive or threatening conduct that could result in dismissal from school under section 121A.45, subdivision 2, clause (b) or (c);

(3) possession or use of weapons or look-alike weapons;

(4) participation in gang activity as defined by the criminal gang oversight council under section 299A.64, subdivision 2, paragraph (b);

(5) theft; or

(6) vandalism or other damage to property.

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

Sec. 2. Minnesota Statutes 1999 Supplement, section 13.99, is amended by adding a subdivision to read:

Subd. 27g. [DISPOSITION ORDERS RECEIVED BY SCHOOLS.] Access to disposition orders received by schools is governed by section 3.

Sec. 3. [121A.07] [RECEIPT OF DISPOSITION ORDER; SHARING.]

(a) On receipt of a disposition order under section 260B.171, subdivision 3, the superintendent or chief administrative officer of the juvenile's school must immediately transmit the order to the principal of the school or other person having general control and supervision of the school where the juvenile is in attendance. The principal or person in control must place the disposition order in the juvenile's permanent education record. The principal or person in control must also immediately notify any counselor directly supervising or reporting on the behavior or progress of the juvenile. In addition, the principal or person in control must immediately notify any teacher or administrator who directly supervises or reports on the behavior or progress of the juvenile whom the principal or person in control believes needs the data to work with the juvenile in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal or person in control may also notify other district employees in direct contact with the juvenile, a substitute, or a volunteer, if they determine these individuals need the data to work with the juvenile in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability.

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

(1) the juvenile;

(2) the juvenile's parent or guardian;

(3) law enforcement officers; or

(4) the juvenile's probation officer.

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

(d) When provided in the disposition order, the notice from the principal or person in control must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information. The disposition order may be released as provided in paragraph (c) and must be included if the juvenile's permanent education record is released to another school district or educational entity to which the juvenile is transferring under section 120A.22, subdivision 7.

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

Sec. 4. Minnesota Statutes 1999 Supplement, section 260B.171, subdivision 3, is amended to read:

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

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

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

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

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

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

(c) The disposition order must be accompanied by a notice to the school that the school may

obtain additional information from the juvenile's probation officer with the consent of the juvenile or the juvenile's parents, as applicable. The disposition order must be maintained in the student's permanent education record but may not be released outside of the school district or educational entity, other than to another school district or educational entity to which the juvenile is transferring. Notwithstanding section 138.17, the disposition order must be destroyed when the juvenile graduates from the school or at the end of the academic year when the juvenile reaches age 23, whichever date is earlier, shared, or released only as provided in section 3.

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

(d) (e) The criminal and juvenile justice information policy group, in consultation with representatives of probation officers and educators, shall prepare standard forms for use by juvenile probation officers in forwarding information to schools under this subdivision and in maintaining a record of the information that is released.

(e) (f) As used in this subdivision, "school" means a public or private elementary, middle, or secondary school."

Amend the title as follows:

Page 1, line 4, before "Minnesota" insert "Minnesota Statutes 1998, section 13.32, subdivision 8;"

Page 1, delete line 5 and insert "Supplement, sections 13.99, by adding a subdivision; and 260B.171, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 121A."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Lessard from the Committee on Environment and Natural Resources, to which was referred**

**S.F. No. 2878:** A bill for an act relating to natural resources; providing for the establishment of heritage forest areas in specified counties; modifying timber provisions; requiring certain rule changes for public use of recreational areas; amending Minnesota Statutes 1998, sections 84.944, subdivision 2; 90.121; 90.14; 90.151, subdivisions 1 and 4; 90.161, subdivisions 1 and 2; 90.162; 90.173; 90.181; 90.201, subdivision 2, and by adding a subdivision; 90.252; and 90.281; proposing coding for new law in Minnesota Statutes, chapter 89.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 2

Page 2, line 9, delete "section 2 and"

Page 3, line 15, before "may" insert "or a political subdivision" and after "may" insert "individually or jointly"

Page 3, lines 21 and 22, after "commissioner" insert "or political subdivision"

Page 3, line 32, before "or" insert "or political subdivision" and after the second "commissioner" insert "or political subdivision"

Page 3, line 34, after "commissioner" insert "or political subdivision"

Page 4, line 2, after "commissioner" insert "or political subdivision" and delete "desirable" and insert "consistent with the purposes of the heritage forest program"

Page 4, line 5, after "commissioner" insert "or political subdivision"

Page 4, line 6, before "If" insert "Except as provided in paragraph (c),"

Page 4, after line 9, insert:

"(e) If during the limited-term easement period the landowner sells or otherwise disposes of the ownership or right of occupancy of the land, the new landowner may continue the easement under the same terms or conditions."

Page 4, line 10, delete "(e)" and insert "(f)" and after "commissioner" insert "or political subdivision"

Page 4, lines 11, 13, and 14, after "commissioner" insert "or political subdivision"

Page 4, after line 31, insert:

"Sec. 3. [90.042] [PUBLIC INVOLVEMENT PROCESS.]

By July 1, 2000, the commissioner must provide a complete description of the public involvement process for timber harvest plans to the chairs of the legislative committees with jurisdiction over natural resources policy and finance. The process must provide public notice and public input in affected areas of proposed annual harvest plans and the plans must be posted on the department of natural resources web site."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the second semicolon, insert "requiring a report on the process for public involvement in timber harvest plans;"

Page 1, line 11, delete "chapter" and insert "chapters" and after "89" insert "; and 90"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Lessard from the Committee on Environment and Natural Resources, to which was re-referred**

**S.F. No. 173:** A bill for an act relating to game and fish; allowing the shipment of wild animals taken on Red Lake Indian Reservation lands on the northwest angle; amending Minnesota Statutes 1998, section 97A.505, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 97A.505, is amended by adding a subdivision to read:

Subd. 3b. [WILD ANIMALS TAKEN ON RED LAKE RESERVATION LANDS WITHIN THE NORTHWEST ANGLE.] In recognition of the unique geographical location and factual circumstances underlying the Red Lake Band of Chippewa's jurisdiction over hunting on its lands within the Northwest Angle of Minnesota, the state acknowledges that wild animals taken and tagged in accordance with the Red Lake Band's conservation code on the Red Lake Reservation lands in Minnesota north of the 49th parallel shall be considered lawfully taken and possessed under state law."

Delete the title and insert:

"A bill for an act relating to natural resources; allowing the possession of wild animals taken under the Red Lake Band's conservation code on Red Lake Reservation lands north of the 49th parallel; amending Minnesota Statutes 1998, section 97A.505, by adding a subdivision."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Solon from the Committee on Commerce, to which was referred**

**S.F. No. 3055:** A bill for an act relating to health plans; regulating contract stacking; providing a remedy; amending Minnesota Statutes 1999 Supplement, section 62Q.74, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 17 and 18 and insert:

"(c) "Health care provider" or "provider" has the meaning given in section 148.01 means an individual licensed, registered, or regulated by the board of medical practice under chapter 147, a chiropractor licensed under sections 148.01 to 148.106, and a dentist licensed under chapter 150A."

And when so amended the bill do pass and be re-referred to the Committee on Health and Family Security. Amendments adopted. Report adopted.

**Senator Lessard from the Committee on Environment and Natural Resources, to which was referred**

**S.F. No. 3369:** A bill for an act relating to the environment; providing for grants for special purpose districts with environmental responsibilities; authorizing pilot projects for the restructuring of the organization and operation of special purpose districts; authorizing grants from the board of government innovation and cooperation for the development and implementation of pilot projects.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 29, before the comma, insert "to the contrary"

Page 2, line 33, delete "all" and insert "each of"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Spear from the Committee on Crime Prevention, to which was referred**

**S.F. No. 3108:** A bill for an act relating to corrections; regulating telephone access of persons restrained in local and state correctional facilities; amending Minnesota Statutes 1998, section 481.10.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 16 to 17, reinstate the stricken language

Page 2, line 3, delete "JAILS AND DETENTION" and insert "CORRECTIONAL FACILITIES"

Page 2, line 4, delete "CENTERS" and before "All" insert "Except as provided in subdivision 3 and except in cases where imminent danger of escape or injury exists,"

Page 2, line 6, delete "except in"

Page 2, line 7, delete everything before "shall"

Page 2, line 11, after the period, insert "Reasonable"

Page 2, line 12, delete "as soon as practicable"

Page 2, line 14, delete "An officer"

Page 2, delete lines 15 to 22 and insert:

"Subd. 3. [TELEPHONE ACCESS IN STATE CORRECTIONAL FACILITIES.] Except in cases where imminent danger of escape or injury exists, all officers or persons having in their custody a person restrained of liberty while serving an executed sentence in a state correctional facility, shall provide private telephone access to any attorney"

Page 2, line 27, delete "reasonable"

Page 2, after line 28, insert:

"Subd. 4. [CRIMINAL PENALTY.] (a) Except as provided in paragraph (b), whoever violates subdivision 1 or 2 is guilty of a misdemeanor and shall also forfeit \$100 to the person aggrieved, to be recovered in a civil action.

(b) The penalties described in paragraph (a) do not apply to officers or persons having in their custody persons restrained of liberty while serving an executed sentence in a state correctional facility."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "limiting penalties;"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,**

**S.F. No. 3260:** A bill for an act relating to agriculture; amending certain requirements for licensed aquatic farms; amending Minnesota Statutes 1998, sections 17.4984, subdivisions 2, 6, and 7; 17.4985, subdivision 2; 17.4987; 17.4988, subdivision 2; 17.4992, subdivision 3; 97C.505, subdivision 6; and 97C.521.

Reports the same back with the recommendation that the report from the Committee on Agriculture and Rural Development, shown in the Journal for March 6, 2000, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,**

**S.F. No. 3427:** A bill for an act relating to state government; transferring certain powers and duties from the department of children, families, and learning to the department of economic security; providing requirements for the energy assistance program; requiring a report; instructing the revisor to renumber certain sections; proposing coding for new law in Minnesota Statutes, chapter 268.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Veterans, shown in the Journal for March 6, 2000, be amended to read:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Children, Families and Learning". Amendments adopted. Report adopted.

**Senator Ranum from the Committee on Judiciary, to which was re-referred**

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

**Senator Ranum from the Committee on Judiciary, to which was re-referred**

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

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 18, before the period, insert "consistent with the requirements of sections 609.378 and 626.556"

Page 8, line 26, delete everything after the first "the"

Page 8, line 27, delete "final decision" and insert "portions of the administrative record that contain data on a complementary and alternative health care client or a complainant under section 146A.03" and after "make" insert "those portions of"

Page 9, line 9, delete everything after the period

Page 9, delete line 10

Page 9, line 11, delete everything before "If"

Page 9, delete lines 22 to 30 and insert:

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

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

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

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

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

Page 12, line 10, delete "unnecessary"

Page 14, line 6, delete "After"

Page 14, delete lines 7 to 12

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations and Veterans. Amendments adopted. Report adopted.

**Senator Ranum from the Committee on Judiciary, to which was re-referred**

**S.F. No. 1238:** A bill for an act relating to education; authorizing lap and shoulder belts on school buses; requiring training on appropriately using lap and shoulder belts; requiring a local match; authorizing a levy; appropriating money; amending Minnesota Statutes 1998, sections 123B.90, subdivisions 2, 3, and by adding a subdivision; 123B.92, by adding a subdivision; 169.447, by adding subdivisions; and 169.4502, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 123B.90, subdivision 2, is amended to read:

Subd. 2. [STUDENT TRAINING.] (a) Each district must provide public school pupils enrolled in grades kindergarten through 10 with age-appropriate school bus safety training. The training must be results-oriented and shall consist of both classroom instruction and practical training using a school bus. Upon completing the training, a student shall be able to demonstrate knowledge and understanding of at least the following competencies and concepts:

- (1) transportation by school bus is a privilege and not a right;
- (2) district policies for student conduct and school bus safety;
- (3) appropriate conduct while on the school bus;
- (4) the danger zones surrounding a school bus;
- (5) procedures for safely boarding and leaving a school bus;
- (6) procedures for safe street or road crossing; ~~and~~
- (7) school bus evacuation and other emergency procedures; and
- (8) appropriate training on the use of lap belts or lap and shoulder belts.

(b) Each nonpublic school located within the district must provide all nonpublic school pupils enrolled in grades kindergarten through 10 who are transported by school bus at public expense and attend school within the district's boundaries with training as required in paragraph (a). The school district shall make a bus available for the practical training if the district transports the nonpublic students. Each nonpublic school shall provide the instruction.

(c) All students enrolled in grades kindergarten through 3 who are transported by school bus and are enrolled during the first or second week of school must demonstrate achievement of the school bus safety training competencies by the end of the third week of school. All students enrolled in grades 4 through 10 who are transported by school bus and are enrolled during the first or second week of school must demonstrate achievement of the competencies by the end of the sixth week of school. Students enrolled in grades kindergarten through 10 who enroll in a school after the second week of school and are transported by school bus shall undergo school bus safety training and demonstrate achievement of the school bus safety competencies within four weeks of the first day of attendance. The pupil transportation safety director in each district must certify to the commissioner annually that all students transported by school bus within the district have satisfactorily demonstrated knowledge and understanding of the school bus safety competencies according to this section or provide an explanation for a student's failure to demonstrate the competencies. The principal or other chief administrator of each nonpublic school must certify annually to the public transportation safety director of the district in which the school is located that all of the school's students transported by school bus at public expense have received training. A district may deny transportation to a student who fails to demonstrate the competencies, unless the student is unable to achieve the competencies due to a disability, or to a student who attends a nonpublic school that fails to provide training as required by this subdivision.

(d) A district and a nonpublic school with students transported by school bus at public expense must, to the extent possible, provide kindergarten pupils with bus safety training before the first day of school.

(e) A district and a nonpublic school with students transported by school bus at public expense must also provide student safety education for bicycling and pedestrian safety, for students enrolled in grades kindergarten through 5.

(f) A district and a nonpublic school with students transported by school bus at public expense must make reasonable accommodations for the school bus, bicycle, and pedestrian safety training of pupils known to speak English as a second language and pupils with disabilities.

Sec. 2. Minnesota Statutes 1998, section 123B.90, subdivision 3, is amended to read:

Subd. 3. [MODEL TRAINING PROGRAM.] The commissioner shall develop a comprehensive model school bus safety training program for pupils who ride the bus that includes bus safety curriculum for both classroom and practical instruction, methods for assessing attainment of school bus safety competencies, and age-appropriate instructional materials. The model training program must include information on the appropriate use of lap belts or lap and shoulder belts, as applicable. The program must be adaptable for use by students with disabilities.

Sec. 3. Minnesota Statutes 1998, section 123B.90, is amended by adding a subdivision to read:

Subd. 4. [PARENTAL NOTIFICATION.] A school board that adopts a policy requiring the use of seat belts on school buses must annually notify each student's parent or guardian of the district's seat belt policy and of its student seat belt training procedures.

Sec. 4. Minnesota Statutes 1998, section 169.447, is amended by adding a subdivision to read:

Subd. 2a. [PASSENGER LAP AND SHOULDER BELTS.] (a) In addition to the requirements in section 169.4501, subdivision 1, a school bus may be equipped with an approved lap belt or an approved lap and shoulder belt installed for each passenger-seating position on the bus. The design and installation of lap belts and lap and shoulder belts required under this paragraph must meet the standards of the commissioner established under paragraph (b).

(b) The commissioner shall consider all concerns necessary to properly integrate lap belts or lap and shoulder belts into the current compartmentalization safety system and prescribe standards for the design and installation of lap and shoulder belts required under paragraph (a). The standards are not subject to chapter 14 and are specifically not subject to section 14.386.

(c) This subdivision does not apply to specially equipped school buses under section 169.4504.

(d) A passenger on a school bus equipped with lap belts or lap and shoulder belts must use these lap belts or lap and shoulder belts unless the passenger, or if the passenger is a minor, the passenger's parent or guardian, has notified the school district in writing that the passenger does not intend to wear the lap belt or lap and shoulder belt.

(e) In an action for personal injury or wrongful death against a school district, a school bus operator under contract with a school district, or any agent or employee of a school district or operator, or against a volunteer, no such person or entity shall be held liable solely because the injured party was not wearing a safety belt; provided, however, that nothing contained herein shall be construed to grant immunity from liability for failure to:

(1) maintain in operating order any equipment required by statute, rule, or school district policy; or

(2) comply with an applicable statute, rule, or school district policy.

(f) In an action for personal injury or wrongful death, a school district, a school bus contract operator, any agent or employee of a school district or operator, or a volunteer is not liable for failing to assist any child with the adjustment, fastening, unfastening, or other use of the lap belt or lap and shoulder belt.

Sec. 5. Minnesota Statutes 1998, section 169.447, is amended by adding a subdivision to read:

Subd. 2b. [SEAT BACKS.] In addition to the requirements in section 169.4501, subdivision 1, a school bus manufactured after January 1, 2001, with lap belts or lap and shoulder belts must have a minimum seat back height of 28 inches or higher as required under subdivision 2a, paragraph (b).

Sec. 6. Minnesota Statutes 1998, section 169.4502, is amended by adding a subdivision to read:

Subd. 16. [BUS LENGTH.] The school bus may be up to 45 feet in overall length.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to education; authorizing lap and shoulder belts on school buses; requiring training on appropriately using lap and shoulder belts; amending Minnesota Statutes 1998, sections 123B.90, subdivisions 2, 3, and by adding a subdivision; 169.447, by adding subdivisions; and 169.4502, by adding a subdivision."

And when so amended the bill do pass and be re-referred to the Committee on Children, Families and Learning. Amendments adopted. Report adopted.

### SECOND READING OF SENATE BILLS

S.F. Nos. 3107, 3060, 3089, 3253, 3348, 2381, 3210, 3291, 2806, 2854, 2891, 2878, 173, 3369 and 3260 were read the second time.

### SECOND READING OF HOUSE BILLS

H.F. No. 2670 was read the second time.

### MOTIONS AND RESOLUTIONS

Senator Vickerman moved that the name of Senator Laidig be added as a co-author to S.F. No. 2607. The motion prevailed.

### CONSENT CALENDAR

**S.F. No. 2734:** A bill for an act relating to human services; directing the Minnesota home care association to study reimbursing home care and personal care providers for transportation expenses; modifying enrollment in the senior health options project; authorizing demonstration projects for persons with disabilities; amending Minnesota Statutes 1998, section 256B.69, subdivision 23; Minnesota Statutes 1999 Supplement, section 256B.69, subdivision 6b.

Senator Berglin moved to amend S.F. No. 2734 as follows:

Pages 1 to 3, delete sections 1 and 2

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2734 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Belanger	Cohen	Flynn	Higgins	Johnson, D.H.
Berg	Day	Foley	Hottinger	Johnson, D.J.
Berglin	Dille	Frederickson	Janezich	Junge
Betzold	Fischbach	Hanson	Johnson, D.E.	Kelley, S.P.

Kelly, R.C.	Lesewski	Neuville	Ranum	Spear
Kierlin	Lessard	Oliver	Robertson	Stevens
Kinkel	Limmer	Olson	Robling	Stumpf
Kleis	Lourey	Ourada	Runbeck	Terwilliger
Knutson	Marty	Pariseau	Sams	Vickerman
Krentz	Metzen	Piper	Samuelson	Wiener
Langseth	Moe, R.D.	Pogemiller	Scheevel	Wiger
Larson	Murphy	Price	Solon	Ziegler

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

**S.F. No. 3577:** A bill for an act relating to veterans homes; authorizing certain homeless and disabled veterans programs at the Minneapolis and Hastings veterans homes; proposing coding for new law in Minnesota Statutes, chapter 198.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Belanger	Hottinger	Krentz	Olson	Solon
Berg	Janezich	Langseth	Ourada	Spear
Berglin	Johnson, D.E.	Larson	Pariseau	Stevens
Betzold	Johnson, D.H.	Lesewski	Piper	Stumpf
Cohen	Johnson, D.J.	Lessard	Pogemiller	Terwilliger
Day	Junge	Limmer	Price	Vickerman
Dille	Kelley, S.P.	Lourey	Ranum	Wiener
Fischbach	Kelly, R.C.	Marty	Robertson	Wiger
Flynn	Kierlin	Metzen	Robling	Ziegler
Foley	Kinkel	Moe, R.D.	Runbeck	
Frederickson	Kiscaden	Murphy	Sams	
Hanson	Kleis	Neuville	Samuelson	
Higgins	Knutson	Oliver	Scheevel	

So the bill passed and its title was agreed to.

## INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

### Senators Janezich; Johnson, D.J. and Lessard introduced--

**S.F. No. 3763:** A bill for an act relating to sports; renaming the National Sports Center in Blaine.

Referred to the Committee on Governmental Operations and Veterans.

### Senators Kelley, S.P.; Pappas; Olson; Johnson, D.J. and Marty introduced--

**S.F. No. 3764:** A bill for an act relating to taxation; providing an additional property tax refund to certain homeowners; amending Minnesota Statutes 1998, sections 290A.04, by adding a subdivision; and 290A.23, subdivision 3.

Referred to the Committee on Local and Metropolitan Government.

### Senators Runbeck, Marty and Wiger introduced--

**S.F. No. 3765:** A bill for an act relating to transportation; requiring comparison of light rail transit and enhanced bus services before funding light rail transit; amending Laws 1999, chapter 240, article 1, section 9, subdivision 5.

Referred to the Committee on Transportation.

**Senators Runbeck and Wiger introduced--**

**S.F. No. 3766:** A bill for an act relating to transportation; canceling appropriations and reducing bond sale authorizations for light rail transit.

Referred to the Committee on Transportation.

**Senator Belanger introduced--**

**S.F. No. 3767:** A bill for an act relating to taxation; income tax; expanding the marriage penalty credit; amending Minnesota Statutes 1999 Supplement, section 290.0675.

Referred to the Committee on Taxes.

**Senator Hottinger introduced--**

**S.F. No. 3768:** A bill for an act relating to taxation; authorizing the commissioner of revenue to enter into agreements with other states to develop a multistate system for sales and use tax collection.

Referred to the Committee on Taxes.

**Senator Lesewski introduced--**

**S.F. No. 3769:** A bill for an act relating to housing; housing finance agency; authorizing agency to make grants or loans under the community rehabilitation fund account to for-profit organizations; amending Minnesota Statutes 1998, section 462A.206, subdivision 4; Minnesota Statutes 1999 Supplement, section 462A.206, subdivision 2.

Referred to the Committee on Jobs, Energy and Community Development.

**Senators Oliver and Terwilliger introduced--**

**S.F. No. 3770:** A bill for an act relating to property taxation; exempting agricultural and homestead property from the general education tax; reducing property tax class rates; establishing a new homestead credit program; providing for state aid reductions and an aid reduction levy; modifying the computation of certain school district levies; appropriating money; amending Minnesota Statutes 1998, sections 126C.17, by adding a subdivision; 273.1393; 275.065, subdivision 3; 275.08, subdivisions 1b and 1e; 276.04, subdivision 2; Minnesota Statutes 1999 Supplement, sections 126C.17, subdivision 6; 273.13, subdivisions 22, 23, 24, 25, and 31; 273.1382; 275.71, subdivisions 2, 3, and 4; proposing coding for new law in Minnesota Statutes, chapter 273; repealing Minnesota Statutes 1999 Supplement, section 273.13, subdivision 24a.

Referred to the Committee on Local and Metropolitan Government.

**Senator Spear introduced--**

**S.F. No. 3771:** A bill for an act relating to tax increment financing; establishing an original net tax capacity for a housing district to be created within the city of Minneapolis.

Referred to the Committee on Local and Metropolitan Government.

**Senator Pogemiller introduced--**

**S.F. No. 3772:** A bill for an act relating to education; clarifying consolidation transition revenue; amending Minnesota Statutes 1998, section 123A.485, subdivision 4.

Referred to the Committee on Children, Families and Learning.

### **MEMBERS EXCUSED**

Senator Frederickson was excused from the Session of today from 8:00 to 8:35 a.m. Senators Hanson and Knutson were excused from the Session of today from 8:00 to 8:40 a.m. Senator Novak was excused from the Session of today from 8:00 to 8:50 a.m. Senator Terwilliger was excused from the Session of today from 8:00 to 9:00 a.m. Senator Murphy was excused from the Session of today from 8:00 to 9:15 a.m. Senator Janezich was excused from the Session of today from 9:15 to 10:15 a.m.

### **ADJOURNMENT**

Senator Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Monday, March 13, 2000. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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