

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-FIFTH LEGISLATURE

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ONE HUNDRED EIGHTH DAY

St. Paul, Minnesota, Monday, April 28, 2008

The Senate met at 1:00 p.m. and was called to order by the President.

## CALL OF THE SENATE

Senator Pogemiller 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. Kevin McDonough.

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

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

Anderson	Erickson Ropes	Langseth	Ortman	Sieben
Bakk	Fischbach	Larson	Pappas	Skoe
Berglin	Foley	Latz	Pariseau	Skogen
Betzold	Frederickson	Limmer	Pogemiller	Sparks
Bonoff	Gerlach	Lourey	Prettner Solon	Stumpf
Carlson	Gimse	Lynch	Rest	Tomassoni
Chaudhary	Hann	Marty	Robling	Torres Ray
Clark	Higgins	Metzen	Rosen	Vandever
Cohen	Ingebrigtsen	Michel	Rummel	Vickerman
Dahle	Johnson	Moua	Saltzman	Wergin
Day	Jungbauer	Murphy	Saxhaug	Wiger
Dibble	Koch	Olseen	Scheid	
Dille	Koering	Olson, G.	Senjem	
Doll	Kubly	Olson, M.	Sheran	

The President declared a quorum present.

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

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 25, 2008

The Honorable James P. Metzen  
President of the Senate

Dear President Metzen:

I have vetoed and am returning Senate File 599, a legislative resolution urging Congress and the President to end trade, financial, and travel restrictions to Cuba.

I am aware of the desire of Minnesota's agriculture community to increase trade with Cuba. However, this non-binding resolution is not appropriate and would not further that goal.

Minnesota farmers produce some of the best agricultural products in the world. Current federal policy allows for the sale of food, agricultural products, and medicine with Cuba. As Governor, I have sought to expand the global reach of our state's goods and services. However, it is important that we do so in a manner that is consistent with our country's foreign policy.

Current federal law and U.S. State Department policy already provide Minnesota producers with opportunities to expand the sale of agricultural and other marketable goods to Cuban citizens. Without fundamental change in the Cuban government, removing current trade restrictions would not necessarily increase sales of Minnesota agricultural products in Cuba. In 2007, the U.S. government authorized more than \$3.6 billion in agricultural product sales to Cuba. However, Cuba elected to purchase less than 1/7 of that amount. Accordingly, there is room for an expansion of sales to Cuba under current policy.

Moreover, our federal government should address foreign policy matters, not state legislatures. Forwarding this resolution to the federal government would have Minnesota promoting a position that is contradictory to the long-standing policy of the United States. That policy has been adhered to and supported by both parties for decades.

The Cuban government is totalitarian. Most of Cuba's economy is state-owned, private property rights are essentially disregarded, and Cuba's human rights record is poor. Significant progress needs to be made before the United States should consider establishing full diplomatic and commercial relations with Cuba. Providing more economic opportunity for Cuba through trade will enable and empower the current regime.

The Organization of American States (OAS) brings together all 35 nations from the Western Hemisphere, including the United States, to strengthen cooperation on democratic values, promote human rights, and address shared problems. Although Cuba is listed as a member, the OAS has excluded the government of Cuba from participation in the OAS.

In 2001, governments of the OAS member nations adopted the "Inter-American Democratic Charter" which provides: "cooperation between American states require the political organization of those states based on the effective exercise of representative democracy." This charter outlined numerous additional economic development objectives for trade between nations, all of which were fundamentally underpinned by governmental acceptance of representative democracy. Cuba has yet to meet this standard in any meaningful way.

Ultimately, expanded trade with Cuba will occur only when there is fundamental change in Cuba's government.

It is unfortunate that the Legislature passed a bill that completely contradicts a long history of U.S. policy against a totalitarian nation. We are hopeful that someday the Cuban government will make the changes necessary to join other democracies and avail itself of the opportunity to import even

more Minnesota grown products.

Sincerely,  
Tim Pawlenty, Governor

Senator Pogemiller moved that S.F. No. 599 and the veto message thereon be laid on the table. The motion prevailed.

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2511, 3069 and 3218.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 24, 2008

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 2775:** A bill for an act relating to utilities; requiring notice to city when customer's heat source disconnected; amending Minnesota Statutes 2006, section 13.681, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216B.

Senate File No. 2775 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 24, 2008

### CONCURRENCE AND REPASSAGE

Senator Foley moved that the Senate concur in the amendments by the House to S.F. No. 2775 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2775 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Anderson	Carlson	Day	Fischbach	Gimse
Berglin	Chaudhary	Dibble	Foley	Hann
Betzold	Cohen	Doll	Frederickson	Higgins
Bonoff	Dahle	Erickson Ropes	Gerlach	Ingebrigtsen

Johnson	Lourey	Olson, M.	Saxhaug	Tomassoni
Jungbauer	Lynch	Pappas	Scheid	Torres Ray
Koch	Marty	Pariseau	Senjem	Vandever
Koering	Metzen	Prettner Solon	Sheran	Vickerman
Kubly	Michel	Rest	Sieben	Wergin
Langseth	Moua	Robling	Skoe	Wiger
Larson	Murphy	Rosen	Skogen	
Latz	Olseen	Rummel	Sparks	
Limmer	Olson, G.	Saltzman	Stumpf	

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 2919:** A bill for an act relating to civil commitments; modifying and clarifying time requirements for hearings; providing an exception from prehearing discharge for commitment petitions involving persons alleged to be mentally ill and dangerous or a sexual psychopathic personality or sexually dangerous person; amending Minnesota Statutes 2006, section 253B.08, subdivision 1.

Senate File No. 2919 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 24, 2008

### CONCURRENCE AND REPASSAGE

Senator Betzold moved that the Senate concur in the amendments by the House to S.F. No. 2919 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2919 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Day	Hann	Latz	Olson, G.
Bakk	Dibble	Higgins	Limmer	Olson, M.
Berglin	Dille	Ingebrigtsen	Lourey	Pappas
Betzold	Doll	Johnson	Lynch	Pariseau
Bonoff	Erickson Ropes	Jungbauer	Marty	Prettner Solon
Carlson	Fischbach	Koch	Metzen	Rest
Chaudhary	Foley	Koering	Michel	Robling
Clark	Frederickson	Kubly	Moua	Rosen
Cohen	Gerlach	Langseth	Murphy	Rummel
Dahle	Gimse	Larson	Olseen	Saltzman

Saxhaug  
Scheid  
Senjem

Sheran  
Sieben  
Skoe

Skogen  
Sparks  
Stumpf

Tomassoni  
Torres Ray  
Vandever

Vickerman  
Wergin  
Wiger

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 2942:** A bill for an act relating to higher education; establishing a P-20 education partnership; modifying various scholarship programs; modifying private school regulation; authorizing oral health practitioners to practice; authorizing rulemaking; establishing an oral practitioner work group; requiring a report; amending Minnesota Statutes 2006, sections 13.32, by adding a subdivision; 141.25, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 136A.126; 136A.127; 136A.65, subdivisions 1, 3, 5, 6, 7; 136A.66; 136A.67; 136A.69; 141.25, subdivision 5; 141.28, subdivision 1; 141.35; 197.791, subdivisions 1, 4, 5; proposing coding for new law in Minnesota Statutes, chapters 136F; 150A.

Senate File No. 2942 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 24, 2008

Senator Pappas moved that the Senate do not concur in the amendments by the House to S.F. No. 2942, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 3775:** A bill for an act relating to solid waste; establishing a pilot program to collect and process used paint; requiring reports.

Senate File No. 3775 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 24, 2008

Senator Doll moved that the Senate do not concur in the amendments by the House to S.F.

No. 3775, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 2379:** A bill for an act relating to eminent domain; amending provisions concerning reestablishment costs limit; amending Minnesota Statutes 2006, sections 117.51; 117.52, subdivision 1a.

There has been appointed as such committee on the part of the House:

Dill, Thao and McNamara.

Senate File No. 2379 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 24, 2008

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 2605:** A bill for an act relating to the Metropolitan Council; providing for staggered terms of Metropolitan Council members; amending Minnesota Statutes 2006, section 473.123, subdivision 2a.

There has been appointed as such committee on the part of the House:

Peterson, S; Bunn and Peterson, N.

Senate File No. 2605 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 24, 2008

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 2876:** A bill for an act relating to animals; changing provisions regulating dangerous dogs and dogs at certain establishments; imposing penalties; amending Minnesota Statutes 2006,

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sections 347.50, by adding a subdivision; 347.51, subdivisions 2, 2a, 3, 4, 7, 9; 347.52; 347.53; 347.54, subdivisions 1, 3; 347.55; 347.56; proposing coding for new law in Minnesota Statutes, chapters 157; 347.

There has been appointed as such committee on the part of the House:

Paymar, Hornstein and Erhardt.

Senate File No. 2876 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 24, 2008

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 2881:** A bill for an act relating to commerce; regulating contracts for deed, rates of interest on certain contracts, and mortgage lending; providing verification of the borrower's reasonable ability to repay a mortgage loan; providing penalties and remedies for a mortgage broker's failure to comply with the broker's duties of agency; amending Minnesota Statutes 2006, sections 47.20, subdivision 2; 334.01, subdivision 2; Minnesota Statutes 2007 Supplement, sections 58.13, subdivision 1; 58.18, subdivisions 1, 2.

There has been appointed as such committee on the part of the House:

Davnie, Mahoney and Peterson, N.

Senate File No. 2881 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 24, 2008

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 3303:** A bill for an act relating to the city of Minneapolis; authorizing the creation of a nonprofit riverfront revitalization corporation; requiring a report.

There has been appointed as such committee on the part of the House:

Loeffler, Mullery and Gunther.

Senate File No. 3303 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 24, 2008

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 3492:** A bill for an act relating to public safety; extending the duration of orders for protection and restraining orders after multiple violations or continued threats; amending Minnesota Statutes 2006, sections 518B.01, subdivisions 6, 6a, 11, 18; 609.748, subdivisions 3, 5, 8.

There has been appointed as such committee on the part of the House:

Hosch, Haws and Heidgerken.

Senate File No. 3492 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 24, 2008

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 3563:** A bill for an act relating to human services; making changes to continuing care provisions; clarifying licensing fines; clarifying senior nutrition appropriations; amending local certification requirements; amending Minnesota Statutes 2007 Supplement, sections 245A.07, subdivision 3; 256B.49, subdivision 16a; Laws 2007, chapter 147, article 19, section 3, subdivision 8.

There has been appointed as such committee on the part of the House:

Norton, Fritz and Hamilton.

Senate File No. 3563 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 24, 2008

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:



**S.F. No. 3674:** 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 2006, sections 13.202, subdivision 3; 13.322, subdivision 1; 13.3806, subdivision 1; 13.635, subdivision 1; 13.681, subdivision 1; 13.712, subdivision 1; 13.83, subdivision 10; 13.871, subdivisions 1, 6; 17.117, subdivision 3; 46.044, subdivision 1; 72A.20, subdivision 11; 103F.725, subdivision 1a; 103I.005, subdivision 22; 103I.311, subdivision 3; 115A.554; 123B.88, subdivision 19; 124D.59, subdivision 3; 126C.17, subdivision 9; 144.396, subdivision 9; 144.581, subdivision 1; 144A.461; 145B.02, subdivision 5; 148.736, subdivisions 2, 3; 169.01, subdivision 4b; 169.421, subdivision 5; 169.448, subdivision 1; 171.12, subdivision 2a; 174.03, subdivision 8; 175.35; 237.411, subdivision 5; 244.08; 256.98, subdivision 7; 256B.04, subdivision 16; 256B.35, subdivision 1; 256J.30, subdivision 9; 256J.32, subdivision 4; 256J.42, subdivisions 5, 6; 256J.425, subdivisions 5, 6; 256J.46, subdivision 1; 256J.50, subdivision 1; 256J.521, subdivision 4; 256J.54, subdivision 5; 260B.235, subdivision 5; 260C.007, subdivision 6; 270.81, subdivision 1; 270.82, subdivision 1; 270.83, subdivision 3; 273.1398, subdivision 6; 275.065, subdivision 5a; 282.01, subdivision 1b; 289A.08, subdivision 7; 289A.63, subdivision 6; 290.0921, subdivision 3; 297A.70, subdivision 13; 298.282, subdivision 2; 300.15; 300.64, subdivision 4; 321.0108; 332.30; 352.03, subdivision 11; 352.119, subdivision 3; 354.07, subdivision 3; 354A.12, subdivisions 1, 2a; 356.30, subdivision 1; 356.65, subdivision 2; 386.015, subdivision 5; 422A.101, subdivision 2; 424A.02, subdivision 8a; 458D.18, subdivision 9; 469.153, subdivision 2; 480.182; 484.012; 501B.86, subdivision 2; 508A.22, subdivision 3; 518C.310; 550.04; 609.101, subdivision 3; 609.75, subdivision 1; 609B.121; 609B.164; 609B.265, subdivision 3; 609B.515; 611.272; Minnesota Statutes 2007 Supplement, sections 16C.03, subdivision 10; 103I.235, subdivision 1; 136A.127, subdivision 8; 144.121, subdivision 5b; 148.67, subdivision 1; 183.57, subdivision 2; 183.59; 216B.1637; 256.01, subdivision 23; 256.476, subdivision 4; 256B.0915, subdivisions 3a, 3e; 256B.49, subdivision 16a; 256J.49, subdivision 13; 256J.55, subdivision 1; 268.101, subdivision 2; 325E.386, subdivision 1; 326.91, subdivision 1; 352.01, subdivision 2b; 446A.051, subdivision 1; 446A.072, subdivision 5a; Laws 2007, chapter 147, article 19, section 3, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 609B; repealing Minnesota Statutes 2006, sections 35.701; 35.96, subdivision 5; 62Q.64; 216C.30, subdivision 4; 256E.21, subdivision 3; 289A.11, subdivision 2; 383D.47; 473.1551, subdivision 1; 473.553, subdivision 14; 473.616; 484.69, subdivision 1a; 525.091, subdivision 2; Laws 2006, chapter 270, article 2, section 13; Laws 2007, chapter 128, article 6, section 16; Laws 2007, chapter 134, article 1, section 8; Laws 2007, chapter 147, article 1, section 32.

There has been appointed as such committee on the part of the House:

Olin, Sertich and Berns.

Senate File No. 3674 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 24, 2008

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments

adopted by the House to the following Senate File:

**S.F. No. 3683:** A bill for an act relating to the operation of state government; changing certain provisions and programs related to agriculture; creating a livestock investment grant program; modifying pesticide and fertilizer regulation; changing certain payment provisions for certain agricultural chemical corrective action costs; changing certain food sanitary provisions; changing certain fee provisions; defining certain terms; regulating egg sales and handling; increasing the somatic cell count limit for goat milk; providing for control of bovine tuberculosis; adding a member to the NextGen Energy Board; modifying the expiration date for the NextGen Energy Board; modifying the expiration date for the Minnesota Agriculture Education Leadership Council; establishing requirements for practicing animal chiropractic care; recognizing a Program for the Assessment of Veterinary Education Equivalence certification; limiting use of certain drugs; changing certain requirements; regulating prescription of veterinary drugs; modifying definition of biodiesel; increasing minimum biodiesel content; creating a tiered biodiesel content goal; requiring counties to consider natural heritage data in adopting or amending comprehensive plans; requiring local governments to consider comprehensive plans to limit development on agricultural, forest, wildlife, and open space land; regulating certain racetracks; modifying 2007 appropriation language; creating the Veterans Health Care Advisory Council; changing certain provisions and programs related to veterans; providing for certain medallions; authorizing the placement of a plaque in the court of honor on the Capitol grounds by Minnesota's Mexican-American veterans to honor all Minnesota veterans who have served at any time in the United States armed forces; appropriating money; amending Minnesota Statutes 2006, sections 18B.07, subdivision 2; 18D.305, subdivision 2; 18E.04, subdivision 2; 28A.03, by adding a subdivision; 28A.08; 28A.082, by adding a subdivision; 28A.09, subdivision 1; 29.23; 31.05; 31.171; 41D.01, subdivision 4; 148.01, subdivision 1, by adding subdivisions; 156.001, by adding a subdivision; 156.02, subdivisions 1, 2; 156.04; 156.072, subdivision 2; 156.073; 156.12, subdivisions 2, 4, 6; 156.15, subdivision 2; 156.16, subdivisions 3, 10; 156.18, subdivisions 1, 2; 156.19; 168.1255, subdivisions 1, 3, by adding subdivisions; 196.021; 196.03; 197.236; 198.32, subdivision 1; 239.77, as amended; 240.06, subdivision 5a, by adding a subdivision; 240.13, subdivision 6; 394.232, subdivision 6; 462.355, subdivision 1; 462.357, by adding subdivisions; Minnesota Statutes 2007 Supplement, sections 31.175; 35.244; 41A.105; 296A.01, subdivision 8a; 394.23; Laws 2007, chapter 45, article 1, section 3, subdivisions 3, 4; proposing coding for new law in Minnesota Statutes, chapters 17; 18C; 32; 148; 196; 394; repealing Minnesota Statutes 2006, sections 198.001, subdivisions 6, 9; 198.002, subdivisions 1, 3, 6; 198.003, subdivisions 5, 6; 198.004, subdivision 2; Minnesota Statutes 2007 Supplement, sections 198.002, subdivision 2; 198.004, subdivision 1; Minnesota Rules, part 9050.0040, subpart 15.

There has been appointed as such committee on the part of the House:

Juhnke, Otremba, Koenen, Hamilton and Bigham.

Senate File No. 3683 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 24, 2008

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 3441:** A bill for an act relating to courts; limiting testimony of domestic abuse advocates without consent of victims; amending Minnesota Statutes 2007 Supplement, section 595.02, subdivision 1.

Senate File No. 3441 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 24, 2008

Senator Moua moved that the Senate do not concur in the amendments by the House to S.F. No. 3441, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 3034, 3493, 3800, 2996 and 3332.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 24, 2008

### FIRST READING OF HOUSE BILLS

The following bills were read the first time.

**H.F. No. 3034:** A bill for an act relating to construction professions; modifying provisions relating to the electrical, plumbing, water conditioning, boiler, and high-pressure piping professions; amending Minnesota Statutes 2006, sections 299F.011, subdivision 3; 326.244, subdivision 1; 327.32, subdivision 1; 327.33, by adding subdivisions; 327A.04, subdivision 2; 327A.07; 327B.06, subdivision 1; Minnesota Statutes 2007 Supplement, sections 16B.64, subdivision 8; 181.723, subdivision 2; 183.60, subdivision 2; 326.01, subdivisions 4b, 5; 326.2415, subdivisions 2, 6; 326.242, subdivisions 2, 3d, 5, 12, by adding subdivisions; 326.244, subdivision 5; 326.37, subdivision 1a; 326.3705, subdivision 1; 326.40, subdivisions 2, 3, by adding a subdivision; 326.47, subdivision 2; 326.48, subdivisions 1, 2, 2a, 2b, 5; 326.50; 326.505, subdivisions 1, 2, 8; 326.62; 326.84, subdivision 1; 326.841; 326.86, subdivision 1; 326.87, subdivision 5; 326.93, subdivision 4; 326.94, subdivision 2; 326.97, subdivision 1a; 326B.082, subdivisions 8, 10, 11, 12, 13; 326B.083, subdivision 3; 326B.42, by adding a subdivision; 326B.89, subdivisions 5, 6, 12, 14; 327B.04, subdivision 4; Laws 2007, chapter 140, article 4, section 12; repealing Minnesota Statutes 2006, section 16B.69; Minnesota Statutes 2007 Supplement, sections 326.2411; 326.37, subdivision 4; 326.372; 326.471; Laws 2007, chapter 9, section 1; Laws 2007, chapter 135, article

4, sections 2; 8; article 6, section 3; Laws 2007, chapter 140, article 12, section 9; Minnesota Rules, part 3800.3510.

Referred to the Committee on Finance.

**H.F. No. 3493:** A bill for an act relating to state government finance; disaster relief appropriations; providing for reimbursement to the state under certain conditions; amending Laws 2007, First Special Session chapter 2, article 1, sections 2; 4, subdivision 4.

Referred to the Committee on Finance.

**H.F. No. 3800:** A bill for an act relating to transportation; modifying or adding provisions relating to highways, motor vehicles, traffic regulations, drivers' licenses and records, transit, railroads, motor carriers, and other transportation-related programs or activities; imposing penalties; requiring reports; making technical and clarifying corrections; amending Minnesota Statutes 2006, sections 86B.825, subdivision 5; 123B.88, subdivision 3; 161.081, subdivision 3, as amended, by adding subdivisions; 168.011, subdivision 7; 168.012, subdivision 1; 168.021, subdivisions 1, 2; 168.09, subdivision 7; 168.185; 168A.03, subdivision 1; 168A.05, subdivision 9; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding subdivisions; 168B.08, subdivision 1; 168B.087, subdivision 1; 169.01, subdivisions 55, 76, by adding subdivisions; 169.18, subdivisions 1, 5, by adding a subdivision; 169.224; 169.67, subdivision 3; 169.781, subdivisions 1, 2, 5; 169.79; 169.801; 169.82, subdivision 3; 169.826, subdivision 1a; 169.85, subdivision 1; 169.86, by adding a subdivision; 169A.03, subdivision 23; 171.01, subdivisions 35, 46; 171.02, by adding a subdivision; 171.03; 171.055, subdivisions 1, 2; 171.0701; 171.12, subdivision 6; 171.13, by adding a subdivision; 171.165, subdivision 2; 171.321, subdivision 1; 174.02, subdivision 2; 174.03, subdivision 1; 174.24, by adding a subdivision; 221.011, by adding a subdivision; 221.031, subdivision 1; 221.036, subdivisions 1, 3; 221.121, subdivisions 1, 6a; 221.151, subdivision 1; 299D.03, subdivision 1; 299D.06; 473.1465, by adding a subdivision; 473.388, subdivision 2; 473.399, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 168.017, subdivision 3; 169.443, subdivision 9; 171.02, subdivision 2; Laws 2002, chapter 393, section 85; Laws 2008, chapter 152, article 2, sections 1; 3, subdivision 2; article 3, sections 6; 8; article 6, section 7; proposing coding for new law in Minnesota Statutes, chapters 123B; 169; 171; 174; 219; repealing Minnesota Statutes 2006, sections 168B.087, subdivision 2; 169.145; 221.121, subdivision 4.

Senator Pogemiller moved that H.F. No. 3800 be laid on the table. The motion prevailed.

**H.F. No. 2996:** A bill for an act relating to public safety; allowing persons facing civil commitment as sexually dangerous persons or sexual psychopathic personalities to choose to be confined in correctional facilities while the petition is being adjudicated; addressing the cost of care for persons facing civil commitment; addressing access to certain data by county attorneys on persons facing civil commitment; establishing a working group to review, assess, and make recommendations regarding the modification and application of controlled substance laws; providing for a report; amending Minnesota Statutes 2006, sections 13.851, by adding a subdivision; 253B.045, subdivisions 1, 2, by adding a subdivision; 253B.185, subdivision 5; 609.115, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 253B.185, subdivision 1b.

Referred to the Committee on Finance.

**H.F. No. 3332:** A bill for an act relating to commerce; regulating surcharges on credit cards; amending Minnesota Statutes 2006, section 325G.051, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3328, now on General Orders.

## REPORTS OF COMMITTEES

Senator Pogemiller moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

### **Senator Cohen from the Committee on Finance, to which was referred**

**H.F. No. 3722:** A bill for an act relating to economic development; providing military reservist economic injury loans; defining terms; appropriating money; amending Minnesota Statutes 2007 Supplement, section 116L.17, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Delete everything after the enacting clause and insert:

**"Section 1. [115A.936] CONSTRUCTION DEBRIS AS COVER MATERIAL PROHIBITED.**

(a) Construction debris or residuals from processed construction debris containing any amount of gypsum shall not be managed as cover material at disposal facilities unless:

(1) residual material is managed in an industrial or construction and demolition disposal facility equipped with a liner and leachate collection system;

(2) residual material is not mechanically pulverized or size-reduced prior to processing, screening, or application;

(3) a maximum effort is made to remove gypsum from the waste prior to processing, screening, or application;

(4) residual material is mixed at a ratio of one part soil to one part residual material prior to application; and

(5) the disposal facility does not accept any amount of cover material greater than what is operationally necessary.

(b) For the purposes of this section, "residual material" means construction debris or residuals from processed construction debris containing any amount of gypsum.

**Sec. 2. [116J.976] STATE APPROVAL OF GOVERNMENT PROCUREMENT AGREEMENTS.**

Any decision of the state to enter into government procurement agreements relating to United States trade agreements must be approved by the governor and the legislature.

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

**Sec. 3. [116J.977] TRADE POLICY ADVISORY GROUP.**

**Subdivision 1. Establishment.** The trade policy advisory group is established to advise and assist the governor and the legislature regarding government procurement agreements of United States trade agreements.

**Subd. 2. Membership.** (a) The trade policy advisory group shall be comprised of nine members as follows:

- (1) the governor, or the governor's designee;
- (2) the commissioner of employment and economic development, or the commissioner's designee;
- (3) the commissioner of agriculture, or the commissioner's designee;
- (4) the commissioner of administration, or the commissioner's designee;
- (5) the attorney general, or a designee;
- (6) two senators, including one member from the majority party and one member from the minority party, appointed by the Subcommittee on Committees of the Committee on Rules and Administration of the senate; and
- (7) two members of the house of representatives, including one member appointed by the speaker of the house and one member appointed by the minority leader.

(b) Members of the trade policy advisory group shall serve for a term of two years and may be reappointed. Members shall serve until their successors have been appointed.

(c) The trade policy advisory group may invite representatives from other state agencies, industries, trade and labor organizations, nongovernmental organizations, and local governments to join the group as nonvoting ex officio members.

**Subd. 3. Administration.** (a) The commissioner of employment and economic development or the commissioner's designee shall:

- (1) coordinate with the other appointing authorities to designate their representatives; and
  - (2) provide meeting space and administrative services for the group.
- (b) The members shall elect a chair from the legislative members of the working group. The chair will assume responsibility for convening future meetings of the group.
- (c) Public members of the advisory group serve without compensation or payment of expenses.

**Subd. 4. Duties.** The trade policy advisory group shall:

- (1) serve as an advisory group to the governor and the legislature on matters relating to government procurement agreements of United States trade agreements;
- (2) assess the potential impact of government procurement agreements on the state's economy;

(3) advise the governor and the legislature of the group's findings and make recommendations, including any draft legislation necessary to implement the recommendations, to the governor and the legislature;

(4) determine, on a case-by-case basis, the impact of a specific government procurement agreement by requesting input from state agencies, seeking expert advice, convening public hearings, and taking other reasonable and appropriate actions;

(5) provide advice on other issues related to trade agreements other than government procurement agreements when specifically requested by the governor or the legislature;

(6) request information from the Office of the United States Trade Representative necessary to conduct an appropriate review of government procurement agreements or other trade issues as directed by the governor or the legislature; and

(7) receive information obtained by the United States Trade Representative's Single Point of Contact for Minnesota.

Subd. 5. **Expiration.** Notwithstanding section 15.059, subdivision 5, this section expires June 30, 2012.

**EFFECTIVE DATE.** This section is effective July 1, 2008.

Sec. 4. **[181.985] WORKPLACE COMMUNICATIONS.**

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given them in this subdivision.

(b) "Employer" means any person, business entity, or nonprofit organization having one or more employees in Minnesota, and includes the state and any political subdivisions of the state.

(c) "Employee" means a person who performs services for hire in Minnesota for an employer, but does not include independent contractors.

(d) "Communication" means any printed or electronic document, letter, brochure, flyer, advertisement, e-mail, text message, or similar means pertaining to union business or labor organizing as provided under state or federal law.

(e) "Employee organization" or "labor organization" have the same meanings given them in sections 179.01, subdivision 6, and 179A.03, subdivision 6.

Subd. 2. **Prohibited practice.** An employer may not refuse to hire a job applicant or discipline or discharge an employee because the applicant or employee has received or responded to a communication from an employee organization or labor organization. Nor shall an employer prohibit an employee from receiving communications from an employee organization at the employee's work location, work mailbox, in an employee break room or meal area, or on the employee's work computer. Reasonable rules concerning the quantity of the communications, political or other inappropriate content of the communications, attachments to electronic communications, and appropriate nonwork times for review of these types of communications are permitted. An employer may discipline or discharge an employee for violations of these rules in accordance with the employer's personnel policies or union contract.

Subd. 3. **Remedy.** The remedy for a violation of this section is through any applicable grievance procedure. Damages are limited to wages and benefits lost by the individual because of the violation.

Sec. 5. Minnesota Statutes 2007 Supplement, section 214.04, subdivision 3, is amended to read:

Subd. 3. **Officers; staff.** The executive director of each health-related board and the executive secretary of each non-health-related board shall be the chief administrative officer for the board but shall not be a member of the board. The executive director or executive secretary shall maintain the records of the board, account for all fees received by it, supervise and direct employees servicing the board, and perform other services as directed by the board. The executive directors, executive secretaries, and other employees of the following boards shall be hired by the board, and the executive directors or executive secretaries shall be in the unclassified civil service, except as provided in this subdivision:

- (1) Dentistry;
- (2) Medical Practice;
- (3) Nursing;
- (4) Pharmacy;
- (5) Accountancy;
- (6) Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design;
- (7) Barber Examiners;
- (8) Cosmetology;
- (9) Teaching;
- (10) Peace Officer Standards and Training;
- (11) Social Work;
- (12) Marriage and Family Therapy;
- (13) Dietetics and Nutrition Practice; ~~and~~
- (14) Licensed Professional Counseling; and
- (15) Combative Sports Commission.

The executive directors or executive secretaries serving the boards are hired by those boards and are in the unclassified civil service, except for part-time executive directors or executive secretaries, who are not required to be in the unclassified service. Boards not requiring full-time executive directors or executive secretaries may employ them on a part-time basis. To the extent practicable, the sharing of part-time executive directors or executive secretaries by boards being serviced by the same department is encouraged. Persons providing services to those boards not listed in this subdivision, except executive directors or executive secretaries of the boards and employees of the attorney general, are classified civil service employees of the department servicing the board. To the extent practicable, the commissioner shall ensure that staff services are shared by the boards



being serviced by the department. If necessary, a board may hire part-time, temporary employees to administer and grade examinations.

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

Sec. 6. Minnesota Statutes 2007 Supplement, section 268.047, subdivision 1, is amended to read:

Subdivision 1. **General rule.** Unemployment benefits paid to an applicant, including extended, ~~additional,~~ and shared work benefits, will be used in computing the future tax rate of a taxpaying base period employer or charged to the reimbursable account of a base period nonprofit or government employer that has elected to be liable for reimbursements except as provided in subdivisions 2 and 3. The amount of unemployment benefits used in computing the future tax rate of taxpaying employers or charged to the reimbursable account of a nonprofit or government employer that has elected to be liable for reimbursements is the same percentage of the total amount of unemployment benefits paid as the percentage of wage credits from the employer is of the total amount of wage credits from all the applicant's base period employers.

In making computations under this subdivision, the amount of wage credits, if not a whole dollar, must be computed to the nearest whole dollar.

Sec. 7. Minnesota Statutes 2007 Supplement, section 268.047, subdivision 2, is amended to read:

Subd. 2. **Exceptions for all employers.** Unemployment benefits paid will not be used in computing the future tax rate of a taxpaying base period employer or charged to the reimbursable account of a base period nonprofit or government employer that has elected to be liable for reimbursements when:

(1) the applicant was discharged from the employment because of aggravated employment misconduct as determined under section 268.095. This exception applies only to unemployment benefits paid for periods after the applicant's discharge from employment;

(2) an applicant's discharge from that employment occurred because a law required removal of the applicant from the position the applicant held;

(3) the employer is in the tourist or recreation industry and is in active operation of business less than 15 calendar weeks each year and the applicant's wage credits from the employer are less than 600 times the applicable state or federal minimum wage;

(4) the employer provided regularly scheduled part-time employment to the applicant during the applicant's base period and continues to provide the applicant with regularly scheduled part-time employment during the benefit year of at least 90 percent of the part-time employment provided in the base period, and is an involved employer because of the applicant's loss of other employment. This exception terminates effective the first week that the employer fails to meet the benefit year employment requirements. This exception applies to educational institutions without consideration of the period between academic years or terms;

(5) the employer is a fire department or firefighting corporation or operator of a life-support transportation service, and continues to provide employment for the applicant as a volunteer firefighter or a volunteer ambulance service personnel during the benefit year on the same basis that employment was provided in the base period. This exception terminates effective the first week that the employer fails to meet the benefit year employment requirements;

(6) the applicant's unemployment from this employer was a direct result of the condemnation of property by a governmental agency, a fire, flood, or act of nature, where 25 percent or more of the employees employed at the affected location, including the applicant, became unemployed as a result. This exception does not apply where the unemployment was a direct result of the intentional act of the employer or a person acting on behalf of the employer;

(7) the unemployment benefits were paid by another state as a result of the transferring of wage credits under a combined wage arrangement provided for in section 268.131;

(8) the applicant stopped working because of a labor dispute at the applicant's primary place of employment if the employer was not a party to the labor dispute;

(9) the unemployment benefits were determined overpaid unemployment benefits under section 268.18; ~~or~~

(10) the applicant was employed as a replacement worker, for a period of six months or longer, for an employee who is in the military reserve and was called for active duty during the time the applicant worked as a replacement, and the applicant was laid off because the employee returned to employment after active duty; or

(11) the trust fund was reimbursed for the unemployment benefits by the federal government.

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

Sec. 8. Minnesota Statutes 2007 Supplement, section 268.085, subdivision 3, is amended to read:

Subd. 3. **Payments that delay unemployment benefits.** (a) An applicant is not eligible to receive unemployment benefits for any week with respect to which the applicant is receiving, has received, or has filed for payment, equal to or in excess of the applicant's weekly unemployment benefit amount, in the form of:

(1) vacation pay paid upon temporary, indefinite, or seasonal separation. This clause does not apply to (i) vacation pay paid upon a permanent separation from employment, or (ii) vacation pay paid from a vacation fund administered by a union or a third party not under the control of the employer;

(2) severance pay, bonus pay, sick pay, and any other payments, except earnings under subdivision 5, and back pay under subdivision 6, paid by an employer because of, upon, or after separation from employment, but only if the payment is considered wages at the time of payment under section 268.035, subdivision 29; or

(3) pension, retirement, or annuity payments from any plan contributed to by a base period employer including the United States government, except Social Security benefits that are provided for in subdivision 4. The base period employer is considered to have contributed to the plan if the contribution is excluded from the definition of wages under section 268.035, subdivision 29, clause (1).

An applicant is not considered to have received the lump sum payment if the applicant immediately deposits that payment in a qualified pension plan or account.

(b) This subdivision applies to all the weeks of payment. Payments under paragraph (a), clauses (1) and (2), are applied to the period immediately following the last day of employment ~~and~~. The

number of weeks of payment, ~~for purposes of these clauses,~~ is determined as follows:

(1) if the payments are made periodically, the total of the payments to be received is divided by the applicant's last level of regular weekly pay from the employer; or

(2) if the payment is made in a lump sum, that sum is divided by the applicant's last level of regular weekly pay from the employer.

(c) If the payment is less than the applicant's weekly unemployment benefit amount, unemployment benefits are reduced by the amount of the payment. If the computation of reduced unemployment benefits is not a whole dollar, it is rounded down to the next lower whole dollar.

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

Sec. 9. Minnesota Statutes 2007 Supplement, section 268.085, subdivision 16, is amended to read:

Subd. 16. **Actively seeking suitable employment defined.** (a) "Actively seeking suitable employment" means those reasonable, diligent efforts an individual in similar circumstances would make if genuinely interested in obtaining suitable employment under the existing conditions in the labor market area. Limiting the search to positions that are not available or are above the applicant's training, experience, and qualifications is not "actively seeking suitable employment."

(b) To be considered "actively seeking suitable employment" an applicant must, when reasonable, contact those employers from whom the applicant was laid off because of lack of work and request suitable employment.

(c) If reasonable prospects of suitable employment in the applicant's usual or customary occupation do not exist, the applicant must actively seek other suitable employment to be considered "actively seeking suitable employment." This applies to an applicant who is seasonally unemployed.

(d) An applicant who is seeking employment only through a union is ~~not~~ considered actively seeking suitable employment ~~unless if the applicant is in an occupation where it is required by union rule that all the hiring in that locality is done through the union or that all members are.~~ If the applicant is a union member who is restricted to obtaining employment among signatory contractors in the construction industry, seeking employment only with those signatory contractors is considered actively seeking employment. The applicant must be a union member in good standing, registered with the union for employment, and in compliance with other union rules to be considered "actively seeking suitable employment."

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

Sec. 10. Minnesota Statutes 2006, section 268.125, subdivision 1, is amended to read:

Subdivision 1. **Additional unemployment benefits; when available.** Additional unemployment benefits are available if:

(1) a county had a total unemployment rate for the prior 12-month period of at least 1.8 times the state average unemployment rate for the prior 12-month period and the state average unemployment rate for the same 12-month period was at least 4.6 percent. The commissioner must calculate the applicable unemployment rates within 30 days following the end of the month. Once it has been

calculated that the total unemployment rate in a county equals or exceeds 1.8 times the state average unemployment rate for the prior 12-month period, the additional benefits are available beginning the Sunday following the date of calculation and continuing for a minimum of 13 weeks; or

(2) (i) at a facility that had 100 or more employees, the employer reduced operations, resulting within a one-month period in the layoff of 50 percent or more of the facility's work force, including reductions caused as a result of a major natural disaster declared by the president;

~~(2)~~ (ii) the employer has no expressed plan to resume operations that would lead to the reemployment of those employees in the immediate future; and

~~(3)~~ (iii) the seasonally adjusted unemployment rate in the county that the facility is located was ten percent or more during the month of the reduction or any of the three months before or after the month of the reduction.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies retroactively from January 1, 2008.

Sec. 11. Minnesota Statutes 2006, section 268.125, subdivision 2, is amended to read:

Subd. 2. **Payment of unemployment benefits from trust fund; effect on employer.** Additional unemployment benefits are payable from the trust fund. Additional unemployment benefits paid will not be used in computing the experience rating of a taxpaying employer nor charged to the reimbursing account of a nonprofit or government employer.

Sec. 12. Minnesota Statutes 2007 Supplement, section 268.125, subdivision 3, is amended to read:

Subd. 3. **Eligibility conditions.** An applicant is eligible to receive additional unemployment benefits for any week during the applicant's benefit year if:

(1) for any week during which benefits are available under subdivision 1, clause (1):

(i) the applicant resides in a county that meets the requirements of subdivision 1, clause (1), and resided in that county each week that regular unemployment benefits were paid;

(ii) the applicant was not paid unemployment benefits for any week in the 12 months before the effective date of the applicant's benefit account;

(iii) the applicant meets the same eligibility requirements that are required for regular unemployment benefits under section 268.069; and

(iv) the applicant has exhausted regular unemployment benefits under section 268.07, is not entitled to receive extended unemployment benefits under section 268.115, and is not entitled to receive unemployment benefits under any other state or federal law for that week; or

(2) the applicant was laid off from employment as a result of a reduction under subdivision 1, clause (2), or was laid off because of lack of work from that employer during the three-month period before, or the three-month period after, the month of the reduction under subdivision 1, clause (2);

~~(2)~~ (3) the applicant meets the same eligibility requirements that are required for regular unemployment benefits under section ~~268.085~~ 268.069;

~~(3) the applicant is not ineligible under section 268.095 because of a quit or a discharge;~~

(4) the applicant has exhausted regular unemployment benefits under section 268.07, is not entitled to receive extended unemployment benefits under section 268.115, and is not entitled to receive unemployment benefits under any other state or federal law for that week; and

(5) a majority of the applicant's wage credits were from the employer that had a reduction in operations under subdivision 1, clause (2).

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies retroactively from January 1, 2008, except clause (1), item (ii), which shall be effective January 1, 2009.

Sec. 13. Minnesota Statutes 2006, section 268.125, is amended by adding a subdivision to read:

Subd. 6. **Notice.** The commissioner must notify applicants of the availability of additional unemployment benefits by contacting applicants by mail or electronic transmission, by posting a notice on the department's official Web site, and by appropriate announcement.

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

Sec. 14. Minnesota Statutes 2007 Supplement, section 268.19, subdivision 1, is amended to read:

Subdivision 1. **Use of data.** (a) Except as provided by this section, data gathered from any person under the administration of the Minnesota Unemployment Insurance Law 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 according to a district court order or section 13.05. A subpoena is not considered a district court order. 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 any other state or any federal agency charged with the administration of an unemployment insurance program;
- (3) any agency responsible for the maintenance of a system of public employment offices for the purpose of assisting individuals in obtaining employment;
- (4) the public authority responsible for child support in Minnesota or any other state in accordance with section 256.978;
- (5) human rights agencies within Minnesota that have enforcement powers;
- (6) the Department of Revenue to the extent necessary for its duties under Minnesota laws;
- (7) public and private agencies responsible for administering publicly financed assistance programs for the purpose of monitoring the eligibility of the program's recipients;
- (8) the Department of Labor and Industry and the Division of Insurance Fraud Prevention in the Department of Commerce for uses consistent with the administration of their duties under Minnesota law;
- (9) 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 or food support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;

(10) local and state welfare agencies for the purpose of identifying employment, wages, and other information to assist in the collection of an overpayment debt in an assistance program;

(11) local, state, and federal law enforcement agencies for the purpose of ascertaining the last known address and employment location of an individual who is the subject of a criminal investigation;

(12) the United States Citizenship and Immigration Services has 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;

(13) the Department of Health for the purposes of epidemiologic investigations; and

(14) the Department of Corrections for the purpose of preconfinement and postconfinement employment tracking of individuals who had been committed to the custody of the commissioner of corrections committed offenders for the purpose of case planning.

(b) Data on individuals and employers that are collected, maintained, or used by the department in an investigation under 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 under statute or district court order or to a party named in a criminal proceeding, administrative or judicial, for preparation of a defense.

(c) Data gathered by the department in the administration of the Minnesota unemployment insurance program 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.

**EFFECTIVE DATE.** This section is effective July 1, 2008.

Sec. 15. Minnesota Statutes 2006, section 341.21, as amended by Laws 2007, chapter 135, article 3, section 30, is amended to read:

**341.21 DEFINITIONS.**

Subdivision 1. **Applicability.** The definitions in this section apply to this chapter.

Subd. 2. **Boxing.** "Boxing" means the act of attack and defense with the fists, using padded gloves, that is practiced as a sport under the rules of the Association of Boxing Commissions, or equivalent. Where applicable, boxing includes tough person contests.

Subd. 2a. **Combatant.** "Combatant" means an individual who employs the act of attack and defense as a boxer, tough person, or mixed martial artist while engaged in a combative sport.

Subd. 2b. **Combative sport.** "Combative sport" means a sport that employs the act of attack and defense with the fists, with or without using padded gloves, or feet that is practiced as a sport

under the rules of the Association of Boxing Commissions, unified rules for mixed martial arts, or their equivalent. Combative sports include professional boxing and professional and amateur tough person and professional and amateur mixed martial arts contests.

Subd. 3. **Commission.** "Commission" means the ~~Minnesota Boxing~~ Combative Sports Commission.

Subd. 4. **Combative sports contest.** "Combative sports contest" means ~~any a professional boxing, a professional or amateur tough person, or a professional or amateur mixed martial art bout, competition e~~contest, match, or exhibition.

Subd. 4a. **Director.** "Director" means the executive director of the commission.

Subd. 4b. **HBV.** "HBV" means the hepatitis B virus with the e-antigen present in the most recent blood test.

Subd. 4c. **HCV.** "HCV" means the hepatitis C virus.

Subd. 4d. **HIV.** "HIV" means the human immunodeficiency virus.

Subd. 4e. **Individual.** "Individual" means a living human being.

Subd. 4f. **Mixed martial arts contest.** "Mixed martial arts contest" means a contest between two or more individuals consisting of any combination of full contact martial art including, but not limited to, Muay Thai and Karate, kickboxing, wrestling, grappling, or other recognized martial art.

Subd. 4g. **Person.** "Person" means an individual, corporation, partnership, limited liability company, organization, or other business entity organized and existing under law, its officers and directors, or a person holding 25 percent or more of the ownership of a corporation that is authorized to do business under the laws of this state.

Subd. 5. **Professional.** "Professional" means any person who competes for any money prize or a prize that exceeds the value of \$50 or teaches, pursues, or assists in the practice of ~~boxing a~~ combative sport as a means of obtaining a livelihood or pecuniary gain.

~~Subd. 6. **Director.** "Director" means the executive director of the commission.~~

Subd. 7. **Tough person contest.** "Tough person contest," including contests marketed as tough man ~~and~~ or tough woman contests, means ~~any boxing match consisting a contest of one minute rounds~~ two-minute rounds consisting of not more than four rounds between two or more persons individuals who use their hands, or their feet, or both, in any manner. Tough person contest does not include ~~kick boxing~~ kickboxing or any recognized martial arts ~~competition~~ contest.

~~Subd. 8. **Mixed martial arts.** "Mixed martial arts" means any combination of boxing, kick boxing, wrestling, grappling, or other recognized martial arts.~~

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

Sec. 16. Minnesota Statutes 2007 Supplement, section 341.22, is amended to read:

**341.22 BOXING COMBATIVE SPORTS COMMISSION.**

There is hereby created the ~~Minnesota Boxing~~ Combative Sports Commission consisting of

nine members who are citizens of this state. The members must be appointed by the governor. One member of the commission must be a retired judge of the Minnesota district court, Minnesota Court of Appeals, Minnesota Supreme Court, the United States District Court for the District of Minnesota, or the Eighth Circuit Court of Appeals, and at least ~~three~~ four members must have knowledge of the boxing industry. At least four members must have knowledge of the mixed martial arts industry. The governor shall make serious efforts to appoint qualified women to serve on the commission. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements must be as provided in sections 214.07 to 214.09. Unless otherwise provided, the provision of staff, administrative services, and office space; the review and processing of complaints; the setting of fees; and other provisions relating to commission operations must be are as provided in chapter 214. The purpose of the commission is to protect health, promote safety, and ensure fair events.

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

Sec. 17. Minnesota Statutes 2006, section 341.23, is amended to read:

#### **341.23 LIMITATIONS.**

No member of the ~~Boxing~~ commission may directly or indirectly promote a ~~boxing~~ contest, directly or indirectly engage in the managing of a ~~boxer~~ combatant, or have an interest in any manner in the proceeds from a ~~boxing~~ combative sports contest.

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

Sec. 18. Minnesota Statutes 2007 Supplement, section 341.25, is amended to read:

#### **341.25 RULES.**

(a) The commission may adopt rules that include standards for the physical examination and condition of ~~boxers~~ combatants and referees.

(b) The commission may adopt other rules necessary to carry out the purposes of this chapter, including, but not limited to, the conduct of ~~boxing exhibitions, bouts, and fights,~~ all combative sports contests and their manner, supervision, time, and place.

(c) The commission must adopt unified rules for mixed martial arts contests.

(d) The commission may adopt the rules of the Association of Boxing Commissions, with amendments.

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

Sec. 19. Minnesota Statutes 2006, section 341.26, is amended to read:

#### **341.26 MEETINGS.**

The commission shall hold a regular meeting quarterly and may hold special meetings. Except as otherwise provided in law, all meetings of the commission must be open to the public and reasonable notice of the meetings must be given under chapter 13D. If compliance with section 13D.02 is impractical, the commission may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:



(1) all members of the commission participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the commission can hear clearly all discussion and testimony and all votes of members of the commission and, if needed, receive those services required by sections 15.44 and 15.441;

(3) at least one member of the commission is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

Each member of the commission participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

If a telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the commission, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The commission may require the person making such a connection to pay for documented costs that the commission incurs as a result of the additional connection.

If a telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the commission shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and that a person may monitor the meeting electronically from a remote location. The timing and method of providing notice is governed by section 13D.04.

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

Sec. 20. Minnesota Statutes 2007 Supplement, section 341.27, is amended to read:

**341.27 COMMISSION DUTIES.**

The commission shall:

- (1) issue, deny, renew, suspend, or revoke licenses;
- (2) make and maintain records of its acts and proceedings including the issuance, denial, renewal, suspension, or revocation of licenses;
- (3) keep public records of the commission open to inspection at all reasonable times;
- (4) assist the director in the development of rules to be implemented under this chapter;
- (5) conform to the rules adopted under this chapter; ~~and~~
- (6) develop policies and procedures for regulating mixed martial arts;
- (7) immediately suspend an individual license for a medical condition, including but not limited to a medical condition resulting from an injury sustained during a match, bout, or contest that has been confirmed by the ringside physician. The medical suspension must be lifted after

the commission receives written information from a physician licensed in the home state of the licensee indicating that the combatant may resume competition, and any other information that the commission may by rule require. Medical suspensions are not subject to section 214.10; and

(8) evaluate the performance and compensation of the director, including eligibility for salary increases, in keeping with state procedures.

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

**Sec. 21. [341.271] GIFT AUTHORITY.**

The commission may apply for, receive, and expend in its own name grants and gifts of money consistent with the powers and duties specified in section 341.27. The commission may accept gifts, bequests, grants, payments for services, and other public and private money to help finance the activities of the commission.

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

Sec. 22. Minnesota Statutes 2006, section 341.28, as amended by Laws 2007, chapter 135, article 3, sections 34, 35, is amended to read:

**341.28 REGULATION OF ~~BOXING~~ COMBATIVE SPORTS CONTESTS.**

Subdivision 1. **Regulatory authority; ~~boxing combative sports~~.** All professional ~~boxing combative sports~~ contests are subject to this chapter. ~~Every contestant in a boxing contest shall wear padded gloves that weigh at least eight ounces.~~ The commission shall, for every ~~boxing combative sports~~ contest:

- (1) direct a commission member to be present; and
- (2) direct the attending commission member to make a written report of the contest.

All ~~boxing~~ combative sports contests within this state must be conducted according to the requirements of this chapter.

Subd. 1a. **Regulatory authority; boxing contests.** All professional boxing contests are subject to this chapter. Every combatant in a boxing contest shall wear padded gloves that weigh at least eight ounces. Officials at all boxing contests must be licensed under this chapter.

Subd. 2. **Regulatory authority; tough person contests.** All professional and amateur tough person contests, ~~including amateur tough person contests,~~ are subject to this chapter. All tough person contests are subject to ~~American Association of Boxing Commission (ABC) Commission's~~ rules. Every contestant in a tough person contest shall have a physical examination prior to their bouts. Every contestant in a tough person contest shall wear padded gloves that weigh at least 12 ounces. All tough person bouts are limited to two-minute rounds and a maximum of four total rounds. Officials at all tough person ~~bouts~~ contests shall be licensed under this chapter.

Subd. 3. **Regulatory authority; mixed martial arts contests; similar sporting events.** All professional and amateur mixed martial arts, ultimate fight contests, and similar sporting events are subject to this chapter and all officials at these events must be licensed under this chapter.

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

Sec. 23. Minnesota Statutes 2006, section 341.29, is amended to read:

**341.29 JURISDICTION OF COMMISSION.**

The commission shall:

(1) have sole direction, supervision, regulation, control, and jurisdiction over all boxing combative sports contests ~~and tough person contests that are held~~ within this state unless a contest is exempt from the application of this chapter under federal law;

(2) have sole control, authority, and jurisdiction over all licenses required by this chapter; and

(3) grant a license to an applicant if, in the judgment of the commission, the financial responsibility, experience, character, and general fitness of the applicant are consistent with the public interest, convenience, or necessity and the best interests of boxing combative sports and conforms with this chapter and the commission's rules.

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

Sec. 24. Minnesota Statutes 2006, section 341.30, is amended to read:

**341.30 LICENSURE REQUIREMENTS.**

Subdivision 1. **Licensure; individuals.** All referees, judges, ~~matchmakers,~~ promoters, trainers, ring announcers, timekeepers, ringside physicians, ~~boxers' combatants, boxers' managers, and boxers' seconds~~ are required to be licensed by the commission. The commission shall not permit any of these persons to participate in the holding or conduct of any boxing combative sports contest unless the commission has first issued the person a license.

Subd. 2. **Entity licensure.** Before participating in the holding or conduct of any boxing combative sports contest, a corporation, partnership, limited liability company, or other business entity organized and existing under law, its officers and directors, and any person holding 25 percent or more of the ownership of the corporation shall obtain a license from the commission and must be authorized to do business under the laws of this state.

Subd. 3. **Background investigation.** The commission may require referees, judges, ~~matchmakers,~~ promoters, and ~~boxers' combatants~~ to furnish fingerprints and background information under commission rules before licensure. The commission shall charge a fee for receiving fingerprints and background information in an amount determined by the commission. The commission may require referees, judges, ~~matchmakers,~~ promoters, and ~~boxers' combatants~~ to furnish fingerprints and background information before license renewal. The fee may include a reasonable charge for expenses incurred by the commission or the Department of Public Safety. For this purpose, the commission and the Department of Public Safety may enter into an interagency agreement.

Subd. 4. **Prelicensure requirements.** (a) Before the commission issues a license to a promoter, ~~matchmaker,~~ corporation, or other business entity, the applicant shall:

(1) provide the commission with a copy of any agreement between a ~~contestant~~ combatant and the applicant that binds the applicant to pay the ~~contestant~~ combatant a certain fixed fee or percentage of the gate receipts;

(2) show on the application the owner or owners of the applicant entity and the percentage of interest held by each owner holding a 25 percent or more interest in the applicant;

(3) provide the commission with a copy of the latest financial statement of the entity; and

(4) provide the commission with a copy or other proof acceptable to the commission of the insurance contract or policy required by this chapter.

(b) Before the commission issues a license to a promoter, the applicant shall deposit with the commission a cash bond or surety bond in an amount set by the commission. The bond shall be executed in favor of this state and shall be conditioned on the faithful performance by the promoter of the promoter's obligations under this chapter and the rules adopted under it. An applicant for a license as a promoter shall submit an application a minimum of six weeks before the combative sports contest is scheduled to occur.

(c) Before the commission issues a license to a ~~boxer~~ combatant, the applicant shall submit to the commission the results of a current medical examination on forms furnished or approved by the commission. The medical examination must include an ophthalmological and neurological examination, and documentation of test results for HBV, HCV, and HIV, and any other blood test as the commission by rule may require. The ophthalmological examination must be designed to detect any retinal defects or other damage or condition of the eye that could be aggravated by boxing combative sports. The neurological examination must include an electroencephalogram or medically superior test if the boxer combatant has been knocked unconscious in a previous boxing or other athletic competition contest. The commission may also order an electroencephalogram or other appropriate neurological or physical examination before any contest, match, or exhibition if it determines that the examination is desirable to protect the health of the boxer combatant. The commission shall not issue a license to an applicant submitting positive test results for HBV, HCV, or HIV.

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

Sec. 25. Minnesota Statutes 2006, section 341.32, as amended by Laws 2007, chapter 135, article 3, section 36, is amended to read:

**341.32 LICENSE FEES; EXPIRATION; RENEWAL.**

Subdivision 1. **Annual licensure.** The commission may establish and issue annual licenses subject to the collection of advance fees by the commission for promoters, ~~matchmakers~~, managers, judges, referees, ring announcers, ringside physicians, timekeepers, ~~boxers~~ combatants, ~~boxers'~~ trainers, ~~boxers'~~ seconds, business entities filing for a license to participate in the holding of any boxing contest, and officers, directors, or other persons affiliated with the business entity.

Subd. 2. **Expiration and renewal.** A license issued after July 1, 2007, is valid for one year from the date it is issued and may be renewed by filing an application for renewal with the commission and payment of the license ~~fee~~ fees established in section 341.321. An application for a license and renewal of a license must be on a form provided by the commission. There is a 30-day grace period during which a license may be renewed if a late filing penalty fee equal to the license fee is submitted with the regular license fee. A licensee that files late shall not conduct any activity regulated by this chapter until the commission has renewed the license. If the licensee fails to apply to the commission within the 30-day grace period, the licensee must apply for a new license under subdivision 1.

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

Sec. 26. Minnesota Statutes 2007 Supplement, section 341.321, is amended to read:

**341.321 FEE SCHEDULE.**

(a) The fee schedule for professional licenses issued by the ~~Minnesota Boxing~~ commission is as follows:

- (1) referees, ~~\$45~~ \$25 for each initial license and each renewal;
- (2) promoters, \$400 for each initial license and each renewal;
- (3) judges and knockdown judges, ~~\$45~~ \$25 for each initial license and each renewal;
- (4) trainers, ~~\$45~~ \$25 for each initial license and each renewal;
- (5) ring announcers, ~~\$45~~ \$25 for each initial license and each renewal;
- (6) ~~boxers'~~ seconds, ~~\$45~~ \$25 for each initial license and each renewal;
- (7) timekeepers, ~~\$45~~ \$25 for each initial license and each renewal;
- (8) ~~boxers~~ combatants, ~~\$45~~ \$25 for each initial license and each renewal;
- (9) managers, ~~\$45~~ \$25 for each initial license and each renewal; and
- (10) ringside physicians, ~~\$45~~ \$25 for each initial license and each renewal.

In addition to the license fee and the late filing penalty fee in section 341.32, subdivision 2, if applicable, an individual who applies for a combatant license on the same day the combative sporting event is held shall pay a fee of \$100 at the time the application is submitted.

(b) The fee schedule for amateur licenses issued by the commission is as follows:

- (1) referees, \$10 for each initial license and each renewal;
- (2) promoters, \$100 for each initial license and each renewal;
- (3) judges and knockdown judges, \$10 for each initial license and each renewal;
- (4) trainers, \$10 for each initial license and each renewal;
- (5) ring announcers, \$10 for each initial license and each renewal;
- (6) seconds, \$10 for each initial license and each renewal;
- (7) timekeepers, \$10 for each initial license and each renewal;
- (8) combatants, \$10 for each initial license and each renewal;
- (9) managers, \$10 for each initial license and each renewal; and
- (10) ringside physicians, \$10 for each initial license and each renewal.

(c) The commission shall establish ~~and assess an event~~ a contest fee for each ~~sporting event~~ combative sports contest. The event contest fee is set at a minimum of \$1,500 per event or a

percentage not more than four percent of the gross ticket sales as determined by the commission when the ~~sporting event~~ combative sports contest is scheduled, except that the amateur combative sports contest fee shall be \$150. The commission shall consider the size and type of venue when establishing a contest fee. The commission may establish the maximum number of complimentary tickets allowed for each event by rule. An amateur combative sports contest fee is nonrefundable.

~~(e)~~ (d) All fees and penalties collected by the ~~Minnesota Boxing~~ commission must be deposited in the ~~Boxing~~ commission account in the special revenue fund.

**EFFECTIVE DATE.** This section is effective July 1, 2008.

Sec. 27. Minnesota Statutes 2006, section 341.33, is amended to read:

**341.33 PHYSICAL EXAMINATION REQUIRED; FEES.**

Subdivision 1. **Examination by physician.** All ~~boxers and referees~~ combatants must be examined by a physician licensed by this state within ~~three~~ 36 hours before entering the ring, and the examining physician shall immediately file with the commission a written report of the examination. The physician's examination ~~shall~~ may report on the condition of the ~~boxer's~~ combatant's heart and general physical and general neurological condition. The physician's report may record the condition of the ~~boxer's~~ combatant's nervous system and brain as required by the commission. The physician may prohibit the ~~boxer~~ combatant from entering the ring if, in the physician's professional opinion, it is in the best interest of the ~~boxer's~~ combatant's health. The cost of the examination is payable by the person or entity conducting the contest or exhibition.

Subd. 2. **Attendance of physician.** A person holding or sponsoring a ~~boxing contest~~ combative sports contest, shall have in attendance a physician licensed by this state. The commission may establish a schedule of fees to be paid to each attending physician by the person holding or sponsoring the contest.

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

Sec. 28. Minnesota Statutes 2006, section 341.34, subdivision 1, is amended to read:

Subdivision 1. **Required insurance.** The commission shall:

(1) require insurance coverage for a ~~boxer~~ combatant to provide for medical, surgical, and hospital care for injuries sustained in the ring in an amount of at least ~~\$20,000~~ \$10,000 and payable to the ~~boxer~~ combatant as beneficiary; and

(2) require life insurance for a ~~boxer~~ combatant in the amount of at least ~~\$20,000~~ \$10,000 payable in case of accidental death resulting from injuries sustained in the ring.

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

Sec. 29. Minnesota Statutes 2006, section 341.35, is amended to read:

**~~341.35 PENALTIES FOR NONLICENSED EXHIBITIONS CONTESTS.~~**

Any person or persons who send or cause to be sent, published, or otherwise made known, any challenge to fight what is commonly known as a prize fight, or engage in any public ~~boxing~~ or sparring combative sports match or contest, with or without gloves, for any prize, reward, or

compensation, or for which any admission fee is charged directly or indirectly, or go into training preparatory for the fight, exhibition, or contest, or act as a trainer, aider, abettor, backer, umpire, referee, second, surgeon, assistant, or attendant at the fight, exhibition, or contest, or in any preparation for same, and any owner or lessee of any ground, building, or structure of any kind permitting the same to be used for any fight, exhibition, or contest, is guilty of a misdemeanor unless a ~~license~~ the licenses required for the holding of the fight, exhibition, or contest ~~has~~ have been issued by the commission in compliance with the rules adopted by it.

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

Sec. 30. **[341.355] PENALTIES.**

When the commission finds that a person has violated one or more provisions of any statute, rule, or order that the commission is empowered to regulate, enforce, or issue, the commission may impose, for each violation, a civil penalty of up to \$10,000 for each violation, or a civil penalty that deprives the person of any economic advantage gained by the violation, or both.

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

Sec. 31. Minnesota Statutes 2006, section 341.37, is amended to read:

**341.37 APPROPRIATION.**

A ~~Boxing~~ commission account is created in the special revenue fund. Money in the account is annually appropriated to the ~~Boxing~~ commission for the purposes of conducting its statutory responsibilities and obligations.

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

Sec. 32. **[469.35] TRANSIT IMPROVEMENT AREA ACCOUNTS.**

Two transit improvement area accounts are created, one in the general fund and one in the bond proceeds fund. Money in the accounts may be used to make grants or loans as provided in section 469.351 and for the commissioner's costs in reviewing applications and making loans or grants. Money in the accounts must not be used to pay for the operation of transit lines or the construction or operating costs of transit stations.

Sec. 33. **[469.351] TRANSIT IMPROVEMENT AREA LOAN PROGRAM.**

Subdivision 1. **Definitions.** (a) The terms defined in this section have the meanings given them and apply to sections 469.35 and 469.351.

(b) "Applicant" means a local governmental unit or a joint powers board, established under section 471.59.

(c) "Commissioner" means the commissioner of employment and economic development.

(d) "Eligible organization" means an applicant that has been designated as a transit improvement area by the commissioner.

(e) "Local governmental unit" means a statutory or home rule charter city or town, or a county.

(f) "Transit improvement area" means a geographic area designated by the commissioner

composed of land parcels that are in proximity to a transit station.

(g) "Transit station" means a physical structure to support the interconnection of public transit modes including at least one of the following modes: bus rapid transit, light rail transit, and commuter rail.

Subd. 2. **Designation of transit improvement areas.** A transit improvement area must increase the effectiveness of a transit project by incorporating one or more public transit modes with commercial and housing development and by providing for safe and pleasant pedestrian use. The commissioner, in consultation with affected state and regional agencies, must designate transit improvement areas that meet the objectives under this subdivision. Affected state and regional agencies include, but are not limited to, the Minnesota Department of Transportation, the Minnesota Housing Finance Agency, and the Metropolitan Council for transit improvement areas located in the seven-county metropolitan region. To be eligible for designation, an applicant must submit a transit area improvement plan according to the requirements and timelines established by the commissioner. At a minimum, the plan must include the information specified under subdivision 3. The commissioner may modify an applicant's plan to better achieve the objectives of transit improvement areas. The commissioner must notify applicants of the designations and must provide a statement of any changes to an applicant's plan with justification for all changes.

Subd. 3. **Transit area improvement plan.** (a) An applicant must adopt a transit area improvement plan by resolution before submitting the application to the commissioner with the information required in this subdivision. Each transit area improvement plan must include the following:

- (1) a map indicating the geographic boundaries of the transit improvement area;
  - (2) an analysis of the demographic mix of people who are anticipated to use the transit station;
  - (3) a description of the ownership and intended use of public and private facilities to be constructed in the transit improvement area, including infrastructure, buildings and other structures, and parks;
  - (4) a description of pedestrian-friendly improvements to be provided, including walkways, parkways, and signage;
  - (5) a statement of findings that the redevelopment or development of the transit improvement area promotes higher density land uses resulting in increased transit ridership;
  - (6) a statement of the anticipated sources and amounts of local public funds;
  - (7) a statement of the anticipated sources and amounts of private funds;
  - (8) a statement of the anticipated sources and amounts of leveraged regional, state, and federal funds;
  - (9) a description of the linkages to existing and proposed local, regional, and state transit systems;  
and
  - (10) a description of other factors in the proposed development to increase ridership.
- (b) Transit improvement area plans with a residential component must propose at least 12



residential units per acre or a density bonus that allows for an increase in the number of residential units over what is permitted by the underlying zoning. The plan must include a description of the variety of housing types, including housing appropriate for low income persons, disabled persons, and senior citizens and the prices for each housing type within the transit improvement area.

Subd. 4. **Transit improvement area loans.** (a) The commissioner may make low or no-interest loans to eligible organizations to be used for eligible costs under paragraph (b). A loan must be used for a designated transit improvement area, under the following terms:

(1) the eligible organization must guarantee repayment of 100 percent of the loan;

(2) a loan must be for a term of ten years, unless repayment is from a tax increment financing district or other state or federal funds, at an interest rate to be negotiated by the commissioner;

(3) the eligible organization must make annual interest-only payments during the ten-year term of the loan;

(4) the eligible organization must pay the entire principal amount of the initial loan at the end of the ten-year term;

(5) a loan may not exceed \$2,000,000;

(6) the commissioner must advance the full amount of the loan to the eligible organization upon execution of a formal loan agreement specifying the terms of the loan, as well as reporting and other requirements outlined in subdivision 5;

(7) the eligible organization must maintain the funds in accounts that allow the funds to be readily available for business investments;

(8) the eligible organization and the commissioner may agree on contract specifications that are consistent with payback from a tax increment financing district or from any other state and federal funds that may be forthcoming; and

(9) an eligible organization that receives a loan must report annually, in a format prescribed by the commissioner, on the nature and amount of the business investments in the transit improvement area, including an account of each financing transaction involving loans received under this section, the types and amounts of financing from sources other than the transit improvement area loan, the number of jobs created, and the amount of private sector and nonstate investment leveraged.

(b) Loans under this section must be used to supplement and not replace funding from existing sources or programs. Loans must not be used for the construction costs of transit stations; transit systems; or the operating costs of public transit or transportation, including, but not limited to, the costs of maintaining, staffing, or operating transit stations. Loans from the bond proceeds fund must be spent to acquire and to better publicly owned land and buildings and other public improvements of a capital nature. Loans can be used for the following eligible expenditures according to an approved transit area improvement plan:

(1) clearing land;

(2) relocation costs;

(3) corrections for soil, including removing or remediation of hazardous substances;

(4) construction or installation of walkways, bridges or tunnels for pedestrians, bikeways, parking facilities, and signage;

(5) improvements to streetscapes;

(6) construction of public infrastructure to support construction of new affordable housing, senior housing, or housing for disabled persons;

(7) construction of public infrastructure to support job creation in the area, especially small business development;

(8) developing green spaces and parks; and

(9) administrative expenses of the authority.

(c) All loan repayments under this section must be made to the appropriate account under section 469.35 for reinvestment in transit improvement areas.

Subd. 5. **Loan requirements.** All loans under this section are subject to an investment agreement that must include:

(1) a description of the eligible organization, including business finance experience, qualifications, and investment history;

(2) a description of the uses of investment proceeds by the eligible organization;

(3) an explanation of the investment objectives; and

(4) a description of the method of payment.

Sec. 34. Laws 2002, chapter 382, article 2, section 5, subdivision 3, as added by Laws 2003, chapter 128, article 9, section 10, subdivision 3, is amended to read:

Subd. 3. **Removal of area.** After adopting the first plan, any of the local governmental units can elect not to be included within the central iron range sanitary sewer district by delivering a written resolution of the governing body of the governmental unit to the central iron range sanitary sewer district within ~~60~~ 180 days of adoption of the first comprehensive plan. The area of the local governmental unit shall then be removed from the district.

Sec. 35. **CENTRAL IRON RANGE SANITARY SEWER DISTRICT.**

Local approval of Laws 2003, chapter 128, article 9, amending portions of Laws 2002, chapter 382, article 2, having been timely completed by the cities of Hibbing, Buhl, Chisholm, and Kinney, and the town boards of the towns of Balkan and Great Scott, is approval of Laws 2002, chapter 382, article 2. Laws 2002, chapter 382, article 2, is effective December 27, 2003, upon completion of local approval of this section under Minnesota Statutes, section 645.021, subdivision 2. Actions undertaken in accordance with Laws 2002, chapter 382, article 2, as amended by Laws 2003, chapter 128, article 9, are validated by this section.

Sec. 36. **INITIAL ADMINISTRATION.**

Subdivision 1. **Convening authority.** The commissioner of employment and economic development or the commissioner's designee shall convene the initial organizational meeting of

the trade policy advisory group.

Subd. 2. **Deadline for appointments and designations.** The appointments and designations authorized by Minnesota Statutes, section 116J.977, subdivision 2, must be complete by September 30, 2008.

**EFFECTIVE DATE.** This section is effective July 1, 2008.

Sec. 37. **REVISOR'S INSTRUCTION; UNEMPLOYMENT INSURANCE TECHNICAL CHANGES.**

The revisor of statutes shall make the following changes in Minnesota Statutes:

(1) renumber Minnesota Statutes, section 268.196, subdivision 3, as Minnesota Statutes, section 268.199;

(2) renumber Minnesota Statutes, section 268.196, subdivision 4, as Minnesota Statutes, section 268.211;

(3) change "additional assessments" to "special assessments" and change "shall" to "must" in Minnesota Statutes, section 268.051, subdivision 1;

(4) change "referee" to "unemployment law judge" in Minnesota Statutes, section 10A.01, subdivision 35, clause (11);

(5) change "determination of eligibility or ineligibility" to "determination of eligibility or determination of ineligibility" in Minnesota Statutes, section 268.101, subdivision 4;

(6) change "shall be" to "is" in Minnesota Statutes, section 268.115, subdivision 8;

(7) change "shall be" to "is" in Minnesota Statutes, section 268.145, subdivision 5; and

(8) renumber Minnesota Statutes, section 268.03, subdivision 2, as Minnesota Statutes, section 268.031.

Sec. 38. **REPEALER.**

Minnesota Statutes 2006, section 341.31, is repealed.

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

Delete the title and insert:

"A bill for an act relating to economic development; prohibiting use of certain construction debris as cover material; requiring state approval of government procurement agreements of United States trade agreements; establishing a trade policy advisory group; protecting certain communications in the workplace between labor organizations and employees; changing the name of the boxing commission to combative sports commission and making provision modifications; relating to unemployment insurance; providing for extended unemployment benefits under certain circumstances; regulating benefit amounts and eligibility for benefits; extending the time period for a local governmental unit to elect to be removed from the central iron range sanitary sewer district; establishing transit improvement area accounts and a loan program; making technical changes to unemployment insurance provisions; amending Minnesota Statutes 2006, sections

268.125, subdivisions 1, 2, by adding a subdivision; 341.21, as amended; 341.23; 341.26; 341.28, as amended; 341.29; 341.30; 341.32, as amended; 341.33; 341.34, subdivision 1; 341.35; 341.37; Minnesota Statutes 2007 Supplement, sections 214.04, subdivision 3; 268.047, subdivisions 1, 2; 268.085, subdivisions 3, 16; 268.125, subdivision 3; 268.19, subdivision 1; 341.22; 341.25; 341.27; 341.321; Laws 2002, chapter 382, article 2, section 5, subdivision 3, as added; proposing coding for new law in Minnesota Statutes, chapters 115A; 116J; 181; 341; 469; repealing Minnesota Statutes 2006, section 341.31."

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

**Senator Cohen from the Committee on Finance, to which was re-referred**

**S.F. No. 2468:** A bill for an act relating to economic development; renaming Minnesota Technology, Inc. to Enterprise Minnesota, Inc.; updating provisions; making technical changes; recodifying the Agricultural Utilization Research Institute provisions in a new chapter; amending Minnesota Statutes 2006, sections 116O.01; 116O.011; 116O.02, subdivision 6; 116O.03, subdivisions 1a, 7; 116O.04, subdivisions 1, 2; 116O.05, subdivisions 1, 2, 4; proposing coding for new law in Minnesota Statutes, chapter 116O; proposing coding for new law as Minnesota Statutes, chapter 116V; repealing Minnesota Statutes 2006, sections 116O.03, subdivision 11; 116O.06; 116O.07; 116O.071; 116O.072; 116O.08; 116O.09, subdivisions 1, 1a, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13; 116O.091, subdivisions 1, 4, 5, 6; 116O.10; 116O.11; 116O.12; 116O.122; 116O.13; Minnesota Statutes 2007 Supplement, section 116O.09, subdivision 2.

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

Pages 5 to 9, delete sections 12 to 14 and insert:

"Sec. 12. **REVISOR'S INSTRUCTION.**

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

<u>Column A</u>	<u>Column B</u>
<u>116O.09</u>	<u>116V.01</u>
<u>116O.13</u>	<u>116V.02"</u>

Page 9, line 8, delete "116O.03, subdivision 11;"

Page 9, line 9, delete everything after "116O.08"

Page 9, line 10, delete "and 13" and after the fifth semicolon, insert "and" and delete the sixth semicolon and insert ", are repealed."

Page 9, delete lines 11 and 12

Page 9, line 14, delete "15" and insert "13"

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete line 4

Page 1, line 5, delete "chapter;"

Amend the title numbers accordingly

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

**Senator Pogemiller, from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3195** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				3195	2818

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3195 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3195, the fourth engrossment; and insert the language after the enacting clause of S.F. No. 2818, the sixth engrossment; further, delete the title of H.F. No. 3195, the fourth engrossment; and insert the title of S.F. No. 2818, the sixth engrossment.

And when so amended H.F. No. 3195 will be identical to S.F. No. 2818, and further recommends that H.F. No. 3195 be given its second reading and substituted for S.F. No. 2818, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

**Senator Pogemiller, from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3486** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3486	3314				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3486 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3486, the first engrossment; and

insert the language after the enacting clause of S.F. No. 3314; further, delete the title of H.F. No. 3486, the first engrossment; and insert the title of S.F. No. 3314.

And when so amended H.F. No. 3486 will be identical to S.F. No. 3314, and further recommends that H.F. No. 3486 be given its second reading and substituted for S.F. No. 3314, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

### **SECOND READING OF SENATE BILLS**

S.F. No. 2468 was read the second time.

### **SECOND READING OF HOUSE BILLS**

H.F. Nos. 3195 and 3486 were read the second time.

### **MOTIONS AND RESOLUTIONS**

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

### **INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

#### **Senator Moua introduced—**

**S.F. No. 3852:** A bill for an act relating to public safety; requiring that uniform traffic ticket contain notice of the criminal and traffic surcharge; amending Minnesota Statutes 2006, section 169.99, by adding a subdivision.

Referred to the Committee on Judiciary.

#### **Senators Carlson, Doll and Tomassoni introduced—**

**S.F. No. 3853:** A bill for an act relating to certain state contracts; requiring full enforcement of certain agreements between the state and an airline company.

Referred to the Committee on Business, Industry and Jobs.

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Dibble moved that S.F. No. 3093, No. 37 on General Orders, be stricken and returned to its author. The motion prevailed.

**RECESS**

Senator Pogemiller moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Saltzman moved that S.F. No. 2925, No. 13 on the Calendar, be stricken and placed on General Orders. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Senator Pogemiller moved that the Senate take up the General Orders Calendar. The motion prevailed.

**GENERAL ORDERS**

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

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

S.F. No. 3168, which the committee reports progress, subject to the following motions:

Senator Berglin moved to amend S.F. No. 3168 as follows:

Page 38, after line 36, insert:

"Sec. 36. **NURSING FACILITY PENSION COSTS.**

The commissioner of human services shall evaluate the extent to which the alternative payment system reimbursement methodology for pension costs leads to funding shortfalls for nursing facilities that convert from public to private ownership. The commissioner shall report to the legislature by December 15, 2008, recommendations for any changes to the alternative payment system reimbursement methodology for pension costs necessary to ensure the financial viability of nursing facilities. The commissioner shall pay for any costs related to this study using existing resources."

Renumber the sections in sequence and correct the internal references

Senator Betzold moved to amend the Berglin amendment to S.F. No. 3168 as follows:

Page 1, line 7, delete "December 15, 2008" and insert "January 15, 2009"

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

The question recurred on the adoption of the Berglin amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Lynch moved to amend S.F. No. 3168 as follows:

Page 3, after line 6, insert:

"Sec. 4. Minnesota Statutes 2006, section 150A.06, is amended by adding a subdivision to read:

**Subd. 9. Graduates of nonaccredited dental programs.** A graduate of a nonaccredited dental program who successfully completes the clinical licensure examination and meets all other applicant requirements of the board, shall be licensed to practice dentistry and granted a limited general dentist license by the board. The board shall place limitations on the licensee's authority to practice by requiring the licensee to practice under the general supervision of a Minnesota-licensed dentist approved by the board. A person licensed under this subdivision must practice for three consecutive years in Minnesota pursuant to a written agreement, approved by the board, between the licensee and a Minnesota-licensed dentist who may limit the types of services authorized. At the conclusion of the three-year period, the board shall grant an unlimited license without further restrictions if all supervising dentists who had entered into written agreements with the licensee during any part of the three-year period recommend unlimited licensure, and if no corrective action or disciplinary action has been taken by the board against the licensee."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Senator Berglin moved to amend S.F. No. 3168 as follows:

Page 1, after line 18, insert:

**"ARTICLE 1  
HEALTH CARE"**

Page 1, line 26, after "physician" insert ", an advanced practice nurse,"

Page 12, line 8, strike "under the provisions of subdivision" and insert "as authorized by the commissioner of commerce under subdivision 6"

Page 12, line 9, strike "8a"

Page 14, line 25, strike "in the"

Page 14, line 26, strike "institution" and before "determined" insert "the institutionalized spouse has been"

Page 29, after line 2, insert:

"Sec. 27. Minnesota Statutes 2006, section 256B.0625, subdivision 3c, is amended to read:

**Subd. 3c. Health Services Policy Committee.** The commissioner, after receiving recommendations from professional physician associations, professional associations representing licensed nonphysician health care professionals, and consumer groups, shall establish a 13-member Health Services Policy Committee, which consists of 12 voting members and one nonvoting member. The Health Services Policy Committee shall advise the commissioner regarding health services pertaining to the administration of health care benefits covered under the medical assistance, general assistance medical care, and MinnesotaCare programs. The Health Services Policy Committee shall meet at least quarterly. The Health Services Policy Committee shall



annually elect a physician chair from among its members, who shall work directly with the commissioner's medical director, to establish the agenda for each meeting. The Health Services Policy Committee shall also recommend criteria for verifying centers of excellence for specific aspects of medical care where a specific set of combined services, a volume of patients necessary to maintain a high level of competency, or a specific level of technical capacity is associated with improved health outcomes."

Page 30, lines 27 and 29, delete the new language

Page 30, line 30, before the semicolon, insert ", or in home settings, excluding long-term care and group homes, if the service is ordered by the provider-directed care coordination team"

Page 39, after line 3, insert:

## **"ARTICLE 2**

### **MINNESOTA SEX OFFENDER PROGRAM**

Section 1. Minnesota Statutes 2006, section 13.851, is amended by adding a subdivision to read:

**Subd. 9. Civil commitment of sexual offenders.** Data relating to the preparation of a petition to commit an individual as a sexual psychopathic personality or sexually dangerous person is governed by section 253B.185, subdivision 1b.

Sec. 2. Minnesota Statutes 2006, section 246B.02, is amended to read:

#### **246B.02 ESTABLISHMENT OF MINNESOTA SEX OFFENDER PROGRAM.**

The commissioner of human services shall establish and maintain a secure facility located in Moose Lake. The facility shall be operated by the Minnesota sex offender program. The program shall provide care and treatment in secure treatment facilities to persons on a court-hold order and residing in a secure treatment facility or program pending commitment or committed by the courts as sexual psychopathic personalities or sexually dangerous persons, ~~or persons admitted there with the consent of the commissioner of human services.~~

#### **Sec. 3. 246B.06 ESTABLISHMENT OF MINNESOTA STATE INDUSTRIES.**

Subdivision 1. **Establishment; purpose.** (a) The commissioner of human services may establish, equip, maintain, and operate the Minnesota State Industries at any Minnesota sex offender program facility under this chapter. The commissioner may establish industrial and commercial activities for sex offender treatment patients as the commissioner deems necessary and suitable to the profitable employment, educational training, and development of proper work habits of patients consistent with the requirements in section 246B.05. The industrial and commercial activities authorized by this section are designated Minnesota State Industries and must be for the primary purpose of sustaining and ensuring Minnesota State Industries' self-sufficiency, providing educational training, meaningful employment, and the teaching of proper work habits to the patients of the Minnesota sex offender program under this chapter, and not solely as competitive business ventures.

(b) The net profits from Minnesota State Industries must be used for the benefit of the patients as it relates to building education and self-sufficiency skills. Prior to the establishment of any industrial and commercial activity, the commissioner of human services may consult with

stakeholders including representatives of business, industry, organized labor, the commissioner of education, the state Apprenticeship Council, the commissioner of labor and industry, the commissioner of employment and economic development, the commissioner of administration, and other stakeholders the commissioner deems qualified. The purpose of the stakeholder consultation is to determine the quantity and nature of the goods, wares, merchandise, and services to be made or provided, and the types of processes to be used in their manufacture, processing, repair, and production consistent with the greatest opportunity for the reform and educational training of the patients, and with the best interests of the state, business, industry, and labor.

(c) The commissioner of human services shall, at all times in the conduct of any industrial or commercial activity authorized by this section, utilize patient labor to the greatest extent feasible, provided that the commissioner may employ all administrative, supervisory, and other skilled workers necessary to the proper instruction of the patients and the profitable and efficient operation of the industrial and commercial activities authorized by this section.

(d) The commissioner of human services may authorize the director of any Minnesota sex offender treatment facility under the commissioner's control to accept work projects from outside sources for processing, fabrication, or repair, provided that preference is given to the performance of work projects for state departments and agencies.

Subd. 2. **Revolving fund.** As described in section 246B.05, subdivision 2, there is established a Minnesota State Industries revolving fund under the control of the commissioner of human services. The revolving fund must be used for Minnesota State Industries authorized under this section, including, but not limited to, the purchase of equipment and raw materials, the payment of salaries and wages, and other necessary expenses as determined by the commissioner of human services. The purchase of services, materials, and commodities used in and held for resale are not subject to the competitive bidding procedures of section 16C.06, but are subject to all other provisions of chapters 16B and 16C. When practical, purchases must be made from small targeted group businesses designated under section 16C.16. Additionally, the expenses of patient educational training and self-sufficiency skills may be financed from the revolving fund in an amount to be determined by the commissioner or designee. The proceeds and income from all Minnesota State Industries conducted at the Minnesota sex offender treatment facilities must be deposited in the revolving fund subject to disbursement under subdivision 3. The commissioner of human services may request that money in the fund be invested pursuant to section 11A.25. Proceeds from the investment not currently needed must be accounted for separately and credited to the revolving fund.

Subd. 3. **Disbursement from fund.** The Minnesota State Industries revolving fund must be deposited in the state treasury and paid out only on proper vouchers as authorized and approved by the commissioner of human services, and in the same manner and under the same restrictions as are now provided by law for the disbursement of funds by the commissioner. An amount deposited in the state treasury equal to six months of net operating cash as determined by the prior 12 months of revenue and cash flow statements must be restricted for use only by Minnesota State Industries as described under subdivision 2. For purposes of this subdivision, "net operating cash" means net income, minus sales, plus cost of goods sold. Cost of goods sold include all direct costs of industry products attributable to the goods' production.

Subd. 4. **Revolving fund; borrowing.** The commissioner of human services is authorized to borrow sums of money as the commissioner deems necessary to meet current demands on

the Minnesota State Industries revolving fund. The sums borrowed must not exceed, in any calendar year, six months of net operating cash as determined by the previous 12 months of the industries' revenue and cash flow statements. If the commissioner of human services determines that borrowing of funds is necessary, the commissioner of human services shall certify this need to the commissioner of finance. Funds may be borrowed from general fund appropriations to the Minnesota sex offender program with the authorization of the commissioner of finance. Upon authorization of the commissioner of finance, the transfer must be made and credited to the Minnesota State Industries revolving fund. The sum transferred to the Minnesota State Industries revolving fund must be repaid by the commissioner of human services from the revolving fund to the fund from which it was transferred in a time period specified by the commissioner of finance, but by no later than the end of the biennium, as defined in section 16A.011, in which the loan is made. When any transfer is made to the Minnesota State Industries revolving fund, the commissioner of finance shall notify the commissioner of human services of the amount transferred to the fund and the date the transfer is to be repaid.

Subd. 5. **Federal grant fund transfers.** Grants received by the commissioner of human services from the federal government for any vocational training program or for administration by the commissioner of human services must (1) be credited to a federal grant fund and then (2) be transferred from the federal grant fund to the credit of the commissioner of human services in the appropriate account upon certification by the commissioner of human services that the amounts requested to be transferred have been earned or are required for the purposes of this section. Funds received by the federal grant fund need not be budgeted as such, provided transfers from the fund are budgeted for allotment purposes in the appropriate appropriation.

Subd. 6. **Wages.** Notwithstanding section 177.24 or any other law to the contrary, wages paid to patients working within this program are at the discretion of the commissioner of human services.

Sec. 4. Minnesota Statutes 2006, section 253B.045, subdivision 1, is amended to read:

Subdivision 1. **Restriction.** Except when ordered by the court pursuant to a finding of necessity to protect the life of the proposed patient or others, or as provided under subdivision 1a, no person subject to the provisions of this chapter shall be confined in a jail or correctional institution, except pursuant to chapter 242 or 244.

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

Sec. 5. Minnesota Statutes 2006, section 253B.045, is amended by adding a subdivision to read:

Subd. 1a. **Exception.** A person who is being petitioned for commitment under section 253B.185 and who is placed under a judicial hold order under section 253B.07, subdivision 2b or 7, may be confined at a Department of Corrections or a county correctional or detention facility, rather than a secure treatment facility, until a determination of the commitment petition as specified in this subdivision.

(a) A court may order that a person who is being petitioned for commitment under section 253B.185 be confined in a Department of Corrections facility pursuant to the judicial hold order under the following circumstances and conditions:

(1) the person is currently serving a sentence in a Department of Corrections facility and the court determines that the person has made a knowing and voluntary: (i) waiver of the right to be

held in a secure treatment facility; and (ii) election to be held in a Department of Corrections facility. The order confining the person in the Department of Corrections facility shall remain in effect until the court vacates the order or the person's criminal sentence and conditional release term expire. In no case may the person be held in a Department of Corrections facility pursuant only to this subdivision, and not pursuant to any separate correctional authority, for more than 210 days;

(2) a person who has elected to be confined in a Department of Corrections facility under this subdivision may revoke the election by filing a written notice of intent to revoke the election with the court and serving the notice upon the Department of Corrections and the county attorney. The court shall order the person transferred to a secure treatment facility within 15 days of the date that the notice of revocation was filed with the court, except that, if the person has additional time to serve in prison at the end of the 15-day period, the person shall not be transferred to a secure treatment facility until the person's prison term expires. After a person has revoked an election to remain in a Department of Corrections facility under this subdivision, the court may not adopt another election to remain in a Department of Corrections facility without the agreement of both parties and the Department of Corrections;

(3) upon petition by the commissioner of corrections, after notice to the parties and opportunity for hearing and for good cause shown, the court may order that the person's place of confinement be changed from the Department of Corrections to a secure treatment facility;

(4) while at a Department of Corrections facility pursuant to this subdivision, the person shall remain subject to all rules and practices applicable to correctional inmates in the facility in which the person is placed, including, but not limited to, the powers and duties of the commissioner of corrections under section 241.01, powers relating to the use of force under section 243.52, and the right of the commissioner of corrections to determine the place of confinement in a prison, reformatory, or other facility;

(5) a person may not be confined in a Department of Corrections facility under this provision beyond the end of the person's executed sentence or the end of any applicable conditional release period, whichever is later. If a person confined in a Department of Corrections facility pursuant to this provision reaches the person's supervised release date and is subject to a period of conditional release, the period of conditional release shall commence on the supervised release date even though the person remains in the Department of Corrections facility pursuant to this provision. At the end of the later of the executed sentence or any applicable conditional release period, the person shall be transferred to a secure treatment facility; and

(6) nothing in this section may be construed to establish a right of an inmate in a state correctional facility to participate in sex offender treatment. This section must be construed in a manner consistent with the provisions of section 244.03.

(b) The committing county may offer a person who is being petitioned for commitment under section 253B.185, and who is placed under a judicial hold order under section 253B.07, subdivision 2b or 7, the option to be held in a county correctional or detention facility rather than a secure treatment facility, under such terms as may be agreed to by the county, the commitment petitioner, and the commitment respondent. If a person makes such an election under this paragraph, the court-hold order shall specify the terms of the agreement, including the conditions for revoking the election.

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

Sec. 6. Minnesota Statutes 2006, section 253B.045, subdivision 2, is amended to read:

Subd. 2. **Facilities.** Each county or a group of counties shall maintain or provide by contract a facility for confinement of persons held temporarily for observation, evaluation, diagnosis, treatment, and care. When the temporary confinement is provided at a regional treatment center, the commissioner shall charge the county of financial responsibility for the costs of confinement of persons hospitalized under section 253B.05, subdivisions 1 and 2, and section 253B.07, subdivision 2b, except that the commissioner shall bill the responsible health plan first. If the person has health plan coverage, but the hospitalization does not meet the criteria in subdivision 6 or section 62M.07, 62Q.53, or 62Q.535, the county is responsible. When a person is temporarily confined in a Department of Corrections facility solely under subdivision 1a, and not based on any separate correctional authority:

(1) the commissioner of corrections may charge the county of financial responsibility for the costs of confinement; and

(2) the Department of Human Services shall use existing appropriations to fund all remaining nonconfinement costs. The funds received by the commissioner for the confinement and nonconfinement costs are appropriated to the department for these purposes.

"County of financial responsibility" means the county in which the person resides at the time of confinement or, if the person has no residence in this state, the county which initiated the confinement. The charge for confinement in a facility operated by the commissioner of human service shall be based on the commissioner's determination of the cost of care pursuant to section 246.50, subdivision 5. When there is a dispute as to which county is the county of financial responsibility, the county charged for the costs of confinement shall pay for them pending final determination of the dispute over financial responsibility. Disputes about the county of financial responsibility shall be submitted to the commissioner to be settled in the manner prescribed in section 256G.09.

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

Sec. 7. Minnesota Statutes 2006, section 253B.18, subdivision 4c, is amended to read:

Subd. 4c. **Special review board.** (a) The commissioner shall establish one or more panels of a special review board ~~for persons committed as mentally ill and dangerous to the public.~~ The board shall consist of three members experienced in the field of mental illness. One member of each special review board panel shall be a psychiatrist and one member shall be an attorney. No member shall be affiliated with the Department of Human Services. The special review board shall meet at least every six months and at the call of the commissioner. It shall hear and consider all petitions for a reduction in custody or to appeal a revocation of provisional discharge. A "reduction in custody" means transfer from a secure treatment facility; all petitions for, discharge, and provisional discharge, and revocation of provisional discharge; and make recommendations to the commissioner concerning them. Patients may be transferred by the commissioner between secure treatment facilities without a special review board hearing.

~~(b) Members of the special review board shall receive compensation and reimbursement for expenses as established by the commissioner.~~

(b) A petition filed by a person committed as mentally ill and dangerous to the public under this

section must be heard as provided in subdivision 5 and, as applicable, subdivision 13. A petition filed by a person committed as a sexual psychopathic personality or as a sexually dangerous person under section 253B.185, or committed as both mentally ill and dangerous to the public under this section and as a sexual psychopathic personality or as a sexually dangerous person must be heard as provided in section 253B.185, subdivision 9.

Sec. 8. Minnesota Statutes 2006, section 253B.18, subdivision 5, is amended to read:

**Subd. 5. Petition; notice of hearing; attendance; order.** (a) A petition for ~~an order of transfer, discharge, provisional discharge, a reduction in custody~~ or revocation of provisional discharge shall be filed with the commissioner and may be filed by the patient or by the head of the treatment facility. A patient may not petition the special review board for six months following commitment under subdivision 3 or following the final disposition of any previous petition and subsequent appeal by the patient. The medical director may petition at any time.

(b) Fourteen days prior to the hearing, the committing court, the county attorney of the county of commitment, the designated agency, interested person, the petitioner, and the petitioner's counsel shall be given written notice by the commissioner of the time and place of the hearing before the special review board. Only those entitled to statutory notice of the hearing or those administratively required to attend may be present at the hearing. The patient may designate interested persons to receive notice by providing the names and addresses to the commissioner at least 21 days before the hearing. The board shall provide the commissioner with written findings of fact and recommendations within 21 days of the hearing. The commissioner shall issue an order no later than 14 days after receiving the recommendation of the special review board. A copy of the order shall be ~~sent by certified mail~~ mailed to every person entitled to statutory notice of the hearing within five days after it is signed. No order by the commissioner shall be effective sooner than 30 days after the order is signed, unless the county attorney, the patient, and the commissioner agree that it may become effective sooner.

(c) The special review board shall hold a hearing on each petition prior to making its recommendation to the commissioner. The special review board proceedings are not contested cases as defined in chapter 14. Any person or agency receiving notice that submits documentary evidence to the special review board prior to the hearing shall also provide copies to the patient, the patient's counsel, the county attorney of the county of commitment, the case manager, and the commissioner.

(d) Prior to the final decision by the commissioner, the special review board may be reconvened to consider events or circumstances that occurred subsequent to the hearing.

(e) In making their recommendations and order, the special review board and commissioner must consider any statements received from victims under subdivision 5a.

Sec. 9. Minnesota Statutes 2006, section 253B.18, subdivision 5a, is amended to read:

**Subd. 5a. Victim notification of petition and release; right to submit statement.** (a) As used in this subdivision:

(1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes criminal sexual conduct in the fifth degree and offenses within the definition of "crime against the person" in section 253B.02, subdivision 4a, and also includes offenses listed in section 253B.02, subdivision

7a, paragraph (b), regardless of whether they are sexually motivated;

(2) "victim" means a person who has incurred loss or harm as a result of a crime the behavior for which forms the basis for a commitment under this section or section 253B.185; and

(3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal Procedure, Rule 20.02, that the elements of a crime have been proved, and findings in commitment cases under this section or section 253B.185 that an act or acts constituting a crime occurred.

(b) A county attorney who files a petition to commit a person under this section or section 253B.185 shall make a reasonable effort to provide prompt notice of filing the petition to any victim of a crime for which the person was convicted. In addition, the county attorney shall make a reasonable effort to promptly notify the victim of the resolution of the petition.

(c) Before provisionally discharging, discharging, granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily releasing a person committed under this section or section 253B.185 from a treatment facility, the head of the treatment facility shall make a reasonable effort to notify any victim of a crime for which the person was convicted that the person may be discharged or released and that the victim has a right to submit a written statement regarding decisions of the medical director, special review board, or commissioner with respect to the person. To the extent possible, the notice must be provided at least 14 days before any special review board hearing or before a determination on a pass plan. Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial appeal panel with victim information in order to comply with the provisions of this section. The judicial appeal panel shall ensure that the data on victims remains private as provided for in section 611A.06, subdivision 4.

(d) This subdivision applies only to victims who have requested notification by contacting, in writing, the county attorney in the county where the conviction for the crime occurred. A county attorney who receives a request for notification under this paragraph shall promptly forward the request to the commissioner of human services.

(e) The rights under this subdivision are in addition to rights available to a victim under chapter 611A. This provision does not give a victim all the rights of a "notified person" or a person "entitled to statutory notice" under subdivision 4a, 4b, or 5.

Sec. 10. Minnesota Statutes 2007 Supplement, section 253B.185, subdivision 1b, is amended to read:

Subd. 1b. **County attorney access to data.** Notwithstanding sections 144.291 to 144.298; 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 any records or 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.

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) upon a

showing that the requested category of data or records may be relevant to the determination by the county attorney or designee. The court shall decide a motion under this subdivision within 48 hours after a hearing on the motion. Notice to the proposed patient need not be given upon a showing that such notice may result in harm or harassment of interested persons or potential witnesses. Notwithstanding any provision of chapter 13 or other state law, a county attorney considering the civil commitment of a person under this section may obtain records and data from the Department of Corrections or any probation or parole agency in this state upon request, without a court order, 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. At the time of the request for the records, the county attorney shall provide notice of the request to the person who is the subject of the records.

Data collected pursuant to this subdivision shall retain their original status and, if not public, are inadmissible in any court proceeding unrelated to civil commitment, unless otherwise permitted.

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

Sec. 11. Minnesota Statutes 2006, section 253B.185, subdivision 5, is amended to read:

Subd. 5. **Financial responsibility.** (a) For purposes of this subdivision, "state facility" has the meaning given in section 246.50, and also includes a Department of Corrections facility when the proposed patient is confined in such a facility pursuant to section 253B.045, subdivision 1a.

(b) Notwithstanding sections 246.54, 253B.045, and any other law to the contrary, when a petition is filed for commitment under this section pursuant to the notice required in section 244.05, subdivision 7, the state and county are each responsible for 50 percent of the cost of the person's confinement at a state facility or county jail, prior to commitment.

(c) The county shall submit an invoice to the state court administrator for reimbursement of the state's share of the cost of confinement.

(d) Notwithstanding paragraph (b), the state's responsibility for reimbursement is limited to the amount appropriated for this purpose.

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

Sec. 12. Minnesota Statutes 2006, section 253B.185, is amended by adding a subdivision to read:

Subd. 9. **Petition for reduction in custody.** (a) This subdivision applies only to committed persons as defined in paragraph (b). The procedures in section 253B.18, subdivision 5a, for victim notification and right to submit a statement under section 253B.18 apply to petitions filed and reductions in custody recommended under this subdivision.

(b) As used in this subdivision:

(1) "committed person" means an individual committed under this section, or under this section and under section 253B.18, as mentally ill and dangerous. It does not include persons committed only as mentally ill and dangerous under section 253B.18; and

(2) "reduction in custody" means transfer out of a secure treatment facility, a provisional discharge, or a discharge from commitment.

(c) A petition for a reduction in custody or an appeal of a revocation of provisional discharge



may be filed by either the committed person or by the head of the treatment facility and must be filed with and considered by the special review board. A committed person may not petition the special review board any sooner than six months following either:

(1) the entry of judgment in the district court of the order for commitment issued under section 253B.18, subdivision 3, or upon the exhaustion of all related appeal rights in state court relating to that order, whichever is later; or

(2) any recommendation of the special review board or order of the judicial appeal panel, or upon the exhaustion of all appeal rights in state court, whichever is later. The medical director may petition at any time. The special review board proceedings are not contested cases as defined in chapter 14.

(d) The special review board shall hold a hearing on each petition before issuing a recommendation under paragraph (f). Fourteen days before the hearing, the committing court, the county attorney of the county of commitment, the designated agency, an interested person, the petitioner and the petitioner's counsel, and the committed person and the committed person's counsel must be given written notice by the commissioner of the time and place of the hearing before the special review board. Only those entitled to statutory notice of the hearing or those administratively required to attend may be present at the hearing. The patient may designate interested persons to receive notice by providing the names and addresses to the commissioner at least 21 days before the hearing.

(e) A person or agency receiving notice that submits documentary evidence to the special review board before the hearing must also provide copies to the committed person, the committed person's counsel, the county attorney of the county of commitment, the case manager, and the commissioner. The special review board must consider any statements received from victims under section 253B.18, subdivision 5a.

(f) Within 30 days of the hearing, the special review board shall issue written findings of fact and shall recommend denial or approval of the petition to the judicial appeal panel established under section 253B.19. The commissioner shall forward the recommendation of the special review board to the judicial appeal panel and to every person entitled to statutory notice. No reduction in custody or reversal of a revocation of provisional discharge recommended by the special review board is effective until it has been reviewed by the judicial appeal panel and until 15 days after an order from the judicial appeal panel affirming, modifying, or denying the recommendation.

Sec. 13. Minnesota Statutes 2006, section 253B.19, subdivision 2, is amended to read:

Subd. 2. **Petition; hearing.** ~~The committed person or the county attorney of the county from which a patient was committed as a person who is mentally ill and dangerous to the public, or as a sexual psychopathic personality or as a sexually dangerous person may petition the appeal panel for a rehearing and reconsideration of a decision by the commissioner. The petition shall be filed with the Supreme Court within 30 days after the decision of the commissioner is signed. The Supreme Court shall refer the petition to the chief judge of the appeal panel.~~ (a) A person committed as mentally ill and dangerous to the public under section 253B.18, or the county attorney of the county from which the person was committed or the county of financial responsibility, may petition the judicial appeal panel for a rehearing and reconsideration of a decision by the commissioner under section 253B.18, subdivision 5. The judicial appeal panel must not consider petitions for relief other than those considered by the commissioner from which the appeal is taken. The petition must be

filed with the Supreme Court within 30 days after the decision of the commissioner is signed. The hearing must be held within 45 days of the filing of the petition unless an extension is granted for good cause.

(b) A person committed as a sexual psychopathic personality or as a sexually dangerous person under section 253B.185, or committed as both mentally ill and dangerous to the public under section 253B.18 and as a sexual psychopathic personality or as a sexually dangerous person under section 253B.185; the county attorney of the county from which the person was committed or the county of financial responsibility; or the commissioner may petition the judicial appeal panel for a rehearing and reconsideration of a decision of the special review board under section 253B.185, subdivision 9. The petition must be filed with the Supreme Court within 30 days after the decision is mailed by the commissioner as required in section 253B.185, subdivision 9, paragraph (f). The hearing must be held within 180 days of the filing of the petition unless an extension is granted for good cause. If no party petitions the judicial appeal panel for a rehearing or reconsideration within 30 days, the judicial appeal panel shall either issue an order adopting the recommendations of the special review board or set the matter on for a hearing pursuant to this paragraph.

(c) For an appeal under paragraph (a) or (b), the Supreme Court shall refer the petition to the chief judge of the judicial appeal panel. The chief judge shall notify the patient, the county attorney of the county of commitment, the designated agency, the commissioner, the head of the treatment facility, any interested person, and other persons the chief judge designates, of the time and place of the hearing on the petition. The notice shall be given at least 14 days prior to the date of the hearing. ~~The hearing shall be within 45 days of the filing of the petition unless an extension is granted for good cause.~~

(d) Any person may oppose the petition. ~~The patient; patient's counsel; the county attorney of the committing county or the county of financial responsibility; and the commissioner shall participate as parties to the proceeding pending before the judicial appeal panel and shall, no later than 20 days before the hearing on the petition, inform the judicial appeal panel and the opposing party in writing whether they support or oppose the petition and provide a summary of facts in support of their position. The judicial appeal panel may appoint examiners and may adjourn the hearing from time to time. It shall hear and receive all relevant testimony and evidence and make a record of all proceedings. The patient, ; patient's counsel, ; and the county attorney of the committing county may or the county of financial responsibility have the right to be present and may present and cross-examine all witnesses and offer a factual and legal basis in support of their positions. The petitioning party bears the burden of going forward with the evidence. The party opposing discharge bears the burden of proof by clear and convincing evidence that the respondent is in need of commitment.~~

Sec. 14. Minnesota Statutes 2006, section 253B.19, subdivision 3, is amended to read:

Subd. 3. **Decision.** A majority of the judicial appeal panel shall rule upon the petition. The panel shall consider the petition de novo. The order of the judicial appeal panel shall supersede ~~the~~ an order of the commissioner in the cases under section 253B.18, subdivision 5. No order of the judicial appeal panel granting a transfer, discharge or provisional discharge shall be made effective sooner than 15 days after it is issued. The panel may not consider petitions for relief other than those considered by the commissioner or special review board from which the appeal is taken. The judicial appeal panel may not grant a transfer or provisional discharge on terms or conditions that were not presented to the commissioner or the special review board.

Sec. 15. Minnesota Statutes 2006, section 626.5572, subdivision 21, is amended to read:

Subd. 21. **Vulnerable adult.** "Vulnerable adult" means any person 18 years of age or older who:

(1) is a resident or inpatient of a facility;

(2) receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is served in the Minnesota sex offender program on a court-hold order for commitment, or is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);

(3) receives services from a home care provider required to be licensed under section 144A.46; or from a person or organization that exclusively offers, provides, or arranges for personal care assistant services under the medical assistance program as authorized under sections 256B.04, subdivision 16, 256B.0625, subdivision 19a, 256B.0651, and 256B.0653 to 256B.0656; or

(4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:

(i) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and

(ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

Sec. 16. **MINNESOTA SEX OFFENDER PROGRAM; OPERATING STANDARDS.**

The commissioner of human services shall convene a working group of interested parties to develop standards and guidelines for the operations of the Minnesota sex offender program. The standards and guidelines shall include, but not be limited to:

(1) criteria to establish a sex offender treatment advisory board;

(2) criteria to ensure the necessary provision of health and dental care for patients;

(3) criteria to ensure the necessary provision of mental health care; and

(4) fire and safety criteria.

The standards and guidelines shall be developed by the commissioner in consultation with the working group members by February 1, 2009, and presented to the chairs of the policy and finance committees having jurisdiction over the Minnesota sex offender program for review.

### ARTICLE 3

#### PUBLIC ASSISTANCE

Section 1. Minnesota Statutes 2007 Supplement, section 256.01, subdivision 2, is amended to read:

Subd. 2. **Specific powers.** Subject to the provisions of section 241.021, subdivision 2, the commissioner of human services shall carry out the specific duties in paragraphs (a) through (cc):

(a) Administer and supervise all forms of public assistance provided for by state law and other welfare activities or services as are vested in the commissioner. Administration and supervision of human services activities or services includes, but is not limited to, assuring timely and accurate distribution of benefits, completeness of service, and quality program management. In addition to administering and supervising human services activities vested by law in the department, the commissioner shall have the authority to:

(1) require county agency participation in training and technical assistance programs to promote compliance with statutes, rules, federal laws, regulations, and policies governing human services;

(2) monitor, on an ongoing basis, the performance of county agencies in the operation and administration of human services, enforce compliance with statutes, rules, federal laws, regulations, and policies governing welfare services and promote excellence of administration and program operation;

(3) develop a quality control program or other monitoring program to review county performance and accuracy of benefit determinations;

(4) require county agencies to make an adjustment to the public assistance benefits issued to any individual consistent with federal law and regulation and state law and rule and to issue or recover benefits as appropriate;

(5) delay or deny payment of all or part of the state and federal share of benefits and administrative reimbursement according to the procedures set forth in section 256.017;

(6) make contracts with and grants to public and private agencies and organizations, both profit and nonprofit, and individuals, using appropriated funds; and

(7) enter into contractual agreements with federally recognized Indian tribes with a reservation in Minnesota to the extent necessary for the tribe to operate a federally approved family assistance program or any other program under the supervision of the commissioner. The commissioner shall consult with the affected county or counties in the contractual agreement negotiations, if the county or counties wish to be included, in order to avoid the duplication of county and tribal assistance program services. The commissioner may establish necessary accounts for the purposes of receiving and disbursing funds as necessary for the operation of the programs.

(b) Inform county agencies, on a timely basis, of changes in statute, rule, federal law, regulation, and policy necessary to county agency administration of the programs.

(c) Administer and supervise all child welfare activities; promote the enforcement of laws protecting disabled, dependent, neglected and delinquent children, and children born to mothers who were not married to the children's fathers at the times of the conception nor at the births of the children; license and supervise child-caring and child-placing agencies and institutions; supervise the care of children in boarding and foster homes or in private institutions; and generally perform all functions relating to the field of child welfare now vested in the State Board of Control.

(d) Administer and supervise all noninstitutional service to disabled persons, including those who are visually impaired, hearing impaired, or physically impaired or otherwise disabled. The commissioner may provide and contract for the care and treatment of qualified indigent children in facilities other than those located and available at state hospitals when it is not feasible to provide the service in state hospitals.

(e) Assist and actively cooperate with other departments, agencies and institutions, local, state, and federal, by performing services in conformity with the purposes of Laws 1939, chapter 431.

(f) Act as the agent of and cooperate with the federal government in matters of mutual concern relative to and in conformity with the provisions of Laws 1939, chapter 431, including the administration of any federal funds granted to the state to aid in the performance of any functions of the commissioner as specified in Laws 1939, chapter 431, and including the promulgation of rules making uniformly available medical care benefits to all recipients of public assistance, at such times as the federal government increases its participation in assistance expenditures for medical care to recipients of public assistance, the cost thereof to be borne in the same proportion as are grants of aid to said recipients.

(g) Establish and maintain any administrative units reasonably necessary for the performance of administrative functions common to all divisions of the department.

(h) Act as designated guardian of both the estate and the person of all the wards of the state of Minnesota, whether by operation of law or by an order of court, without any further act or proceeding whatever, except as to persons committed as developmentally disabled. For children under the guardianship of the commissioner or a tribe in Minnesota recognized by the Secretary of the Interior whose interests would be best served by adoptive placement, the commissioner may contract with a licensed child-placing agency or a Minnesota tribal social services agency to provide adoption services. A contract with a licensed child-placing agency must be designed to supplement existing county efforts and may not replace existing county programs or tribal social services, unless the replacement is agreed to by the county board and the appropriate exclusive bargaining representative, tribal governing body, or the commissioner has evidence that child placements of the county continue to be substantially below that of other counties. Funds encumbered and obligated under an agreement for a specific child shall remain available until the terms of the agreement are fulfilled or the agreement is terminated.

(i) Act as coordinating referral and informational center on requests for service for newly arrived immigrants coming to Minnesota.

(j) The specific enumeration of powers and duties as hereinabove set forth shall in no way be construed to be a limitation upon the general transfer of powers herein contained.

(k) Establish county, regional, or statewide schedules of maximum fees and charges which may be paid by county agencies for medical, dental, surgical, hospital, nursing and nursing home care and medicine and medical supplies under all programs of medical care provided by the state and for congregate living care under the income maintenance programs.

(l) Have the authority to conduct and administer experimental projects to test methods and procedures of administering assistance and services to recipients or potential recipients of public welfare. To carry out such experimental projects, it is further provided that the commissioner of human services is authorized to waive the enforcement of existing specific statutory program requirements, rules, and standards in one or more counties. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage, or benefits provided by law, and in no event shall the duration of a project exceed four years. It is further provided that no order establishing an experimental project as authorized by the provisions of this section shall become effective until the following conditions have been met:

(1) the secretary of health and human services of the United States has agreed, for the same project, to waive state plan requirements relative to statewide uniformity; and

(2) a comprehensive plan, including estimated project costs, shall be approved by the Legislative Advisory Commission and filed with the commissioner of administration.

(m) According to federal requirements, establish procedures to be followed by local welfare boards in creating citizen advisory committees, including procedures for selection of committee members.

(n) Allocate federal fiscal disallowances or sanctions which are based on quality control error rates for the aid to families with dependent children program formerly codified in sections 256.72 to 256.87, medical assistance, or food stamp program in the following manner:

(1) one-half of the total amount of the disallowance shall be borne by the county boards responsible for administering the programs. For the medical assistance and the AFDC program formerly codified in sections 256.72 to 256.87, disallowances shall be shared by each county board in the same proportion as that county's expenditures for the sanctioned program are to the total of all counties' expenditures for the AFDC program formerly codified in sections 256.72 to 256.87, and medical assistance programs. For the food stamp program, sanctions shall be shared by each county board, with 50 percent of the sanction being distributed to each county in the same proportion as that county's administrative costs for food stamps are to the total of all food stamp administrative costs for all counties, and 50 percent of the sanctions being distributed to each county in the same proportion as that county's value of food stamp benefits issued are to the total of all benefits issued for all counties. Each county shall pay its share of the disallowance to the state of Minnesota. When a county fails to pay the amount due hereunder, the commissioner may deduct the amount from reimbursement otherwise due the county, or the attorney general, upon the request of the commissioner, may institute civil action to recover the amount due; and

(2) notwithstanding the provisions of clause (1), if the disallowance results from knowing noncompliance by one or more counties with a specific program instruction, and that knowing noncompliance is a matter of official county board record, the commissioner may require payment or recover from the county or counties, in the manner prescribed in clause (1), an amount equal to the portion of the total disallowance which resulted from the noncompliance, and may distribute the balance of the disallowance according to clause (1).

(o) Develop and implement special projects that maximize reimbursements and result in the recovery of money to the state. For the purpose of recovering state money, the commissioner may enter into contracts with third parties. Any recoveries that result from projects or contracts entered into under this paragraph shall be deposited in the state treasury and credited to a special account until the balance in the account reaches \$1,000,000. When the balance in the account exceeds \$1,000,000, the excess shall be transferred and credited to the general fund. All money in the account is appropriated to the commissioner for the purposes of this paragraph.

(p) Have the authority to make direct payments to facilities providing shelter to women and their children according to section 256D.05, subdivision 3. Upon the written request of a shelter facility that has been denied payments under section 256D.05, subdivision 3, the commissioner shall review all relevant evidence and make a determination within 30 days of the request for review regarding issuance of direct payments to the shelter facility. Failure to act within 30 days shall be considered a determination not to issue direct payments.

(q) Have the authority to establish and enforce the following county reporting requirements:

(1) the commissioner shall establish fiscal and statistical reporting requirements necessary to account for the expenditure of funds allocated to counties for human services programs. When establishing financial and statistical reporting requirements, the commissioner shall evaluate all reports, in consultation with the counties, to determine if the reports can be simplified or the number of reports can be reduced;

(2) the county board shall submit monthly or quarterly reports to the department as required by the commissioner. Monthly reports are due no later than 15 working days after the end of the month. Quarterly reports are due no later than 30 calendar days after the end of the quarter, unless the commissioner determines that the deadline must be shortened to 20 calendar days to avoid jeopardizing compliance with federal deadlines or risking a loss of federal funding. Only reports that are complete, legible, and in the required format shall be accepted by the commissioner;

(3) if the required reports are not received by the deadlines established in clause (2), the commissioner may delay payments and withhold funds from the county board until the next reporting period. When the report is needed to account for the use of federal funds and the late report results in a reduction in federal funding, the commissioner shall withhold from the county boards with late reports an amount equal to the reduction in federal funding until full federal funding is received;

(4) a county board that submits reports that are late, illegible, incomplete, or not in the required format for two out of three consecutive reporting periods is considered noncompliant. When a county board is found to be noncompliant, the commissioner shall notify the county board of the reason the county board is considered noncompliant and request that the county board develop a corrective action plan stating how the county board plans to correct the problem. The corrective action plan must be submitted to the commissioner within 45 days after the date the county board received notice of noncompliance;

(5) the final deadline for fiscal reports or amendments to fiscal reports is one year after the date the report was originally due. If the commissioner does not receive a report by the final deadline, the county board forfeits the funding associated with the report for that reporting period and the county board must repay any funds associated with the report received for that reporting period;

(6) the commissioner may not delay payments, withhold funds, or require repayment under clause (3) or (5) if the county demonstrates that the commissioner failed to provide appropriate forms, guidelines, and technical assistance to enable the county to comply with the requirements. If the county board disagrees with an action taken by the commissioner under clause (3) or (5), the county board may appeal the action according to sections 14.57 to 14.69; and

(7) counties subject to withholding of funds under clause (3) or forfeiture or repayment of funds under clause (5) shall not reduce or withhold benefits or services to clients to cover costs incurred due to actions taken by the commissioner under clause (3) or (5).

(r) Allocate federal fiscal disallowances or sanctions for audit exceptions when federal fiscal disallowances or sanctions are based on a statewide random sample ~~for the foster care program under title IV-E of the Social Security Act, United States Code, title 42,~~ in direct proportion to each county's ~~title IV-E foster care maintenance~~ claim for that period.

(s) Be responsible for ensuring the detection, prevention, investigation, and resolution of fraudulent activities or behavior by applicants, recipients, and other participants in the human services programs administered by the department.

(t) Require county agencies to identify overpayments, establish claims, and utilize all available and cost-beneficial methodologies to collect and recover these overpayments in the human services programs administered by the department.

(u) Have the authority to administer a drug rebate program for drugs purchased pursuant to the prescription drug program established under section 256.955 after the beneficiary's satisfaction of any deductible established in the program. The commissioner shall require a rebate agreement from all manufacturers of covered drugs as defined in section 256B.0625, subdivision 13. Rebate agreements for prescription drugs delivered on or after July 1, 2002, must include rebates for individuals covered under the prescription drug program who are under 65 years of age. For each drug, the amount of the rebate shall be equal to the rebate as defined for purposes of the federal rebate program in United States Code, title 42, section 1396r-8. The manufacturers must provide full payment within 30 days of receipt of the state invoice for the rebate within the terms and conditions used for the federal rebate program established pursuant to section 1927 of title XIX of the Social Security Act. The manufacturers must provide the commissioner with any information necessary to verify the rebate determined per drug. The rebate program shall utilize the terms and conditions used for the federal rebate program established pursuant to section 1927 of title XIX of the Social Security Act.

(v) Have the authority to administer the federal drug rebate program for drugs purchased under the medical assistance program as allowed by section 1927 of title XIX of the Social Security Act and according to the terms and conditions of section 1927. Rebates shall be collected for all drugs that have been dispensed or administered in an outpatient setting and that are from manufacturers who have signed a rebate agreement with the United States Department of Health and Human Services.

(w) Have the authority to administer a supplemental drug rebate program for drugs purchased under the medical assistance program. The commissioner may enter into supplemental rebate contracts with pharmaceutical manufacturers and may require prior authorization for drugs that are from manufacturers that have not signed a supplemental rebate contract. Prior authorization of drugs shall be subject to the provisions of section 256B.0625, subdivision 13.

(x) Operate the department's communication systems account established in Laws 1993, First Special Session chapter 1, article 1, section 2, subdivision 2, to manage shared communication costs necessary for the operation of the programs the commissioner supervises. A communications account may also be established for each regional treatment center which operates communications systems. Each account must be used to manage shared communication costs necessary for the operations of the programs the commissioner supervises. The commissioner may distribute the costs of operating and maintaining communication systems to participants in a manner that reflects actual usage. Costs may include acquisition, licensing, insurance, maintenance, repair, staff time and other costs as determined by the commissioner. Nonprofit organizations and state, county, and local government agencies involved in the operation of programs the commissioner supervises may participate in the use of the department's communications technology and share in the cost of operation. The commissioner may accept on behalf of the state any gift, bequest, devise or personal property of any kind, or money tendered to the state for any lawful purpose pertaining to the communication activities of the department. Any money received for this purpose



must be deposited in the department's communication systems accounts. Money collected by the commissioner for the use of communication systems must be deposited in the state communication systems account and is appropriated to the commissioner for purposes of this section.

(y) Receive any federal matching money that is made available through the medical assistance program for the consumer satisfaction survey. Any federal money received for the survey is appropriated to the commissioner for this purpose. The commissioner may expend the federal money received for the consumer satisfaction survey in either year of the biennium.

(z) Designate community information and referral call centers and incorporate cost reimbursement claims from the designated community information and referral call centers into the federal cost reimbursement claiming processes of the department according to federal law, rule, and regulations. Existing information and referral centers provided by Greater Twin Cities United Way or existing call centers for which Greater Twin Cities United Way has legal authority to represent, shall be included in these designations upon review by the commissioner and assurance that these services are accredited and in compliance with national standards. Any reimbursement is appropriated to the commissioner and all designated information and referral centers shall receive payments according to normal department schedules established by the commissioner upon final approval of allocation methodologies from the United States Department of Health and Human Services Division of Cost Allocation or other appropriate authorities.

(aa) Develop recommended standards for foster care homes that address the components of specialized therapeutic services to be provided by foster care homes with those services.

(bb) Authorize the method of payment to or from the department as part of the human services programs administered by the department. This authorization includes the receipt or disbursement of funds held by the department in a fiduciary capacity as part of the human services programs administered by the department.

(cc) Have the authority to administer a drug rebate program for drugs purchased for persons eligible for general assistance medical care under section 256D.03, subdivision 3. For manufacturers that agree to participate in the general assistance medical care rebate program, the commissioner shall enter into a rebate agreement for covered drugs as defined in section 256B.0625, subdivisions 13 and 13d. For each drug, the amount of the rebate shall be equal to the rebate as defined for purposes of the federal rebate program in United States Code, title 42, section 1396r-8. The manufacturers must provide payment within the terms and conditions used for the federal rebate program established under section 1927 of title XIX of the Social Security Act. The rebate program shall utilize the terms and conditions used for the federal rebate program established under section 1927 of title XIX of the Social Security Act.

Effective January 1, 2006, drug coverage under general assistance medical care shall be limited to those prescription drugs that:

(1) are covered under the medical assistance program as described in section 256B.0625, subdivisions 13 and 13d; and

(2) are provided by manufacturers that have fully executed general assistance medical care rebate agreements with the commissioner and comply with such agreements. Prescription drug coverage under general assistance medical care shall conform to coverage under the medical assistance program according to section 256B.0625, subdivisions 13 to 13g.

The rebate revenues collected under the drug rebate program are deposited in the general fund.

Sec. 2. Minnesota Statutes 2007 Supplement, section 256J.20, subdivision 3, is amended to read:

Subd. 3. **Other property limitations.** To be eligible for MFIP, the equity value of all nonexcluded real and personal property of the assistance unit must not exceed \$2,000 for applicants and \$5,000 for ongoing participants. The value of assets in clauses (1) to (19) must be excluded when determining the equity value of real and personal property:

(1) a licensed vehicle up to a loan value of less than or equal to \$15,000. If the assistance unit owns more than one licensed vehicle, the county agency shall determine the loan value of all additional vehicles and exclude the combined loan value of less than or equal to \$7,500. The county agency shall apply any excess loan value as if it were equity value to the asset limit described in this section, excluding: (i) the value of one vehicle per physically disabled person when the vehicle is needed to transport the disabled unit member; this exclusion does not apply to mentally disabled people; (ii) the value of special equipment for a disabled member of the assistance unit; and (iii) any vehicle used for long-distance travel, other than daily commuting, for the employment of a unit member.

To establish the loan value of vehicles, a county agency must use the N.A.D.A. Official Used Car Guide, Midwest Edition, for newer model cars. When a vehicle is not listed in the guidebook, or when the applicant or participant disputes the loan value listed in the guidebook as unreasonable given the condition of the particular vehicle, the county agency may require the applicant or participant document the loan value by securing a written statement from a motor vehicle dealer licensed under section 168.27, stating the amount that the dealer would pay to purchase the vehicle. The county agency shall reimburse the applicant or participant for the cost of a written statement that documents a lower loan value;

(2) the value of life insurance policies for members of the assistance unit;

(3) one burial plot per member of an assistance unit;

(4) the value of personal property needed to produce earned income, including tools, implements, farm animals, inventory, business loans, business checking and savings accounts used at least annually and used exclusively for the operation of a self-employment business, and any motor vehicles if at least 50 percent of the vehicle's use is to produce income and if the vehicles are essential for the self-employment business;

(5) the value of personal property not otherwise specified which is commonly used by household members in day-to-day living such as clothing, necessary household furniture, equipment, and other basic maintenance items essential for daily living;

(6) the value of real and personal property owned by a recipient of Supplemental Security Income or Minnesota supplemental aid;

(7) the value of corrective payments, but only for the month in which the payment is received and for the following month;

(8) a mobile home or other vehicle used by an applicant or participant as the applicant's or participant's home;

(9) money in a separate escrow account that is needed to pay real estate taxes or insurance and that is used for this purpose;

(10) money held in escrow to cover employee FICA, employee tax withholding, sales tax withholding, employee worker compensation, business insurance, property rental, property taxes, and other costs that are paid at least annually, but less often than monthly;

(11) monthly assistance payments for the current month's or short-term emergency needs under section 256J.626, subdivision 2;

(12) the value of school loans, grants, or scholarships for the period they are intended to cover;

(13) payments listed in section 256J.21, subdivision 2, clause (9), which are held in escrow for a period not to exceed three months to replace or repair personal or real property;

(14) income received in a budget month through the end of the payment month;

(15) savings from earned income of a minor child or a minor parent that are set aside in a separate account designated specifically for future education or employment costs;

(16) the federal earned income credit, Minnesota working family credit, state and federal income tax refunds, state homeowners and renters credits under chapter 290A, property tax rebates and other federal or state tax rebates in the month received and the following month;

(17) payments excluded under federal law as long as those payments are held in a separate account from any nonexcluded funds;

(18) the assets of children ineligible to receive MFIP benefits because foster care or adoption assistance payments are made on their behalf; and

(19) the assets of persons whose income is excluded under section 256J.21, subdivision 2, clause (43).

Sec. 3. Minnesota Statutes 2006, section 256J.24, subdivision 5, is amended to read:

Subd. 5. **MFIP transitional standard.** The MFIP transitional standard is based on the number of persons in the assistance unit eligible for both food and cash assistance unless the restrictions in subdivision 6 on the birth of a child apply. The following table represents the transitional standards effective October 1, ~~2004~~ 2007.

Number of Eligible People	Transitional Standard	Cash Portion	Food Portion
1	\$ <del>379</del> <u>\$391</u> :	\$250	\$ <del>129</del> <u>\$141</u>
2	\$ <del>675</del> <u>\$698</u> :	\$437	\$ <del>238</del> <u>\$261</u>
3	\$ <del>876</del> <u>\$910</u> :	\$532	\$ <del>344</del> <u>\$378</u>
4	\$ <del>1,036</del> <u>\$1,091</u> :	\$621	\$ <del>415</del> <u>\$470</u>
5	\$ <del>1,180</del> <u>\$1,245</u> :	\$697	\$ <del>483</del> <u>\$548</u>
6	\$ <del>1,350</del> <u>\$1,425</u> :	\$773	\$ <del>577</del> <u>\$652</u>

7	\$1,472 <u>\$1,553</u> :	\$850	\$622 <u>\$703</u>
8	\$1,623 <u>\$1,713</u> :	\$916	\$707 <u>\$797</u>
9	\$1,772 <u>\$1,871</u> :	\$980	\$792 <u>\$891</u>
10	\$1,915 <u>\$2,024</u> :	\$1,035	\$880 <u>\$989</u>
over 10	add \$142 <u>\$151</u> :	\$53	\$89 <u>\$98</u>

per additional member.

The commissioner shall annually publish in the State Register the transitional standard for an assistance unit sizes 1 to 10 including a breakdown of the cash and food portions.

Sec. 4. Minnesota Statutes 2006, section 256J.425, subdivision 1, is amended to read:

Subdivision 1. **Eligibility.** (a) To be eligible for a hardship extension, a participant in an assistance unit subject to the time limit under section 256J.42, subdivision 1, must be in compliance in the participant's 60th counted month. For purposes of determining eligibility for a hardship extension, a participant is in compliance in any month that the participant has not been sanctioned. In order to maintain eligibility for any of the hardship extension categories a participant shall develop and comply with either an employment plan or a family stabilization services plan, whichever is appropriate.

(b) If one participant in a two-parent assistance unit is determined to be ineligible for a hardship extension, the county shall give the assistance unit the option of disqualifying the ineligible participant from MFIP. In that case, the assistance unit shall be treated as a one-parent assistance unit and the assistance unit's MFIP grant shall be calculated using the shared household standard under section 256J.08, subdivision 82a.

(c) Prior to denying an extension, the county must review the sanction status and determine whether the sanction is appropriate or if good cause exists under section 256J.57. If the sanction was inappropriately applied or the participant is granted a good cause exception before the end of month 60, the participant shall be considered for an extension.

Sec. 5. Minnesota Statutes 2007 Supplement, 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 leads to employment. For purposes of the MFIP program, this includes activities that meet the definition of work activity under the participation requirements of TANF. Work activity includes:

- (1) unsubsidized employment, including work study and paid apprenticeships or internships;
- (2) subsidized private sector or public sector employment, including grant diversion as specified in section 256J.69, on-the-job training as specified in section 256J.66, ~~the self-employment investment demonstration program (SEID) as specified in section 256J.65,~~ paid work experience, and supported work when a wage subsidy is provided;
- (3) unpaid work experience, including community service, volunteer work, the community work experience program as specified in section 256J.67, unpaid apprenticeships or internships,

and supported work when a wage subsidy is not provided. Unpaid work experience is only an option if the participant has been unable to obtain or maintain paid employment in the competitive labor market, and no paid work experience programs are available to the participant performed in return for cash assistance is prohibited and does not count as a work activity, unless the participant voluntarily agrees, in writing, to engage in an unpaid work arrangement. The participant may terminate the unpaid work arrangement, in writing, at any time. Unless If a participant consents to participating in unpaid work experience, the participant's employment plan may only include unpaid work experience if including the unpaid work experience in the plan will meet the following criteria:

(i) the unpaid work experience will provide the participant specific skills or experience that cannot be obtained through other work activity options where the participant resides or is willing to reside; and

(ii) the skills or experience gained through the unpaid work experience will result in higher wages for the participant than the participant could earn without the unpaid work experience;

(4) job search including job readiness assistance, job clubs, job placement, job-related counseling, and job retention services;

(5) job readiness education, including English as a second language (ESL) or functional work literacy classes as limited by the provisions of section 256J.531, subdivision 2, general educational development (GED) course work, high school completion, and adult basic education as limited by the provisions of section 256J.531, subdivision 1;

(6) job skills training directly related to employment, including education and training that can reasonably be expected to lead to employment, as limited by the provisions of section 256J.53;

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

(8) activities included in the employment plan that is developed under section 256J.521, subdivision 3; and

(9) preemployment activities including chemical and mental health assessments, treatment, and services; learning disabilities services; child protective services; family stabilization services; or other programs designed to enhance employability.

Sec. 6. Minnesota Statutes 2006, section 256J.521, subdivision 4, is amended to read:

Subd. 4. **Self-employment.** (a) Self-employment activities may be included in an employment plan contingent on the development of a business plan which establishes a timetable and earning goals that will result in the participant exiting MFIP assistance. Business plans must be developed with assistance from an individual or organization with expertise in small business as approved by the job counselor.

(b) Participants with an approved plan that includes self-employment must meet the participation requirements in section 256J.55, subdivision 1. Only hours where the participant earns at least minimum wage shall be counted toward the requirement. Additional activities and hours necessary to meet the participation requirements in section 256J.55, subdivision 1, must be included in the employment plan.

(c) Employment plans which include self-employment activities must be reviewed every three months. Participants who fail, without good cause, to make satisfactory progress as established in the business plan must revise the employment plan to replace the self-employment with other approved work activities.

~~(d) The requirements of this subdivision may be waived for participants who are enrolled in the self-employment investment demonstration program (SEID) under section 256J.65, and who make satisfactory progress as determined by the job counselor and the SEID provider.~~

Sec. 7. Minnesota Statutes 2006, section 256J.54, subdivision 2, is amended to read:

Subd. 2. **Responsibility for assessment and employment plan.** For caregivers who are under age 18 without a high school diploma or its equivalent, the assessment under subdivision 1 and the employment plan under subdivision 3 must be completed by the social services agency under section 257.33. For caregivers who are age 18 or 19 without a high school diploma or its equivalent who choose to have an employment plan with an education option under subdivision 3, the assessment under subdivision 1 and the employment plan under subdivision 3 must be completed by the job counselor or, at county option, by the social services agency under section 257.33. Upon reaching age 18 or 19 a caregiver who received social services under section 257.33 and is without a high school diploma or its equivalent has the option to choose whether to continue receiving services under the caregiver's plan from the social services agency or to utilize an MFIP employment and training service provider. The social services agency or the job counselor shall consult with ~~representatives of educational agencies that are required to assist in developing educational plans under section 124D.331~~ the participant's school in developing the educational plan.

Sec. 8. Minnesota Statutes 2006, section 256J.54, subdivision 5, is amended to read:

Subd. 5. **School attendance required.** (a) ~~Notwithstanding the provisions of section 256J.56,~~ Minor parents, or 18- or 19-year-old parents without a high school diploma or its equivalent who chooses an employment plan with an education option must attend school unless:

- (1) transportation services needed to enable the caregiver to attend school are not available;
- (2) appropriate child care services needed to enable the caregiver to attend school are not available;
- (3) the caregiver is ill or incapacitated seriously enough to prevent attendance at school; or
- (4) the caregiver is needed in the home because of the illness or incapacity of another member of the household. This includes a caregiver of a child who is younger than six weeks of age.

(b) The caregiver must be enrolled in a secondary school and meeting the school's attendance requirements. The county, social service agency, or job counselor must verify at least once per quarter that the caregiver is meeting the school's attendance requirements. An enrolled caregiver is considered to be meeting the attendance requirements when the school is not in regular session, including during holiday and summer breaks.

Sec. 9. Minnesota Statutes 2006, section 256J.545, is amended to read:

**256J.545 FAMILY VIOLENCE WAIVER CRITERIA.**

(a) In order to qualify for a family violence waiver, an individual must provide documentation of past or current family violence which may prevent the individual from participating in certain employment activities. ~~A claim of family violence must be documented by the applicant or participant providing a sworn statement which is supported by collateral documentation.~~

~~(b) Collateral documentation may consist of~~ The following items may be considered acceptable documentation or verification of family violence:

- (1) police, government agency, or court records;
- (2) a statement from a battered women's shelter staff with knowledge of the circumstances or credible evidence that supports the sworn statement;
- (3) a statement from a sexual assault or domestic violence advocate with knowledge of the circumstances or credible evidence that supports the sworn statement; or
- (4) a statement from professionals from whom the applicant or recipient has sought assistance for the abuse; or
- ~~(5) a sworn statement from any other individual with knowledge of circumstances or credible evidence that supports the sworn statement.~~

(c) A claim of family violence may also be documented by a sworn statement from the applicant or participant and a sworn statement from any other person with knowledge of the circumstances or credible evidence that supports the client's statement.

Sec. 10. Minnesota Statutes 2007 Supplement, section 256J.626, subdivision 3, is amended to read:

Subd. 3. **Eligibility for services.** Families with a minor child, a pregnant woman, or a noncustodial parent of a minor child receiving assistance, with incomes below 200 percent of the federal poverty guideline for a family of the applicable size, are eligible for services funded under the consolidated fund. Counties and tribes must give priority to families currently receiving MFIP, the diversionary work program, or family stabilization services, and families at risk of receiving MFIP or diversionary work program. A county or tribe shall not impose a residency requirement on families, except for the residency requirement under section 256J.12.

Sec. 11. Minnesota Statutes 2007 Supplement, section 256J.626, subdivision 7, is amended to read:

Subd. 7. **Performance base funds.** (a) Beginning For calendar year 2008 2009 and yearly thereafter, each county and tribe will be allocated 95 percent of their initial calendar year allocation. Counties and tribes will be allocated additional funds based on performance as follows:

~~(1) for calendar year 2008 and yearly thereafter,~~ a county or tribe that achieves a 50 percent MFIP TANF participation rate or a five percentage point improvement over the previous year's MFIP TANF participation rate under section 256J.751, subdivision 2, clause (7), as averaged across ~~the four quarterly measurements~~ 12 consecutive months for the most recent year for which the measurements are available, will receive an additional allocation equal to 2.5 percent of its initial allocation; and

~~(2) for calendar years 2005 and thereafter, a county or tribe that performs above the top of~~

~~its annualized range of expected performance on the three-year self-support index under section 256J.751, subdivision 2, clause (6), will receive an additional allocation equal to five percent of its initial allocation; and~~

~~(3) for calendar years 2005 and thereafter, a county or tribe that performs within or above its range of expected performance on the annualized three-year self-support index under section 256J.751, subdivision 2, clause (6), will receive an additional allocation equal to 2.5 percent of its initial allocation; and~~

~~(4) for calendar years 2008 and thereafter, (3) a county or tribe that does not achieve a 50 percent MFIP TANF participation rate or a five percentage point improvement over the previous year's MFIP TANF participation rate under section 256J.751, subdivision 2, clause (7), as averaged across the four quarterly measurements 12 consecutive months for the most recent year for which the measurements are available, will not receive an additional 2.5 percent of its initial allocation until after negotiating a multiyear improvement plan with the commissioner; or~~

~~(5) for calendar years 2008 and thereafter, (4) a county or tribe that does not perform within or above its range of expected performance on the annualized three-year self-support index under section 256J.751, subdivision 2, clause (6), will not receive an additional allocation equal to 2.5 percent of its initial allocation until after negotiating a multiyear improvement plan with the commissioner.~~

(b) For calendar year 2009 and yearly thereafter, performance-based funds for a federally approved tribal TANF program in which the state and tribe have in place a contract under section 256.01, addressing consolidated funding, will be allocated as follows:

~~(1) for calendar year 2006 and yearly thereafter, a tribe that achieves the participation rate approved in its federal TANF plan using the average of four quarterly measurements 12 consecutive months for the most recent year for which the measurements are available, will receive an additional allocation equal to 2.5 percent of its initial allocation; and~~

~~(2) for calendar years 2006 and thereafter, a tribe that performs above the top of its annualized range of expected performance on the three-year self-support index under section 256J.751, subdivision 2, clause (6), will receive an additional allocation equal to five percent of its initial allocation; or~~

~~(3) for calendar years 2006 and thereafter, a tribe that performs within or above its range of expected performance on the annualized three-year self-support index under section 256J.751, subdivision 2, clause (6), will receive an additional allocation equal to 2.5 percent of its initial allocation; or~~

~~(4) for calendar year 2008 and yearly thereafter, (3) a tribe that does not achieve the participation rate approved in its federal TANF plan using the average of four quarterly measurements 12 consecutive months for the most recent year for which the measurements are available, will not receive an additional allocation equal to 2.5 percent of its initial allocation until after negotiating a multiyear improvement plan with the commissioner; or~~

~~(5) for calendar year 2008 and yearly thereafter, (4) a tribe that does not perform within or above its range of expected performance on the annualized three-year self-support index under section 256J.751, subdivision 2, clause (6), will not receive an additional allocation equal to 2.5 percent~~



until after negotiating a multiyear improvement plan with the commissioner.

(c) Funds remaining unallocated after the performance-based allocations in paragraph (a) are available to the commissioner for innovation projects under subdivision 5.

(d) (1) If available funds are insufficient to meet county and tribal allocations under paragraph (a), the commissioner may make available for allocation funds that are unobligated and available from the innovation projects through the end of the current biennium.

(2) If after the application of clause (1) funds remain insufficient to meet county and tribal allocations under paragraph (a), the commissioner must proportionally reduce the allocation of each county and tribe with respect to their maximum allocation available under paragraph (a).

Sec. 12. Minnesota Statutes 2007 Supplement, section 256J.95, subdivision 3, is amended to read:

Subd. 3. **Eligibility for diversionary work program.** (a) Except for the categories of family units listed below, all family units who apply for cash benefits and who meet MFIP eligibility as required in sections 256J.11 to 256J.15 are eligible and must participate in the diversionary work program. Family units that are not eligible for the diversionary work program include:

- (1) child only cases;
- (2) a single-parent family unit that includes a child under 12 weeks of age. A parent is eligible for this exception once in a parent's lifetime and is not eligible if the parent has already used the previously allowed child under age one exemption from MFIP employment services;
- (3) a minor parent without a high school diploma or its equivalent;
- (4) an 18- or 19-year-old caregiver without a high school diploma or its equivalent who chooses to have an employment plan with an education option;
- (5) a caregiver age 60 or over;
- (6) family units with a caregiver who received DWP benefits in the 12 months prior to the month the family applied for DWP, except as provided in paragraph (c);
- (7) family units with a caregiver who received MFIP within the 12 months prior to the month the family unit applied for DWP;
- (8) a family unit with a caregiver who received 60 or more months of TANF assistance;
- (9) a family unit with a caregiver who is disqualified from DWP or MFIP due to fraud; and
- (10) refugees and asylees as defined in Code of Federal Regulations, title 45, ~~chapter IV part 400, subpart d, section 444.43~~ 400.43, who arrived in the United States in the 12 months prior to the date of application for family cash assistance.

(b) A two-parent family must participate in DWP unless both caregivers meet the criteria for an exception under paragraph (a), clauses (1) through (5), or the family unit includes a parent who meets the criteria in paragraph (a), clause (6), (7), (8), ~~or (9)~~, or (10).

(c) Once DWP eligibility is determined, the four months run consecutively. If a participant leaves

the program for any reason and reapplies during the four-month period, the county must redetermine eligibility for DWP."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Lourey moved to amend S.F. No. 3168 as follows:

Page 32, after line 33, insert:

"Sec. 32. Minnesota Statutes 2006, section 256B.69, subdivision 3a, is amended to read:

Subd. 3a. **County authority.** (a) The commissioner, when implementing the general assistance medical care, or medical assistance prepayment program within a county, must include the county board in the process of development, approval, and issuance of the request for proposals to provide services to eligible individuals within the proposed county. County boards must be given reasonable opportunity to make recommendations regarding the development, issuance, review of responses, and changes needed in the request for proposals. The commissioner must provide county boards the opportunity to review each proposal based on the identification of community needs under chapters 145A and 256E and county advocacy activities. If a county board finds that a proposal does not address certain community needs, the county board and commissioner shall continue efforts for improving the proposal and network prior to the approval of the contract. The county board shall make recommendations regarding the approval of local networks and their operations to ensure adequate availability and access to covered services. The provider or health plan must respond directly to county advocates and the state prepaid medical assistance ombudsperson regarding service delivery and must be accountable to the state regarding contracts with medical assistance and general assistance medical care funds. The county board may recommend a maximum number of participating health plans after considering the size of the enrolling population; ensuring adequate access and capacity; considering the client and county administrative complexity; and considering the need to promote the viability of locally developed health plans. The county board or a single entity representing a group of county boards and the commissioner shall mutually select health plans for participation at the time of initial implementation of the prepaid medical assistance program in that county or group of counties and at the time of contract renewal. The commissioner shall also seek input for contract requirements from the county or single entity representing a group of county boards at each contract renewal and incorporate those recommendations into the contract negotiation process. ~~The commissioner, in conjunction with the county board, shall actively seek to develop a mutually agreeable timetable prior to the development of the request for proposal, but counties must agree to initial enrollment beginning on or before January 1, 1999, in either the prepaid medical assistance and general assistance medical care programs or county-based purchasing under section 256B.692. At least 90 days before enrollment in the medical assistance and general assistance medical care prepaid programs begins in a county in which the prepaid programs have not been established, the commissioner shall provide a report to the chairs of senate and house committees having jurisdiction over state health care programs which verifies that the commissioner complied with the requirements for county involvement that are specified in this subdivision.~~

(b) At the option of the county board, the board may develop contract requirements related to

the achievement of local public health goals to meet the health needs of medical assistance and general assistance medical care enrollees. These requirements must be reasonably related to the performance of health plan functions and within the scope of the medical assistance and general assistance medical care benefit sets. If the county board and the commissioner mutually agree to such requirements, the department shall include such requirements in all health plan contracts governing the prepaid medical assistance and general assistance medical care programs in that county at initial implementation of the program in that county and at the time of contract renewal. The county board may participate in the enforcement of the contract provisions related to local public health goals.

(c) For counties in which prepaid medical assistance and general assistance medical care programs have not been established, the commissioner shall not implement those programs if a county board submits acceptable and timely preliminary and final proposals under section 256B.692, until county-based purchasing is no longer operational in that county. For counties in which prepaid medical assistance and general assistance medical care programs are in existence on or after September 1, 1997, the commissioner must terminate contracts with health plans according to section 256B.692, subdivision 5, if the county board submits and the commissioner accepts preliminary and final proposals according to that subdivision. The commissioner is not required to terminate contracts that begin on or after September 1, 1997, according to section 256B.692 until two years have elapsed from the date of initial enrollment.

(d) In the event that a county board or a single entity representing a group of county boards and the commissioner cannot reach agreement regarding: (i) the selection of participating health plans in that county; (ii) contract requirements; or (iii) implementation and enforcement of county requirements including provisions regarding local public health goals, the commissioner shall resolve all disputes after taking into account the recommendations of a three-person mediation panel. The panel shall be composed of one designee of the president of the association of Minnesota counties, one designee of the commissioner of human services, and one ~~designee of the commissioner of health~~ person selected jointly by the designee of the commissioner of human services and the designee of the Association of Minnesota Counties. Within a reasonable period of time before the hearing the panelists must be provided all documents and information relevant to the mediation. The parties to the mediation must be given 30 days' notice of a hearing before the mediation panel.

(e) If a county which elects to implement county-based purchasing ceases to implement county-based purchasing, it is prohibited from assuming the responsibility of county-based purchasing for a period of five years from the date it discontinues purchasing.

~~(f) Notwithstanding the requirement in this subdivision that a county must agree to initial enrollment on or before January 1, 1999, the commissioner shall grant a delay in the implementation of the county-based purchasing authorized in section 256B.692 until federal waiver authority and approval has been granted, if the county or group of counties has submitted a preliminary proposal for county-based purchasing by September 1, 1997, has not already implemented the prepaid medical assistance program before January 1, 1998, and has submitted a written request for the delay to the commissioner by July 1, 1998. In order for the delay to be continued, the county or group of counties must also submit to the commissioner the following information by December 1, 1998. The information must:~~

~~(1) identify the proposed date of implementation, as determined under section 256B.692, subdivision 5;~~

~~(2) include copies of the county board resolutions which demonstrate the continued commitment to the implementation of county based purchasing by the proposed date. County board authorization may remain contingent on the submission of a final proposal which meets the requirements of section 256B.692, subdivision 5, paragraph (b);~~

~~(3) demonstrate actions taken for the establishment of a governance structure between the participating counties and describe how the fiduciary responsibilities of county based purchasing will be allocated between the counties, if more than one county is involved in the proposal;~~

~~(4) describe how the risk of a deficit will be managed in the event expenditures are greater than total capitation payments. This description must identify how any of the following strategies will be used:~~

~~(i) risk contracts with licensed health plans;~~

~~(ii) risk arrangements with providers who are not licensed health plans;~~

~~(iii) risk arrangements with other licensed insurance entities; and~~

~~(iv) funding from other county resources;~~

~~(5) include, if county based purchasing will not contract with licensed health plans or provider networks, letters of interest from local providers in at least the categories of hospital, physician, mental health, and pharmacy which express interest in contracting for services. These letters must recognize any risk transfer identified in clause (4), item (ii); and~~

~~(6) describe the options being considered to obtain the administrative services required in section 256B.692, subdivision 3, clauses (3) and (5).~~

~~(g) For counties which receive a delay under this subdivision, the final proposals required under section 256B.692, subdivision 5, paragraph (b), must be submitted at least six months prior to the requested implementation date. Authority to implement county based purchasing remains contingent on approval of the final proposal as required under section 256B.692.~~

~~(h) If the commissioner is unable to provide county specific, individual level fee for service claims to counties by June 4, 1998, the commissioner shall grant a delay under paragraph (f) of up to 12 months in the implementation of county based purchasing, and shall require implementation not later than January 1, 2000. In order to receive an extension of the proposed date of implementation under this paragraph, a county or group of counties must submit a written request for the extension to the commissioner by August 1, 1998, must submit the information required under paragraph (f) by December 1, 1998, and must submit a final proposal as provided under paragraph (g).~~

~~(i) Notwithstanding other requirements of this subdivision, the commissioner shall not require the implementation of the county based purchasing authorized in section 256B.692 until six months after federal waiver approval has been obtained for county based purchasing, if the county or counties have submitted the final plan as required in section 256B.692, subdivision 5. The commissioner shall allow the county or counties which submitted information under section 256B.692, subdivision 5, to submit supplemental or additional information which was not possible to submit by April 1, 1999. A county or counties shall continue to submit the required information and substantive detail necessary to obtain a prompt response and waiver approval. If amendments to the final plan are necessary due to the terms and conditions of the waiver approval,~~

~~the commissioner shall allow the county or group of counties 60 days to make the necessary amendments to the final plan and shall not require implementation of the county-based purchasing until six months after the revised final plan has been submitted.~~

(f) The commissioner shall not require that contractual disputes between county-based purchasing entities and the commissioner be mediated by a panel that includes a representative of the Minnesota Council of Health Plans.

(g) At the request of a county-purchasing entity, the commissioner shall adopt a contract procurement or renewal schedule under which all counties included in the entity's service area are reprocured or renewed at the same time.

(h) The commissioner shall provide a written report under section 3.195 to the chairs of the legislative committees having jurisdiction over human services in the senate and the house of representatives describing in detail the activities undertaken by the commissioner to ensure full compliance with this section. The report must also provide an explanation for any decisions of the commissioner not to accept the recommendations of a county or group of counties required to be consulted under this section. The report must be provided at least 30 days prior to the effective date of a new or renewed prepaid or managed care contract in a county."

Page 33, after line 32, insert:

"Sec. 35. Minnesota Statutes 2006, section 256B.692, subdivision 7, is amended to read:

Subd. 7. **Dispute resolution.** In the event the commissioner rejects a proposal under subdivision 6, the county board may request the recommendation of a three-person mediation panel. The commissioner shall resolve all disputes after taking into account the recommendations of the mediation panel. The panel shall be composed of one designee of the president of the Association of Minnesota Counties, one designee of the commissioner of human services, and one ~~designee of the commissioner of health~~ person selected jointly by the designee of the commissioner of human services and the designee of the Association of Minnesota Counties. Within a reasonable period of time before the hearing the panelists must be provided all documents and information relevant to the mediation. The parties to the mediation must be given 30 days' notice of a hearing before the mediation panel."

Page 38, after line 36, insert:

"Sec. 38. Laws 2005, First Special Session chapter 4, article 8, section 84, as amended by Laws 2006, chapter 264, section 15, is amended to read:

**Sec. 84. ~~SOLE-SOURCE-OR SINGLE-PLAN MANAGED CARE CONTRACT.~~**

(a) Notwithstanding Minnesota Statutes, section 256B.692, subdivision 6, clause (1), paragraph (c), the commissioner of human services shall approve a county-based purchasing health plan proposal, submitted on behalf of Cass, Crow Wing, Morrison, Todd, and Wadena Counties, that requires county-based purchasing on a single-plan basis contract if the implementation of the single-plan purchasing proposal does not limit an enrollee's provider choice or access to services and all other requirements applicable to health plan purchasing are satisfied. ~~The commissioner shall continue single health plan purchasing arrangements with county-based purchasing entities in the service areas in existence on May 1, 2006, including arrangements for which a proposal was submitted by May 1, 2006, on behalf of Cass, Crow Wing, Morrison, Todd, and Wadena Counties,~~

~~in response to a request for proposals issued by the commissioner~~ The commissioner shall continue to use single-health plan, county-based purchasing arrangements for medical assistance and general assistance medical care managed care programs and products for the counties that were in single-health plan, county-based purchasing arrangements on March 1, 2008. This paragraph does not require the commissioner to terminate an existing contract with a noncounty-based purchasing health plan that had enrollment in a medical assistance program or product in these counties on March 1, 2008. This paragraph expires on December 31, 2010, or the effective date of new contracts for medical assistance and general assistance medical care managed care programs entered into at the conclusion of the commissioner's next scheduled reprocurement process for the county-based purchasing entities covered by this paragraph, whichever is later.

~~(b) The commissioner shall consider, and may approve, contracting on a single-health plan basis with other county-based purchasing plans, or with other qualified health plans that have coordination arrangements with counties, to serve persons with a disability who voluntarily enroll, in order to promote better coordination or integration of health care services, social services and other community-based services, provided that all requirements applicable to health plan purchasing, including those in Minnesota Statutes, section 256B.69, subdivision 23, are satisfied. By January 15, 2007, the commissioner shall report to the chairs of the appropriate legislative committees in the house and senate an analysis of the advantages and disadvantages of using single health plan purchasing to serve persons with a disability who are eligible for health care programs. The report shall include consideration of the impact of federal health care programs and policies for persons who are eligible for both federal and state health care programs and shall consider strategies to improve coordination between federal and state health care programs for those persons~~ Nothing in this paragraph supersedes or modifies the requirements in paragraph (a).

**Sec. 39. REVISOR'S INSTRUCTION.**

The revisor of statutes shall codify section 3 as a new subdivision of Minnesota Statutes, section 256B.692."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Lourey moved to amend the Lourey amendment to S.F. No. 3168 as follows:

Page 6, line 28, delete "3" and insert "38"

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

The question recurred on the adoption of the first Lourey amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

S.F. No. 3168 was then progressed.

S.F. No. 3223, which the committee recommends to pass, subject to the following motions:

Senator Murphy moved to amend S.F. No. 3223 as follows:

Page 73, after line 24, insert:

"Sec. 109. Minnesota Statutes 2006, section 465.74, is amended by adding a subdivision to read:

Subd. 10. **Facility relocation costs.** Notwithstanding any contrary provisions in section 237.163, and rules adopted under that section, district heating and district cooling nonprofit corporations organized under chapter 317A, that are exempt organizations under section 501(c)(3) of the United States Internal Revenue Code and that are public right-of-way users under Minnesota Rules, chapter 7819, are eligible to receive grants and federal money for costs of relocating facilities from public rights-of-way to prevent interference with public light rail projects, unless eligibility would impact the project's Federal Transit Authority required cost effectiveness index."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 3223 as follows:

Page 2, delete section 1

Page 3, delete sections 2 and 3

Page 4, delete section 5

Page 5, line 33, delete the second "and"

Page 5, line 34, after "amount" insert "up to the amount allocated under clause (1)"

Page 5, line 35, delete the period and insert "; and"

Page 5, after line 35, insert:

"(3) allocate any remaining amount as follows:

(i) 25 percent to the commissioner for operating and administering the fee collection system within the corridor and for transportation improvements that are consistent with the goals of the urban partnership agreement and that are located within the corridor; and

(ii) 75 percent to the Metropolitan Council for improvement of bus transit services within the corridor including transit capital expenses."

Page 22, delete section 29

Page 38, delete section 62

Page 56, delete section 81

Page 57, delete section 82

Page 58, delete section 83

Page 66, after line 34, insert:

"Sec. 90. Minnesota Statutes 2006, section 221.031, subdivision 1, is amended to read:

Subdivision 1. **Powers, duties, reports, limitations.** (a) This subdivision applies to motor carriers engaged in intrastate commerce.

(b) The commissioner shall prescribe rules for the operation of motor carriers, including their facilities; accounts; leasing of vehicles and drivers; service; safe operation of vehicles; equipment, parts, and accessories; hours of service of drivers; driver qualifications; accident reporting; identification of vehicles; installation of safety devices; inspection, repair, and maintenance; and proper automatic speed regulators if, in the opinion of the commissioner, there is a need for the rules.

(c) The commissioner shall direct the repair and reconstruction or replacement of an inadequate or unsafe motor carrier vehicle or facility. The commissioner may require the construction and maintenance or furnishing of suitable and proper freight terminals, passenger depots, waiting rooms, and accommodations or shelters in a city in this state or at a point on the highway traversed which the commissioner, after investigation by the department, may deem just and proper for the protection of passengers or property.

(d) The commissioner shall require holders of household goods mover permits to file ~~annual and other reports including annual accounts of motor carriers,~~ schedules of rates and charges, or other data by motor carriers, regulate motor carriers in matters affecting the relationship between them and the traveling and shipping public, and prescribe other rules as may be necessary to carry out the provisions of this chapter.

~~(e) A motor carrier subject to paragraph (d) but having gross revenues from for hire transportation in a calendar year of less than \$200,000 may, at the discretion of the commissioner, be exempted from the filing of an annual report, if instead the motor carrier files an abbreviated annual report, in a form as may be prescribed by the commissioner, attesting that the motor carrier's gross revenues did not exceed \$200,000 in the previous calendar year. Motor carrier gross revenues from for hire transportation, for the purposes of this subdivision only, do not include gross revenues received from the operation of school buses as defined in section 169.01, subdivision 6.~~

~~(f) The commissioner shall enforce sections 169.781 to 169.783."~~

Page 68, after line 5, insert:

"Sec. 93. Minnesota Statutes 2006, section 221.121, subdivision 1, is amended to read:

Subdivision 1. **Petition; ~~notice and hearing;~~ scope.** (a) A person desiring to operate as a permit carrier, except as provided in subdivision 5 or section 221.296, shall file a petition with the commissioner specifying the kind of permit desired, the name and address of the petitioner and the names and addresses of the officers, if a corporation, and other information as the commissioner may require. Letters of shipper support must be filed with the petition. No person shall knowingly make a false or misleading statement in a petition.

~~(b) The commissioner, after notice to interested parties and a hearing,~~ shall issue the permit upon compliance with the laws and rules relating to it, if it finds that petitioner is fit and able to conduct the proposed operations, that petitioner's vehicles meet the safety standards established by the department, ~~that the area to be served has a need for the transportation services requested in the petition, and that existing permit and certificated carriers in the area to be served have failed to demonstrate that they offer sufficient transportation services to meet fully and adequately those needs,~~ provided that no person who holds a permit at the time sections 221.011 to 221.291 take effect may be denied a renewal of the permit upon compliance with other provisions of sections 221.011 to 221.291.



(c) A permit once granted continues in full force and effect until abandoned or unless suspended or revoked, subject to compliance by the permit holder with the applicable provisions of law and the rules of the commissioner governing permit carriers.

(d) No permit may be issued to a common carrier by rail permitting the common carrier to operate trucks for hire within this state, nor may a common carrier by rail be permitted to own, lease, operate, control, or have an interest in a permit carrier by truck, either by stock ownership or otherwise, directly, indirectly, through a holding company, or by stockholders or directors in common, or in any other manner. Nothing in sections 221.011 to 221.291 prevents the commissioner from issuing a permit to a common carrier by rail authorizing the carrier to operate trucks wholly within the limits of a municipality or within adjacent or contiguous municipalities or a common rate point served by the railroad and only as a service supplementary to the rail service now established by the carriers.

Sec. 94. Minnesota Statutes 2006, section 221.121, subdivision 6a, is amended to read:

Subd. 6a. **Household goods carrier.** A person who desires to hold out or to operate as a carrier of household goods shall follow ~~the procedure established in subdivision 1, and shall specifically request a household goods mover permit. The permit granted by the commissioner to a person who meets the criteria established in this subdivision and subdivision 1 shall authorize the person to hold out and to operate as a household goods mover. A person who provides or offers to provide household goods packing services and who makes any arrangement directly or indirectly by lease, rental, referral, or by other means to provide or to obtain drivers, vehicles, or transportation service for moving household goods, must have a household goods mover permit~~ file an application with the commissioner on a form the commissioner prescribes. Notwithstanding this or any other section or rule to the contrary, the commissioner must not provide public notice or hearing when reviewing the application or before granting the requested operating authority. All permits granted to household goods carriers must allow statewide operation. Notwithstanding any geographical restrictions imposed upon a permit at the time it was granted or any section or rule to the contrary, the holder of a household goods permit may operate statewide.

Sec. 95. Minnesota Statutes 2006, section 221.151, subdivision 1, is amended to read:

Subdivision 1. **Petition.** (a) Permits, except livestock permits, issued under section 221.121 may be assigned or transferred but only upon the order of the commissioner approving the transfer or assignment after notice and hearing.

(b) The proposed seller and buyer or lessor and lessee of a permit, except for livestock carrier permits, shall file a joint notarized petition with the commissioner setting forth the name and address of the parties, the identifying number of the permit, and the description of the authority which the parties seek to sell or lease, a short statement of the reasons for the proposed sale or lease, a statement of outstanding claims of creditors which are directly attributable to the operation to be conducted under the permit, a copy of the contract of sale or lease, and a financial statement with a balance sheet and an income statement, if existent, of the buyer or lessee. If it appears to the commissioner, after notice to interested parties and a hearing, from the contents of the petition, from the evidence produced at the hearing, and from the department's records, files, and investigation that the approval of the sale or lease of the permit will not adversely affect the rights of the users of the service and will not have an adverse effect upon other competing carriers, the commissioner may make an order granting the sale or lease. Provided, however, that the commissioner shall make no order granting the sale or lease of a permit to a person or corporation or association which holds a certificate or permit

other than local cartage carrier permit from the commissioner under this chapter or to a common carrier by rail.

~~Provided further that the commissioner shall make no order approving the sale or lease of a permit if the commissioner finds that the price paid for the sale or lease of a permit is disproportionate to the reasonable value of the permit considering the assets and goodwill involved. The commissioner shall approve the sale or lease of a permit only after a finding that the transferee is fit and able to conduct the operations authorized under the permit and that the vehicles the transferee proposes to use in conducting the operations meet the safety standards of the commissioner. In determining the extent of the operating authority to be conducted by the transferee under the sale or lease of the permit, the past operations of the transferor within the two-year period immediately preceding the transfer must be considered. Only such operating authority may be granted to the transferee as was actually exercised by the transferor under the transferor's authority within the two-year period immediately preceding the transfer as evidenced by bills of lading, company records, operation records, or other relevant evidence. For purposes of determining the two-year period, the date of divesting of interest or control is the date of the sale.~~

(c) The commissioner shall look to the substance of the transaction rather than the form. An agreement for the transfer or sale of a permit must be reported and filed with the commissioner within 30 days of the agreement.

(d) If an authority to operate as a permit carrier is held by a corporation, a sale, assignment, pledge, or other transfer of the stock interest in the corporation which will accomplish a substantial or material change or transfer of the majority ownership of the corporation, as exercised through its stockholders, must be reported in the manner prescribed in the rules of the commissioner within 30 days after the sale, assignment, pledge, or other transfer of stock. The commissioner shall then make a finding whether or not the stock transfer does, in fact, constitute a sale, lease, or other transfer of the permit of the corporation to a new party or parties and, if they so find, then the continuance of the permit issued to the corporation may only be upon the corporation's complying with the standards and procedures otherwise imposed by this section."

Page 78, line 4, delete "473.1465" and insert "473.13, subdivision 1a,"

Page 78, delete section 117

Page 85, line 3, after "subdivision 3;" insert "221.121, subdivision 4;"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 3223 as follows:

Page 38, line 5, after "(a)" insert "Except as provided in section 169.685,"

Page 38, line 8, strike "or" and insert a comma and after "motor vehicle" insert ", commuter van, as defined in section 168.126, a type III school bus, a type III Head Start bus, and a vehicle with a gross vehicle weight rating less than 10,000 pounds that is a pickup truck or van"

Page 38, line 13, after "(b)" insert "Except as provided in section 169.685,"

Page 38, line 23, delete "apply" and insert "applies"

Page 38, after line 24, insert:

"Sec. 62. Minnesota Statutes 2006, section 169.686, is amended by adding a subdivision to read:

**Subd. 1a. Definitions.** For the purposes of this section:

(1) "Pickup truck" means any truck regardless of manufacturer's nominal rated carrying capacity and commonly known as a pickup truck.

(2) "Van" means any vehicle of a box-like design with no barrier or separation between the operator's area and the remainder of the cargo-carrying area, or designed to carry 15 passengers or less, including the driver, regardless of the manufacturer's nominal rated carrying capacity.

Sec. 63. Minnesota Statutes 2006, section 169.686, subdivision 2, is amended to read:

**Subd. 2. Seat belt exemptions.** This section shall not apply to:

(1) a person driving a passenger vehicle in reverse;

(2) a person riding in a seat vehicle in which all the seating positions equipped with safety belts are occupied by other persons in safety belts;

(3) a person who is in possession of a written certificate from a licensed physician verifying that because of medical unfitness or physical disability the person is unable to wear a seat belt;

(4) a person who is actually engaged in work that requires the person to alight from and reenter a motor vehicle at frequent intervals and who, while engaged in that work, does not drive or travel in that vehicle at a speed exceeding 25 miles per hour;

(5) a rural mail carrier of the United States Postal Service while in the performance of duties;

(6) a person driving or riding in a passenger vehicle manufactured before January 1, 1965; and

(7) a person driving or riding in a pickup truck, as defined in section 168.011, subdivision 29, while engaged in normal farming work or activity."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Koering moved to amend S.F. No. 3223 as follows:

Page 31, after line 4, insert:

"Sec. 49. Minnesota Statutes 2006, section 169.022, is amended to read:

**169.022 UNIFORM APPLICATION.**

The provisions of this chapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein, and no local authority shall enact or enforce any rule or regulation in conflict with the provisions of this chapter unless expressly authorized herein.

Local authorities may adopt traffic regulations which are not in conflict with the provisions of this chapter; provided, that when any local ordinance regulating traffic covers the same subject for which a penalty is provided for in this chapter, then the penalty provided for violation of said local ordinance shall be identical with the penalty provided for in this chapter for the same offense, except as provided in section 471.984."

Page 47, after line 6, insert:

"Sec. 74. Minnesota Statutes 2006, section 169.985, is amended to read:

**169.985 TRAFFIC CITATION QUOTA PROHIBITED.**

A law enforcement agency may not order, mandate, require, or suggest to a peace officer a quota for the issuance of traffic citations or administrative penalties under section 471.984 on a daily, weekly, monthly, quarterly, or yearly basis.

Sec. 75. Minnesota Statutes 2006, section 169.99, subdivision 3, is amended to read:

Subd. 3. **Alteration by local government.** (a) Any city of the first class, through its governing body, may alter by deletion or addition the uniform traffic ticket in such manner as it deems advisable for use in such city, provided that it includes the notice required by subdivision 1, paragraph (b).

(b) In respect to any public corporation organized and existing pursuant to sections 473.601 to 473.679, whose ordinances and regulations for the control of traffic are enforced through prosecution in the district court having jurisdiction in one or the other of the cities of the first class included within such public corporation, the traffic ticket used in such enforcement shall conform to that used by the city of the first class in the district court having jurisdiction where its ordinances and regulations are enforced, except as to color and as to information uniquely applying to such public corporation and to its ordinances and regulations.

(c) Any county or home rule charter or statutory city that has adopted an ordinance under section 471.984 shall alter by deletion or addition the uniform traffic ticket as it deems advisable, including, but not limited to, incorporating information concerning the administrative penalty, response by the alleged violator, and consequence of failure to respond."

Page 73, after line 24, insert:

"Sec. 112. **[471.984] IMPOSITION OF PENALTY FOR MINOR TRAFFIC OFFENSE.**

Subdivision 1. **Authority.** Notwithstanding section 169.02, the county board of any county or the city council of any home rule charter or statutory city may adopt ordinances to establish administrative penalties that may be imposed on a vehicle operator who:

(1) violates section 169.14, and the violation consists of a speed no more than ten miles per hour in excess of the lawful speed limit;

(2) fails to obey a traffic control device in violation of section 169.06 or a stop line in violation of section 169.30; or

(3) operates a vehicle that is not equipped with or does not display vehicle lighting required by chapter 169.

Subd. 2. **Officer's authority.** An officer may not be required by ordinance to issue a citation under this section instead of a citation under state law.

Subd. 3. **Right to contest penalty.** An ordinance adopted under this subdivision must allow the alleged violator to contest the administrative penalty and elect to be charged under state law with adjudication of the charge in district court.

Subd. 4. **Penalties.** (a) An ordinance may provide that penalties collected must be transferred to the treasurer of the government unit and deposited in the city or county's general fund.

(b) An administrative penalty may not exceed the maximum state fine for the offense.

Subd. 5. **Exception.** A holder of a commercial driver's license may not be issued a citation under this section or under an ordinance adopted under this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 34, as follows:

Those who voted in the affirmative were:

Chaudhary	Gimse	Koering	Pariseau	Skogen
Day	Hann	Latz	Rosen	Tomassoni
Dibble	Ingebrigtsen	Michel	Scheid	Vanderveer
Dille	Johnson	Olson, G.	Senjem	Wergin
Doll	Jungbauer	Olson, M.	Sheran	
Fischbach	Koch	Ortman	Sieben	

Those who voted in the negative were:

Anderson	Frederickson	Lourey	Pappas	Skoe
Betzold	Gerlach	Lynch	Prettner Solon	Sparks
Bonoff	Higgins	Marty	Rest	Stumpf
Carlson	Kubly	Metzen	Robling	Torres Ray
Dahle	Langseth	Moua	Rummel	Vickerman
Erickson Ropes	Larson	Murphy	Saltzman	Wiger
Foley	Limmer	Olseen	Saxhaug	

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

Senator Saxhaug moved to amend S.F. No. 3223 as follows:

Page 68, after line 22, insert:

"Sec. 102. Minnesota Statutes 2006, section 239.791, subdivision 10, is amended to read:

Subd. 10. **Exemption for airport, marina, mooring facility, and resort.** A person responsible for the product may offer for sale, sell, or dispense at an airport, ~~marina, mooring facility, or resort,~~ for use in airplanes ~~or for purposes listed under subdivision 12, paragraph (a),~~ gasoline that is not oxygenated in accordance with subdivision 1 if the gasoline is unleaded premium grade as defined in section 239.751, subdivision 4.

Sec. 103. Minnesota Statutes 2006, section 239.791, is amended by adding a subdivision to read:

Subd. 10a. **Exemption for resorts, marinas, and houseboat rental companies.** A person responsible for the product may offer for sale, sell, or dispense at a resort, marina, or houseboat rental company gasoline that is not oxygenated in accordance with subdivision 1 if the gasoline has an octane rating of 87 or higher and is delivered into onsite bulk storage."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Vandever moved to amend S.F. No. 3223 as follows:

Page 5, line 7, after "FEES" insert "PROHIBITED"

Page 5, line 10, delete "authorized" and insert "prohibited" and delete "To improve efficiency and provide more options to" and insert "The commissioner may not charge user fees to owners or operators of vehicles using dynamic shoulder lanes and designated high-occupancy vehicle lanes in connection with the Urban Partnership agreement."

Page 5, delete lines 11 to 19

Page 5, delete subdivision 3

Page 6, after line 15, insert:

"Sec. 8. **[160.95] TOLL FACILITIES LIMITATION.**

Notwithstanding any contrary provisions in sections 160.84 to 160.93 and except for the high-occupancy toll lane facilities located on Interstate Highway 394, no road authority in this state may develop, finance, design, construct, improve, rehabilitate, own, or operate a toll facility, except on a bridge that connects this state with another state."

Renumber the subdivisions and sections in sequence and correct the internal references

Amend the title accordingly

Senator Vandever requested division of his amendment as follows:

First portion:

Page 5, line 7, after "FEES" insert "PROHIBITED"

Page 5, line 10, delete "authorized" and insert "prohibited" and delete "To improve efficiency and provide more options to" and insert "The commissioner may not charge user fees to owners or operators of vehicles using dynamic shoulder lanes and designated high-occupancy vehicle lanes in connection with the Urban Partnership agreement."

Page 5, delete lines 11 to 19

Page 5, delete subdivision 3

Renumber the subdivisions in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the first portion of the amendment.

The roll was called, and there were yeas 16 and nays 42, as follows:

Those who voted in the affirmative were:

Day	Gerlach	Koering	Rosen
Dille	Gimse	Limmer	Senjem
Fischbach	Ingebrigtsen	Moua	Vandever
Frederickson	Koch	Pariseau	Wergin

Those who voted in the negative were:

Anderson	Foley	Lynch	Robling	Sparks
Betzold	Hann	Michel	Rummel	Stumpf
Bonoff	Higgins	Murphy	Saltzman	Tomassoni
Carlson	Jungbauer	Olseen	Saxhaug	Torres Ray
Chaudhary	Kubly	Olson, M.	Scheid	Vickerman
Dahle	Langseth	Ortman	Sheran	Wiger
Dibble	Larson	Pappas	Sieben	
Doll	Latz	Prettner Solon	Skoe	
Erickson Ropes	Lourey	Rest	Skogen	

The motion did not prevail. So the first portion of the amendment was not adopted.

Second portion:

Page 6, after line 15, insert:

"Sec. 8. **[160.95] TOLL FACILITIES LIMITATION.**

Notwithstanding any contrary provisions in sections 160.84 to 160.93 and except for the high-occupancy toll lane facilities located on Interstate Highway 394, no road authority in this state may develop, finance, design, construct, improve, rehabilitate, own, or operate a toll facility, except on a bridge that connects this state with another state."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the second portion of the amendment.

The roll was called, and there were yeas 14 and nays 44, as follows:

Those who voted in the affirmative were:

Day	Frederickson	Ingebrigtsen	Limmer	Vandever
Dille	Gerlach	Koch	Senjem	Wergin
Fischbach	Gimse	Koering	Sieben	

Those who voted in the negative were:

Anderson	Foley	Lynch	Pariseau	Sheran
Betzold	Hann	Metzen	Prettner Solon	Skoe
Bonoff	Higgins	Michel	Rest	Skogen
Carlson	Jungbauer	Moua	Robling	Stumpf
Chaudhary	Kubly	Murphy	Rosen	Tomassoni
Dahle	Langseth	Olseen	Rummel	Torres Ray
Dibble	Larson	Olson, M.	Saltzman	Vickerman
Doll	Latz	Ortman	Saxhaug	Wiger
Erickson Ropes	Lourey	Pappas	Scheid	

The motion did not prevail. So the second portion of the amendment was not adopted.

Senator Saltzman moved to amend S.F. No. 3223 as follows:

Page 63, delete section 93 and insert:

"Sec. 93. Minnesota Statutes 2006, section 174.02, subdivision 2, is amended to read:

Subd. 2. **Unclassified positions.** The commissioner may establish up to four positions in the unclassified service at the deputy and assistant commissioner, assistant to commissioner or personal secretary levels. No more than two of these positions shall be at the deputy commissioner level. The commissioner or a deputy commissioner must be licensed as a professional engineer under section 326.02, and serve as chief engineer."

The motion prevailed. So the amendment was adopted.

Senator Doll moved to amend S.F. No. 3223 as follows:

Page 5, after line 35, insert:

"(d) A portion of the revenues collected within the corridor must be spent for noise mitigation in the corridor. The commissioner and the Metropolitan Council shall prepare a plan to mitigate noise within the I-35W corridor. The plan must specify the amount of the revenues collected within the corridor that will be dedicated to noise mitigation."

The motion prevailed. So the amendment was adopted.

Senator Moua moved to amend S.F. No. 3223 as follows:

Page 47, after line 6, insert:

"Sec. 73. Minnesota Statutes 2006, section 169.99, is amended by adding a subdivision to read:

Subd. 1c. **Notice of criminal surcharge.** All parts of the uniform traffic ticket must give conspicuous notice of the fact that, if convicted, the person to whom it was issued must pay a state imposed surcharge under section 357.021, subdivision 6, and the current amount of the required surcharge.

**EFFECTIVE DATE.** This section is effective July 1, 2008. However, law enforcement agencies may continue to issue nonconforming tickets until the supply of those tickets has been exhausted."

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. 3223 was then recommended to pass.

S.F. No. 3193, which the committee recommends to pass, after the following motion:

The question was taken on the recommendation to pass S.F. No. 3193.

The roll was called, and there were yeas 43 and nays 18, as follows:



Those who voted in the affirmative were:

Anderson	Erickson Ropes	Langseth	Olson, G.	Skoe
Bakk	Foley	Larson	Olson, M.	Skogen
Betzold	Frederickson	Latz	Pappas	Sparks
Bonoff	Higgins	Lourey	Prettner Solon	Tomassoni
Carlson	Ingebrigtsen	Lynch	Rest	Torres Ray
Chaudhary	Jungbauer	Metzen	Saltzman	Wergin
Cohen	Koch	Moua	Saxhaug	Wiger
Dille	Koering	Murphy	Scheid	
Doll	Kubly	Olseen	Sieben	

Those who voted in the negative were:

Clark	Gerlach	Michel	Rosen	Vandevveer
Dahle	Gimse	Ortman	Senjem	Vickerman
Day	Limmer	Pariseau	Sheran	
Dibble	Marty	Robling	Stumpf	

The motion prevailed. So S.F. No. 3193 was recommended to pass.

S.F. No. 1128, which the committee recommends to pass with the following amendment offered by Senator Erickson Ropes:

Page 1, line 22, delete "2008" and insert "2009"

The motion prevailed. So the amendment was adopted.

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

### MOTIONS AND RESOLUTIONS - CONTINUED

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

### REPORTS OF COMMITTEES

Senator Pogemiller moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

#### **Senator Cohen from the Committee on Finance, to which was re-referred**

**S.F. No. 3056:** A bill for an act relating to natural resources; providing for disposition of proceeds from sale of administrative sites; appropriating money; amending Minnesota Statutes 2006, sections 84.0857; 94.16, subdivision 3.

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

Page 1, after line 18, insert:

"Sec. 2. Minnesota Statutes 2006, section 84.0875, is amended to read:

**84.0875 ENVIRONMENTAL LEARNING CENTERS.**

(a) The commissioner may acquire and better, or make grants to counties, home rule charter or statutory cities, or school districts to acquire and better, residential environmental learning centers where students may learn how to use, preserve, and renew the natural resources of this state. A facility and reasonable access to it must be owned by the state or a political subdivision but may be leased to or managed by a nonprofit organization to carry out an environmental learning program established by the commissioner. The lease or management agreement must comply with the requirements of section 16A.695 and must provide for the procurement of liability insurance by the nonprofit organization. A nonprofit organization that is operating an environmental learning center under this section is a municipality for purposes of the liability limitations of section 466.04 while acting within the scope of these activities.

(b) During the time the center is used for educational programs offered in conjunction with a college or university, the rules and standards related to space requirements are governed by section 144.74."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the first semicolon, insert "modifying certain requirements for environmental learning centers;"

Amend the title numbers accordingly

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

**Senator Cohen from the Committee on Finance, to which was re-referred**

**S.F. No. 3122:** A bill for an act relating to health; changing provisions for health professional educational loan forgiveness program; expanding access to dental care services; amending Minnesota Statutes 2006, sections 144.1501, subdivision 2, by adding a subdivision; 256B.037, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 256B.0625, subdivision 49; repealing Minnesota Statutes 2006, section 256B.037, subdivisions 1a, 1c, 2, 5, 6; Laws 2003, First Special Session chapter 5, section 11.

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 2006, section 150A.06, is amended by adding a subdivision to read:

Subd. 9. **Graduates of nonaccredited dental programs.** A graduate of a nonaccredited dental program who successfully completes the clinical licensure examination and meets all other applicant requirements of the board, shall be licensed to practice dentistry and granted a limited general dentist license by the board. The board shall place limitations on the licensee's authority to practice by requiring the licensee to practice under the general supervision of a Minnesota-licensed dentist approved by the board. A person licensed under this subdivision must practice for three consecutive years in Minnesota pursuant to a written agreement, approved by the board, between the licensee

and a Minnesota-licensed dentist who may limit the types of services authorized. At the conclusion of the three-year period, the board shall grant an unlimited license without further restrictions if all supervising dentists who had entered into written agreements with the licensee during any part of the three-year period recommend unlimited licensure, and if no corrective action or disciplinary action has been taken by the board against the licensee.

**Sec. 2. PUBLIC DENTAL COVERAGE PROGRAM STUDY.**

(a) To the extent that resources are available, the commissioner of human services shall conduct a study to determine whether alternative approaches to offering dental coverage to public programs enrollees would result in:

- (1) improved access to dental care;
- (2) cost savings to providers and the department; and
- (3) improved quality and outcomes of care.

Alternatives to be considered by the commissioner shall include moving to a single dental plan administrator, retaining the current model, and other innovative approaches. Issues relating to chronic disease management, medical and dental interface, plan payment approaches, and provider payment should also be addressed. The commissioner must make a recommendation on whether to alter the current approach to contracting for dental services, and include a detailed plan on how to implement any recommended changes. The commissioner shall consult with dentists, safety net dental providers, dental plans, health plans and county-based purchasing organizations, patients and advocates, and other interested parties in developing their findings and recommendations.

(b) By January 15, 2009, the commissioner shall report findings and recommendations to the chairs of the house of representatives and senate committees having jurisdiction over health and human services policy and finance.

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

Delete the title and insert:

"A bill for an act relating to health; providing for a limited general dentist license for certain practitioners; providing for a study of alternative approaches to offering dental coverage to enrollees of public programs; amending Minnesota Statutes 2006, section 150A.06, by adding a subdivision."

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

**Senator Cohen from the Committee on Finance, to which was re-referred**

**S.F. No. 3181:** A bill for an act relating to human services; revising requirements for county-based purchasing for state health care programs; requiring a mandated report; amending Minnesota Statutes 2006, sections 256B.69, subdivision 3a; 256B.692, subdivision 7; Laws 2005, First Special Session chapter 4, article 8, section 84, as amended.

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

Page 5, after line 22, insert:

"Sec. 2. Minnesota Statutes 2007 Supplement, section 256B.69, subdivision 4, is amended to read:

Subd. 4. **Limitation of choice.** (a) The commissioner shall develop criteria to determine when limitation of choice may be implemented in the experimental counties. The criteria shall ensure that all eligible individuals in the county have continuing access to the full range of medical assistance services as specified in subdivision 6.

(b) The commissioner shall exempt the following persons from participation in the project, in addition to those who do not meet the criteria for limitation of choice:

- (1) persons eligible for medical assistance according to section 256B.055, subdivision 1;
- (2) persons eligible for medical assistance due to blindness or disability as determined by the Social Security Administration or the state medical review team, unless:
  - (i) they are 65 years of age or older; or
  - (ii) they reside in Itasca County or they reside in a county in which the commissioner conducts a pilot project under a waiver granted pursuant to section 1115 of the Social Security Act;
- (3) recipients who currently have private coverage through a health maintenance organization;
- (4) recipients who are eligible for medical assistance by spending down excess income for medical expenses other than the nursing facility per diem expense;
- (5) recipients who receive benefits under the Refugee Assistance Program, established under United States Code, title 8, section 1522(e);
- (6) children who are both determined to be severely emotionally disturbed and receiving case management services according to section 256B.0625, subdivision 20, except children who are eligible for and who decline enrollment in an approved preferred integrated network under section 245.4682;
- (7) adults who are both determined to be seriously and persistently mentally ill and received case management services according to section 256B.0625, subdivision 20;
- (8) persons eligible for medical assistance according to section 256B.057, subdivision 10; and
- (9) persons with access to cost-effective employer-sponsored private health insurance or persons enrolled in a non-Medicare individual health plan determined to be cost-effective according to section 256B.0625, subdivision 15.

Children under age 21 who are in foster placement may enroll in the project on an elective basis. Individuals excluded under clauses (1), (6), and (7) may choose to enroll on an elective basis. The commissioner may enroll recipients in the prepaid medical assistance program for seniors who are (1) age 65 and over, and (2) eligible for medical assistance by spending down excess income.

(c) The commissioner may allow persons with a one-month spenddown who are otherwise eligible to enroll to voluntarily enroll or remain enrolled, if they elect to prepay their monthly spenddown to the state.

(d) The commissioner may require those individuals to enroll in the prepaid medical assistance

program who otherwise would have been excluded under paragraph (b), clauses (1), (3), and (8), and under Minnesota Rules, part 9500.1452, subpart 2, items H, K, and L.

(e) Before limitation of choice is implemented, eligible individuals shall be notified and after notification, shall be allowed to choose only among demonstration providers. The commissioner may assign an individual with private coverage through a health maintenance organization, to the same health maintenance organization for medical assistance coverage, if the health maintenance organization is under contract for medical assistance in the individual's county of residence. After initially choosing a provider, the recipient is allowed to change that choice only at specified times as allowed by the commissioner. If a demonstration provider ends participation in the project for any reason, a recipient enrolled with that provider must select a new provider but may change providers without cause once more within the first 60 days after enrollment with the second provider.

(f) An infant born to a woman who is eligible for and receiving medical assistance and who is enrolled in the prepaid medical assistance program shall be retroactively enrolled to the month of birth in the same managed care plan as the mother once the child is enrolled in medical assistance unless the child is determined to be excluded from enrollment in a prepaid plan under this section.

(g) The commissioner shall assign an eligible individual, in the absence of a specific managed care plan choice by the individual, to the county-based purchasing health plan in Olmsted, Winona, Houston, Fillmore, and Mower Counties, if the individual resides in one of these counties."

Renumber the sections in sequence

Amend the title numbers accordingly

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

**Senator Cohen from the Committee on Finance, to which was referred**

**S.F. No. 3294:** A bill for an act relating to state government finance; disaster relief appropriations; providing for reimbursement to the state under certain conditions; amending Laws 2007, First Special Session chapter 2, article 1, sections 2; 4, subdivision 4.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Cohen from the Committee on Finance, to which was referred**

**H.F. No. 3372:** A bill for an act relating to health; changing provisions for uniform billing forms and electronic claim filing; establishing compliance procedures for electronic transactions; amending Minnesota Statutes 2006, sections 62J.51, subdivisions 17, 18; 62J.52, subdivision 4; 62J.59; 72A.201, subdivision 4; Minnesota Statutes 2007 Supplement, sections 62J.52, subdivisions 1, 2; 62J.536, subdivision 1, by adding subdivisions; repealing Minnesota Statutes 2006, sections 62J.52, subdivision 5; 62J.58.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Cohen from the Committee on Finance, to which was re-referred**

**S.F. No. 3673:** A bill for an act relating to human services; promoting community-based care

for older adults through the establishment of a community consortium demonstration project; establishing a community consortium account in the general fund to distribute pooled resources; requiring an evaluation of the demonstration project.

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

Page 2, line 30, delete "shall" and insert "may"

Page 3, line 1, delete "commissioners" and insert "commissioner"

Page 3, delete subdivision 6 and insert:

"Subd. 6. **Community consortium financing.** (a) The commissioner of health shall reserve ten percent of any funds appropriated for the biennium ending June 30, 2011, for the nursing home moratorium exception process under Minnesota Statutes, section 144A.073, for distribution to qualifying projects that are part of a community consortium.

(b) Notwithstanding Minnesota Statutes, section 256B.434, subdivision 4, paragraph (d), the nursing facility performance incentive payments shall be reduced by ten percent for the biennium ending June 30, 2011. This shall be a onetime reduction.

(c) Base level funding for community service grants under Minnesota Statutes, section 256B.0917, subdivision 13, and community services development grants under Minnesota Statutes, section 256.9754, shall be reduced by ten percent for the biennium ending June 30, 2011. These shall be onetime reductions.

(d) An amount equal to the state share of the reductions in paragraphs (b) and (c) is appropriated from the general fund to the commissioner of human services for distribution to qualifying projects that are part of a community consortium under this section, to be available until expended."

Page 4, line 8, after "report" insert "preliminary"

Page 4, line 10, after the period, insert "The final report of findings and recommendations shall be delivered to the legislature by January 15, 2013." and before "evaluation" insert "preliminary and final"

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

**Senator Pogemiller from the Committee on Rules and Administration, to which was re-referred**

**H.F. No. 3722:** A bill for an act relating to economic development; providing military reservist economic injury loans; defining terms; appropriating money; amending Minnesota Statutes 2007 Supplement, section 116L.17, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reports the same back with the recommendation that the bill do pass. Report adopted.

## SECOND READING OF SENATE BILLS

S.F. Nos. 3056, 3122, 3181, 3294 and 3673 were read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 3372 and 3722 were read the second time.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Rosen moved that her name be stricken as a co-author to S.F. No. 3366. The motion prevailed.

Senator Pogemiller moved that H.F. No. 3493 be withdrawn from the Committee on Finance, and re-referred to the Committee on Rules and Administration for comparison with S.F. No. 3294, now on General Orders. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Senator Pogemiller moved that the Senate take up the Calendar. The motion prevailed.

**CALENDAR**

**H.F. No. 4075:** A bill for an act relating to agriculture; providing for control of bovine tuberculosis in certain areas; appropriating money; amending Minnesota Statutes 2006, section 97A.045, subdivision 11, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 35.244; proposing coding for new law in Minnesota Statutes, chapter 35.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Larson	Ortman	Sheran
Bakk	Fischbach	Latz	Pappas	Sieben
Betzold	Foley	Limmer	Pariseau	Skoe
Bonoff	Frederickson	Lourey	Pogemiller	Skogen
Carlson	Gerlach	Lynch	Prettner Solon	Sparks
Chaudhary	Gimse	Marty	Rest	Stumpf
Clark	Hann	Metzen	Robling	Tomassoni
Cohen	Higgins	Michel	Rosen	Torres Ray
Dahle	Ingebrigtsen	Moua	Rummel	Vandever
Day	Jungbauer	Murphy	Saltzman	Vickerman
Dibble	Koch	Olseen	Saxhaug	Wergin
Dille	Kubly	Olson, G.	Scheid	Wiger
Doll	Langseth	Olson, M.	Senjem	

So the bill passed and its title was agreed to.

**H.F. No. 2837:** A bill for an act relating to optometrist; changing practice and licensing provisions; amending Minnesota Statutes 2006, sections 148.56; 148.57; 148.571; 148.573, subdivision 1; 148.574; 148.575; repealing Minnesota Statutes 2006, section 148.573, subdivisions 2, 3; Minnesota Rules, part 6500.2100.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Larson	Ortman	Sheran
Bakk	Fischbach	Latz	Pappas	Sieben
Betzold	Foley	Limmer	Pariseau	Skoe
Bonoff	Frederickson	Lourey	Pogemiller	Skogen
Carlson	Gerlach	Lynch	Prettner Solon	Sparks
Chaudhary	Gimse	Marty	Rest	Stumpf
Clark	Hann	Metzen	Robling	Tomassoni
Cohen	Higgins	Michel	Rosen	Torres Ray
Dahle	Ingebrigtsen	Moua	Rummel	Vandever
Day	Jungbauer	Murphy	Saltzman	Vickerman
Dibble	Koch	Olseen	Saxhaug	Wergin
Dille	Kubly	Olson, G.	Scheid	
Doll	Langseth	Olson, M.	Senjem	

So the bill passed and its title was agreed to.

**S.F. No. 2492:** A bill for an act relating to state government; appropriating money for environment and natural resources; providing for repayment of certain appropriations from the environment and natural resources trust fund; amending Minnesota Statutes 2006, section 116P.10.

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 63 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Larson	Pappas	Sieben
Bakk	Fischbach	Latz	Pariseau	Skoe
Betzold	Foley	Limmer	Pogemiller	Skogen
Bonoff	Frederickson	Lourey	Prettner Solon	Sparks
Carlson	Gerlach	Lynch	Rest	Stumpf
Chaudhary	Gimse	Marty	Robling	Tomassoni
Clark	Hann	Metzen	Rosen	Torres Ray
Cohen	Higgins	Michel	Rummel	Vandever
Dahle	Ingebrigtsen	Moua	Saltzman	Vickerman
Day	Jungbauer	Murphy	Saxhaug	Wergin
Dibble	Koch	Olseen	Scheid	Wiger
Dille	Kubly	Olson, G.	Senjem	
Doll	Langseth	Olson, M.	Sheran	

Those who voted in the negative were:

Ortman

So the bill passed and its title was agreed to.

**S.F. No. 2833:** A bill for an act relating to health; requiring public pools and spas to be equipped with anti-entrapment devices or systems; appropriating money; amending Minnesota Statutes 2006, sections 144.1222, subdivision 1a, by adding subdivisions; 157.16, as amended; 157.20, subdivisions 1, 2a.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Larson	Ortman	Sheran
Bakk	Fischbach	Latz	Pappas	Sieben
Betzold	Foley	Limmer	Pariseau	Skoe
Bonoff	Frederickson	Lourey	Pogemiller	Skogen
Carlson	Gerlach	Lynch	Prettner Solon	Sparks
Chaudhary	Gimse	Marty	Rest	Stumpf
Clark	Hann	Metzen	Robling	Tomassoni
Cohen	Higgins	Michel	Rosen	Torres Ray
Dahle	Ingebrigtsen	Moua	Rummel	Vandever
Day	Jungbauer	Murphy	Saltzman	Vickerman
Dibble	Koch	Olseen	Saxhaug	Wergin
Dille	Kubly	Olson, G.	Scheid	Wiger
Doll	Langseth	Olson, M.	Senjem	

So the bill passed and its title was agreed to.

**S.F. No. 3096:** A bill for an act relating to energy; creating programs for government energy conservation investments; removing rulemaking requirement for certain loan and grant programs; establishing microenergy loan program; authorizing issuance of state revenue bonds; modifying provision allowing guaranteed energy savings contracts; requiring a report; appropriating money; amending Minnesota Statutes 2006, section 216C.09; Minnesota Statutes 2007 Supplement, section 471.345, subdivision 13; proposing coding for new law in Minnesota Statutes, chapters 16B; 216C; repealing Laws 2007, chapter 57, article 2, section 30.

Senator Hann moved that S.F. No. 3096, No. 7 on the Calendar, be stricken and re-referred to the Committee on Energy, Utilities, Technology and Communications. The motion did not prevail.

S.F. No. 3096 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 55 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Langseth	Olson, M.	Senjem
Bakk	Doll	Larson	Pappas	Sheran
Betzold	Erickson Ropes	Latz	Pogemiller	Sieben
Bonoff	Fischbach	Lourey	Prettner Solon	Skoe
Carlson	Foley	Lynch	Rest	Skogen
Chaudhary	Frederickson	Marty	Robling	Sparks
Clark	Gimse	Metzen	Rosen	Stumpf
Cohen	Hann	Michel	Rummel	Tomassoni
Dahle	Higgins	Moua	Saltzman	Torres Ray
Day	Ingebrigtsen	Murphy	Saxhaug	Vickerman
Dibble	Kubly	Olseen	Scheid	Wiger

Those who voted in the negative were:

Jungbauer	Limmer	Pariseau	Wergin
Koch	Ortman	Vandever	

So the bill passed and its title was agreed to.

**S.F. No. 3189:** A bill for an act relating to drivers' licenses; imposing \$30 reinstatement fee following revocation of juvenile's license; amending Minnesota Statutes 2006, section 171.29,

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Larson	Ortman	Sheran
Bakk	Fischbach	Latz	Pappas	Sieben
Betzold	Foley	Limmer	Pariseau	Skoe
Bonoff	Frederickson	Lourey	Pogemiller	Skogen
Carlson	Gerlach	Lynch	Prettner Solon	Sparks
Chaudhary	Gimse	Marty	Rest	Stumpf
Clark	Hann	Metzen	Robling	Tomassoni
Cohen	Higgins	Michel	Rosen	Torres Ray
Dahle	Ingebrigtsen	Moua	Rummel	Vandever
Day	Jungbauer	Murphy	Saltzman	Vickerman
Dibble	Koch	Olseen	Saxhaug	Wergin
Dille	Kubly	Olson, G.	Scheid	Wiger
Doll	Langseth	Olson, M.	Senjem	

So the bill passed and its title was agreed to.

**H.F. No. 3066:** A bill for an act relating to elections; providing for the establishment of precinct caucus dates by the appropriate political party; requiring notice to the secretary of state; amending Minnesota Statutes 2006, sections 202A.14, subdivision 1; 202A.15, 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 60 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Doll	Langseth	Ortman	Senjem
Bakk	Erickson Ropes	Larson	Pappas	Sheran
Betzold	Fischbach	Latz	Pariseau	Sieben
Bonoff	Foley	Lourey	Pogemiller	Skoe
Carlson	Frederickson	Marty	Prettner Solon	Skogen
Chaudhary	Gerlach	Metzen	Rest	Sparks
Clark	Gimse	Michel	Robling	Stumpf
Cohen	Hann	Moua	Rosen	Tomassoni
Dahle	Higgins	Murphy	Rummel	Torres Ray
Day	Ingebrigtsen	Olseen	Saltzman	Vickerman
Dibble	Koch	Olson, G.	Saxhaug	Wergin
Dille	Kubly	Olson, M.	Scheid	Wiger

Those who voted in the negative were:

Jungbauer	Limmer	Vandever
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So the bill passed and its title was agreed to.

**S.F. No. 3520:** A bill for an act relating to energy; regulating certain property rights related to wind energy; eliminating certain duties of the Legislative Electric Energy Task Force; permitting solicitation and consideration of certain public testimony; amending Minnesota Statutes 2006, section 216C.051, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 500.30,

subdivision 2; repealing Minnesota Statutes 2007 Supplement, section 216C.051, subdivision 8a.

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 57 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Doll	Latz	Pappas	Skoe
Bakk	Erickson Ropes	Limmer	Pogemiller	Skogen
Betzold	Fischbach	Lynch	Prettner Solon	Sparks
Bonoff	Foley	Marty	Rest	Stumpf
Carlson	Frederickson	Metzen	Robling	Tomassoni
Chaudhary	Gimse	Michel	Rosen	Torres Ray
Clark	Hann	Moua	Rummel	Vickerman
Cohen	Higgins	Murphy	Saltzman	Wergin
Dahle	Ingebrigtsen	Olseen	Saxhaug	Wiger
Day	Koch	Olson, G.	Scheid	
Dibble	Langseth	Olson, M.	Sheran	
Dille	Larson	Ortman	Sieben	

Those who voted in the negative were:

Gerlach	Kubly	Pariseau	Vandever
Jungbauer	Lourey	Senjem	

So the bill passed and its title was agreed to.

**H.F. No. 3657:** A bill for an act relating to Carver County; making the library board advisory to the county board.

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 2, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Latz	Pappas	Sieben
Bakk	Fischbach	Limmer	Pariseau	Skoe
Betzold	Foley	Lourey	Pogemiller	Skogen
Bonoff	Frederickson	Lynch	Prettner Solon	Sparks
Carlson	Gimse	Marty	Rest	Stumpf
Chaudhary	Hann	Metzen	Robling	Tomassoni
Clark	Higgins	Michel	Rosen	Vickerman
Cohen	Ingebrigtsen	Moua	Rummel	Wergin
Dahle	Jungbauer	Murphy	Saltzman	Wiger
Day	Koch	Olseen	Saxhaug	
Dibble	Kubly	Olson, G.	Scheid	
Dille	Langseth	Olson, M.	Senjem	
Doll	Larson	Ortman	Sheran	

Those who voted in the negative were:

Gerlach	Vandever
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So the bill passed and its title was agreed to.

**S.F. No. 3715:** A bill for an act relating to Steele County; authorizing transfer of nursing home

and assisted living facility and related assets to nonprofit corporation and acquisition of membership interest in nonprofit corporation; providing an exception to the moratorium on new nursing home beds for beds transferred to a new site within the county; amending Minnesota Statutes 2006, section 144A.071, subdivision 4c.

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	Erickson Ropes	Larson	Pappas	Skoe
Bakk	Fischbach	Limmer	Pariseau	Skogen
Betzold	Foley	Lourey	Prettner Solon	Sparks
Bonoff	Frederickson	Lynch	Rest	Stumpf
Carlson	Gerlach	Marty	Robling	Tomassoni
Chaudhary	Gimse	Metzen	Rosen	Torres Ray
Clark	Hann	Michel	Rummel	Vandever
Cohen	Higgins	Moua	Saltzman	Vickerman
Dahle	Ingebrigtsen	Murphy	Saxhaug	Wergin
Day	Jungbauer	Olseen	Scheid	Wiger
Dibble	Koch	Olson, G.	Senjem	
Dille	Kubly	Olson, M.	Sheran	
Doll	Langseth	Ortman	Sieben	

So the bill passed and its title was agreed to.

**H.F. No. 3346:** A bill for an act relating to housing; providing assistance to prevent mortgage foreclosure; increasing the maximum amount of financial assistance; amending Minnesota Statutes 2006, section 462A.209, subdivision 7.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Larson	Ortman	Sieben
Bakk	Fischbach	Latz	Pariseau	Skoe
Betzold	Foley	Limmer	Pogemiller	Skogen
Bonoff	Frederickson	Lourey	Prettner Solon	Sparks
Carlson	Gerlach	Lynch	Rest	Stumpf
Chaudhary	Gimse	Marty	Robling	Tomassoni
Clark	Hann	Metzen	Rosen	Torres Ray
Cohen	Higgins	Michel	Rummel	Vandever
Dahle	Ingebrigtsen	Moua	Saltzman	Vickerman
Day	Jungbauer	Murphy	Saxhaug	Wergin
Dibble	Koch	Olseen	Scheid	Wiger
Dille	Kubly	Olson, G.	Senjem	
Doll	Langseth	Olson, M.	Sheran	

So the bill passed and its title was agreed to.

**S.F. No. 2825:** A bill for an act relating to health; amending the Patient's Bill of Rights to include continuous doula support and information about evidence-based nonpharmacological pain relief; amending Minnesota Statutes 2007 Supplement, section 144.651, subdivision 9.

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 4, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Latz	Pappas	Skoe
Bakk	Fischbach	Limmer	Pogemiller	Skogen
Betzold	Foley	Lourey	Prettner Solon	Sparks
Bonoff	Frederickson	Lynch	Robling	Stumpf
Carlson	Gimse	Marty	Rosen	Tomassoni
Chaudhary	Higgins	Metzen	Rummel	Torres Ray
Clark	Ingebrigtsen	Michel	Saltzman	Vandever
Cohen	Jungbauer	Moua	Saxhaug	Vickerman
Dahle	Koch	Murphy	Scheid	Wergin
Day	Kubly	Olseen	Senjem	Wiger
Dibble	Langseth	Olson, G.	Sheran	
Doll	Larson	Olson, M.	Sieben	

Those who voted in the negative were:

Dille	Gerlach	Hann	Pariseau
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So the bill passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

### RECONSIDERATION

Having voted on the prevailing side, Senator Hann moved that the vote whereby S.F. No. 3096 was passed by the Senate on April 28, 2008, be now reconsidered. The motion did not prevail.

### CONFIRMATION

Senator Marty moved that the report from the Committee on Health, Housing and Family Security, reported April 1, 2008, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Marty moved that the foregoing report be now adopted. The motion prevailed.

Senator Marty moved that in accordance with the report from the Committee on Health, Housing and Family Security, reported April 1, 2008, the Senate, having given its advice, do now consent to and confirm the appointment of:

### BOARD OF HEALTH COMMISSIONER

Dr. Sanne Dail Jones Magnan, 1022 - 26th Ave. S.E., Minneapolis, Hennepin County, effective November 2, 2007, for a term expiring on January 3, 2011.

The motion prevailed. So the appointment was confirmed.

**CONFIRMATION**

Senator Moua moved that the report from the Committee on Judiciary, reported March 4, 2008, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Moua moved that the foregoing report be now adopted. The motion prevailed.

Senator Moua moved that in accordance with the report from the Committee on Judiciary, reported March 4, 2008, the Senate, having given its advice, do now consent to and confirm the appointment of:

**BOARD ON JUDICIAL STANDARDS**

Randy R. Staver, 2707 Century Ln. N.E., Rochester, Olmsted County, effective April 23, 2007, for a term expiring on January 3, 2011.

The motion prevailed. So the appointment was confirmed.

**CONFIRMATION**

Senator Vickerman moved that the Senate do now consent to and confirm the appointment of:

**BOARD OF ANIMAL HEALTH**

Steven Brake, 12171 Erickson Ave., Wilmont, Nobles County, effective March 5, 2007, for a term expiring on January 3, 2011.

Paul FitzSimmons, 54440 - 148th St., Good Thunder, Blue Earth County, effective March 5, 2007, for a term expiring on January 3, 2011.

The motion prevailed. So the appointments were confirmed.

**CONFIRMATION**

Senator Metzen moved that the report from the Committee on Business, Industry and Jobs, reported April 1, 2008, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Metzen moved that the foregoing report be now adopted. The motion prevailed.

Senator Metzen moved that in accordance with the report from the Committee on Business, Industry and Jobs, reported April 1, 2008, the Senate, having given its advice, do now consent to and confirm the appointment of:

**BOARD OF ELECTRICITY**

Douglas Fingerson, 333 Parkview Crv., Zumbrota, Goodhue County, effective October 29, 2007, for a term expiring on December 31, 2011.

James D. Freichels, 4860 Mustang Cir., Mounds View, Anoka County, effective October 29, 2007, for a term expiring on December 31, 2010.

Kim M. Huxford, 9417 N.W. 66th St., Waseca, Waseca County, effective October 29, 2007, for a term expiring on December 31, 2010.

Daniel R. Klein, 11323 Hubert Ln., Cold Spring, Stearns County, effective October 29, 2007,

for a term expiring on December 31, 2011.

Jay A. Lewis, 7575 - 80th St. S., Cottage Grove, Washington County, effective October 29, 2007, for a term expiring on December 31, 2010.

Timothy R. Malooly, 14070 - 23rd Ave. N., Plymouth, Hennepin County, effective October 29, 2007, for a term expiring on December 31, 2011.

John L. McConnell, 40956 Yellow Birch Ln., Emily, Crow Wing County, effective October 29, 2007, for a term expiring on December 31, 2010.

Richard P. Owen, 7421 Upper 24th St. N., Oakdale, Washington County, effective October 29, 2007, for a term expiring on December 31, 2011.

Thomas L. Seanger, 44193 Birchview Rd., P.O. Box 234, Melrose, Stearns County, effective October 29, 2007, for a term expiring on December 31, 2011.

Anthony C. Toft, 7139 Cty. Rd. 3 S.W., Byron, Olmsted County, effective October 29, 2007, for a term expiring on December 31, 2010.

Joseph S. Vespa, 4533 - 3rd Ave. E., Hibbing, Saint Louis County, effective October 29, 2007, for a term expiring on December 31, 2011.

The motion prevailed. So the appointments were confirmed.

#### **CONFIRMATION**

Senator Metzen moved that the report from the Committee on Business, Industry and Jobs, reported April 1, 2008, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Metzen moved that the foregoing report be now adopted. The motion prevailed.

Senator Metzen moved that in accordance with the report from the Committee on Business, Industry and Jobs, reported April 1, 2008, the Senate, having given its advice, do now consent to and confirm the appointment of:

#### **PLUMBING BOARD**

Karl D. Abrahamson, 67 Maywood Pl., Saint Paul, Ramsey County, effective October 24, 2007, for a term expiring on December 31, 2011.

Rebecca L. Ames, 155 Virginia St., #9, Saint Paul, Ramsey County, effective October 24, 2007, for a term expiring on December 31, 2010.

Steven Christenson, 1019 - 4th Ave. N., Sauk Rapids, Benton County, effective October 24, 2007, for a term expiring on December 31, 2010.

Jim Gander, 1244 - 60th Ave. N.W., Rochester, Olmsted County, effective October 24, 2007, for a term expiring on December 31, 2011.

Lawrence G. Justin, 1225 Imperial Ln., New Brighton, Ramsey County, effective October 24, 2007, for a term expiring on December 31, 2011.

Kenneth Kammerer, 607 E. 3rd St., Redwood Falls, Redwood County, effective October 24,

2007, for a term expiring on December 31, 2011.

James Kittelson, 572 - 1st Ave., Wanamingo, Goodhue County, effective October 24, 2007, for a term expiring on December 31, 2010.

Allen J. Lamm, 56766 Hwy. 14, New Ulm, Brown County, effective October 24, 2007, for a term expiring on December 31, 2010.

Michael McGowan, 401 Eleanor St., P.O. Box 1104, Mankato, Blue Earth County, effective October 24, 2007, for a term expiring on December 31, 2011.

Rick Palmateer, 6807 Beard Ave. N., Brooklyn Center, Hennepin County, effective October 24, 2007, for a term expiring on December 31, 2010.

John A. Parizek, 5646 Cedarwood Trl., Prior Lake, Scott County, effective October 24, 2007, for a term expiring on December 31, 2011.

Paul A. Sullwold, 1420 W. 3rd Ave., Shakopee, Scott County, effective October 24, 2007, for a term expiring on December 31, 2010.

The motion prevailed. So the appointments were confirmed.

### **CONFIRMATION**

Senator Metzen moved that the report from the Committee on Business, Industry and Jobs, reported April 1, 2008, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Metzen moved that the foregoing report be now adopted. The motion prevailed.

Senator Metzen moved that in accordance with the report from the Committee on Business, Industry and Jobs, reported April 1, 2008, the Senate, having given its advice, do now consent to and confirm the appointment of:

### **BOARD OF HIGH PRESSURE PIPING SYSTEMS**

James J. Andrie, 25103 Carousel Rd., Paynesville, Stearns County, effective October 30, 2007, for a term that expires on December 31, 2011.

Robert R. Bastianelli, 3152 Lyman St., Duluth, Saint Louis County, effective October 30, 2007, for a term that expires on December 31, 2010.

Therese M. Bozicevich, 11209 Nevada Ave. N., Champlin, Hennepin County, effective October 30, 2007, for a term that expires on December 31, 2011.

Patrick Galatz, 3914 - 19th Ave. E., Hibbing, Saint Louis County, effective October 30, 2007, for a term that expires on December 31, 2010.

Mark Geisenhoff, 3944 - 35th St. N., Lake Elmo, Washington County, effective October 30, 2007, for a term that expires on December 31, 2010.

David H. Grong, 1000 Country Club Dr., Marshall, Lyon County, effective October 30, 2007, for a term that expires on December 31, 2010.

Maureen Hanson, 7608 Dunmore Rd., Woodbury, Washington County, effective October 30,



2007, for a term that expires on December 31, 2011.

Larry Jordan, 10736 Toledo Ln. N., Brooklyn Park, Hennepin County, effective October 30, 2007, for a term that expires on December 31, 2010.

Mark R. Kincs, 7522 Whitehall Rd., Shakopee, Scott County, effective October 30, 2007, for a term that expires on December 31, 2010.

Margaret Larsen, 409 Quixote Ave., Lakeland, Washington County, effective October 30, 2007, for a term that expires on December 31, 2010.

Vicki Sandberg, 10473 Abbott Dr. N., Brooklyn Park, Hennepin County, effective October 30, 2007, for a term that expires on December 31, 2011.

Larry Stevens, Jr., 2608 Horseshoe Ln., Woodbury, Washington County, effective October 30, 2007, for a term that expires on December 31, 2011.

The motion prevailed. So the appointments were confirmed.

#### **CONFIRMATION**

Senator Chaudhary moved that the report from the Committee on Environment and Natural Resources, reported April 3, 2008, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Chaudhary moved that the foregoing report be now adopted. The motion prevailed.

Senator Chaudhary moved that in accordance with the report from the Committee on Environment and Natural Resources, reported April 3, 2008, the Senate, having given its advice, do now consent to and confirm the appointment of:

#### **MINNESOTA ENVIRONMENTAL QUALITY BOARD**

Jonathon Bloomberg, 3232 Holmes Ave., Minneapolis, Hennepin County, effective April 2, 2007, for a term expiring on January 3, 2011.

The motion prevailed. So the appointment was confirmed.

#### **CONFIRMATION**

Senator Chaudhary moved that the report from the Committee on Environment and Natural Resources, reported April 10, 2008, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Chaudhary moved that the foregoing report be now adopted. The motion prevailed.

Senator Chaudhary moved that in accordance with the report from the Committee on Environment and Natural Resources, reported April 10, 2008, the Senate, having given its advice, do now consent to and confirm the appointment of:

#### **MINNESOTA ENVIRONMENTAL QUALITY BOARD**

Julie Goehring, 708 - 70th Ave. N.W., Moorhead, Clay County, effective April 2, 2007, for a term expiring on January 5, 2009.

Susan McCarville, 58 Harrison Ave. S., Hopkins, Hennepin County, effective April 2, 2007, for a term expiring on January 3, 2011.

Dennis Wenzel, 1835 Saunders Ave., Saint Paul, Ramsey County, effective April 2, 2007, for a term expiring on January 4, 2010.

The motion prevailed. So the appointments were confirmed.

### RECESS

Senator Pogemiller moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### APPOINTMENTS

Senator Pogemiller from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 3775: Senators Doll, Higgins and Frederickson.

S.F. No. 2942: Senators Pappas, Lynch and Robling.

S.F. No. 3337: Senators Prettner Solon, Doll, Rosen, Anderson and Sparks.

S.F. No. 3441: Senators Moua, Limmer and Olson, M.

S.F. No. 3166: Senators Torres Ray, Moua and Wergin.

Senator Pogemiller moved that the foregoing appointments be approved. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Pogemiller moved that H.F. No. 3800 be taken from the table and referred to the Committee on Rules and Administration for comparison with S.F. No. 3223, now on the Calendar. The motion prevailed.

**H.F. No. 3800:** A bill for an act relating to transportation; modifying or adding provisions relating to highways, motor vehicles, traffic regulations, drivers' licenses and records, transit, railroads, motor carriers, and other transportation-related programs or activities; imposing penalties; requiring reports; making technical and clarifying corrections; amending Minnesota Statutes 2006, sections 86B.825, subdivision 5; 123B.88, subdivision 3; 161.081, subdivision 3, as amended, by adding subdivisions; 168.011, subdivision 7; 168.012, subdivision 1; 168.021, subdivisions 1, 2; 168.09, subdivision 7; 168.185; 168A.03, subdivision 1; 168A.05, subdivision 9; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding subdivisions; 168B.08, subdivision 1; 168B.087, subdivision 1; 169.01, subdivisions 55, 76, by adding subdivisions; 169.18, subdivisions 1, 5, by adding a subdivision; 169.224; 169.67, subdivision 3; 169.781, subdivisions 1, 2, 5; 169.79; 169.801; 169.82, subdivision 3; 169.826, subdivision 1a; 169.85, subdivision 1; 169.86, by adding a subdivision; 169A.03, subdivision 23; 171.01, subdivisions

35, 46; 171.02, by adding a subdivision; 171.03; 171.055, subdivisions 1, 2; 171.0701; 171.12, subdivision 6; 171.13, by adding a subdivision; 171.165, subdivision 2; 171.321, subdivision 1; 174.02, subdivision 2; 174.03, subdivision 1; 174.24, by adding a subdivision; 221.011, by adding a subdivision; 221.031, subdivision 1; 221.036, subdivisions 1, 3; 221.121, subdivisions 1, 6a; 221.151, subdivision 1; 299D.03, subdivision 1; 299D.06; 473.1465, by adding a subdivision; 473.388, subdivision 2; 473.399, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 168.017, subdivision 3; 169.443, subdivision 9; 171.02, subdivision 2; Laws 2002, chapter 393, section 85; Laws 2008, chapter 152, article 2, sections 1; 3, subdivision 2; article 3, sections 6; 8; article 6, section 7; proposing coding for new law in Minnesota Statutes, chapters 123B; 169; 171; 174; 219; repealing Minnesota Statutes 2006, sections 168B.087, subdivision 2; 169.145; 221.121, subdivision 4.

### RECESS

Senator Pogemiller moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 3001:** A bill for an act relating to education; providing for prekindergarten through grade 12 education; including general education, education excellence, special programs, libraries, state agencies, and self-sufficiency and lifelong learning; amending Minnesota Statutes 2006, sections 13.32, by adding a subdivision; 120A.05, subdivision 10a; 120A.22, subdivision 5; 120A.24, subdivisions 1, 2; 120B.02; 120B.021, subdivision 1a; 120B.023, subdivision 2; 121A.035, subdivision 2; 121A.037; 122A.06, subdivision 4; 122A.07, subdivisions 2, 3; 122A.09, subdivision 4; 122A.18, subdivisions 2, 2a, by adding a subdivision; 123B.14, subdivision 7; 123B.36, subdivision 1; 123B.37, subdivision 1; 123B.77, subdivision 3; 123B.81, subdivisions 3, 5; 123B.83, subdivision 3; 123B.88, subdivision 3; 124D.10, subdivisions 2a, 4a, 6, 6a, 7, 8, 20, 23; 124D.19, subdivision 14; 124D.522; 124D.55; 124D.60, subdivision 1; 124D.68, subdivision 2; 124D.86, by adding a subdivision; 125A.02, subdivision 1; 125A.15; 125A.51; 125A.65, subdivision 4, by adding a subdivision; 125A.744, subdivision 3; 125B.07, by adding a subdivision; 126C.40, subdivision 6; 134.31, subdivision 6, by adding a subdivision; 260C.007, subdivision 19; 299F.30, subdivision 1; Minnesota Statutes 2007 Supplement, sections 120B.021, subdivision 1; 120B.024; 120B.30; 123B.81, subdivision 4; 124D.10, subdivisions 4, 23a; 134.31, subdivision 4a; proposing coding for new law in Minnesota Statutes, chapters 1; 121A; 125B; 127A; 134;

repealing Minnesota Statutes 2006, sections 120A.22, subdivision 8; 121A.23; 121A.67; Laws 2006, chapter 263, article 3, section 16.

Senate File No. 3001 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 28, 2008

Senator Pogemiller, for Senator Wiger, moved that the Senate do not concur in the amendments by the House to S.F. No. 3001, and that a Conference Committee of 5 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

### **RECESS**

Senator Pogemiller moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### **APPOINTMENTS**

Senator Pogemiller from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 3001: Senators Wiger; Saltzman; Olson, G.; Dahle and Rummel.

Senator Pogemiller moved that the foregoing appointments be approved. The motion prevailed.

### **RECESS**

Senator Pogemiller moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

### **MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 2942:** A bill for an act relating to higher education; establishing a P-20 education partnership; modifying various scholarship programs; modifying private school regulation; authorizing oral health practitioners to practice; authorizing rulemaking; establishing an oral practitioner work group; requiring a report; amending Minnesota Statutes 2006, sections 13.32, by adding a subdivision; 141.25, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 136A.126; 136A.127; 136A.65, subdivisions 1, 3, 5, 6, 7; 136A.66; 136A.67; 136A.69; 141.25, subdivision 5; 141.28, subdivision 1; 141.35; 197.791, subdivisions 1, 4, 5; proposing coding for new law in Minnesota Statutes, chapters 136F; 150A.

There has been appointed as such committee on the part of the House:

Rukavina, Poppe and McFarlane.

Senate File No. 2942 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 28, 2008

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 3166:** A bill for an act relating to human services; amending child welfare and licensing provisions; adopting a new Interstate Compact for the Placement of Children and repealing the old compact; regulating child and adult adoptions; regulating children in voluntary foster care for treatment; providing targeted case management services to certain children with developmental disabilities; providing for certain data classifications; amending Minnesota Statutes 2006, sections 13.46, by adding subdivisions; 245C.24, subdivision 2; 245C.29, subdivision 2; 256.045, subdivisions 3, 3b; 259.20, subdivision 1; 259.21, by adding a subdivision; 259.22, subdivision 2; 259.23, subdivision 2; 259.43; 259.52, subdivision 2; 259.53, subdivision 3; 259.59, subdivisions 1, 2; 259.67, subdivisions 2, 3, by adding a subdivision; 259.75, subdivision 5; 259.89, subdivisions 1, 2, 4, by adding a subdivision; 260C.001, subdivision 2; 260C.007, subdivisions 5, 6, 13; 260C.101, subdivision 2; 260C.141, subdivision 2; 260C.171, subdivision 2; 260C.178, subdivision 1; 260C.205; 260C.212, subdivisions 7, 8, by adding a subdivision; 260C.325, subdivisions 1, 3; 524.2-114; 626.556, subdivision 7; Minnesota Statutes 2007 Supplement, sections 245C.14, subdivision 1; 245C.15, subdivisions 2, 3, 4; 245C.24, subdivision 3; 245C.27, subdivision 1; 259.41, subdivision 1; 259.57, subdivision 1; 259.67, subdivision 4; 260C.163, subdivision 1; 260C.209, subdivisions 1, 2, by adding a subdivision; 260C.212, subdivisions 1, 4; 626.556, subdivision 10a; Laws 2007, chapter 147, article 2, section 56; proposing coding for new law in Minnesota Statutes, chapters 259; 260; proposing coding for new law as Minnesota Statutes, chapter 260D; repealing Minnesota Statutes 2006, sections 260.851; 260C.141, subdivision 2a; 260C.431; 260C.435; Minnesota Statutes 2007 Supplement, section 260C.212, subdivision 9; Minnesota Rules, part 9560.0609.

There has been appointed as such committee on the part of the House:

Walker, Lesch and Abeler.

Senate File No. 3166 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 28, 2008

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 3138:** A bill for an act relating to health; changing provisions for handling genetic information; amending Minnesota Statutes 2006, sections 13.386, subdivision 3; 144.05, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 144.125, subdivision 3.

There has been appointed as such committee on the part of the House:

Thissen, Ruud and Holberg.

Senate File No. 3138 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 28, 2008

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 3337:** A bill for an act relating to energy; creating coordinated process for reducing greenhouse gas emissions; proposing coding for new law in Minnesota Statutes, chapter 216H.

There has been appointed as such committee on the part of the House:

Hilty, Johnson, Sailer, Brynaert and Westrom.

Senate File No. 3337 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 28, 2008

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 3441:** A bill for an act relating to courts; limiting testimony of domestic abuse

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advocates without consent of victims; amending Minnesota Statutes 2007 Supplement, section 595.02, subdivision 1.

There has been appointed as such committee on the part of the House:

Paymar, Lesch and Smith.

Senate File No. 3441 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 28, 2008

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 3775:** A bill for an act relating to solid waste; establishing a pilot program to collect and process used paint; requiring reports.

There has been appointed as such committee on the part of the House:

Sailer, Simon and Ozment.

Senate File No. 3775 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 28, 2008

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3172:

**H.F. No. 3172:** A bill for an act relating to elections; changing certain ballot delivery, election judge, mail election, special election and special primary, school district election, and postelection review procedures; authorizing continued use of certain applications; amending Minnesota Statutes 2006, sections 203B.06, subdivision 3; 203B.11, subdivision 4; 204B.21; 204B.46; 204D.19, subdivision 2; 204D.23, subdivision 2; 204D.27, by adding a subdivision; 205.075, by adding a subdivision; 205A.03, subdivision 1; 205A.06, subdivision 1a; 205A.10, subdivision 2; 205A.12, by adding a subdivision; 206.89, subdivision 5.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Pelowski, Morgan and Brod have been appointed as such committee on the part of the House.

House File No. 3172 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 28, 2008

Senator Pogemiller, for Senator Rest, moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3172, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

### **RECESS**

Senator Pogemiller moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### **APPOINTMENTS**

Senator Pogemiller from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 3172: Senators Rest, Larson and Gerlach.

Senator Pogemiller moved that the foregoing appointments be approved. The motion prevailed.

### **MEMBERS EXCUSED**

Senator Dille was excused from the Session of today from 1:00 to 1:20 p.m. Senator Bakk was excused from the Session of today from 1:00 to 1:20 p.m. and from 3:00 to 5:50 p.m. Senator Ortman was excused from the Session of today from 1:00 to 1:30 p.m. Senator Pogemiller was excused from the Session of today from 1:10 to 1:25 p.m. Senator Berglin was excused from the Session of today at 4:00 p.m. Senator Johnson was excused from the Session of today at 5:00 p.m. Senator Rummel was excused from the Session of today from 6:20 to 6:30 p.m. Senator Koering was excused from the Session of today at 6:30 p.m. Senator Wiger was excused from the Session of today from 6:50 to 6:55 p.m. Senator Torres Ray was excused from the Session of today at 7:15 p.m.



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**ADJOURNMENT**

Senator Pogemiller moved that the Senate do now adjourn until 12:00 noon, Wednesday, April 30, 2008. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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