

NINETEENTH DAY

St. Paul, Minnesota, Thursday, March 12, 2009

The Senate met at 11:00 a.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. Roger Allmendinger.

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

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

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.

CERTIFICATION

March 9, 2009

To the Governor
State of Minnesota

To the Senate
State of Minnesota

To the House of Representatives
State of Minnesota

This is to certify that the House of Representatives and the Senate in Joint Convention on Monday, March 9, 2009, have elected as members of the Board of Regents of the University of Minnesota the following members each to hold office for the term specified for each to begin upon election by the Joint Convention:

Patricia Simmons, First Congressional District, Six Years

Richard Beeson, Fourth Congressional District, Six Years

John Frobenius, Sixth Congressional District, Six Years

Clyde Allen, Seventh Congressional District, Six Years

James P. Metzen
President of the Senate

Margaret Anderson Kelliher
Speaker of the House of Representatives

REPORTS OF COMMITTEES

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

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 916: A bill for an act relating to transportation; regulating electric vehicle infrastructure; establishing incentives for adoption and use of electric vehicles; amending Minnesota Statutes 2008, sections 116D.04, by adding a subdivision; 160.93, subdivisions 4, 5, by adding a subdivision; 169.011, by adding subdivisions; 216B.02, subdivision 4; 326B.106, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 325F; 471.

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

Page 2, line 24, delete everything after the comma and insert "and notwithstanding occupancy requirements established for other vehicles, the commissioner may allow operators of electric vehicles that bear decals, labels, or other identifiers under subdivision 7, regardless of occupancy, to use any high-occupancy vehicle lane or dynamic shoulder lane on the trunk highway system without payment of a fee."

Page 2, delete lines 25 to 30

Page 2, delete lines 31 to 33 and insert:

"(c) A person may not operate an electric vehicle on any high-occupancy vehicle lane or dynamic shoulder lane under paragraph (b) in violation of the requirements of the commissioner, or without properly displaying a decal, label, or other identifier that has been issued to that vehicle. Violation of this subdivision is a petty misdemeanor.

(d) If the commissioner implements the authority under paragraph (b), the commissioner may subsequently, on a finding that the use of the lanes by single-occupant electric vehicles significantly increases congestion, violates federal law, or results in a loss of federal funds: (1) withdraw one or more lanes from the program temporarily or permanently; or (2) terminate the program."

Page 3, delete lines 1 and 2 and insert:

"Subd. 7. **Distinctive identifiers.** (a) If the commissioner of transportation implements the authority granted in subdivision 6, paragraph (b), the commissioner of public safety shall design, specify placement of, and make available for issuance, for a fee determined by the department to be sufficient to reimburse the department for the actual costs incurred under this subdivision, distinctive decals, labels, or other identifiers that clearly identify electric vehicles. The identifier must have reflected properties, bear a unique number, and be visible to law enforcement. The unique number must be noted on the vehicle's registration.

(b) If the commissioner of transportation implements the authority granted in subdivision 6, paragraph (b), the commissioner of public safety shall include a summary of the provisions of subdivisions 6 and 7 on each motor vehicle renewal notice.

(c) The commissioner of transportation may direct the commissioner of public safety to discontinue the issuance of the distinctive labels, decals, or identifiers upon a finding that the high-occupancy vehicle lanes and dynamic shoulder lanes are operating at capacity or upon termination of the program."

Page 6, line 17, delete "2010" and insert "2012"

Page 6, line 19, delete "2010" and insert "2012"

And when so amended the bill do pass and be re-referred to the Committee on Energy, Utilities, Technology and Communications. Amendments adopted. Report adopted.

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 208: A bill for an act relating to transportation; permitting statewide use of freeway shoulders by transit and metro mobility buses; allowing limited use of bus stops by motor carriers of passengers; amending Minnesota Statutes 2008, sections 169.306; 473.411, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 169.306, is amended to read:

169.306 USE OF SHOULDERS BY BUSES.

(a) The commissioner of transportation ~~may~~ is authorized to permit the use by transit buses and Metro Mobility buses of a shoulder, as designated by the commissioner, of a freeway or expressway, as defined in section 160.02, ~~in the seven-county metropolitan area in Minnesota.~~

(b) If the commissioner permits the use of a freeway or expressway shoulder by transit buses, the commissioner shall ~~also~~ permit the use on that shoulder of a bus (1) with a seating capacity of 40 passengers or more operated by a motor carrier of passengers, as defined in section 221.012,

subdivision 26, while operating in intrastate commerce or (2) providing regular route transit service, as defined in section 174.22, subdivision 8, or Metro Mobility services, and operated by or under contract with the Metropolitan Council, a local transit authority, or a transit authority created by the legislature. Drivers of these buses must have adequate training in the requirements of paragraph (c), as determined by the commissioner.

(c) Buses authorized to use the shoulder under this section may be operated on the shoulder only when main-line traffic speeds are less than 35 miles per hour. Drivers of buses being operated on the shoulder may not exceed the speed of main-line traffic by more than 15 miles per hour and may never exceed 35 miles per hour. Drivers of buses being operated on the shoulder must yield to merging, entering, and exiting traffic and must yield to other vehicles on the shoulder. Buses operated on the shoulder must be registered with the Department of Transportation.

(d) For the purposes of this section, the term "Metro Mobility bus" means a motor vehicle of not less than 20 feet in length engaged in providing special transportation services under section 473.386 that is:

(1) operated by the Metropolitan Council, or operated by or under contract with a public or private entity receiving financial assistance to provide transit services from the Metropolitan Council or the commissioner of transportation; and

(2) authorized by the ~~council~~ commissioner to use freeway or expressway shoulders.

(e) This section does not apply to the operation of buses on dynamic shoulder lanes."

Delete the title and insert:

"A bill for an act relating to transportation; authorizing use of freeway shoulders by transit buses and Metro Mobility buses; amending Minnesota Statutes 2008, section 169.306."

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

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 746: A bill for an act relating to transportation; adding provision governing relocation of highway centerline; modifying provisions relating to county state-aid highways and municipal state-aid streets; regulating placement of advertising devices; providing procedures for plats of lands abutting state rail bank property; amending Minnesota Statutes 2008, sections 161.16, by adding a subdivision; 162.06, subdivision 5; 162.07, subdivision 2; 162.09, subdivision 4; 162.12, subdivision 2; 162.13, subdivision 2; 173.02, by adding subdivisions; 173.16, subdivision 4; 505.03, subdivision 2.

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

Page 4, delete section 5

Re-number the sections in sequence

Amend the title numbers accordingly

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

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 453: A bill for an act relating to transportation; exempting certain cargo tank vehicles from weight restrictions on seasonally weight-restricted roads; amending Minnesota Statutes 2008, section 169.87, by adding a subdivision.

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

Page 1, line 18, after "oil" insert "must utilize the forward two tank compartments and"

Page 1, after line 20, insert:

"(d) To the extent practicable, cargo tank vehicles that are exempt from weight restrictions under paragraph (a) shall complete deliveries on seasonally weight restricted roads by 12:00 p.m. and before the last week of April."

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

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 740: A bill for an act relating to highways; authorizing use by the county of Anoka of a design-build process to award contract for construction of intersection of U.S. Highway 10 and County State-Aid Highway 83.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Stumpf from the Committee on Education, to which was referred

S.F. No. 846: A bill for an act relating to education; reducing mandates for home schools; amending Minnesota Statutes 2008, sections 120A.22, subdivisions 6, 11; 120A.24; 120A.26, subdivisions 3, 4, 5; 121A.15, subdivisions 3, 8; 123B.42, subdivision 1; 171.05, subdivision 2; 181A.05, subdivision 1; repealing Minnesota Statutes 2008, section 120A.26, subdivisions 1, 2.

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 2008, section 120A.22, subdivision 11, is amended to read:

Subd. 11. **Assessment of performance.** (a) Each year the performance of every child who is not enrolled in a public school must be assessed using a nationally norm-referenced standardized achievement examination. ~~The superintendent of the district in which the child receives instruction and the person in charge of the child's instruction must agree about the specific examination to be used and the administration and location of the examination~~ or a nationally recognized college entrance exam.

~~(b) To the extent the examination in paragraph (a) does not provide assessment in all of the subject areas in subdivision 9, the parent must assess the child's performance in the applicable subject area. This requirement applies only to a parent who provides instruction and does not meet the requirements of subdivision 10, clause (1), (2), or (3).~~

~~(c) If the results of the assessments in paragraphs (a) and (b) indicate that the child's performance~~

~~on the total battery score is at or below the 30th percentile or one grade level below the performance level for children of the same age, the parent must obtain additional evaluation of the child's abilities and performance for the purpose of determining whether the child has learning problems.~~

~~(d)~~ (b) A child receiving instruction from a nonpublic school, person, or institution that is accredited by an accrediting agency, recognized according to section 123B.445, or recognized by the commissioner, is exempt from the requirements of this subdivision.

Sec. 2. Minnesota Statutes 2008, section 120A.24, is amended to read:

120A.24 REPORTING.

Subdivision 1. **Reports to superintendent.** The person in charge of providing instruction to a child must submit ~~the following information~~ to the superintendent of the district in which the child resides the name, birth date, and address of the child; the name of each instructor; and evidence of compliance with one of the requirements specified in section 120A.22, subdivision 10:

~~(1) by October 1 of each the first school year, the name, birth date, and address of each child receiving instruction~~ the child receives instruction after age seven;

~~(2) the name of each instructor and evidence of compliance with one of the requirements specified in section 120A.22, subdivision 10;~~

~~(3) an annual instructional calendar; and~~

~~(4) for each child instructed by a parent who meets only the requirement of section 120A.22, subdivision 10, clause (6), a quarterly report card on the achievement of the child in each subject area required in section 120A.22, subdivision 9~~

~~(2) within 15 days of when a parent withdraws a child from public school after age seven to homeschool;~~

~~(3) within 15 days of moving out of a district; and~~

~~(4) by October 1 after a new resident district is established.~~

Subd. 2. **Availability of documentation.** (a) The person in charge of providing instruction to a child must ~~make available~~ maintain documentation indicating that the subjects required in section 120A.22, subdivision 9, are being taught and proof that the tests under section 120A.22, subdivision 11, have been administered. This documentation must include class schedules, copies of materials used for instruction, and descriptions of methods used to assess student achievement.

~~(b) The parent of a child who enrolls full-time in public school after having been enrolled in a homeschool under section 120A.22, subdivision 6, must provide the enrolling public school or school district with the child's scores on any tests administered to the child under section 120A.22, subdivision 11, and other education-related documents the enrolling school or district requires to determine where the child is placed in school and what course requirements apply. This paragraph does not apply to a shared time student who does not seek a public school diploma.~~

Subd. 3. **Exemptions.** A nonpublic school, person, or other institution that is accredited by an accrediting agency, recognized according to section 123B.445, or recognized by the commissioner, is exempt from the requirements in ~~subdivisions 1 and~~ subdivision 2, ~~except for the requirement in~~

~~subdivision 1, clause (1).~~

Subd. 4. **Reports to the state.** A superintendent must make an annual report to the commissioner of education by December 1 of the total number of nonpublic children reported as residing in the district. The report must include the following information:

~~(1) the number of children residing in the district attending nonpublic schools or receiving instruction from persons or institutions other than a public school;~~

~~(2) the number of children in clause (1) who are in compliance with section 120A.22 and this section; and~~

~~(3) the number of children in clause (1) who the superintendent has determined are not in compliance with section 120A.22 and this section.~~

Sec. 3. Minnesota Statutes 2008, section 120A.26, subdivision 3, is amended to read:

Subd. 3. **Notice to parents.** The superintendent county attorney in the county in which the alleged violations have occurred must notify the person who is providing instruction to a child and the parent, in writing, if there is probable cause to believe that a child is alleged to be not receiving instruction in violation of compliance with sections 120A.22 and 120A.24. The written notification must include a list of the specific alleged violations and factual basis for them.

Sec. 4. Minnesota Statutes 2008, section 120A.26, subdivision 4, is amended to read:

Subd. 4. **Fact-finding and mediation.** If the specified alleged violations of the compulsory attendance requirements are not corrected within 15 days of receipt of the written notification, the ~~superintendent~~ alleged violations must request be submitted by the county attorney for fact-finding and mediation services from the commissioner.

Sec. 5. Minnesota Statutes 2008, section 120A.26, subdivision 5, is amended to read:

Subd. 5. **Notice to county attorney.** If the alleged violations are not corrected through the fact-finding and mediation process under subdivision 4, the ~~superintendent~~ commissioner or the commissioner's designee must notify the county attorney of the alleged violations that merit consideration for prosecution. The superintendent commissioner or the commissioner's designee must notify the person who is providing instruction to a child and the parents, by certified mail, of the superintendent's intent to notify the county attorney of the what specific alleged violations merit consideration for prosecution.

Sec. 6. Minnesota Statutes 2008, section 121A.15, subdivision 8, is amended to read:

Subd. 8. **Report.** The administrator or other person having general control and supervision of the elementary or secondary school shall file a report with the commissioner on all persons enrolled in the school. The superintendent of each district shall file a report with the commissioner for all persons within the district receiving instruction in a home school in compliance with sections 120A.22 and 120A.24. The parent of persons receiving instruction in a home school shall submit the statements as required by subdivisions 1, 2, 3, and 4 to the superintendent of the district in which the person resides by October 1 of ~~each school year~~ the first year of their homeschooling and the 7th grade year. The school report must be prepared on forms developed jointly by the commissioner of health and the commissioner of education and be distributed to the local districts

by the commissioner of health. The school report must state the number of persons attending the school, the number of persons who have not been immunized according to subdivision 1 or 2, and the number of persons who received an exemption under subdivision 3, clause (c) or (d). The school report must be filed with the commissioner of education within 60 days of the commencement of each new school term. Upon request, a district must be given a 60-day extension for filing the school report. The commissioner of education shall forward the report, or a copy thereof, to the commissioner of health who shall provide summary reports to boards of health as defined in section 145A.02, subdivision 2. The administrator or other person having general control and supervision of the child care facility shall file a report with the commissioner of human services on all persons enrolled in the child care facility. The child care facility report must be prepared on forms developed jointly by the commissioner of health and the commissioner of human services and be distributed to child care facilities by the commissioner of health. The child care facility report must state the number of persons enrolled in the facility, the number of persons with no immunizations, the number of persons who received an exemption under subdivision 3, clause (c) or (d), and the number of persons with partial or full immunization histories. The child care facility report must be filed with the commissioner of human services by November 1 of each year. The commissioner of human services shall forward the report, or a copy thereof, to the commissioner of health who shall provide summary reports to boards of health as defined in section 145A.02, subdivision 2. The report required by this subdivision is not required of a family child care or group family child care facility, for prekindergarten children enrolled in any elementary or secondary school provided services according to sections 125A.05 and 125A.06, nor for child care facilities in which at least 75 percent of children in the facility participate on a onetime only or occasional basis to a maximum of 45 hours per child, per month.

Sec. 7. Minnesota Statutes 2008, section 123B.42, subdivision 1, is amended to read:

Subdivision 1. **Providing education materials and tests.** The commissioner of education shall promulgate rules under the provisions of chapter 14 requiring that in each school year, based upon formal requests by or on behalf of nonpublic school pupils in a nonpublic school with enrollment that exceeds 15 students, the local districts or intermediary service areas must purchase or otherwise acquire textbooks, individualized instructional or cooperative learning materials, and standardized tests and loan or provide them for use by children enrolled in that nonpublic school. These textbooks, individualized instructional or cooperative learning materials, and standardized tests must be loaned or provided free to the children for the school year for which requested. The loan or provision of the textbooks, individualized instructional or cooperative learning materials, and standardized tests shall be subject to rules prescribed by the commissioner of education.

Sec. 8. Minnesota Statutes 2008, section 123B.44, subdivision 1, is amended to read:

Subdivision 1. **Provided services.** The commissioner of education shall promulgate rules under the provisions of chapter 14 requiring each district or other intermediary service area: (a) to provide each year upon formal request by a specific date by or on behalf of a nonpublic school pupil enrolled in a nonpublic school located in that district or area with a total enrollment of more than 15 pupils, the same specific health services as are provided for public school pupils by the district where the nonpublic school is located; and (b) to provide each year upon formal request by a specific date by or on behalf of a nonpublic school secondary pupil enrolled in a nonpublic school located in that district or area, the same specific guidance and counseling services as are provided for public school secondary pupils by the district where the nonpublic school is located. The district where the

nonpublic school is located must provide the necessary transportation within the district boundaries between the nonpublic school and a public school or neutral site for nonpublic school pupils who are provided pupil support services under this section if the district elects to provide pupil support services at a site other than the nonpublic school. Each request for pupil support services must set forth the guidance and counseling or health services requested by or on behalf of all eligible nonpublic school pupils enrolled in a given nonpublic school. No district or intermediary service area must not expend an amount for these pupil support services which exceeds the amount allotted to it under this section.

Sec. 9. Minnesota Statutes 2008, section 171.05, subdivision 2, is amended to read:

Subd. 2. **Person less than 18 years of age.** (a) Notwithstanding any provision in subdivision 1 to the contrary, the department may issue an instruction permit to an applicant who is 15, 16, or 17 years of age and who:

(1) has completed a course of driver education in another state, has a previously issued valid license from another state, or is enrolled in either:

(i) a public, private, or commercial driver education program that is approved by the commissioner of public safety and that includes classroom and behind-the-wheel training; or

(ii) an approved behind-the-wheel driver education program when the student is receiving full-time instruction in a home school within the meaning of sections 120A.22 and 120A.24, the student is working toward a homeschool diploma, ~~the student's status as a homeschool student has been certified by the superintendent of the school district in which the student resides, and~~ the student is taking home-classroom driver training with classroom materials approved by the commissioner of public safety, and the student's parent has certified the student's homeschool and home-classroom driver training status on the form approved by the commissioner;

(2) has completed the classroom phase of instruction in the driver education program;

(3) has passed a test of the applicant's eyesight;

(4) has passed a department-administered test of the applicant's knowledge of traffic laws;

(5) has completed the required application, which must be approved by (i) either parent when both reside in the same household as the minor applicant or, if otherwise, then (ii) the parent or spouse of the parent having custody or, in the event there is no court order for custody, then (iii) the parent or spouse of the parent with whom the minor is living or, if items (i) to (iii) do not apply, then (iv) the guardian having custody of the minor or, in the event a person under the age of 18 has no living father, mother, or guardian, or is married or otherwise legally emancipated, then (v) the applicant's adult spouse, adult close family member, or adult employer; provided, that the approval required by this clause contains a verification of the age of the applicant and the identity of the parent, guardian, adult spouse, adult close family member, or adult employer; and

(6) has paid the fee required in section 171.06, subdivision 2.

(b) For the purposes of determining compliance with the certification of paragraph (a), clause (1), item (ii), the commissioner may request verification of a student's homeschool status from the superintendent of the school district in which the student resides and the superintendent shall provide that verification.

(c) The instruction permit is valid for two years from the date of application and may be renewed upon payment of a fee equal to the fee for issuance of an instruction permit under section 171.06, subdivision 2.

Sec. 10. Minnesota Statutes 2008, section 171.17, subdivision 1, is amended to read:

Subdivision 1. **Offenses.** (a) The department shall immediately revoke the license of a driver upon receiving a record of the driver's conviction of:

(1) manslaughter resulting from the operation of a motor vehicle or criminal vehicular homicide or injury under section 609.21;

(2) a violation of section 169A.20 or 609.487;

(3) a felony in the commission of which a motor vehicle was used;

(4) failure to stop and disclose identity and render aid, as required under section 169.09, in the event of a motor vehicle accident, resulting in the death or personal injury of another;

(5) perjury or the making of a false affidavit or statement to the department under any law relating to the application, ownership or operation of a motor vehicle, including on the certification required under section 171.05, subdivision 2, clause (1), item (ii), to issue an instruction permit to a homeschool student;

(6) except as this section otherwise provides, three charges of violating within a period of 12 months any of the provisions of chapter 169 or of the rules or municipal ordinances enacted in conformance with chapter 169, for which the accused may be punished upon conviction by imprisonment;

(7) two or more violations, within five years, of the misdemeanor offense described in section 169.444, subdivision 2, paragraph (a);

(8) the gross misdemeanor offense described in section 169.444, subdivision 2, paragraph (b);

(9) an offense in another state that, if committed in this state, would be grounds for revoking the driver's license; or

(10) a violation of an applicable speed limit by a person driving in excess of 100 miles per hour. The person's license must be revoked for six months for a violation of this clause, or for a longer minimum period of time applicable under section 169A.53, 169A.54, or 171.174.

(b) The department shall immediately revoke the school bus endorsement of a driver upon receiving a record of the driver's conviction of the misdemeanor offense described in section 169.443, subdivision 7.

Sec. 11. Minnesota Statutes 2008, section 171.22, subdivision 1, is amended to read:

Subdivision 1. **Violations.** With regard to any driver's license, including a commercial driver's license, it shall be unlawful for any person:

(1) to display, cause or permit to be displayed, or have in possession, any fictitious or fraudulently altered driver's license or Minnesota identification card;

(2) to lend the person's driver's license or Minnesota identification card to any other person or knowingly permit the use thereof by another;

(3) to display or represent as one's own any driver's license or Minnesota identification card not issued to that person;

(4) to use a fictitious name or date of birth to any police officer or in any application for a driver's license or Minnesota identification card, or to knowingly make a false statement, or to knowingly conceal a material fact, or otherwise commit a fraud in any such application;

(5) to alter any driver's license or Minnesota identification card;

(6) to take any part of the driver's license examination for another or to permit another to take the examination for that person;

(7) to make a counterfeit driver's license or Minnesota identification card;

(8) to use the name and date of birth of another person to any police officer for the purpose of falsely identifying oneself to the police officer; ~~or~~

(9) to display as a valid driver's license any canceled, revoked, or suspended driver's license. A person whose driving privileges have been withdrawn may display a driver's license only for identification purposes; or

(10) to submit a false affidavit or statement to the department on the certification required under section 171.05, subdivision 2, clause (1), item (ii), to issue an instruction permit to a homeschool student.

Sec. 12. Minnesota Statutes 2008, section 181A.05, subdivision 1, is amended to read:

Subdivision 1. **When issued.** Any minor 14 or 15 years of age who wishes to work on school days during school hours shall first secure an employment certificate. The certificate shall be issued only by the school district superintendent, the superintendent's agent, ~~or~~ some other person designated by the Board of Education, or by the person in charge of providing instruction for students enrolled in nonpublic schools as defined in section 120A.22, subdivision 4. The employment certificate shall be issued only for a specific position with a designated employer and shall be issued only in the following circumstances:

(1) if a minor is to be employed in an occupation not prohibited by rules promulgated under section 181A.09 and as evidence thereof presents a signed statement from the prospective employer; and

(2) if the parent or guardian of the minor consents to the employment; and

(3) if the issuing officer believes the minor is physically capable of handling the job in question and further believes the best interests of the minor will be served by permitting the minor to work.

Sec. 13. **REPEALER.**

Minnesota Statutes 2008, section 120A.26, subdivisions 1 and 2, are repealed."

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "relieving superintendents of certain reporting requirements;"

Amend the title numbers accordingly

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

Senator Bakk from the Committee on Taxes, to which was referred

S.F. No. 832: A bill for an act relating to taxation; income; extending the exception to minimum contacts required for jurisdiction to ownership of property on the premises of a printer under specific circumstances; amending Minnesota Statutes 2008, section 290.015, subdivision 3.

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

Page 2, delete lines 23 to 26 and insert:

"(9) any interest in tangible personal property upon which printing will take place located at the premises of a printer that is not a member of a unitary business in this state with which the person has a contract for printing."

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

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 345: A bill for an act relating to drivers' licenses; creating enhanced driver's license and enhanced identification card; providing for application, issuance, and appearance of card; directing commissioner of public safety to seek approval of card by Homeland Security secretary for proof of identity and citizenship and for use in entering United States; amending Minnesota Statutes 2008, sections 171.01, by adding subdivisions; 171.04, by adding a subdivision; 171.06, subdivisions 1, 2, 3, 6; 171.07, subdivision 3, by adding subdivisions; 171.071, by adding a subdivision.

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

Page 2, line 32, delete "A-\$36.25" and insert "A-\$56.25"

Page 2, after line 33, insert:

"Enhanced Instruction
Permit

\$25.25"

Page 2, after line 34, insert:

"Enhanced Provisional
License

\$28.25"

Page 3, after line 3, insert:

"Enhanced Duplicate License or enhanced duplicate identification card

\$26.75"

Page 6, line 17, before "to" insert "to prevent counterfeiting and"

Page 6, line 19, after the period, insert "The enhanced driver's license must include the best available anticounterfeit laminate technology."

Page 6, line 22, before the period, insert "or any information other than the citizenship status of the license holder or cardholder"

Page 6, line 25, after "technology" insert "and its use for the sole purpose of verifying United States citizenship"

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

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 462: A bill for an act relating to public safety; expanding the current DWI ignition interlock device pilot program by two years and applying it statewide; amending Minnesota Statutes 2008, section 171.306, subdivisions 1, 3.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 1028: A bill for an act relating to transportation; requiring closure of Trunk Highway 19 in New Prague for the Dozinky Festival.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 1014: A bill for an act relating to drivers' licenses; providing for designation of veteran status on drivers' licenses and Minnesota identification cards; amending Minnesota Statutes 2008, sections 171.06, subdivision 3; 171.07, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred

S.F. No. 549: A bill for an act relating to environment; adding greenhouse gas reduction goals and strategies to various state and metropolitan programs and plans; establishing goals for per capita reduction in vehicle miles traveled to reduce greenhouse gases; appropriating money; amending

Minnesota Statutes 2008, sections 103B.3355; 123B.70, subdivision 1; 123B.71, subdivision 9; 473.121, by adding a subdivision; 473.145; 473.146, by adding a subdivision; 473.25; proposing coding for new law in Minnesota Statutes, chapters 116C; 174; 473.

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

Page 6, delete section 9 and insert:

"Sec. 9. Minnesota Statutes 2008, section 473.146, is amended by adding a subdivision to read:

Subd. 5. **Vehicle miles traveled reduction.** (a) By July 1, 2010, the council must adopt a policy statement supporting reducing vehicle miles traveled. The policy statement must set a goal of reducing regional vehicle miles traveled by at least 17 percent from 2005 levels by 2025. The policy statement must identify broad strategies relating to transportation and land use by which the goal may be accomplished. The council shall consider the policy analysis and recommendations in the Minnesota Climate Change Advisory Group's Report to the legislature dated April 2008, and consult with the University of Minnesota Institute for the Environment and the University of Minnesota Center for Transportation Studies.

(b) By January 1, 2013, the council must revise the metropolitan development guide and system plans to be consistent with the policy statement under paragraph (a) and to meet the goal for reducing vehicle miles traveled in the region.

(c) By January 1, 2013, the council must revise the comprehensive plan guidelines identified in section 473.854 to reflect the goal identified in paragraph (a). The council is encouraged to use the resources created by the University of Minnesota under section 15, subdivision 1, to assist in updating the guidelines.

(d) By January 1, 2013, the council must provide an estimate of the 2005 vehicle miles traveled for all local governmental units in the metropolitan area. The estimates should be based on the vehicle miles traveled of the residents of each governmental unit. The council is encouraged to work with the University of Minnesota Center for Transportation Studies to create these estimates."

Page 7, delete section 11 and insert:

"Sec. 11. Minnesota Statutes 2008, section 473.856, is amended to read:

473.856 METROPOLITAN SYSTEM STATEMENTS; AMENDMENTS.

The council shall prepare and transmit to each affected local governmental unit a metropolitan system statement when the council updates or revises its comprehensive development guide for the metropolitan area in conjunction with the decennial review required under section 473.864, subdivision 2, and when the council amends or modifies a metropolitan system plan. The statement shall contain information relating to the unit and appropriate surrounding territory that the council determines necessary for the unit to consider in reviewing the unit's comprehensive plan. The statement may include:

(1) the timing, character, function, location, projected capacity, and conditions on use for existing or planned metropolitan public facilities, as specified in metropolitan system plans, and for state and federal public facilities to the extent known to the council; and

(2) the population, employment, and household projections which have been used by the council

as a basis for its metropolitan system plans.

Within nine months after receiving a system statement for an amendment to a metropolitan system plan, and within ~~three years~~ 30 months after receiving a system statement issued in conjunction with the decennial review required under section 473.864, subdivision 2, each affected local governmental unit shall review its comprehensive plan to determine if an amendment is necessary to ensure continued conformity with metropolitan system plans. If an amendment is necessary, the governmental unit shall prepare the amendment and submit it to the council for review pursuant to sections 462.355, 473.175, and 473.851 to 473.871."

Page 8, delete section 12 and insert:

"Sec. 12. Minnesota Statutes 2008, section 473.858, subdivision 1, is amended to read:

Subdivision 1. **No conflicting zoning, fiscal device, official control.** Within nine months following the receipt of a metropolitan system statement for an amendment to a metropolitan system plan and within ~~three years~~ 30 months following the receipt of a metropolitan system statement issued in conjunction with the decennial review required under section 473.864, subdivision 2, every local governmental unit shall have reviewed and, if necessary, amended its comprehensive plan in accordance with sections 462.355, 473.175, and 473.851 to 473.871 and the applicable planning statute and shall have submitted the plan to the Metropolitan Council for review pursuant to section 473.175. The provisions of sections 462.355, 473.175, and 473.851 to 473.871 shall supersede the provisions of the applicable planning statute wherever a conflict may exist. If the comprehensive municipal plan is in conflict with the zoning ordinance, the zoning ordinance shall be brought into conformance with the plan by local government units in conjunction with the review and, if necessary, amendment of its comprehensive plan required under section 473.864, subdivision 2. After August 1, 1995, a local government unit shall not adopt any fiscal device or official control which is in conflict with its comprehensive plan, including any amendments to the plan, or which permits activity in conflict with metropolitan system plans, as defined by section 473.852, subdivision 8. The comprehensive plan shall provide guidelines for the timing and sequence of the adoption of official controls to ensure planned, orderly, and staged development and redevelopment consistent with the comprehensive plan. For purposes of this section, a fiscal device or official control shall not be considered to be in conflict with a local government unit's comprehensive plan or to permit an activity in conflict with metropolitan system plans if such fiscal device or official control is adopted to ensure the planned, orderly, and staged development of urbanization or redevelopment areas designated in the comprehensive plan pursuant to section 473.859, subdivision 5.

Sec. 13. Minnesota Statutes 2008, section 473.858, subdivision 2, is amended to read:

Subd. 2. **Adjacent review, comment.** Local governmental units shall submit their proposed plans to adjacent governmental units, affected special districts lying in whole or in part within the metropolitan area, and affected school districts for review and comment at least ~~six months~~ 90 days prior to submission of the plan to the council and shall submit copies to them on the submission of the plan to the council. For minor plan amendments, the council may prescribe a shorter review and comment period, or may waive the review and comment period if the minor plan amendments involve lands that are not contiguous to other local governmental units.

Sec. 14. Minnesota Statutes 2008, section 473.864, subdivision 2, is amended to read:

Subd. 2. **Decennial review.** By ~~December 31, 1998~~ July 1, 2015, and at least once every ten years thereafter, each local governmental unit shall review and, if necessary, amend its entire comprehensive plan and its fiscal devices and official controls. Such review and, if necessary, amendment shall ensure that, as provided in section 473.865, the fiscal devices and official controls of each local government unit are not in conflict with its comprehensive plan. Upon completion of review and, if necessary, amendment of its comprehensive plan, fiscal devices, and official controls as required by this section, each local government unit shall either:

(a) submit to the Metropolitan Council the entire current comprehensive plan together with written certification by the governing body of the local government unit that it has complied with this section and that no amendments to its plan or fiscal devices or official controls are necessary; or

(b)(1) submit the entire updated comprehensive plan and amendment or amendments to its comprehensive plan necessitated by its review to the Metropolitan Council for review; and

(2) submit the amendment or amendments to its fiscal devices or official controls necessitated by its review to the Metropolitan Council for information purposes as provided by section 473.865.

Except as otherwise provided in this paragraph, local governments shall consider, in preparing their updated comprehensive plans, amendments to metropolitan system plans in effect on ~~December 31, 1996~~ January 1, 2013. For metropolitan system plans, or amendments thereto, adopted after ~~December 31, 1996~~ January 1, 2013, local governments shall review their comprehensive plans to determine if an amendment is necessary to conform to the metropolitan system plans. If an amendment is necessary, the local government shall prepare the amendment and submit it to the council for review by ~~September 30, 1999~~ April 1, 2016, or nine months after the council transmits the metropolitan system plan amendment to the local government, whichever is later.

The periodic review required in this subdivision shall be in addition to the review required by section 473.856.

The Metropolitan Council may grant extensions to local government units in order to allow local government units to complete the review and, if necessary, amendment required by this subdivision. Such extensions, if granted by the Metropolitan Council, must include a timetable and plan for completion of the review and amendment.

Amendments to comprehensive plans of local governmental units shall be prepared, submitted, and adopted in conformance with guidelines adopted by the Metropolitan Council pursuant to section 473.854.

Sec. 15. TRANSFER OF MONEY.

Subdivision 1. **University of Minnesota Center for Transportation Studies.** The Metropolitan Council must transfer \$500,000 from the metropolitan livable communities fund to the Board of Regents of the University of Minnesota for the Center for Transportation Studies to develop by July 1, 2011, resources for use by local governments and the Metropolitan Council to identify land use and transportation planning strategies and processes to support the policy goal identified under Minnesota Statutes, section 473.146, subdivision 5. The resources should assist local communities and the Metropolitan Council as they implement the policies under Minnesota Statutes, section 473.146, subdivision 5. The resources should take into account recent transportation trends and be catered to the specific trends happening in the Twin Cities. The Center for Transportation Studies

should identify and use existing information and models to the extent they are useful and accurate. The Center for Transportation Studies is encouraged to collaborate with the Metropolitan Council and/or local units of government willing and interested in voluntary involvement with development and refinement of the resources.

Subd. 2. **University of Minnesota Center for Transportation Studies.** By July 1, 2011, the Metropolitan Council must transfer \$250,000 from the metropolitan livable communities fund to the Board of Regents of the University of Minnesota Center for Transportation Studies to offer a series of voluntary training sessions and outreach activities for staff from local governments in the Twin Cities and from the Metropolitan Council who are interested in using the resources identified in subdivision 1 to help implement the policies under Minnesota Statutes, section 473.146, subdivision 5. The Center for Transportation Studies should also maintain a Web site that provides information related to using the resources identified in subdivision 1.

Subd. 3. **University of Minnesota Center for Transportation Studies.** By January 1, 2013, the Metropolitan Council must transfer \$500,000 from the metropolitan livable communities fund to the Board of Regents of the University of Minnesota Center for Transportation Studies to offer voluntary technical assistance to local government staff that are interested in using the resources identified in subdivision 1 to help implement the policy goal under Minnesota Statutes, section 473.146, subdivision 5, including assistance to communities on their comprehensive plan. The University of Minnesota Center for Transportation Studies is encouraged to evaluate and enhance the resources identified in subdivision 1 based on input from Metropolitan Council and/or local government staff that are using the resources.

Subd. 4. **Metropolitan Council.** By January 1, 2014, the Metropolitan Council must transfer \$1,000,000 from the metropolitan livable communities fund to grants to local government units to support their work related to Minnesota Statutes, section 473.864.

Subd. 5. **Commissioner of administration; appropriation.** \$..... is appropriated from the general fund to the commissioner of administration to fund a competitive grant program under Minnesota Statutes, section 116C.99."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing certain new reporting periods;"

Amend the title numbers accordingly

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

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 763: A bill for an act relating to elections; requiring notice of restoration of civil rights; amending Minnesota Statutes 2008, sections 201.014, subdivision 2; 201.091, by adding a subdivision; 201.155; 203B.02, subdivision 1; 609.165, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 243; 630; 631.

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

Delete everything after the enacting clause and insert:

"Section 1. [201.280] DUTIES OF SECRETARY OF STATE; INFORMATION ABOUT VOTING RIGHTS.

The secretary of state shall develop accurate and complete information about the voting rights of people who have been charged with or convicted of a crime in a single publication. This publication must be made electronically available to the state court administrator for distribution to judges, court personnel, probation officers, and the Department of Corrections for distribution to corrections officials and parole officers and to the public.

Sec. 2. [243.205] NOTICE OF RESTORATION OF RIGHT TO VOTE.

Subdivision 1. **Correctional facilities; designation of official.** The chief executive officer of each state and local correctional facility shall designate an official within the facility to provide the notice and application required under this section to inmates who have been restored to civil rights. The official shall maintain an adequate supply of voter registration applications and informational materials for this purpose.

Subd. 2. **Notice requirement.** A notice of restoration of civil rights and a voter registration application must be provided as follows:

(1) the chief executive officer of each state and local correctional facility shall provide the notice and application to an inmate being released from the facility following incarceration for a felony-level offense if the inmate's sentence is discharged and civil rights restored under section 609.165; and

(2) a probation officer or supervised release agent shall provide the notice and application when an individual under correctional supervision for a felony-level offense is discharged from sentence and the individual's civil rights have been restored under section 609.165.

Subd. 3. **Form of notice.** The notice required by subdivision 2 must appear substantially as follows:

"NOTICE OF RESTORATION OF CIVIL RIGHTS, INCLUDING YOUR RIGHT TO VOTE.

Your final discharge today means that your civil rights have been automatically restored. This includes a restoration of your right to vote in Minnesota. Before you can vote on election day, you still need to register to vote. To register, you can complete a voter registration application and return it to the Office of the Minnesota Secretary of State. You can also register to vote in your polling place on election day. You will not be permitted to cast a ballot until you register to vote. The first time you appear at your polling place to cast a ballot, you may be required to provide proof of your current residence."

Subd. 4. **Failure to provide notice.** A failure to provide proper notice as required by this section does not prevent the restoration of an inmate's civil rights upon discharge.

Sec. 3. [630.125] DEFENDANT; NOTICE OF LOSS OF CIVIL RIGHTS UPON CONVICTION.

For felony-level offenses, at the time of arraignment, prior to the court's acceptance of a plea from

the defendant, the court must notify the defendant that a guilty plea or conviction for a felony-level offense will result in a loss of the defendant's civil rights, including the right to vote, until the defendant's sentence has been discharged."

Amend the title numbers accordingly

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

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 564: A bill for an act relating to elections; restoring the civil rights of an individual upon release from incarceration; requiring notice; amending Minnesota Statutes 2008, sections 201.014, subdivision 2, by adding a subdivision; 201.091, by adding a subdivision; 201.155; 203B.02, subdivision 1; 204C.08, subdivision 1a; 609.165, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 243; 630; 631.

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 2008, section 201.014, is amended by adding a subdivision to read:

Subd. 2a. **Felony conviction; restoration of civil rights.** For purposes of this section, an individual convicted of a felony is restored to civil rights as soon as the individual completes any incarceration imposed and executed by the court for the offense. If the individual is later incarcerated for the same offense, the individual's civil rights are lost only during the period of incarceration.

Sec. 2. Minnesota Statutes 2008, section 201.071, subdivision 1, is amended to read:

Subdivision 1. **Form.** A voter registration application must be of suitable size and weight for mailing and contain spaces for the following required information: voter's first name, middle name, and last name; voter's previous name, if any; voter's current address; voter's previous address, if any; voter's date of birth; voter's municipality and county of residence; voter's telephone number, if provided by the voter; date of registration; current and valid Minnesota driver's license number or Minnesota state identification number, or if the voter has no current and valid Minnesota driver's license or Minnesota state identification, the last four digits of the voter's Social Security number; and voter's signature. The registration application may include the voter's e-mail address, if provided by the voter, and the voter's interest in serving as an election judge, if indicated by the voter. The application must also contain the following certification of voter eligibility:

"I certify that I:

- (1) will be at least 18 years old on election day;
- (2) am a citizen of the United States;
- (3) will have resided in Minnesota for 20 days immediately preceding election day;

- (4) maintain residence at the address given on the registration form;
- (5) am not under court-ordered guardianship in which the court order revokes my right to vote;
- (6) have not been found by a court to be legally incompetent to vote;
- (7) have the right to vote because, if I have been convicted of a felony, ~~my felony sentence has expired (been completed) or I have been discharged from my sentence~~ I have completed the term of incarceration for my felony offense; and
- (8) have read and understand the following statement: that giving false information is a felony punishable by not more than five years imprisonment or a fine of not more than \$10,000, or both."

The certification must include boxes for the voter to respond to the following questions:

"(1) Are you a citizen of the United States?" and

"(2) Will you be 18 years old on or before election day?"

And the instruction:

"If you checked 'no' to either of these questions, do not complete this form."

The form of the voter registration application and the certification of voter eligibility must be as provided in this subdivision and approved by the secretary of state. Voter registration forms authorized by the National Voter Registration Act must also be accepted as valid. The federal postcard application form must also be accepted as valid if it is not deficient and the voter is eligible to register in Minnesota.

An individual may use a voter registration application to apply to register to vote in Minnesota or to change information on an existing registration.

Sec. 3. Minnesota Statutes 2008, section 201.155, is amended to read:

201.155 REPORT ON FELONY CONVICTIONS.

Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report monthly by electronic means to the secretary of state the name, address, date of birth, date of sentence, effective date of the sentence, and county in which the conviction occurred of each person who has been convicted of a felony and sentenced to a period of incarceration. The state court administrator shall also report the name, address, and date of birth of each person previously convicted of a felony whose civil rights have been restored. The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for each county auditor. The county auditor shall change the status of those registrants in the appropriate manner in the statewide registration system.

Sec. 4. [201.280] DUTIES OF SECRETARY OF STATE; INFORMATION ABOUT VOTING RIGHTS.

The secretary of state shall develop accurate and complete information about the voting rights of people who have been charged with or convicted of a crime in a single publication. This publication must be made electronically available to the state court administrator for distribution to judges, court personnel, probation officers, and the Department of Corrections for distribution to corrections

officials and parole and supervised release agents and to the public.

Sec. 5. Minnesota Statutes 2008, section 204C.08, subdivision 1a, is amended to read:

Subd. 1a. **Voter's Bill of Rights.** The county auditor shall prepare and provide to each polling place sufficient copies of a poster setting forth the Voter's Bill of Rights as set forth in this section. Before the hours of voting are scheduled to begin, the election judges shall post it in a conspicuous location or locations in the polling place. The Voter's Bill of Rights is as follows:

"VOTER'S BILL OF RIGHTS

For all persons residing in this state who meet federal voting eligibility requirements:

(1) You have the right to be absent from work for the purpose of voting during the morning of election day.

(2) If you are in line at your polling place any time between 7:00 a.m. and 8:00 p.m., you have the right to vote.

(3) If you can provide the required proof of residence, you have the right to register to vote and to vote on election day.

(4) If you are unable to sign your name, you have the right to orally confirm your identity with an election judge and to direct another person to sign your name for you.

(5) You have the right to request special assistance when voting.

(6) If you need assistance, you may be accompanied into the voting booth by a person of your choice, except by an agent of your employer or union or a candidate.

(7) You have the right to bring your minor children into the polling place and into the voting booth with you.

(8) ~~If you have been convicted of a felony but your felony sentence has expired (been completed) or you have been discharged from your sentence, you have the right to vote~~ You have the right to vote even if you have been convicted of a felony if you completed the term of incarceration for the felony offense.

(9) If you are under a guardianship, you have the right to vote, unless the court order revokes your right to vote.

(10) You have the right to vote without anyone in the polling place trying to influence your vote.

(11) If you make a mistake or spoil your ballot before it is submitted, you have the right to receive a replacement ballot and vote.

(12) You have the right to file a written complaint at your polling place if you are dissatisfied with the way an election is being run.

(13) You have the right to take a sample ballot into the voting booth with you.

(14) You have the right to take a copy of this Voter's Bill of Rights into the voting booth with you."

Sec. 6. Minnesota Statutes 2008, section 204C.10, is amended to read:

204C.10 PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.

(a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, maintains residence at the address shown, is not under a guardianship in which the court order revokes the individual's right to vote, has not been found by a court of law to be legally incompetent to vote or has the right to vote because, if the individual was convicted of a felony, ~~the felony sentence has expired or been completed or the individual has been discharged from the sentence~~ completed the term of incarceration for the felony offense, is registered, and has not already voted in the election. The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

(b) A judge may, before the applicant signs the roster, confirm the applicant's name, address, and date of birth.

(c) After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest.

Sec. 7. **[243.205] NOTICE OF RESTORATION OF RIGHT TO VOTE.**

Subdivision 1. **Correctional facilities; designation of official.** The chief executive officer of each state and local correctional facility shall designate an official within the facility to provide the notice and application required under this section to inmates who have been restored to civil rights. The official shall maintain an adequate supply of voter registration applications and informational materials for this purpose.

Subd. 2. **Notice requirement.** A notice of restoration of civil rights and a voter registration application must be provided as follows:

(1) the chief executive officer of each state and local correctional facility shall provide the notice and application to an inmate being released from the facility following incarceration for a felony-level offense; and

(2) a probation officer or supervised release agent shall provide the notice and application to all individuals under correctional supervision for a felony-level offense.

Subd. 3. **Form of notice.** The notice required by subdivision 2 must appear substantially as follows:

"NOTICE OF RESTORATION OF CIVIL RIGHTS, INCLUDING YOUR RIGHT TO VOTE.

Your receipt of this notice today means that your civil rights have been automatically restored. This includes a restoration of your right to vote in Minnesota. Before you can vote on election day, you still need to register to vote. To register, you can complete a voter registration application and return it to the Office of the Minnesota Secretary of State. You can also register to vote in your

polling place on election day. You will not be permitted to cast a ballot until you register to vote. The first time you appear at your polling place to cast a ballot, you may be required to provide proof of your current residence."

Subd. 4. **Failure to provide notice.** A failure to provide proper notice as required by this section does not prevent the restoration of the person's civil rights.

Sec. 8. Minnesota Statutes 2008, section 609.165, subdivision 1, is amended to read:

Subdivision 1. **Restoration.** (a) When a person has been deprived of civil rights by reason of conviction of a crime and is thereafter discharged, such discharge shall restore the person to all civil rights and to full citizenship, with full right to vote and hold office, the same as if such conviction had not taken place, and the order of discharge shall so provide.

(b) Section 201.014, subdivision 2a, governs the restoration of voting rights for persons whose right to vote have been lost due to a conviction for a felony.

Sec. 9. **[630.125] DEFENDANT; NOTICE OF LOSS OF CIVIL RIGHTS UPON CONVICTION.**

For felony-level offenses, at the time of arraignment, prior to the court's acceptance of a plea from the defendant, the court must notify the defendant that a guilty plea or conviction for a felony-level offense will result in a loss of the defendant's civil rights, including the right to vote."

Amend the title numbers accordingly

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

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 32: A bill for an act relating to elections; clarifying that election judge may affirm oath; amending Minnesota Statutes 2008, section 204B.24.

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

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred

S.F. No. 444: A bill for an act relating to the environment; providing for greenhouse gas emissions registry; proposing coding for new law in Minnesota Statutes, chapter 216H.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 423: A bill for an act relating to campaign finance; specifying certain items as

noncampaign disbursements; amending Minnesota Statutes 2008, section 10A.01, subdivision 26.

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

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 538: A bill for an act relating to public safety; addressing the consideration of a job applicant's criminal history during the public employment hiring process; proposing coding for new law in Minnesota Statutes, chapter 364.

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

Page 1, line 9, delete "employer has offered" and insert "applicant has been selected for an interview by the employer."

Page 1, delete lines 10 to 12

Page 1, line 13, after the first "to" insert "the Department of Corrections or to"

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

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 536: A bill for an act relating to cities; authorizing a home rule charter or statutory city to adopt a program requiring certain hiring practices in city contracts; proposing coding for new law in Minnesota Statutes, chapter 471.

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

Delete everything after the enacting clause and insert:

"Section 1. [16C.092] HIRING REQUIREMENTS IN CERTAIN PROCUREMENT CONTRACTS.

The commissioner may adopt rules under section 16C.03, that require persons or entities that contract with the state for construction or services contracts to employ a minimum number or percentage of low-income persons or former offenders in the performance of the contract and for the duration of the contract unless the employee is terminated for cause. At a minimum, the rules must state the type of contracts covered, the minimum dollar amount of the contract to which the hiring requirement applies, a definition of "low-income" if the policy applies to hiring of low-income persons, how the required number or percentage of persons employed may be calculated, and the extent to which the rules may be met by existing employees of the contractor or new hires by the contractor. The rules may provide for penalties to be imposed on the contractor for failure to comply with the hiring requirements of the policy including, but not limited to, civil penalties and restrictions on future contractual agreements with the contractor. This section does not apply to contracts between the state and an exclusive representative of state employees. For the purposes of this section, "former offender" means an individual who has been discharged from a

correctional facility in the past five years or an individual who is currently on probation, parole, conditional release, or supervised release.

Sec. 2. Minnesota Statutes 2008, section 136F.581, is amended by adding a subdivision to read:

Subd. 5. **Hiring requirements in certain procurement contracts.** The board may develop policies and procedures consistent with this section that require persons or entities that contract with the board or the colleges and universities for construction or services contracts to employ a minimum number or percentage of low-income persons or former offenders in the performance of the contract and for the duration of the contract unless the employee is terminated for cause. At a minimum, the policies and procedures must state the type of contracts covered, the minimum dollar amount of the contract to which the hiring requirement applies, a definition of "low-income" if the policies and procedures apply to hiring of low-income persons, how the required number or percentage of persons employed may be calculated, and the extent to which the requirements may be met by existing employees of the contractor or new hires by the contractor. The policies and procedures may provide for penalties to be imposed on the contractor for failure to comply with the hiring requirements of the policies and procedures including, but not limited to, civil penalties and restrictions on future contractual agreements between the university and the contractor. This section does not apply to contracts between the board and the colleges and universities and an exclusive representative of their employees. For the purposes of this section, "former offender" means an individual who has been discharged from a correctional facility in the past five years or an individual who is currently on probation, parole, conditional release, or supervised release.

Sec. 3. **[137.32] HIRING REQUIREMENTS IN CERTAIN PROCUREMENT CONTRACTS.**

The Regents of the University of Minnesota may adopt a policy that persons or entities that contract with the university for construction or services contracts be required to employ a minimum number or percentage of low-income persons or former offenders in the performance of the contract and for the duration of the contract unless the employee is terminated for cause. The regents shall establish procurement rules to govern the program authorized by this section. At a minimum, the rules must state the type of contracts covered, the minimum dollar amount of the contract to which the hiring requirement applies, a definition of "low-income" if the ordinance applies to hiring of low-income persons, how the required number or percentage of persons employed may be calculated, and the extent to which the requirements may be met by existing employees of the contractor or new hires by the contractor. The rules may provide for penalties to be imposed on the contractor for failure to comply with the hiring requirements of the rules including, but not limited to, civil penalties and restrictions on future contractual agreements between the university and the contractor. This section does not apply to contracts between the university and an exclusive representative of university employees. For the purposes of this section, "former offender" means an individual who has been discharged from a correctional facility in the past five years or an individual who is currently on probation, parole, conditional release, or supervised release.

Sec. 4. **[471.347] HIRING REQUIREMENTS AUTHORIZED IN CITY CONTRACTS.**

A statutory or home rule charter city may provide by ordinance that persons or entities that contract with the city for construction or services contracts be required to employ a minimum number or percentage of city residents, low-income city residents, or former offenders in the performance of the contract and for the duration of the contract unless the employee is terminated

for cause. At a minimum, the ordinance must state the type of contracts covered, the minimum dollar amount of the contract to which the hiring requirement applies, a definition of "low-income" if the ordinance applies to hiring of low-income city residents, how the required number or percentage of persons employed may be calculated, and the extent to which the requirements may be met by existing employees of the contractor or new hires by the contractor. The ordinance may provide for penalties to be imposed on the contractor for failure to comply with the hiring requirements of the city ordinance including, but not limited to, civil penalties and restrictions on future contractual agreements between the city and the contractor. This section does not apply to contracts between the city and an exclusive representative of city employees. For the purposes of this section, "former offender" means an individual who has been discharged from a correctional facility in the past five years or an individual who is currently on probation, parole, conditional release, or supervised release."

Amend the title as follows:

Page 1, line 2, delete "cities; authorizing a home rule charter or statutory city" and insert "public contracts; authorizing the state, MNSCU, the University of Minnesota, and cities"

Page 1, line 3, delete "city" and insert "construction and services"

Amend the title numbers accordingly

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

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 460: A bill for an act relating to human services; prohibiting hospital payment for certain hospital-acquired conditions and certain treatments; amending Minnesota Statutes 2008, section 256.969, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 256.969, is amended by adding a subdivision to read:

Subd. 3b. **Nonpayment for hospital-acquired conditions and for certain treatments.** (a) The commissioner must not make medical assistance payments to a hospital for any costs of care that result from a condition listed in paragraph (c), if the condition was hospital-acquired.

(b) For purposes of this subdivision, a condition is hospital-acquired if it is not identified by the hospital as present on admission. For purposes of this subdivision, medical assistance includes general assistance medical care and MinnesotaCare.

(c) The prohibition in paragraph (a) applies to payment for each hospital-acquired condition listed in this paragraph that is represented by an ICD-9-CM diagnosis code and is designated as a complicating condition or a major complicating condition:

- (1) foreign object retained after surgery (ICD-9-CM codes 998.4 or 998.7);
 - (2) air embolism (ICD-9-CM code 999.1);
 - (3) blood incompatibility (ICD-9-CM code 999.6);
 - (4) pressure ulcers stage III or IV (ICD-9-CM codes 707.23 or 707.24);
 - (5) falls and trauma, including fracture, dislocation, intracranial injury, crushing injury, burn, and electric shock (ICD-9-CM codes with these ranges on the complicating condition and major complicating condition list: 800-829; 830-839; 850-854; 925-929; 940-949; and 991-994);
 - (6) catheter-associated urinary tract infection (ICD-9-CM code 996.64);
 - (7) vascular catheter-associated infection (ICD-9-CM code 999.31);
 - (8) manifestations of poor glycemic control (ICD-9-CM codes 249.10; 249.11; 249.20; 249.21; 250.10; 250.11; 250.12; 250.13; 250.20; 250.21; 250.22; 250.23; and 251.0);
 - (9) surgical site infection (ICD-9-CM codes 996.67 or 998.59) following certain orthopedic procedures (procedure codes 81.01; 81.02; 81.03; 81.04; 81.05; 81.06; 81.07; 81.08; 81.23; 81.24; 81.31; 81.32; 81.33; 81.34; 81.35; 81.36; 81.37; 81.38; 81.83; and 81.85);
 - (10) surgical site infection (ICD-9-CM code 998.59) following bariatric surgery (procedure codes 44.38; 44.39; or 44.95) for a principal diagnosis of morbid obesity (ICD-9-CM code 278.01);
 - (11) surgical site infection, mediastinitis (ICD-9-CM code 519.2) following coronary artery bypass graft (procedure codes 36.10 to 36.19); and
 - (12) deep vein thrombosis (ICD-9-CM codes 453.40 to 453.42) or pulmonary embolism (ICD-9-CM codes 415.11 or 415.91) following total knee replacement (procedure code 81.54) or hip replacement (procedure codes 00.85 to 00.87 or 81.51 to 81.52).
- (d) The prohibition in paragraph (a) applies to any additional payments that result from a hospital-acquired condition listed in paragraph (c), including, but not limited to, additional treatment or procedures, readmission to the facility after discharge, increased length of stay, change to a higher diagnostic category, or transfer to another hospital. In the event of a transfer to another hospital, the hospital where the condition listed under paragraph (c) was acquired is responsible for any costs incurred at the hospital to which the patient is transferred.
- (e) A hospital shall not bill a recipient of services for any payment disallowed under this subdivision.

Sec. 2. Minnesota Statutes 2008, section 256B.0625, subdivision 3, is amended to read:

Subd. 3. **Physicians' services.** (a) Medical assistance covers physicians' services. Rates paid for anesthesiology services provided by physicians shall be according to the formula utilized in the Medicare program and shall use a conversion factor "at percentile of calendar year set by legislature."

(b) Medical assistance does not cover physicians' services related to the provision of care related to a treatment reportable under section 144.7065, subdivision 2, clauses (1), (2), (3), and (5), and subdivision 7, clause (1).

(c) Medical assistance does not cover physicians' services related to the provision of care (1) for which hospital reimbursement is prohibited under section 256.969, subdivision 3b, paragraph (c), or (2) reportable under section 144.7065, subdivisions 2 to 7, if the physicians' services are billed by a physician who delivered care that contributed to or caused the adverse health care event or hospital-acquired condition.

(d) The payment limitations in paragraphs (b) and (c) shall also apply to MinnesotaCare and general assistance medical care."

Amend the title as follows:

Page 1, line 2, after "hospital" insert "and physician"

Amend the title numbers accordingly

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

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 986: A bill for an act relating to health and human services; relieving counties of certain mandates; allowing counties to place children for treatment in bordering states; modifying county payment of funeral expenses; modifying certain nursing facility rules; providing an alternative licensing method for day training and habilitation services; accepting certain independent audits; modifying renewal notice requirements; modifying health care program information that school district or charter school must provide; amending Minnesota Statutes 2008, sections 62Q.37, subdivision 3; 144A.04, subdivision 11, by adding a subdivision; 144A.45, subdivision 1; 245.4882, subdivisions 1, 2; 245.4885, subdivision 1a; 245A.09, subdivision 7; 256.935; 256.962, subdivisions 6, 7; 256B.0625, subdivision 41; 256B.0915, subdivision 3h; 256B.0945, subdivision 1; 256F.13, subdivision 1; 260C.212, subdivisions 4a, 11; 261.035; 471.61, subdivision 1; repealing Minnesota Rules, part 4668.0110, subpart 5.

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

Page 1, after line 17, insert:

"Section 1. Minnesota Statutes 2008, section 157.22, is amended to read:

157.22 EXEMPTIONS.

This chapter shall not be construed to apply to:

(1) interstate carriers under the supervision of the United States Department of Health and Human Services;

(2) any building constructed and primarily used for religious worship;

(3) any building owned, operated, and used by a college or university in accordance with health regulations promulgated by the college or university under chapter 14;

(4) any person, firm, or corporation whose principal mode of business is licensed under sections

28A.04 and 28A.05, is exempt at that premises from licensure as a food or beverage establishment; provided that the holding of any license pursuant to sections 28A.04 and 28A.05 shall not exempt any person, firm, or corporation from the applicable provisions of this chapter or the rules of the state commissioner of health relating to food and beverage service establishments;

(5) family day care homes and group family day care homes governed by sections 245A.01 to 245A.16;

(6) nonprofit senior citizen centers for the sale of home-baked goods;

(7) fraternal or patriotic organizations that are tax exempt under section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(10), or 501(c)(19) of the Internal Revenue Code of 1986, or organizations related to or affiliated with such fraternal or patriotic organizations. Such organizations may organize events at which home-prepared food is donated by organization members for sale at the events, provided:

(i) the event is not a circus, carnival, or fair;

(ii) the organization controls the admission of persons to the event, the event agenda, or both; and

(iii) the organization's licensed kitchen is not used in any manner for the event;

(8) food not prepared at an establishment and brought in by individuals attending a potluck event for consumption at the potluck event. An organization sponsoring a potluck event under this clause may advertise the potluck event to the public through any means. Individuals who are not members of an organization sponsoring a potluck event under this clause may attend the potluck event and consume the food at the event. Licensed food establishments other than schools cannot be sponsors of potluck events. A school may sponsor and hold potluck events in areas of the school other than the school's kitchen, provided that the school's kitchen is not used in any manner for the potluck event. For purposes of this clause, "school" means a public school as defined in section 120A.05, subdivisions 9, 11, 13, and 17, or a nonpublic school, church, or religious organization at which a child is provided with instruction in compliance with sections 120A.22 and 120A.24. Potluck event food shall not be brought into a licensed food establishment kitchen; and

(9) a home school in which a child is provided instruction at home; and

(10) group residential facilities of ten or fewer beds licensed by the commissioner of human services under Minnesota Rules, chapter 2960, provided the facility employs or contracts with a certified food manager under Minnesota Rules, part 4626.2015.

Sec. 2. Minnesota Statutes 2008, section 245.4871, subdivision 10, is amended to read:

Subd. 10. **Day treatment services.** "Day treatment," "day treatment services," or "day treatment program" means a structured program of treatment and care provided to a child in:

(1) an outpatient hospital accredited by the Joint Commission on Accreditation of Health Organizations and licensed under sections 144.50 to 144.55;

(2) a community mental health center under section 245.62;

(3) an entity that is under contract with the county board to operate a program that meets

the requirements of section 245.4884, subdivision 2, and Minnesota Rules, parts 9505.0170 to 9505.0475; or

(4) an entity that operates a program that meets the requirements of section 245.4884, subdivision 2, and Minnesota Rules, parts 9505.0170 to 9505.0475, that is under contract with an entity that is under contract with a county board.

Day treatment consists of group psychotherapy and other intensive therapeutic services that are provided for a minimum ~~three-hour~~ two-hour time block by a multidisciplinary staff under the clinical supervision of a mental health professional. Day treatment may include education and consultation provided to families and other individuals as an extension of the treatment process. The services are aimed at stabilizing the child's mental health status, and developing and improving the child's daily independent living and socialization skills. Day treatment services are distinguished from day care by their structured therapeutic program of psychotherapy services. Day treatment services are not a part of inpatient hospital or residential treatment services. ~~Day treatment services for a child are an integrated set of education, therapy, and family interventions.~~

A day treatment service must be available to a child ~~at least five days a week~~ throughout the year and must be coordinated with, integrated with, or part of an education program offered by the child's school."

Page 1, line 26, delete "which includes" and insert "that may include"

Page 2, delete section 2

Page 3, delete section 5 and insert:

"Sec. 6. Minnesota Statutes 2008, section 256B.0943, subdivision 4, is amended to read:

Subd. 4. **Provider entity certification.** (a) Effective July 1, 2003, the commissioner shall establish an initial provider entity application and certification process and recertification process to determine whether a provider entity has an administrative and clinical infrastructure that meets the requirements in subdivisions 5 and 6. The commissioner shall recertify a provider entity at least every three years. The commissioner shall establish a process for decertification of a provider entity that no longer meets the requirements in this section. The county, tribe, and the commissioner shall be mutually responsible and accountable for the county's, tribe's, and state's part of the certification, recertification, and decertification processes.

(b) For purposes of this section, a provider entity must be:

(1) an Indian health services facility or a facility owned and operated by a tribe or tribal organization operating as a 638 facility under Public Law 93-638 certified by the state;

(2) a county-operated entity certified by the state; or

(3) a noncounty entity ~~recommended for certification by the provider's host county and~~ certified by the state.

Sec. 7. Minnesota Statutes 2008, section 256B.0943, subdivision 6, is amended to read:

Subd. 6. **Provider entity clinical infrastructure requirements.** (a) To be an eligible provider entity under this section, a provider entity must have a clinical infrastructure that utilizes diagnostic

assessment, an individualized treatment plan, service delivery, and individual treatment plan review that are culturally competent, child-centered, and family-driven to achieve maximum benefit for the client. The provider entity must review, and update as necessary, the clinical policies and procedures every three years and must distribute the policies and procedures to staff initially and upon each subsequent update.

(b) The clinical infrastructure written policies and procedures must include policies and procedures for:

(1) providing or obtaining a client's diagnostic assessment that identifies acute and chronic clinical disorders, co-occurring medical conditions, sources of psychological and environmental problems, and including a functional assessment. The functional assessment component must clearly summarize the client's individual strengths and needs;

(2) developing an individual treatment plan that is:

(i) based on the information in the client's diagnostic assessment;

(ii) developed no later than the end of the first psychotherapy session after the completion of the client's diagnostic assessment by the mental health professional who provides the client's psychotherapy;

(iii) developed through a child-centered, family-driven planning process that identifies service needs and individualized, planned, and culturally appropriate interventions that contain specific treatment goals and objectives for the client and the client's family or foster family;

(iv) reviewed at least once every 90 days and revised, if necessary; and

(v) signed by the client or, if appropriate, by the client's parent or other person authorized by statute to consent to mental health services for the client;

(3) developing an individual behavior plan that documents services to be provided by the mental health behavioral aide. The individual behavior plan must include:

(i) detailed instructions on the service to be provided;

(ii) time allocated to each service;

(iii) methods of documenting the child's behavior;

(iv) methods of monitoring the child's progress in reaching objectives; and

(v) goals to increase or decrease targeted behavior as identified in the individual treatment plan;

(4) clinical supervision of the mental health practitioner and mental health behavioral aide. A mental health professional must document the clinical supervision the professional provides by cosigning individual treatment plans and making entries in the client's record on supervisory activities. Clinical supervision does not include the authority to make or terminate court-ordered placements of the child. A clinical supervisor must be available for urgent consultation as required by the individual client's needs or the situation. Clinical supervision may occur individually or in a small group to discuss treatment and review progress toward goals. The focus of clinical supervision must be the client's treatment needs and progress and the mental health practitioner's

or behavioral aide's ability to provide services;

(4a) CTSS certified provider entities providing day treatment programs must meet the conditions in items (i) to (iii):

(i) the supervisor must be present and available on the premises more than 50 percent of the time in a five-working-day period during which the supervisee is providing a mental health service;

(ii) the diagnosis and the client's individual treatment plan or a change in the diagnosis or individual treatment plan must be made by or reviewed, approved, and signed by the supervisor; and

(iii) every 30 days, the supervisor must review and sign the record of indicating the supervisor has reviewed the client's care for all activities in the preceding 30-day period;

(4b) for all other services provided under CTSS, clinical supervision standards provided in items (i) to (iii) must be used:

(i) medical assistance shall reimburse a mental health practitioner who maintains a consulting relationship with a mental health professional who accepts full professional responsibility ~~and is present on site for at least one observation during the first 12 hours in which the mental health practitioner provides the individual, family, or group skills training to the child or the child's family;~~

(ii) ~~thereafter,~~ the mental health professional is required to be present on site for observation as clinically appropriate when the mental health practitioner is providing individual, family, or group skills training to the child or the child's family; and

(iii) when conducted, the observation must be a minimum of one clinical unit. The on-site presence of the mental health professional must be documented in the child's record and signed by the mental health professional who accepts full professional responsibility;

(5) providing direction to a mental health behavioral aide. For entities that employ mental health behavioral aides, the clinical supervisor must be employed by the provider entity or other certified children's therapeutic supports and services provider entity to ensure necessary and appropriate oversight for the client's treatment and continuity of care. The mental health professional or mental health practitioner giving direction must begin with the goals on the individualized treatment plan, and instruct the mental health behavioral aide on how to construct therapeutic activities and interventions that will lead to goal attainment. The professional or practitioner giving direction must also instruct the mental health behavioral aide about the client's diagnosis, functional status, and other characteristics that are likely to affect service delivery. Direction must also include determining that the mental health behavioral aide has the skills to interact with the client and the client's family in ways that convey personal and cultural respect and that the aide actively solicits information relevant to treatment from the family. The aide must be able to clearly explain the activities the aide is doing with the client and the activities' relationship to treatment goals. Direction is more didactic than is supervision and requires the professional or practitioner providing it to continuously evaluate the mental health behavioral aide's ability to carry out the activities of the individualized treatment plan and the individualized behavior plan. When providing direction, the professional or practitioner must:

(i) review progress notes prepared by the mental health behavioral aide for accuracy and consistency with diagnostic assessment, treatment plan, and behavior goals and the professional or

practitioner must approve and sign the progress notes;

(ii) identify changes in treatment strategies, revise the individual behavior plan, and communicate treatment instructions and methodologies as appropriate to ensure that treatment is implemented correctly;

(iii) demonstrate family-friendly behaviors that support healthy collaboration among the child, the child's family, and providers as treatment is planned and implemented;

(iv) ensure that the mental health behavioral aide is able to effectively communicate with the child, the child's family, and the provider; and

(v) record the results of any evaluation and corrective actions taken to modify the work of the mental health behavioral aide;

(6) providing service delivery that implements the individual treatment plan and meets the requirements under subdivision 9; and

(7) individual treatment plan review. The review must determine the extent to which the services have met the goals and objectives in the previous treatment plan. The review must assess the client's progress and ensure that services and treatment goals continue to be necessary and appropriate to the client and the client's family or foster family. Revision of the individual treatment plan does not require a new diagnostic assessment unless the client's mental health status has changed markedly. The updated treatment plan must be signed by the client, if appropriate, and by the client's parent or other person authorized by statute to give consent to the mental health services for the child.

Sec. 8. Minnesota Statutes 2008, section 256B.0943, subdivision 9, is amended to read:

Subd. 9. **Service delivery criteria.** (a) In delivering services under this section, a certified provider entity must ensure that:

(1) each individual provider's caseload size permits the provider to deliver services to both clients with severe, complex needs and clients with less intensive needs. The provider's caseload size should reasonably enable the provider to play an active role in service planning, monitoring, and delivering services to meet the client's and client's family's needs, as specified in each client's individual treatment plan;

(2) site-based programs, including day treatment and preschool programs, provide staffing and facilities to ensure the client's health, safety, and protection of rights, and that the programs are able to implement each client's individual treatment plan;

(3) a day treatment program is provided to a group of clients by a multidisciplinary team under the clinical supervision of a mental health professional. The day treatment program must be provided in and by: (i) an outpatient hospital accredited by the Joint Commission on Accreditation of Health Organizations and licensed under sections 144.50 to 144.55; (ii) a community mental health center under section 245.62; and (iii) an entity that is under contract with the county board to operate a program that meets the requirements of sections 245.4712, subdivision 2, and 245.4884, subdivision 2, and Minnesota Rules, parts 9505.0170 to 9505.0475. The day treatment program must stabilize the client's mental health status while developing and improving the client's independent living and socialization skills. The goal of the day treatment program must be to reduce or relieve the effects of mental illness and provide training to enable the client to live in the community. The program

must be available at least one day a week for a ~~three-hour~~ two-hour time block. The ~~three-hour~~ two-hour time block must include at least one hour, ~~but no more than two hours,~~ of individual or group psychotherapy. ~~The remainder of the three-hour time block may include recreation therapy, socialization therapy, or independent living skills therapy, but only if the therapies are included in the client's individual treatment plan.~~ The structured treatment program may include individual or group psychotherapy and recreation therapy, socialization therapy, or independent living skills therapy, if included in the client's individual treatment plan. Day treatment programs are not part of inpatient or residential treatment services; and

(4) a preschool program is a structured treatment program offered to a child who is at least 33 months old, but who has not yet reached the first day of kindergarten, by a preschool multidisciplinary team in a day program licensed under Minnesota Rules, parts 9503.0005 to 9503.0175. The program must be available at least one day a week for a minimum two-hour time block. The structured treatment program may include individual or group psychotherapy and recreation therapy, socialization therapy, or independent living skills therapy, if included in the client's individual treatment plan.

(b) A provider entity must deliver the service components of children's therapeutic services and supports in compliance with the following requirements:

(1) individual, family, and group psychotherapy must be delivered as specified in Minnesota Rules, part 9505.0323;

(2) individual, family, or group skills training must be provided by a mental health professional or a mental health practitioner who has a consulting relationship with a mental health professional who accepts full professional responsibility for the training;

(3) crisis assistance must be time-limited and designed to resolve or stabilize crisis through arrangements for direct intervention and support services to the child and the child's family. Crisis assistance must utilize resources designed to address abrupt or substantial changes in the functioning of the child or the child's family as evidenced by a sudden change in behavior with negative consequences for well being, a loss of usual coping mechanisms, or the presentation of danger to self or others;

(4) medically necessary services that are provided by a mental health behavioral aide must be designed to improve the functioning of the child and support the family in activities of daily and community living. A mental health behavioral aide must document the delivery of services in written progress notes. The mental health behavioral aide must implement goals in the treatment plan for the child's emotional disturbance that allow the child to acquire developmentally and therapeutically appropriate daily living skills, social skills, and leisure and recreational skills through targeted activities. These activities may include:

(i) assisting a child as needed with skills development in dressing, eating, and toileting;

(ii) assisting, monitoring, and guiding the child to complete tasks, including facilitating the child's participation in medical appointments;

(iii) observing the child and intervening to redirect the child's inappropriate behavior;

(iv) assisting the child in using age-appropriate self-management skills as related to the child's emotional disorder or mental illness, including problem solving, decision making, communication,

conflict resolution, anger management, social skills, and recreational skills;

(v) implementing deescalation techniques as recommended by the mental health professional;

(vi) implementing any other mental health service that the mental health professional has approved as being within the scope of the behavioral aide's duties; or

(vii) assisting the parents to develop and use parenting skills that help the child achieve the goals outlined in the child's individual treatment plan or individual behavioral plan. Parenting skills must be directed exclusively to the child's treatment; and

(5) direction of a mental health behavioral aide must include the following:

(i) a total of one hour of on-site observation by a mental health professional during the first 12 hours of service provided to a child;

(ii) ongoing on-site observation by a mental health professional or mental health practitioner for at least a total of one hour during every 40 hours of service provided to a child; and

(iii) immediate accessibility of the mental health professional or mental health practitioner to the mental health behavioral aide during service provision."

Page 3, line 28, delete "The child may be placed" and insert "Eligible services may be provided"

Page 3, line 30, delete ", providing" and insert "that provides"

Page 6, line 11, delete the new language

Page 6, line 18, after "case" insert "or another person who has responsibility for visitation of the child,"

Page 6, line 19, reinstate the stricken language

Page 6, lines 22 to 24, delete the new language

Page 6, line 29, strike "The commissioner shall revise"

Page 6, strike line 30

Page 6, line 31, strike everything before "The"

Page 8, delete sections 2 and 3 and insert:

"Sec. 2. Minnesota Statutes 2008, section 144A.04, subdivision 11, is amended to read:

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

Sec. 3. Minnesota Statutes 2008, section 144A.04, is amended by adding a subdivision to read:

Subd. 12. **Resident positioning.** Notwithstanding Minnesota Rules, part 4658.0525, subpart 4, the position of residents unable to change their own position must be changed based on the comprehensive assessment and care plan."

Page 12, delete section 8 and insert:

"Sec. 8. Minnesota Statutes 2008, section 256B.0915, subdivision 3h, is amended to read:

Subd. 3h. **Service rate limits; 24-hour customized living services.** (a) The payment rates for 24-hour customized living services is a monthly rate negotiated and authorized by the lead agency within the parameters established by the commissioner of human services. The payment agreement must delineate the services that have been customized for each recipient and specify the amount of each service to be provided. The lead agency shall ensure that there is a documented need for all services authorized. The lead agency shall not authorize 24-hour customized living services unless there is a documented need for 24-hour supervision. For purposes of this section, "24-hour supervision" means that the recipient requires assistance due to needs related to one or more of the following:

- (1) intermittent assistance with toileting or transferring;
- (2) cognitive or behavioral issues;
- (3) a medical condition that requires clinical monitoring; or

(4) other conditions or needs as defined by the commissioner of human services. The lead agency shall ensure that the frequency and mode of supervision of the recipient and the qualifications of staff providing supervision are described and meet the needs of the recipient. Customized living services must not include rent or raw food costs. The negotiated payment rate for 24-hour customized living services must be based on services to be provided. Negotiated rates must not exceed payment rates for comparable elderly waiver or medical assistance services and must reflect economies of scale. The individually negotiated 24-hour customized living payments, in combination with the payment for other elderly waiver services, including case management, must not exceed the recipient's community budget cap specified in subdivision 3a.

(b) Twenty-four hour customized living services are delivered by a provider licensed by the commissioner of health as a class A or class F home care provider and provided in a building that is registered as a housing with services establishment under chapter 144D. Those home care providers with a capacity to serve 12 or fewer clients may provide nighttime supervision to clients using personnel who have other duties and are located in an adjoining building if:

(1) the personnel providing supervision have been trained and determined to be competent in accordance with all applicable home care licensing requirements;

(2) the provider has assessed the clients needing 24-hour supervision and determined that their needs can be safely met;

(3) the provider has a communication system that permits staff providing supervision to be summoned by the clients; and

(4) staff providing supervision to clients are able to respond within a time frame that meets the clients' needs and in no event exceeds ten minutes."

Page 14, delete section 10

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the first semicolon, insert "modifying provisions related to children's therapeutic services and supports;"

Amend the title numbers accordingly

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

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 696: A bill for an act relating to human services; requiring patient-centered decision-making process before certain procedures are reimbursed under state employee health insurance program and medical assistance; amending Minnesota Statutes 2008, sections 43A.23, subdivision 1; 256B.76, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62U.

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

Page 2, line 20, delete "July" and insert "January"

Page 2, lines 21 and 27, after "before" insert "a referral is approved or"

Page 2, line 33, delete "procedures" and insert "conditions"

Page 2, line 34, delete "2010" and insert "2009"

Page 3, line 10, delete "no" and insert "prior authorization shall not be approved or payment reimbursement provided"

Page 3, line 11, delete "payment reimbursement shall be made"

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

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 473: A bill for an act relating to health; establishing a women's heart health program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 615: A bill for an act relating to health; providing an exception to the hospital construction moratorium; amending Minnesota Statutes 2008, section 144.551, subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 633: A bill for an act relating to human services; authorizing medical assistance coverage of primary care health care providers performing primary caries prevention services as part of the child and teen checkup program; amending Minnesota Statutes 2008, section 256B.0625, subdivision 14.

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 2008, section 256B.0625, subdivision 14, is amended to read:

Subd. 14. **Diagnostic, screening, and preventive services.** (a) Medical assistance covers diagnostic, screening, and preventive services.

(b) "Preventive services" include services related to pregnancy, including:

(1) services for those conditions which may complicate a pregnancy and which may be available to a pregnant woman determined to be at risk of poor pregnancy outcome;

(2) prenatal HIV risk assessment, education, counseling, and testing; and

(3) alcohol abuse assessment, education, and counseling on the effects of alcohol usage while pregnant. Preventive services available to a woman at risk of poor pregnancy outcome may differ in an amount, duration, or scope from those available to other individuals eligible for medical assistance.

(c) "Screening services" include, but are not limited to, blood lead tests.

(d) At the time of the child and teen checkup or at an episodic care visit, the primary care health care provider must perform primary caries preventive services. Primary caries preventive services include, at a minimum:

(1) a general visual examination of the child's mouth without using probes or other dental equipment or taking radiographs;

(2) a risk assessment using the factors established by the American Academies of Pediatrics and Pediatric Dentistry; and

(3) the application of a fluoride varnish beginning at age 1 to those children assessed by the provider as being high risk in accordance with best practices as defined by the Department of Human Services.

At each checkup, the provider must provide to the child's parent or legal guardian: information on caries etiology and prevention; and information on the importance of finding a dental home for their child by the age of 1. The provider must also advise the parent or legal guardian to contact

the child's managed care plan or the Department of Human Services in order to secure a dental appointment with a dentist. The provider must indicate in the child's medical record that the parent or legal guardian was provided with this information and that primary caries prevention services were provided to the child."

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

Senator Langseth from the Committee on Capital Investment, to which was referred

S.F. No. 781: A bill for an act relating to capital improvements; appropriating money for asset preservation at the University of Minnesota and the Minnesota State Colleges and Universities; authorizing the sale and issuance of state bonds.

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

Delete everything after the enacting clause and insert:

"Section 1. **CAPITAL IMPROVEMENT APPROPRIATIONS.**

The sums shown in the column under "Appropriations" are appropriated from the bond proceeds fund, or another named fund, to the state agencies or officials indicated, to be spent for public purposes. Appropriations of bond proceeds must be spent as authorized by the Minnesota Constitution, article XI, section 5, paragraph (a), to acquire and better public land and buildings and other public improvements of a capital nature, or as authorized by the Minnesota Constitution, article XI, section 5, paragraphs (b) to (j), or article XIV. Unless otherwise specified, the appropriations in this act are available until the project is completed or abandoned subject to Minnesota Statutes, section 16A.642.

SUMMARY

<u>University of Minnesota</u>	\$	<u>59,000,000</u>
<u>Minnesota State Colleges and Universities</u>		<u>90,280,000</u>
<u>Education</u>		<u>5,780,000</u>
<u>Natural Resources</u>		<u>29,000,000</u>
<u>Pollution Control Agency</u>		<u>25,000,000</u>
<u>Zoological Garden</u>		<u>5,000,000</u>
<u>Minnesota Amateur Sports Commission</u>		<u>5,000,000</u>
<u>Military Affairs</u>		<u>3,602,000</u>
<u>Transportation</u>		<u>36,900,000</u>
<u>Metropolitan Council</u>		<u>41,183,000</u>
<u>Human Services</u>		<u>5,000,000</u>
<u>Veterans Affairs</u>		<u>4,000,000</u>
<u>Corrections</u>		<u>10,000,000</u>
<u>Employment and Economic Development</u>		<u>45,250,000</u>

<u>Minnesota Historical Society</u>	<u>2,065,000</u>
<u>Bond Sale Expenses</u>	<u>365,000</u>

<u>TOTAL</u>	<u>\$ 367,425,000</u>
<u>Bond Proceeds Fund (General Fund Debt Service)</u>	<u>307,918,000</u>
<u>Bond Proceeds Fund (User Financed Debt Service)</u>	<u>38,427,000</u>
<u>Maximum Effort School Loan Fund</u>	<u>5,780,000</u>
<u>State Transportation Fund</u>	<u>15,300,000</u>

APPROPRIATIONS**Sec. 2. UNIVERSITY OF MINNESOTA**

<u>Subdivision 1. Total Appropriation</u>	<u>\$ 59,000,000</u>
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To the Board of Regents of the University of Minnesota for the purposes specified in this section.

<u>Subd. 2. Higher Education Asset Preservation and Replacement (HEAPR)</u>	<u>35,000,000</u>
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To be spent in accordance with Minnesota Statutes, section 135A.046.

Subd. 3. Twin Cities Campus

<u>Bell Museum of Natural History</u>	<u>24,000,000</u>
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To complete design and to construct, furnish, and equip a new Bell Museum of Natural History on the St. Paul campus.

Sec. 3. MINNESOTA STATE COLLEGES AND UNIVERSITIES

<u>Subdivision 1. Total Appropriation</u>	<u>\$ 90,280,000</u>
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To the Board of Trustees of the Minnesota State Colleges and Universities for the purposes specified in this section.

<u>Subd. 2. Higher Education Asset Preservation And Replacement (HEAPR)</u>	<u>50,000,000</u>
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For the purposes specified in Minnesota Statutes, section 135A.046, including safety and statutory compliance, building envelope integrity, mechanical systems, and space restoration.

Subd. 3. Lake Superior Community and Technical College

Health and Science Center Addition

11,550,000

To complete design of and to construct, furnish, and equip an addition to the Health and Science Center and to renovate existing spaces.

Subd. 4. Mesabi Range Community and Technical College, Eveleth

Carpentry and Industrial Mechanical Technology and Shops

5,250,000

To construct, furnish, and equip shop space for the industrial mechanical technology and carpentry programs. This appropriation includes funding for renovation of existing space for ADA compliance.

Subd. 5. Metropolitan State University

Smart Classroom Center

5,700,000

To construct, furnish, and equip renovation of two floors of technology-enhanced classrooms and academic offices in the power plant building. This appropriation includes money to demolish the power plant annex to enable the new construction.

Subd. 6. Minnesota State College, Southeast Technical - Aviation Training Center

Notwithstanding Minnesota Statutes, section 136F.60, subdivision 5, the net proceeds of the sale or disposition of the Aviation Training Center in Winona operated by Minnesota State College - Southeast Technical, after paying all expenses incurred in selling the

property and retiring any remaining debt attributable to the project, are appropriated to the board of trustees of the Minnesota State Colleges and Universities for use in a capital project at the Winona campus and need not be paid to the commissioner of finance, as would otherwise be required by Minnesota Statutes, section 16A.695, subdivision 3.

Subd. 7. North Hennepin Community College

Center for Business and Technology

13,970,000

To construct, furnish, and equip an addition to the Center for Business and Technology and to renovate the center for classrooms and related space.

Subd. 8. Systemwide Initiatives

Classroom Renovation

3,810,000

To design, construct, furnish, and equip renovation of classroom and academic space. Campuses may use nonstate money to increase the size of the projects. This appropriation may be used only at the following campuses: Central Lakes College, Brainerd; Minnesota State Community Technical College, Moorhead and Wadena; Minnesota West Community Technical College, Pipestone; Northland Community Technical College, Thief River Falls; Pine Technical College, Pine City; and Rochester Community Technical College, Rochester.

Subd. 9. Debt Service

(a) The board shall pay the debt service on one-third of the principal amount of state bonds sold to finance projects authorized by this section, except for higher education asset preservation and replacement, and except that, where a nonstate match is required, the debt service is due on a principal amount equal to one-third of the total project cost, less the match committed before the bonds are sold. After each sale of general obligation

bonds, the commissioner of finance shall notify the board of the amounts assessed for each year for the life of the bonds.

(b) The commissioner shall reduce the board's assessment each year by one-third of the net income from investment of general obligation bond proceeds in proportion to the amount of principal and interest otherwise required to be paid by the board. The board shall pay its resulting net assessment to the commissioner of finance by December 1 each year. If the board fails to make a payment when due, the commissioner of finance shall reduce allotments for appropriations from the general fund otherwise available to the board and apply the amount of the reduction to cover the missed debt service payment. The commissioner of finance shall credit the payments received from the board to the bond debt service account in the state bond fund each December 1 before money is transferred from the general fund under Minnesota Statutes, section 16A.641, subdivision 10.

Subd. 10. **Unspent Appropriations**

(a) Upon substantial completion of a project authorized in this section and after written notice to the commissioner of finance, the Board of Trustees must use any money remaining in the appropriation for that project for HEAPR under Minnesota Statutes, section 135A.046. The Board of Trustees must report by February 1 of each even-numbered year to the chairs of the house and senate committees with jurisdiction over capital investments and higher education finance, and to the chairs of the house Ways and Means Committee and the senate Finance Committee, on how the remaining money has been allocated or spent.

(b) The unspent portion of an appropriation for a project in this section that is complete, is available for higher education asset preservation and replacement under this subdivision, at the same campus as the project for which the original appropriation

was made and the debt service requirement under subdivision 9 is reduced accordingly. Minnesota Statutes, section 16A.642, applies from the date of the original appropriation to the unspent amount transferred.

Sec. 4. **EDUCATION**

Independent School District No. 38, Red Lake

\$ 5,780,000

From the maximum effort school loan fund to the commissioner of education for a capital loan to Independent School District No. 38, Red Lake, as provided in Minnesota Statutes, sections 126C.60 to 126C.72, to design, construct, furnish, and equip renovation of existing facilities and construction of new facilities.

The project paid for with this appropriation includes a portion of the renovation and construction identified as Phase 4 in the review and comment performed by the commissioner of education under the capital loan provisions of Minnesota Statutes, section 126C.69. This portion includes renovation and construction of a single kitchen and cafeteria to serve the high school and middle school, a receiving area and dock and adjacent drives, utilities, and grading.

Before any capital loan contract is approved under this authorization, the district must provide documentation acceptable to the commissioner on how the capital loan will be used.

Sec. 5. **NATURAL RESOURCES**

Subdivision 1. Total Appropriation

\$ 29,000,000

To the commissioner of natural resources for the purposes specified in this section.

The appropriations in this section are subject to the requirements of the natural resources capital improvement program under Minnesota Statutes, section 86A.12, unless this section or the statutes referred

to in this section provide more specific standards, criteria, or priorities for projects than Minnesota Statutes, section 86A.12.

To the extent possible, prairie restorations funded in whole or in part with this appropriation must be made using best management practices for native prairie species of a local ecotype as defined in Minnesota Statutes, section 84.02, subdivision 2.

Subd. 2. Statewide Asset Preservation

1,000,000

For the renovation of state-owned facilities operated by the commissioner of natural resources, to be spent in accordance with Minnesota Statutes, section 16B.307. The commissioner may use this appropriation to replace buildings if, considering the embedded energy in the building, that is the most energy-efficient and carbon-reducing method of renovation.

Subd. 3. Flood Hazard Mitigation Grants

26,000,000

For the state share of flood hazard mitigation grants for publicly owned capital improvements to prevent or alleviate flood damage under Minnesota Statutes, section 103F.161.

The commissioner shall determine project priorities as appropriate, based on need.

This appropriation includes money for the following projects:

(a) Agassiz Valley

(b) Albert Lea

(c) Austin

(d) Bois de Sioux Watershed District, North Ottawa project

(e) Breckenridge

(f) Crookston

(g) Granite Falls

(h) Hay Creek-Norland

(i) Inver Grove Heights

(j) Manston Slough

(k) Oakport Township

(l) Roseau

(m) Spring Brook

(n) Stillwater

(o) Two Rivers

For any project listed in this subdivision that the commissioner determines is not ready to proceed or does not expend all the money allocated to it, the commissioner may allocate that project's money to a project on the commissioner's priority list.

To the extent that the cost of a project in Breckenridge, Crookston, Granite Falls, Oakport Township, or Roseau exceeds two percent of the median household income in the municipality multiplied by the number of households in the municipality, this appropriation is also for the local share of the project.

Subd. 4. Dam Renovation and Removal

2,000,000

To renovate or remove publicly owned dams. The commissioner shall determine project priorities as appropriate under Minnesota Statutes, sections 103G.511 and 103G.515.

This appropriation includes money for the following projects:

(a) Balsam Lake, Itasca County

(b) Clearwater River, Stearns and Wright Counties

(c) Drayton, Kittson County

(d) Hallock, Kittson County

(e) Knife Lake, Kanabec County

(f) Lanesboro, Fillmore County

(g) Milaca, Mille Lacs County

(h) Pike River, St. Louis County

(i) Sunrise River, Chisago County

Notwithstanding Minnesota Statutes, section 16A.69, subdivision 2, upon the award of final contracts for the completion of a project listed in this subdivision, the commissioner may transfer the unencumbered balance in the project account to any other dam renovation or removal project on the commissioner's priority list.

Sec. 6. POLLUTION CONTROL AGENCY

Closed Landfill Cleanup

25,000,000

For capital costs of cleaning up closed landfills under Minnesota Statutes, sections 115B.39 to 115B.445. All debt service on bonds issued to finance this appropriation must be paid by the Pollution Control Agency under Minnesota Statutes, section 16A.643, from revenue credited to the environmental fund.

This appropriation is for capital costs of environmental response action at qualified closed landfill facilities in Albert Lea, Mille Lacs County, Washington County, the Western Lake Superior Sanitary District, and other locations as determined by the commissioner of the Pollution Control Agency.

If the dig and fill option is chosen for remediation of the Washington County landfill, the landfill must have a triple liner.

Sec. 7. MINNESOTA ZOOLOGICAL GARDEN

Asset Preservation and Improvement

\$ 5,000,000

To the Minnesota Zoological Garden

to design and construct capital asset preservation improvements and betterments to infrastructure and exhibits at the Minnesota Zoo.

Sec. 8. AMATEUR SPORTS COMMISSION

Subdivision 1. Total Appropriation

\$ 5,000,000

To the Minnesota Amateur Sports Commission for the purposes specified in this section.

Subd. 2. National Sports Center - Blaine

1,000,000

For asset preservation at the National Sports Center in Blaine, to be spent in accordance with Minnesota Statutes, section 16B.307.

Subd. 3. National Volleyball Center - Rochester

4,000,000

For a grant to the city of Rochester to design, construct, furnish, and equip the Phase 2 expansion of the National Volleyball Center in Rochester, designated by the Minnesota Amateur Sports Commission as a regional amateur sports center, subject to Minnesota Statutes, section 16A.695.

Sec. 9. MILITARY AFFAIRS

Asset Preservation

\$ 3,602,000

To the adjutant general for asset preservation improvements and betterments of a capital nature at military affairs facilities, to be spent in accordance with Minnesota Statutes, section 16B.307.

This appropriation may be used for life safety improvements, to correct code deficiencies, for Americans with Disabilities Act alterations, and to improve energy efficiency at existing National Guard Training and Community Centers at Hastings, Hutchinson, Red Wing, and Winona; and to match federal stimulus money for backup heating and electricity improvements at Bemidji, Brainerd, Duluth, Inver Grove

Heights, Jackson, Northeast Minneapolis,
Rosemount, and St. Peter.

Sec. 10. TRANSPORTATION

Subdivision 1. Total Appropriation

\$ 36,900,000

To the commissioner of transportation for the
purposes specified in this section.

Subd. 2. Local Bridge Replacement and
Rehabilitation

15,300,000

This appropriation is from the bond proceeds
account in the state transportation fund
to match federal money and to replace or
rehabilitate local deficient bridges as provided
in Minnesota Statutes, section 174.50.

Political subdivisions may use grants made
under this subdivision to construct or
reconstruct bridges, including:

(1) matching federal-aid grants to construct or
reconstruct key bridges;

(2) paying the costs of preliminary
engineering and environmental studies
authorized under Minnesota Statutes, section
174.50, subdivision 6a;

(3) paying the costs to abandon an existing
bridge that is deficient and in need of
replacement, but where no replacement will
be made; and

(4) paying the costs to construct a road
or street to facilitate the abandonment
of an existing bridge determined by
the commissioner to be deficient, if the
commissioner determines that construction
of the road or street is more economical than
replacement of the existing bridge.

\$300,000 is for a grant to the city of Staples
in Todd County to predesign, design, and
construct a highway overpass over U.S.
Highway 10 and the Burlington Northern
Santa Fe Railroad tracks in Staples. This
appropriation is added to the appropriation

in Laws 2006, chapter 258, section 16, subdivision 3.

Subd. 3. Minnesota Valley Railroad Track Rehabilitation

5,000,000

For a grant to the Minnesota Valley Regional Railroad Authority to rehabilitate up to 95 miles of railroad track from Norwood-Young America to Hanley Falls. A grant under this subdivision is in addition to any grant, loan, or loan guarantee for this project made by the commissioner under Minnesota Statutes, sections 222.46 to 222.62.

Subd. 4. Northern Lights Express

1,000,000

For a grant to the St. Louis and Lake Counties Regional Railroad Authority for design, engineering, and environmental studies of the rail lines, railway stations, and other railroad appurtenances for the Northern Lights Express Passenger Rail project to facilitate the return of passenger rail service along the Duluth/Minneapolis rail corridor. This appropriation is in addition to the appropriation in Laws 2006, chapter 258, section 16, subdivision 5.

Subd. 5. St. Paul to Chicago High-Speed Rail Line

5,000,000

For the state's share of environmental analysis of a high-speed rail line connecting Chicago, LaCrescent, Winona, Red Wing, and the Union Depot Concourse Multimodal Transit Hub, located in downtown St. Paul in the area south of Kellogg Boulevard and east of Jackson Street.

No part of this appropriation may be spent to acquire or better capital improvements that are located outside the state of Minnesota, that may be used from time to time outside the state of Minnesota, or that are part of a rail corridor that is not designated by the Midwest Interstate Passenger Rail Compact.

The commissioner shall work with the Wisconsin Department of Transportation to

coordinate application for federal capital assistance for the high-speed rail project.

After an alignment connecting downtown St. Paul and downtown Minneapolis is identified, the high-speed rail line may be extended from downtown St. Paul to downtown Minneapolis.

Subd. 6. Port Development Assistance 2,000,000

For grants under Minnesota Statutes, chapter 457A. Any improvements made with the proceeds of these grants must be publicly owned.

Subd. 7. Alexandria Airport Tower 2,000,000

For a grant to the city of Alexandria to acquire land for, and to design and construct, a surveillance tower and associated equipment, an emergency backup power system, and a structure to house equipment.

Subd. 8. Bigfork Airport Runways 1,700,000

For a grant to the city of Bigfork to extend and reconstruct runways.

Subd. 9. Duluth Airport Terminal 4,900,000

For a grant to the city of Duluth to predesign, design, construct, furnish, and equip new terminal facilities at the Duluth International Airport.

This appropriation is not available until the commissioner of finance determines that at least an equal amount has been committed to the project from nonstate sources.

Sec. 11. METROPOLITAN COUNCIL

Subdivision 1. Total Appropriation **\$ 41,183,000**

To the Metropolitan Council for the purposes specified in this section.

Subd. 2. Bottineau Boulevard Transit Way 500,000

For a grant to the Hennepin County Regional Railroad Authority for preliminary engineering for the Bottineau Transit Way corridor from the Hiawatha light rail and Northstar transit hub in downtown Minneapolis to the vicinity of the Target development in northern Brooklyn Park or the Arbor Lakes retail area in Maple Grove.

Subd. 3. Cedar Avenue Bus Rapid Transit

1,000,000

To acquire real property and construct roadway improvements for shoulder running bus lanes on CSAH 23 in Apple Valley and Lakeville for the Cedar Avenue Bus Rapid Transit Way (BRT) in Dakota County. This appropriation is added to the appropriations in Laws 2006, chapter 258, section 17, subdivision 3; and Laws 2008, chapter 179, section 17, subdivision 4.

Subd. 4. Central Corridor Transit Way

8,450,000

(a) For one or more of the following activities for the Central Corridor light rail transit line that will connect downtown Minneapolis with downtown St. Paul: preliminary engineering, final design, property acquisition, including improvements and betterments of a capital nature, relocation of utilities owned by public entities, and construction. This appropriation is added to the appropriation in Laws 2008, chapter 365, section 4, subdivision 2.

(b) Hennepin and Ramsey Counties need not spend their matching money for this project at a rate faster than dollar for dollar with the money from this appropriation.

Subd. 5. Robert Street Corridor Transit Way

500,000

For a grant to the Dakota County Regional Railroad Authority for environmental studies and engineering of bus rapid transit or light rail transit for the Robert Street Corridor Transit Way along a corridor on or parallel to U.S. Highway 52 and Robert Street from within the city of St. Paul to Dakota County

Road 42 in Rosemount. This appropriation is added to the appropriation in Laws 2006, chapter 258, section 17, subdivision 6.

Subd. 6. Rush Line Corridor Transit Way

500,000

For a grant to the Ramsey County Regional Railroad Authority to acquire land for, design, and construct park-and-ride or park-and-pool lots located along the Rush Line Corridor along I-35E/I-35 and Highway 61 from the Union Depot in downtown St. Paul to Hinckley.

Subd. 7. Southwest Corridor Transit Way

5,000,000

For a grant to the Hennepin County Regional Railroad Authority to prepare an environmental impact statement (EIS) and for preliminary engineering for the Southwest Transit Way Corridor, from the Hiawatha light rail in downtown Minneapolis to the vicinity of the Southwest Station transit hub in Eden Prairie.

Subd. 8. Union Depot

2,000,000

For a grant to the Ramsey County Regional Railroad Authority to acquire land and structures, to renovate structures, and for design, engineering, and construction to revitalize Union Depot for use as a multimodal transit center in St. Paul. This appropriation is in addition to the appropriation in Laws 2006, chapter 258, section 17, subdivision 7.

Subd. 9. Metropolitan Regional Parks Capital Improvements

(a) Como Zoo

11,000,000

For a grant to the city of St. Paul to predesign, design, construct, furnish, and equip Phase 2 renovation of the polar bear and gorilla exhibits at the Como Zoo.

(b) Coon Rapids 85th Avenue Bicycle Trail

500,000

For a grant to the city of Coon Rapids to predesign, design, and construct a bicycle and pedestrian trail connecting the city of Fridley bicycle and pedestrian trail along 85th Avenue to the Mississippi Regional Trail Corridor in the city of Coon Rapids.

(c) Grand Rounds Bridge

600,000

For a grant to the city of Minneapolis to acquire land for, and to predesign and design a bridge for, the Grand Rounds Scenic Byway on St. Anthony Parkway over the Northtown Rail Yard.

(d) Grand Rounds Lighting

1,000,000

For a grant to the city of Minneapolis to purchase, install, and replace lighting fixtures on the Grand Rounds Scenic Byway. Priority may be given to the Victory Memorial Parkway portion. Any outdoor lighting fixtures installed, replaced, maintained, or operated with this appropriation must be a full cutoff luminaire, as defined in Minnesota Statutes, section 16B.328, subdivision 1, if the rated output of the outdoor lighting fixture is greater than 1,800 lumens, and be the minimum illuminance adequate for the intended purpose with consideration given to nationally recognized standards. Full consideration must be given to energy conservation and savings, reduction of glare, minimization of light pollution, and preservation of the natural night environment.

This appropriation is not available until the commissioner determines that at least an equal amount has been committed to the project from nonstate sources.

(e) Grand Rounds Roadway

1,000,000

For a grant to the Minneapolis Park and Recreation Board to design a roadway to complete the Grand Rounds National Scenic Byway in the city of Minneapolis between Stinson Boulevard in northeast Minneapolis

and southeast Minneapolis at East River Road, and to repair and reconstruct portions of the existing 55-mile Grand Rounds National Scenic Byway.

(f) Heritage Village Park

100,000

For a grant to the city of Inver Grove Heights to predesign the Heritage Village Park along the Mississippi River in the city.

This appropriation is not available until the commissioner has determined that at least an equal amount has been committed from nonstate sources.

(g) Inver Grove Heights - Swing Bridge

100,000

For a grant to the city of Inver Grove Heights to design and renovate the west bank bridge and bridge approach to Mississippi River Bridge 5600, commonly known as the Rock Island Swing Bridge, located between Inver Grove Heights and St. Paul Park in Dakota County. The design for utilizing the bridge infrastructure along the west bank of the Mississippi River must require connections with any local, regional, or state trails, and incorporate walking trails and fishing pier concepts, along with any park development in the area.

This appropriation is not available until the commissioner has determined that at least an equal amount has been committed from nonstate sources.

(h) Lower Afton Road Trail

450,000

For a grant to Ramsey County to design and construct a paved bicycle and pedestrian trail on the north side of Lower Afton Road between McKnight Road and Point Douglas Road.

This appropriation is not available until the commissioner has determined that at least \$1,600,000 has been committed to the project from nonstate sources.

The appropriation is added to the appropriation in Laws 2006, chapter 258, section 17, subdivision 8.

(i) Rice Creek North Regional Trail 2,183,000

For a grant to Anoka County as the local share to match federal money, to design and develop the Rice Creek North Regional Trail, extending from Rice Creek Chain of Lakes Park Reserve in Lino Lakes to the Ramsey County trail system in Shoreview.

(j) Springbrook Nature Center 2,500,000

For a grant to the city of Fridley to predesign, design, construct, and equip the redevelopment and expansion of the Springbrook Nature Center. No nonstate match is required.

(k) Upper Landing Shoreline Protection 3,800,000

For a grant to the city of St. Paul to acquire land for and to predesign, design, construct, furnish, and equip river park development and redevelopment infrastructure in National Great River Park along the Mississippi River in St. Paul.

Sec. 12. **HUMAN SERVICES**

Subdivision 1. Total Appropriation \$ 5,000,000

To the commissioner of administration, or another named agency, for the purposes specified in this section.

Subd. 2. Asset Preservation 3,000,000

For asset preservation improvements and betterments of a capital nature at Department of Human Services facilities statewide, to be spent in accordance with Minnesota Statutes, section 16B.307.

Subd. 3. Early Childhood Learning and Child Protection Facilities 2,000,000

To the commissioner of human services for grants to construct and rehabilitate facilities for programs under Minnesota Statutes, section 256E.37.

Sec. 13. **VETERANS AFFAIRS**

Subdivision 1. **Total Appropriation** **\$ 4,000,000**

To the commissioner of administration for the purposes specified in this section.

Subd. 2. **Asset Preservation** **1,000,000**

For asset preservation improvements and betterments of a capital nature at veterans homes statewide, to be spent in accordance with Minnesota Statutes, section 16B.307.

Subd. 3. **Veterans Cemeteries** **3,000,000**

To acquire land for veterans cemeteries located in Redwood County and northeastern Minnesota, to be operated by the commissioner of veterans affairs. This appropriation may also be used to predesign and design the cemeteries.

Sec. 14. **CORRECTIONS**

Asset Preservation **\$ 10,000,000**

To the commissioner of administration for improvements and betterments of a capital nature at Minnesota correctional facilities statewide, in accordance with Minnesota Statutes, section 16B.307.

Sec. 15. **EMPLOYMENT AND ECONOMIC DEVELOPMENT**

Subdivision 1. **Total Appropriation** **\$ 45,250,000**

To the commissioner of employment and economic development or other named agency for the purposes specified in this section.

Subd. 2. **Redevelopment Account** **750,000**

For purposes of the redevelopment account under Minnesota Statutes, section 116J.571, for a grant to St. Louis County to design, construct, and install public infrastructure from the city of Chisholm to the regional competition and exhibit center. This appropriation is not available until the commissioner has determined that at least an equal amount has been committed from nonstate sources.

The commissioner may require that grant money not committed by contract for approved project activities within 120 days after the grant agreement was signed be returned and credited to the redevelopment account.

Subd. 3. Big Lake Regional Ice Center

500,000

For a grant to the city of Big Lake to design, construct, furnish, and equip an ice arena complex to support the Big Lake regional area.

The location of the ice arena complex must take into consideration community and business development, community traffic routes, and transportation needs of the Northstar commuter rail line serving Big Lake to Minneapolis, and the possible extension of the line to St. Cloud.

This appropriation is not available until the commissioner has determined that at least an equal amount has been committed from nonstate sources.

Subd. 4. Mankato - Women's Hockey Exposition Center

6,500,000

For a grant to the city of Mankato to design, construct, furnish, and equip the Southern Minnesota Women's Hockey Exposition Center for use by Minnesota State University, Mankato.

This appropriation is not available until the commissioner has determined that at least

an equal amount has been committed to the project from nonstate sources.

Subd. 5. Minneapolis

(a) Orchestra Hall

3,000,000

For a grant to the city of Minneapolis to predesign the renovation of Orchestra Hall and Peavey Plaza at its current downtown Minneapolis location, subject to Minnesota Statutes, section 16A.695.

(b) Shubert Performing Arts and Education Center

2,000,000

For a grant to the city of Minneapolis to construct, furnish, and equip the Shubert Theater and an associated atrium to create the Minnesota Shubert Performing Arts and Education Center. This appropriation is added to the appropriation in Laws 2006, chapter 258, section 21, subdivision 17, paragraph (b).

Subd. 6. Olmsted County - Steam Line Extension

5,000,000

For a grant to Olmsted County to design and construct approximately 1.25 miles of a new steam pipeline from the Olmsted Waste-to-Energy Facility to the Rochester Community and Technical College Campus, supplying steam heat and cooling from a renewable energy source.

This appropriation is not available until the commissioner has determined that at least an equal amount has been committed from Olmsted County.

Subd. 7. St. Cloud - Civic Center Expansion

13,000,000

For a grant to the city of St. Cloud to acquire land for and to design, construct, furnish, and equip an expansion of the St. Cloud Civic Center. The expansion includes approximately 66,000 square feet of new space and a 300-stall parking ramp. This appropriation is added to the appropriation in Laws 2008, chapter 179, section 21,

subdivision 14.

This appropriation is not available until the commissioner of finance determines that at least \$13,000,000 is committed to the project from nonstate sources.

Subd. 8. **St. Paul**

(a) **Asian Pacific Cultural Center**

4,500,000

For a grant to the Housing and Redevelopment Authority of the city of St. Paul, to construct, furnish, and equip an Asian Pacific Cultural Center, subject to Minnesota Statutes, section 16A.695.

This appropriation is not available until the commissioner has determined that at least an equal amount has been committed from nonstate sources.

(b) **Gillette Children's Hospital Addition**

10,000,000

For a grant to Ramsey County to design, construct, furnish, and equip the renovation of and an addition of space for phase 1 of three phases for the surgery, inpatient, and pediatric intensive care expansion to Gillette Children's Specialty Healthcare.

This appropriation is not available until the commissioner has determined that at least an equal amount has been committed from nonstate sources. Money spent by Gillette Children's Specialty Healthcare in 2009 for this construction must be counted as part of the match.

Sec. 16. **MINNESOTA HISTORICAL SOCIETY**

Historic Sites Asset Preservation

\$

2,065,000

To the Minnesota Historical Society for capital improvements and betterments at state historic sites, buildings, landscaping at historic buildings, exhibits, markers, and monuments, to be spent in accordance with Minnesota Statutes, section 16B.307.

Notwithstanding that section, up to \$527,000 may be used to design projects eligible for future funding. The society shall determine project priorities as appropriate based on need.

Sec. 17. **BOND SALE EXPENSES**

\$ 365,000

To the commissioner of finance for bond sale expenses under Minnesota Statutes, section 16A.641, subdivision 8.

Sec. 18. **BOND SALE SCHEDULE.**

The commissioner of finance shall schedule the sale of state general obligation bonds so that, during the biennium ending June 30, 2011, no more than \$1,089,549,000 will need to be transferred from the general fund to the state bond fund to pay principal and interest due and to become due on outstanding state general obligation bonds. During the biennium, before each sale of state general obligation bonds, the commissioner of finance shall calculate the amount of debt service payments needed on bonds previously issued and shall estimate the amount of debt service payments that will be needed on the bonds scheduled to be sold. The commissioner shall adjust the amount of bonds scheduled to be sold so as to remain within the limit set by this section. The amount needed to make the debt service payments is appropriated from the general fund as provided in Minnesota Statutes, section 16A.641.

Sec. 19. **BOND SALE AUTHORIZATION.**

Subdivision 1. **Bond proceeds fund.** To provide the money appropriated in this act from the bond proceeds fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$346,345,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Subd. 2. **Maximum effort school loan fund.** To provide the money appropriated in this act from the maximum effort school loan fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$5,780,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7. The proceeds of the bonds, except accrued interest and any premium received on the sale of the bonds, must be credited to a bond proceeds account in the maximum effort school loan fund.

Subd. 3. **Transportation fund bond proceeds account.** To provide the money appropriated in this article from the state transportation fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$15,300,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7. The proceeds of the bonds, except accrued interest and any premium received on the sale of the bonds, must be credited to a bond proceeds account in the state transportation fund.

Sec. 20. Minnesota Statutes 2008, section 16A.86, subdivision 2, is amended to read:

Subd. 2. **Budget request.** A political subdivision that requests an appropriation of state money for a local capital improvement project is encouraged to submit the request to the commissioner of finance by July 15 of an odd-numbered year to ensure its full consideration. The requests must be submitted in the form and with the supporting documentation required by the commissioner of finance. All requests timely received by the commissioner must be ~~forwarded~~ submitted to the legislature, along with ~~agency requests~~ the governor's recommendations, whether or not the governor recommends that a request be funded, by the deadline established in section 16A.11, subdivision 1.

Sec. 21. Minnesota Statutes 2008, section 16A.86, is amended by adding a subdivision to read:

Subd. 3a. **Information provided.** All requests for state assistance under this section must include the following information:

(1) the name of the political subdivision that will own the capital project for which state assistance is being requested;

(2) the public purpose of the project;

(3) the extent to which the political subdivision has or expects to provide local, private, user financing, or other nonstate funding for the project;

(4) a list of the bondable activities that the project encompasses; examples of bondable activities are public improvements of a capital nature for land acquisition, predesign, design, construction, and furnishing and equipping for occupancy;

(5) whether the project will require new or additional state operating subsidies;

(6) whether the governing body of the political subdivision requesting the project has passed a resolution in support of the project and has established priorities for all projects within its jurisdiction for which bonding appropriations are requested when submitting multiple requests; and

(7) if the project requires a predesign under section 16B.335, whether the predesign has been completed at the time the capital project request is submitted, and whether the political subdivision has submitted the project predesign to the commissioner of administration for review and approval.

Sec. 22. Minnesota Statutes 2008, section 115A.908, subdivision 2, is amended to read:

Subd. 2. **Deposit of revenue.** ~~From the Revenue collected under this section, the amount necessary to make debt service payments on revenue bonds issued under section 116.156 is annually appropriated to the commissioner of finance. Any remaining revenue collected shall~~ must be credited to the environmental fund.

Sec. 23. Minnesota Statutes 2008, section 116.155, subdivision 3, is amended to read:

Subd. 3. **Revenues.** The following revenues shall be deposited in the general portion of the remediation fund:

(1) response costs and natural resource damages related to releases of hazardous substances, or pollutants or contaminants, recovered under sections 115B.17, subdivisions 6 and 7, 115B.443, 115B.444, or any other law;

(2) money paid to the agency or the Agriculture Department by voluntary parties who have received technical or other assistance under sections 115B.17, subdivision 14, 115B.175 to 115B.179, and 115C.03, subdivision 9;

(3) money received in the form of gifts, grants, reimbursement, or appropriation from any source for any of the purposes provided in subdivision 2, except federal grants; and

~~(4) money received from revenue bonds sold under section 116.156 and placed in a special bond proceeds account; and~~

~~(5) interest accrued on the fund.~~

Sec. 24. Minnesota Statutes 2008, section 135A.046, subdivision 2, is amended to read:

Subd. 2. **Standards.** Capital budget expenditures for Higher Education Asset Preservation and Replacement (HEAPR) projects must be for one or more of the following: code compliance including health and safety, Americans with Disabilities Act requirements, hazardous material abatement, access improvement, or air quality improvement; building energy efficiency improvements using current best practices; or building or infrastructure repairs necessary to preserve the interior and exterior of existing buildings; or renewal to support the existing programmatic mission of the campuses. Up to ten percent of an appropriation awarded under this section may be used for design costs for projects eligible to be funded from this account in anticipation of future funding from the account.

Sec. 25. Minnesota Statutes 2008, section 136F.98, subdivision 1, is amended to read:

Subdivision 1. **Issuance of bonds.** The Board of Trustees of the Minnesota State Colleges and Universities or a successor may issue revenue bonds under sections 136F.90 to 136F.97 whose aggregate principal amount at any time may not exceed ~~\$200,000,000~~ \$225,000,000, and payable from the revenue appropriated to the fund established by section 136F.94, and use the proceeds together with other public or private money that may otherwise become available to acquire land, and to acquire, construct, complete, remodel, and equip structures or portions thereof to be used for dormitory, residence hall, student union, food service, parking purposes, or for any other similar revenue-producing building or buildings of such type and character as the board finds desirable for the good and benefit of the state universities. Before issuing the bonds or any part of them, the board shall consult with and obtain the advisory recommendations of the chairs of the house of representatives Ways and Means Committee and the senate Finance Committee about the facilities to be financed by the bonds.

Sec. 26. Laws 2006, chapter 258, section 20, subdivision 7, is amended to read:

Subd. 7. **Minnesota correctional facility - Stillwater**

Segregation Unit

19,580,000

To complete design and to construct, furnish, and equip a new 150-bed segregation unit and reconstruct the old segregation unit.

Sec. 27. Laws 2006, chapter 258, section 23, subdivision 3, as amended by Laws 2008, chapter 179, section 68, is amended to read:

Subd. 3. **Historic Fort Snelling Museum and Visitor Center**

1,100,000

To predesign and design the historic Fort Snelling Museum and Visitor Center and other site improvements to revitalize historic Fort Snelling.

Sec. 28. Laws 2007, chapter 122, section 1, is amended to read:

Section 1. **BROWNS VALLEY FLOOD RELIEF APPROPRIATION.**

\$2,000,000 is appropriated from the general fund to the commissioner of public safety for a grant to the city of Browns Valley to be used for relief from damage caused by the flooding of March 2007. This appropriation is available until ~~June 30, 2009~~ expended.

Sec. 29. Laws 2008, chapter 179, section 3, subdivision 12, as amended by Laws 2008, chapter 365, section 17, is amended to read:

Subd. 12. **Metropolitan State University**

(a) **Smart Classroom Center**

4,980,000

To construct, furnish, and equip renovation of two floors of technology-enhanced classrooms and academic offices in the power plant building. This appropriation includes money to demolish the power plant annex to enable the new construction. * **(The preceding text beginning "(a) Smart Classroom Center" was indicated as vetoed by the governor.)**

(b) **Law Enforcement Training Center**

13,900,000

To compete design of and to construct, furnish, and equip, in cooperation with Minneapolis Community and Technical College, a colocated Law Enforcement Training Center on the campus of Hennepin Technical College in Brooklyn Park. The board may use ~~up to \$2,000,000 of college or~~ university, or nonstate money for the remainder of the cost of design and construction of this project.

Sec. 30. Laws 2008, chapter 179, section 3, subdivision 21, is amended to read:

Subd. 21. **Owatonna College and University Center**

Property Acquisition

3,500,000

To acquire the Owatonna College and University Center Building in Steele County, including the purchase of adjacent vacant land and accomplishing minor capital improvements to the property.

Sec. 31. Laws 2008, chapter 179, section 3, subdivision 25, is amended to read:

Subd. 25. St. Cloud State University**(a) Brown Science Hall Renovation**

14,800,000

To complete design of and to construct, furnish, and equip a renovation of Brown Hall for classrooms, science laboratories, and other instructional and ancillary spaces. This appropriation includes funding to reglaze the existing skyway from the building and to construct a new skyway to Centennial Hall.

This appropriation may also be used to complete design and construction drawings for the Science and Engineering Lab authorized in paragraph (b) and to demolish building number 801.

(b) Science and Engineering Lab

900,000

To design an integrated science and engineering laboratory and student and academic support building.

Sec. 32. Laws 2008, chapter 179, section 12, subdivision 3, is amended to read:

Subd. 3. State Capitol Building Restoration

13,400,000

For renovation of the State Capitol Building including, but not limited to: site work to stabilize the plaza; replacement and stabilization of the building's exterior envelope; replacement of air handling units at risk of failure; and projects to improve interior emergency lighting, dome lighting, and catwalks.

Up to \$2,000,000 of this appropriation may be used for predesign and schematic design work

to restore and renovate the Capitol and meet related space and functional requirements.

Sec. 33. Laws 2008, chapter 179, section 15, subdivision 5, is amended to read:

Subd. 5. Marshall - Minnesota Emergency Response and Industry Training Center

300,000

For a grant to the city of Marshall to predesign Phase 2 of the Minnesota Emergency Response and Industry Training (MERIT) Center, including a wind energy training area, an ethanol fuels training area, and other training facilities, and to design, construct, and equip the wind energy and ethanol fuel training facilities.

This appropriation is not available until the commissioner has determined that at least an equal amount has been committed from nonstate sources. The match may include in-kind contributions.

Sec. 34. Laws 2008, chapter 365, section 4, subdivision 3, is amended to read:

Subd. 3. Old Cedar Avenue Bridge

2,000,000

For a grant to the city of Bloomington for removal and replacement of or to renovate the old Cedar Avenue bridge for bicycle commuters and recreational users. This appropriation is added to the appropriation in Laws 2006, chapter 258, section 17, subdivision 8.

Sec. 35. REPEALER.

Minnesota Statutes 2008, sections 16A.86, subdivision 3; and 116.156, and Laws 2008, chapter 179, section 8, subdivision 3, are repealed.

Sec. 36. EFFECTIVE DATE.

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; establishing new programs and modifying existing programs; authorizing the sale of state bonds; repealing and modifying previous appropriations; appropriating money; amending Minnesota Statutes 2008, sections 16A.86, subdivision 2, by adding a subdivision; 115A.908, subdivision

2; 116.155, subdivision 3; 135A.046, subdivision 2; 136F.98, subdivision 1; Laws 2006, chapter 258, sections 20, subdivision 7; 23, subdivision 3, as amended; Laws 2007, chapter 122, section 1; Laws 2008, chapter 179, sections 3, subdivisions 12, as amended, 21, 25; 12, subdivision 3; 15, subdivision 5; Laws 2008, chapter 365, section 4, subdivision 3; repealing Minnesota Statutes 2008, sections 16A.86, subdivision 3; 116.156; Laws 2008, chapter 179, section 8, subdivision 3."

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

Senator Scheid from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 708: A bill for an act relating to mortgages; modifying provisions relating to foreclosure consultants; amending Minnesota Statutes 2008, section 325N.01.

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

Page 2, line 34, after "organization" insert "that has tax-exempt status under section 501(c)(3) of the Internal Revenue Code"

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

Senator Prettner Solon from the Committee on Energy, Utilities, Technology and Communications, to which was referred

S.F. No. 573: A bill for an act relating to utilities; providing for audio electronic recordings; making technical corrections regarding the cold weather rule; amending Minnesota Statutes 2008, sections 216A.03, subdivision 6; 216C.11.

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

Page 1, line 9, strike "unless the"

Page 1, line 10, strike everything before the period

Page 1, after line 10, insert:

"Sec. 2. Minnesota Statutes 2008, section 216A.03, is amended by adding a subdivision to read:

Subd. 6a. **Hearing reporter.** A magnetically or electronically recorded record is not required if the commission requires a hearing reporter to record the proceeding. The commission may delegate to the executive secretary authority to require hearing reporter services. The cost of hearing reporter services must be borne by the utility, telephone company, or telecommunications carrier that is the subject of the proceeding. If more than one company is the subject of a proceeding, the commission, or if the commission so delegates the executive secretary, shall determine how the hearing reporter costs are to be allocated for the proceeding."

Reorder the sections in sequence

Amend the title numbers accordingly

Amend the title as follows:

Page 1, line 2, delete "providing for audio electronic recordings" and insert "providing for recording and reporting of Public Utilities Commission proceedings"

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

Senator Prettner Solon from the Committee on Energy, Utilities, Technology and Communications, to which was referred

S.F. No. 586: A bill for an act relating to utilities; modifying provisions relating to deadline for rate determination by Public Utilities Commission; making clarifying correction; amending Minnesota Statutes 2008, section 216B.16, subdivisions 2, 7b.

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

Page 1, line 12, reinstate the stricken language and delete the new language

Page 2, line 6, reinstate the stricken language and delete the new language

Page 2, line 19, strike "the extent necessary to" and before "make" insert "allow up to a total of 90 additional calendar days to"

Page 2, line 20, strike "after it has made a final determination in" and delete the new language

Page 2, line 21, delete the new language and strike "case"

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

Senator Prettner Solon from the Committee on Energy, Utilities, Technology and Communications, to which was referred

S.F. No. 574: A bill for an act relating to utilities; authorizing Public Utilities Commission to order refunds of unlawful utility rate revenues; amending Minnesota Statutes 2008, sections 216B.23, by adding a subdivision; 237.081, by adding a subdivision; 237.74, by adding a subdivision.

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

Page 1, line 11, after "commission" insert ", after conducting a proceeding,"

Page 1, line 13, delete "notwithstanding" and insert "in addition to any remedies authorized by"

Page 1, line 16, after the period, insert "Nothing in this section shall be construed as allowing retroactive ratemaking. In addition, nothing in this section shall be construed to allow refunds based on claims that prior or current approved rates have been unjust, unreasonable, unreasonably preferential, discriminatory, insufficient, inequitable, or inconsistent in application to a class of customers. Moreover, nothing in this section shall be construed to allow refunds based on claims that approved rates have not encouraged energy conservation, encouraged renewable energy use, or furthered the goals of section 216B.164, 216B.241, or 216C.05. A refund under this subdivision shall not apply to revenues collected more than six years prior to the date of the notice of the commission proceeding."

Page 1, delete section 2

Page 2, delete section 3

Amend the title numbers accordingly

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

Senator Scheid from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 404: A bill for an act relating to insurance; requiring a notice to applicants for homeowners' insurance; amending Minnesota Statutes 2008, section 65A.29, by adding a subdivision.

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

Page 1, after line 12, insert:

"Sec. 2. EFFECTIVE DATE.

This act is effective January 1, 2010."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Senator Scheid from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 340: A bill for an act relating to real property; mortgages; requiring notice and mandatory mediation prior to commencement of mortgage foreclosure proceedings on homestead property; creating a homestead-lender mediation account; amending Minnesota Statutes 2008, sections 357.18, subdivision 1; 508.82, subdivision 1; 508A.82, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 582; 583.

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

Page 1, delete article 1 and insert:

"ARTICLE 1

HOMESTEAD-LENDER MEDIATION

Section 1. Minnesota Statutes 2008, section 580.021, is amended to read:

580.021 FORECLOSURE PREVENTION COUNSELING; MEDIATION REFERRAL.

Subdivision 1. **Applicability.** This section applies to foreclosure of mortgages under this chapter or chapter 581 on property consisting of one to four family dwelling units, one of which the owner occupies as the owner's principal place of residency on the date of service of the notice of sale of the owner.

Subd. 2. **Requirement to provide notice of opportunity for counseling and mediation.** When the written notice required under section 47.20, subdivision 8, is provided and before the notice of pendency under section 580.032, subdivision 3, is filed, a party foreclosing on a mortgage must

provide to the mortgagor information contained in a form prescribed in section 580.022, subdivision 1, that:

(1) foreclosure prevention counseling services provided by an authorized foreclosure prevention counseling agency are available; ~~and~~

(2) notice that the party will transmit the homeowner's name, address, and telephone number to an approved foreclosure prevention agency and the Office of the Attorney General; and

(3) notice that if the mortgagor receives counseling services but is unable to resolve the default, the mortgagor may have the mortgage debt reviewed in a mediation proceeding with a mediator approved by the attorney general.

Clause (3) expires on December 31, 2014.

Nothing in this subdivision prohibits the notices required by this subdivision from being provided concurrently with the written notice required under section 47.20, subdivision 8.

For the purposes of this section, an "authorized foreclosure prevention counseling agency" or "counseling agency" is a nonprofit agency approved by the Minnesota ~~Housing Finance Agency~~ Home Ownership Center or the United States Department of Housing and Urban Development to provide foreclosure prevention counseling services.

Subd. 3. Notification to authorized counseling agency. The party entitled to foreclose shall, within one week of sending the notice prescribed in section 580.022, provide to the appropriate authorized foreclosure prevention counseling agency and the Office of the Attorney General the mortgagor's name, address, and most recent known telephone number.

Subd. 4. Notice of provision of counseling; request for contact information. (a) An authorized foreclosure prevention counseling agency that contacts or is contacted by a mortgagor or the mortgagor's authorized representative and agrees to provide foreclosure prevention assistance services to the mortgagor or representative must provide the form prescribed in section 580.022, subdivision 2, to the mortgagee. The form serves as notice to the mortgagee that the mortgagor is receiving foreclosure prevention counseling assistance. Upon receipt of the form, the mortgagee must not file a notice of pendency under section 580.032 or commence a foreclosure action under chapter 581 until expiration of the time allowed for the mortgagor to request mediation under subdivision 5 or, if mediation is requested, when allowed under sections 583.40 to 583.48.

(b) The mortgagee must return the form to the ~~authorized foreclosure prevention~~ counseling agency within 15 days of receipt of the form with the name and telephone number of the mortgagee's agent. The agent must be a person authorized by the mortgagee to:

(1) discuss with the ~~authorized foreclosure prevention~~ counseling agency or the mortgagor the terms of the mortgage; and

(2) negotiate any resolution to the mortgagor's default.

(c) Nothing in this subdivision requires a mortgagee to reach a resolution relating to the mortgagor's default.

Subd. 5. Mediation referral. (a) If an authorized foreclosure prevention counseling agency provides counseling services to a mortgagor, the counseling agency must discuss repayment options

and alternatives for resolving the default with the mortgagor and mortgagee. If the mortgagor and mortgagee are unable to negotiate a resolution of the mortgagor's default within 60 days of receipt of the form submitted by the mortgagee under subdivision 4, paragraph (b), the counseling agency must give the mortgagor a mediation request form, unless the mortgagor is not eligible for mediation under section 583.41. The counseling agency also must inform the mortgagor that if the mortgagor wishes to pursue mediation, the form must be sent by certified mail to the attorney general within seven days of receipt of the form. The counseling agency must forward the mortgagor's name to the attorney general along with a copy of the form submitted by the mortgagee under subdivision 4, paragraph (b), to verify the mortgagor's eligibility to participate in mediation.

(b) This subdivision expires on December 31, 2014.

Sec. 2. Minnesota Statutes 2008, section 580.022, subdivision 1, is amended to read:

Subdivision 1. **Counseling form.** The notice required under section 580.021, subdivision 2, ~~clause (2)~~, must be printed on colored paper that is other than the color of any other document provided with it and must appear substantially as follows:

"PREFORECLOSURE NOTICE

Foreclosure Prevention Counseling and Mediation

Why You Are Getting This Notice

YOU HAVE DEFAULTED ON A MORTGAGE OF THE HOMESTEAD PROPERTY DESCRIBED AS [Legal Description and Property Address]. THE HOLDER OF THE MORTGAGE, [Name of Holder of Mortgage] INTENDS TO FORECLOSE ON THIS PROPERTY. YOU HAVE THE RIGHT TO PARTICIPATE IN A MEDIATION PROCESS TO SEE IF A RESOLUTION CAN BE REACHED WITH [Name of Holder of Mortgage]. TO LEARN MORE ABOUT MEDIATION, CONTACT THE OFFICE OF THE ATTORNEY GENERAL AT (651) 296-3353 OR 1-800-657-3787, OR ONLINE AT WWW.AG.STATE.MN.US. IF YOU WANT TO PARTICIPATE IN MEDIATION, YOU MUST FIRST PARTICIPATE IN FORECLOSURE PREVENTION COUNSELING WITH THE AGENCY LISTED BELOW.

The requirement for a mediation proceeding notice in the paragraph above expires on December 31, 2014.

We do not want you to lose your home and your equity. Government-approved nonprofit agencies are available to, if possible, help you prevent foreclosure.

We have given your contact information to an authorized foreclosure prevention counseling agency to contact you to help you prevent foreclosure.

Who Are These Foreclosure Prevention Counseling Agencies

They are nonprofit agencies who are experts in housing and foreclosure prevention counseling and assistance. They are experienced in dealing with lenders and homeowners who are behind on mortgage payments and can help you understand your options and work with you to address your delinquency. They are approved by either the Minnesota Housing Finance Agency or the United States Department of Housing and Urban Development. They are not connected with us in any way.

Which Agency Will Contact You

[insert name, address, and telephone number of agency]

You can also contact them directly."

Sec. 3. **[583.40] DEFINITIONS.**

Subdivision 1. **Applicability.** The definitions in this section apply to sections 583.40 to 583.48.

Subd. 2. **Commence a foreclosure proceeding.** "Commence a foreclosure proceeding" means to file a notice of pendency under section 580.032 or commence a foreclosure action under chapter 581.

Subd. 3. **Send.** "Send" means to deliver by certified mail or another method acknowledging receipt.

Subd. 4. **Serve.** "Serve" means personal service under the Minnesota Rules of Civil Procedure.

Sec. 4. **[583.41] APPLICABILITY.**

Subdivision 1. **Creditors.** (a) Sections 583.40 to 583.48 apply to a person who is the holder of a mortgage to which section 580.021 applies.

(b) Sections 583.40 to 583.48 do not apply to property if the holder of the mortgage, before selling the property to the owner, occupied the property as the holder's principal place of residency.

Subd. 2. **Debtors.** Sections 583.40 to 583.48 apply to a debtor who has received foreclosure prevention counseling under section 580.021 and who has been verified as eligible for mediation by an authorized foreclosure prevention counseling agency, or who files a mediation request under section 583.42, subdivision 1, paragraph (b), indicating that the debtor did not receive the required preforeclosure prevention counseling and mediation notice. Sections 583.40 to 583.48 do not apply to a debtor who qualifies as a debtor under the Farmer-Lender Mediation Act.

Subd. 3. **Applicability.** (a) Sections 583.40 to 583.48 do not apply to mortgages refinanced or modified under programs authorized by the federal Economic and Housing Recovery Act of 2008 or the Emergency Economic Stabilization Act of 2008, including but not limited to, the HOPE for Homeowners Program or the Home Affordable Modification Program.

(b) Sections 583.40 to 583.48 do not apply to mortgages held by a lender that comply with section 580.021 and offer a write-down of the borrower's mortgage payment to no more than 38 percent of the borrower's gross monthly income.

Sec. 5. **[583.42] MANDATORY MEDIATION PROCEEDINGS.**

Subdivision 1. **Mediation request.** (a) A debtor who wishes to participate in mediation must send a mediation request form to the attorney general within seven days after receiving the form from the counseling agency under section 580.021, subdivision 5. The debtor must disclose all known creditors with debts secured by the property. A debtor who fails to send a timely mediation request waives the right to mediation under sections 583.40 to 583.48 for that specific mortgage foreclosure. Upon receipt of a mediation request, the attorney general must send a copy of the request to the holder of the mortgage. The holder of the mortgage must not commence a foreclosure proceeding against the property or proceed with a proceeding to which paragraph (b) applies until the stay of the foreclosure is lifted or as otherwise authorized under sections 583.40 to 583.48.

(b) If a debtor did not receive the preforeclosure prevention counseling and mediation notice required under section 580.021 and a mortgage foreclosure proceeding has been commenced against the debtor's property, the debtor may send a mediation request to the attorney general at any time before the sheriff's sale. The mediation request form must indicate that the debtor has not received the required notice.

(c) The attorney general must combine all mediation requests for the same debtor that are received before the initial mediation meeting into one mediation proceeding.

Subd. 2. **Mediation proceeding notice.** (a) Within ten days after receiving a mediation request, the attorney general must send:

(1) a mediation proceeding notice to the debtor; and

(2) a mediation proceeding notice to all creditors with a lien on the property listed by the debtor in the mediation request.

(b) The mediation proceeding notice must disclose:

(1) the name and address of the debtor;

(2) that the debtor has requested mediation under sections 583.40 to 583.48;

(3) the time and place for the initial mediation meeting;

(4) that in lieu of having a mediator assigned by the attorney general, the debtor and any one or more of the creditors may agree to select and pay for a professional mediator who must be approved by the attorney general;

(5) that sections 583.40 to 583.48 prohibit the creditor from commencing or continuing a foreclosure proceeding for 90 days after the debtor sends a mediation request to the attorney general, except as otherwise allowed under sections 583.40 to 583.48; and

(6) by the initial mediation meeting, the creditor must provide the debtor with a copy of the mortgage and note, a statement of interest rates on the debt, delinquent payments, unpaid principal and interest balances, the creditor's estimate of value of the property, and debt restructuring programs available from the creditor.

(c) An initial mediation meeting must be held within 20 days of the mediation proceeding notice.

(d) In lieu of the attorney general assigning a mediator, the debtor and creditor may agree to select and pay for a professional mediator for the mediation proceeding. The attorney general must approve the professional mediator before the professional mediator may be assigned to the mediation proceeding. The professional mediator may not be approved unless the professional mediator prepares and signs an affidavit:

(1) disclosing any biases, relationships, or previous associations with the debtor or creditor subject to the mediation proceedings;

(2) stating certifications, training, or qualifications as a professional mediator;

(3) disclosing fees to be charged or a rate schedule of fees for the mediation proceeding; and

(4) affirming to uphold sections 583.40 to 583.48.

Subd. 3. **Effect of mediation proceeding notice.** (a) A creditor who receives a mediation proceeding notice under subdivision 2 must not commence or continue a foreclosure proceeding against the property that is the subject of the mediation until 90 days after the date the debtor sends a mediation request to the attorney general, except as otherwise allowed under sections 583.40 to 583.48.

(b) Notwithstanding paragraph (a), a creditor receiving a mediation proceeding notice may commence or continue a mortgage foreclosure proceeding against the property if:

(1) the creditor receives a mediator's affidavit of the debtor's lack of good faith under section 583.43;

(2) ten days have expired since the debtor and creditor signed an unrevoked agreement under subdivision 7 allowing the creditor to commence mortgage foreclosure proceedings against the property; or

(3) the creditor receives a termination statement under subdivision 8.

(c) A creditor receiving a mediation proceeding notice must provide the debtor by the initial mediation meeting with a copy of the mortgage and note, a statement of interest rates on the debt, delinquent payments, unpaid principal and interest balances, the creditor's estimate of the value of the property, and debt restructuring programs available from the creditor.

(d) The provisions of this subdivision are subject to section 583.43, relating to extensions or reductions in the period before a creditor may commence or continue a mortgage foreclosure proceeding.

Subd. 4. **Eligibility and duties of mediator.** (a) The attorney general may appoint and arrange for the compensation of mediators who are qualified persons experienced in finance or negotiation.

(b) A person is not eligible to be a mediator if the person has a conflict of interest that does not allow the person to be impartial.

(c) At all mediation meetings, the mediator shall:

(1) attempt to mediate between the debtor and the creditors;

(2) advise the debtor and creditors of assistance programs that are available;

(3) attempt to arrive at an agreement to fairly adjust, refinance, or pay the mortgage debt; and

(4) advise, counsel, and assist the debtor and creditor in attempting to arrive at an agreement for the future conduct of financial relations between them.

Subd. 5. **Mediator liability and immunity.** A mediator and the attorney general and their employees are immune from civil liability for actions within the scope of their positions under this chapter. A mediator and the attorney general and their employees do not have a duty to advise a creditor or debtor about the law or to encourage or assist a debtor or creditor regarding their legal rights. This subdivision is in addition to and not a limitation of immunity that otherwise exists under law.

Subd. 6. **Mediation period.** The mediator may call mediation meetings during the mediation period, which may be up to 90 days after the debtor sends a mediation request to the attorney general.

Subd. 7. **Mediation agreement.** (a) If an agreement is reached among the debtor and creditors, the mediator must witness and sign a written mediation agreement, have it signed by the debtor and creditors, and if applicable, submit the agreement to (1) the attorney general, and (2) any court that has jurisdiction over mortgage foreclosure or redemption proceedings regarding the property.

(b) The debtor and creditors who are parties to the approved mediation agreement and creditors who have filed claim forms and have not objected to the mediation agreement:

(1) are bound by the terms of the agreement; and

(2) may enforce the mediation agreement as a legal contract.

(c) A debtor may agree to allow a creditor to commence a mortgage foreclosure proceeding against property that is subject to mediation before the proceeding is otherwise allowed under subdivision 3, provided that the debtor or creditor may rescind the agreement within five business days after that debtor and creditor both sign the agreement.

Subd. 8. **Termination of mediation.** (a) The mediator must sign and serve on the parties and the attorney general a termination statement by the end of the mediation period.

(b) The mediator must prepare a termination statement acknowledging that mediation has ended and that:

(1) describes or references agreements reached between a creditor and the debtor, if any, and agreements reached among creditors, if any; or

(2) states that no agreement was reached between the parties, despite a good faith effort by the parties, and that further negotiation would be futile.

(c) Mediation agreements may be included as part of the termination statement.

Sec. 6. [583.43] GOOD FAITH REQUIRED; COURT-SUPERVISED MEDIATION.

Subdivision 1. **Obligation of good faith.** The parties must engage in mediation in good faith. Not participating in good faith includes:

(a) failure to attend and participate in mediation sessions without cause;

(b) failure to provide full information regarding the financial obligations of the parties and other creditors including the obligation of a creditor to provide information under section 583.42, subdivision 3, paragraph (c);

(c) failure of the creditor to designate a representative to participate in the mediation with authority to make binding commitments;

(d) lack of a written statement of debt restructuring alternatives and a statement of reasons why alternatives are unacceptable to one of the parties; and

(e) other similar behavior that evidences lack of good faith by a party. A failure to agree to reduce, restructure, refinance, or forgive debt is not, in itself, evidence of lack of good faith by the

creditor.

Subd. 2. **Party's bad faith; mediator's affidavit.** If the mediator determines that either party is not participating in good faith as defined in subdivision 1, the mediator must file an affidavit indicating the reasons for the finding with the attorney general and with parties to the mediation.

Subd. 3. **Creditor's bad faith; court supervision.** If the mediator finds the creditor has not participated in mediation in good faith, the debtor may require court-supervised mandatory mediation by filing the affidavit with the district court of the county of the debtor's residence with a request for court supervision of mediation and serving a copy of the request on the creditor. Upon request, the court must require both parties to mediate under the supervision of the court in good faith for a period of not more than 90 days. All mortgage foreclosure proceedings must be suspended during this period. The court may issue orders necessary to effect good faith mediation. Following the mediation period, if the court finds the creditor has not participated in mediation in good faith, the court must by order suspend the creditor's mortgage foreclosure proceeding for an additional period of 90 days. A creditor found by the mediator not to have participated in good faith must pay the attorney fees and costs of the debtor requesting court supervision.

Subd. 4. **Debtor's lack of good faith.** A creditor may immediately commence or proceed with a mortgage foreclosure proceeding upon receipt of a mediator's affidavit of a debtor's lack of good faith, notwithstanding any other requirements of sections 583.40 to 583.48.

Subd. 5. **Review of good faith finding.** (a) Upon petition by a debtor or creditor, a court may review a mediator's decision regarding whether to file an affidavit of lack of good faith. The review is limited to whether the mediator committed an abuse of discretion in filing, or failing to file, an affidavit of lack of good faith. The petition must be reviewed by the court within ten days after the petition is filed.

(b) If the court finds that the mediator committed an abuse of discretion in filing, or failing to file, an affidavit of lack of good faith, the court may:

- (1) reinstate mediation and the stay of creditor's mortgage foreclosure proceeding;
- (2) order court-supervised mediation; or
- (3) allow a creditor to proceed immediately with a mortgage foreclosure proceeding.

Sec. 7. [583.44] CREDITOR NOT ATTENDING MEDIATION MEETING.

Subdivision 1. **Filing and effect of claim form.** A creditor that is notified of the initial mediation meeting is subject to and bound by a mediation agreement if the creditor does not attend mediation meetings, unless the creditor files a claim form. In lieu of attending a mediation meeting, a creditor may file a claim form with the mediator before the scheduled meeting. By filing a claim form the creditor agrees to be bound by a mediation agreement reached at the mediation meeting unless an objection is filed within the time specified in subdivision 2. The mediator must notify the creditors who have filed claim forms of the terms of any agreement.

Subd. 2. **Objections to agreements.** A creditor who has filed a claim form may serve a written objection to the terms of the mediation agreement on the mediator and the debtor within ten days after receiving notice of the mediation agreement. If a creditor files an objection to the terms of a mediation agreement, the mediator must meet again with debtors and creditors within ten days after

receiving the objection. Notwithstanding the mediation period under section 583.43, subdivision 7, if an objection is filed, the mediator must call mediation meetings during the ten-day period following receipt of the objection.

Sec. 8. **[583.45] DATA PRACTICES.**

Data regarding the finances of individual debtors and creditors created, collected, and maintained by the attorney general or mediators under sections 583.40 to 583.48 are private data on individuals or nonpublic data as defined in section 13.02, subdivision 9 or 12.

Sec. 9. **[583.46] FORMS AND COMPENSATION.**

Subdivision 1. **Compensation.** The attorney general must set the compensation of mediators.

Subd. 2. **Forms.** The attorney general must create standard mediation request and claim forms.

Sec. 10. **[583.47] ENFORCEMENT.**

A mediation agreement may be enforced by a state district court.

Sec. 11. **[583.48] INCONSISTENT LAWS.**

Sections 583.40 to 583.47 have precedence over any inconsistent or conflicting laws, including chapters 580 and 581.

Sec. 12. **[583.49] EXPIRATION.**

Sections 583.40 to 583.48 expire December 31, 2014.

Sec. 13. **EFFECTIVE DATE.**

This article is effective July 1, 2009, and applies to foreclosures in which the default notice under Minnesota Statutes, section 47.20, subdivision 8, is sent on or after that date."

Page 9, line 8, delete "CONFORMING PROVISIONS" and insert "FEES AND APPROPRIATIONS"

Page 18, line 28, delete everything after "effective" and insert "July 1, 2009."

Amend the title numbers accordingly

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

Senator Prettner Solon from the Committee on Energy, Utilities, Technology and Communications, to which was re-referred

S.F. No. 298: A bill for an act relating to consumer protection; limiting customer liability for unauthorized use of lost or stolen cellular phones; proposing coding for new law in Minnesota Statutes, chapter 325F.

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

Page 1, line 6, delete "LOST OR STOLEN" and insert "LIABILITY FOR UNAUTHORIZED

USE OF "

Amend the title as follows:

Page 1, line 3, delete "lost or stolen"

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

Senator Scheid from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 743: A bill for an act relating to commerce; weights and measures; updating petroleum standards; establishing standards for biodiesel blends and fuels; amending Minnesota Statutes 2008, sections 239.761, subdivisions 3, 4, 5, 6, 7, 8, 9, 11, 16; 239.77, subdivision 1; 296A.01, subdivisions 8, 14, 20, 23, 24, 26, 28.

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

Page 3, delete section 6

Page 4, delete section 12

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Senator Vickerman from the Committee on Agriculture and Veterans, to which was referred

S.F. No. 122: A bill for an act relating to pet animals; requiring a notice for retail sales of cocoa bean shell mulch; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Page 1, line 5, after "FOR" insert "UNPROCESSED"

Page 1, line 6, after "(a)" insert "Except as provided in paragraph (d),"

Page 1, line 10, after "mulch" insert "that has not been processed to be nontoxic"

Page 1, line 11, before "cocoa" insert "unprocessed"

Page 1, line 14, after "containing" insert "unprocessed"

Page 1, line 17, delete "completely" and after "theobromine" insert "to a nontoxic level"

Amend the title as follows:

Page 1, line 2, after "of" insert "unprocessed"

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

Senator Vickerman from the Committee on Agriculture and Veterans, to which was re-referred

S.F. No. 236: A bill for an act relating to state government; designating March 25 as Medal of Honor Day; proposing coding for new law in Minnesota Statutes, chapter 10.

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

Senator Vickerman from the Committee on Agriculture and Veterans, to which was re-referred

S.F. No. 364: A bill for an act relating to waters; modifying drainage system provisions; appropriating money; amending Minnesota Statutes 2008, sections 103E.065; 103E.227; 103E.401, subdivision 3; 103E.505, subdivision 3; 103E.611, subdivision 1; 103E.735, subdivision 1; 103E.805; proposing coding for new law in Minnesota Statutes, chapter 103E.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Vickerman from the Committee on Agriculture and Veterans, to which was referred

S.F. No. 133: A resolution memorializing Congress to oppose federal legislation that interferes with a state's ability to direct the transport or processing of horses.

Reports the same back with the recommendation that the resolution do pass. Report adopted.

Senator Moua from the Committee on Judiciary, to which was referred

S.F. No. 412: A bill for an act relating to probate; enacting the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; proposing coding for new law in Minnesota Statutes, chapter 524.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Moua from the Committee on Judiciary, to which was referred

S.F. No. 758: A bill for an act relating to vulnerable adults; authorizing disclosure of financial records in connection with financial exploitation investigations; modifying procedures and duties for reporting and investigating maltreatment; specifying duties of financial institutions in cases alleging financial exploitation; modifying the crime of financial exploitation; imposing criminal and civil penalties; amending Minnesota Statutes 2008, sections 13A.02, subdivision 1; 13A.04, subdivision 1; 256B.0595, subdivision 4b; 299A.61, subdivision 1; 388.23, subdivision 1; 609.2335; 609.52, subdivision 3; 611A.033; 626.557, subdivisions 4, 5, 9, 9b, 9e, by adding subdivisions; 626.5572, subdivisions 5, 21; 628.26.

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

Page 4, line 16, after "banking" insert ", credit card," and after "adult" insert ", whether held in the name of the vulnerable adult or a third party, including but not limited to safe deposit, loan and account applications and agreements, signature cards, statements, check, transfers, account authorizations, safe deposit access records and documentation of fraud"

Page 5, line 2, after "adult" insert ", whether held in the name of the vulnerable adult or a third party,"

Page 5, line 5, after "resources" insert ", whether held in the name of the vulnerable adult or a third party,"

Page 5, line 9, after "adult" insert ", whether held in the name of the vulnerable adult or a third party,"

Page 9, line 2, after the period, insert "Financial institutions are immune from any civil or criminal liability that might otherwise result from complying with this subdivision."

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

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

S.F. No. 525: A bill for an act relating to health occupations; establishing a regulation system for technicians performing body art procedures and for body art establishments; adopting penalty fees; proposing coding for new law as Minnesota Statutes, chapter 146B.

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

Page 12, lines 17 and 27, delete "release" and insert "disclosure and authorization"

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

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

S.F. No. 847: A bill for an act relating to public safety; creating pilot program for driver's license reinstatement diversion for individuals charged with driving without valid license.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Moua from the Committee on Judiciary, to which was referred

S.F. No. 951: A bill for an act relating to probate; modifying provisions governing guardians and conservators; amending Minnesota Statutes 2008, sections 524.5-102, subdivision 7, by adding a subdivision; 524.5-304; 524.5-309; 524.5-310; 524.5-316; 524.5-317; 524.5-406; 524.5-409; 524.5-413; 524.5-414; 524.5-420; proposing coding for new law in Minnesota Statutes, chapter 524.

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

Page 2, line 8, delete "an individual or agency" and insert "a person"

Page 2, line 9, after "blood" insert ", adoption,"

Page 2, delete section 3 and insert:

"Sec. 3. [524.5-119] CENTRAL REGISTRATION OF GUARDIANS AND CONSERVATORS.

By July 1, 2013, the Supreme Court shall establish a statewide registration system under which guardians and conservators appointed under sections 524.5-101 to 524.5-502 must register with the state court administrator. Registration information must include the name of the guardian or conservator, whether the person is a professional guardian or conservator, date and county of appointment, and other information required by the Supreme Court. Registration data that the Supreme Court determines are accessible to the public must be accessible online or through other means implemented by the Supreme Court. The state court administrator shall establish registration fees to support the costs of developing and administering the registration system. The state court administrator shall require a professional guardian or conservator to pay a registration fee and may require other guardians and conservators to pay a fee."

Page 3, line 8, delete "bodily" and insert "personal"

Page 3, line 9, delete "unimpeded"

Page 3, line 10, after "choice" insert ", provided that if the court has found that certain communication or visitation may result in harm to the ward's health, safety, or well-being, that communication or visitation may be restricted but only to the extent necessary to prevent the harm"

Page 3, delete line 13

Page 3, line 14, delete "(13)" and insert "(12)"

Page 3, line 16, delete "(14)" and insert "(13)"

Page 3, line 18, delete "(15)" and insert "(14)"

Page 3, after line 18, insert:

"Sec. 5. Minnesota Statutes 2008, section 524.5-301, is amended to read:

524.5-301 APPOINTMENT AND STATUS OF GUARDIAN.

Subdivision 1. **General.** A person becomes a guardian of an incapacitated person by a parental or spousal appointment or upon appointment by the court. The guardianship continues until terminated, without regard to the location of the guardian or ward.

Subd. 2. **Professional guardian certification.** (a) In order to qualify for appointment by the court, a professional guardian must be certified in the manner required by the Supreme Court. The fee for certification and continuing education required to maintain certification must be paid by the professional guardian.

(b) Paragraph (a) does not apply to a professional guardian that is a nonprofit organization that

provides guardianship services or to an employee or other person acting under the supervision of the organization, if the organization provides continuing education for persons who provide the services.

EFFECTIVE DATE. This section is effective July 1, 2010."

Page 3, line 30, after the first comma, insert "and at anytime during the course of the representation when a risk of a conflict of interest may arise," and after the first "proposed" insert "or appointed" and after "ward" insert "or ward"

Page 3, line 32, after "guardian" insert "or guardian"

Page 3, line 34, delete "prospect" and insert "proposed" and after "ward" insert "or ward"

Page 4, line 1, after "guardian" insert "or guardian" and delete the second "proposed"

Page 4, line 2, after "appointed" insert "or new counsel must be appointed"

Page 4, lines 3 and 4, after "ward" insert "or ward"

Page 6, line 9, delete "and"

Page 6, delete line 10 and insert:

"(7) an adult who is related to the respondent by blood, adoption, or marriage; and

(8) any other adult or a professional guardian."

Page 7, lines 4 and 13, after "record" insert "with the court"

Page 7, line 5, delete "for any" and insert "to request an"

Page 7, after line 7, insert:

"Sec. 9. Minnesota Statutes 2008, section 524.5-315, is amended to read:

524.5-315 RIGHTS AND IMMUNITIES OF GUARDIAN; LIMITATIONS.

(a) A guardian is entitled to reasonable compensation for services as guardian and to reimbursement for expenditures made on behalf of the ward, in a manner consistent with section 524.5-502.

(b) A guardian is not liable to a third person for acts of the ward solely by reason of the relationship. A guardian who exercises reasonable care in choosing a third person providing medical or other care, treatment, or service for the ward is not liable for injury to the ward resulting from the wrongful conduct of the third person.

(c) A guardian, ~~without authorization of the court,~~ may not revoke the appointment of an agent of a health care directive of which the ward is the principal, ~~but the guardian and~~ may not, absent a court order, revoke the health care directive itself. If a health care directive is in effect, absent an order of the court to the contrary, a health care decision of the guardian ~~takes~~ does not take precedence over that of an agent.

(d) A guardian may not initiate the commitment of a ward to an institution except in accordance

with section 524.5-313."

Page 7, line 20, after "record" insert "with the court" and delete "challenge" and insert "submit to the court a written statement disputing"

Page 8, line 22, after the comma, insert "and at anytime during the course of the representation when a risk of a conflict of interest may arise,"

Page 8, line 23, after the first "proposed" insert "or appointed" and after "person" insert "or protected person"

Page 8, lines 25 and 28, after "conservator" insert "or conservator"

Page 8, lines 27, 30, and 31, after "person" insert "or protected person"

Page 10, after line 8, insert:

"(g) Before the initial appointment, and annually within 30 days after the anniversary date of the appointment, the proposed conservator or conservator shall file an informational statement with the court. The statement must be a sworn affidavit containing the following information:

(1) the person's educational background and relevant work and other experience;

(2) the person's addresses and telephone numbers, including places of business or residence where the conservator can be contacted;

(3) whether the person has ever been removed for cause from serving as a guardian or conservator and if so, the case number and court location;

(4) any changes occurring that would affect the accuracy of information contained in the most recent criminal background study conducted pursuant to section 524.5-118; and

(5) if applicable, the amount of reimbursement for services rendered to the protected person that the person has received during the previous year."

Page 11, line 2, after "record" insert "with the court"

Page 11, line 24, delete "and"

Page 11, delete line 25 and insert:

"(8) an adult who is related to the respondent by blood, adoption, or marriage; and

(9) any other adult or a professional conservator."

Page 11, line 33, before "estate" insert "personal property of the"

Page 11, line 34, delete "\$50,000" and insert "\$10,000" and before the period, insert "and shall require that a professional conservator must be certified within six months of the appointment. Certification is not required under this paragraph if the conservator is a nonprofit organization that provides conservatorship services or to an employee or other person acting under the supervision of the organization, if the organization provides continuing education for persons who provide the services"

Page 12, after line 3, insert:

"EFFECTIVE DATE. The certification requirement under this section is effective July 1, 2010."

Page 13, line 4, after "record" insert "with the court" and delete "challenge" and insert "submit to the court a written statement disputing"

Renumber the sections in sequence

Amend the title numbers accordingly

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

Senator Vickerman from the Committee on Agriculture and Veterans, to which was referred

S.F. No. 484: A bill for an act relating to agriculture; changing duties of the Food Safety and Defense Task Force; changing membership and procedures of the Minnesota Organic Advisory Task Force; eliminating language requiring two annual reports; amending Minnesota Statutes 2008, sections 28A.21, subdivision 5; 31.94; repealing Minnesota Statutes 2008, sections 17.49, subdivision 3; 18G.12, subdivision 5.

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

Page 2, line 34, strike ", retailers,"

Page 3, line 6, strike "and"

Page 3, after line 6, insert

"(10) one retailer of organic products; and"

Page 3, line 7, strike "(10)" and insert "(11)"

Page 3, delete section 3

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government Operations and Oversight. Amendments adopted. Report adopted.

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

S.F. No. 811: A bill for an act relating to education finance; authorizing Independent School District No. 2887, McLeod West, to issue general obligation bonds for its reorganization operating debt.

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

Page 1, line 14, delete "five" and insert "six"

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

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

S.F. No. 10: A bill for an act relating to education finance; establishing a shared services purchasing program; requiring all school districts and charter schools to participate in the shared services program; requiring the Department of Education to administer the shared services program; requiring the Department of Education to enter a contract with a vendor to establish the shared services program; establishing a deduction from the general education program; setting state and district technology guidelines; creating a quality rating and improvement system; updating annual report on district passage rate; clarifying the definition of comprehensive scientifically based reading instruction; making requirements of kindergarten and elementary teachers; appropriating money; amending Minnesota Statutes 2008, sections 122A.06, subdivision 4; 122A.18, subdivisions 2, 2a, by adding a subdivision; 123B.143, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 123B; 124D; 125B; 127A.

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

Delete everything after the enacting clause and insert:

"Section 1. [123B.835] COOPERATIVE PURCHASING.

Subdivision 1. **Purchasing requirement.** For fiscal years 2010, 2011, and 2012, a school district or charter school is required to purchase goods and business services, when price competitive, from state contracts available through the cooperative purchasing venture under section 16C.10, subdivision 4, and operated under the authority of the commissioner of administration, from intermediate school districts, or from a regional service cooperative or a regional management information center. The commissioner of administration will oversee the shared business services purchasing requirement under this subdivision. For the purpose of this section, the term "goods" shall have the meaning that it does in section 16C.02, subdivision 8. "Business services" means both professional and technical services and service performed under a service contract for school district business management. It does not mean custodial, food, or transportation services.

Subd. 2. **Exemption.** Notwithstanding subdivision 1, a school district or charter school is not required to purchase a good or business service according to subdivision 1 if the school district or charter school can document that:

- (1) a lower price for comparable goods or business services is available from another vendor;
- (2) the proximity of another vendor materially affects the delivery of a particular good or business service;
- (3) an urgent need justifies a purchase from another vendor; or
- (4) a reasonable regional need justifies a purchase from another vendor.

If a school district or charter school purchases a particular good or business service according to this subdivision, the district or charter school rationale must be documented.

Sec. 2. SHARED SERVICES CONSULTATION SERVICES.

The commissioner of education shall enter into a three-year contract with a consultant to study specific services or activities across school districts and charter schools to make recommendations about combining services and activities in order to promote improved service delivery, efficiency, and economy of operation. The commissioner of education shall require the consultant to develop an implementation plan for all school districts to participate in shared services. The consultant must work cooperatively with school districts, charter schools, and their employees to develop and implement this plan. The department must contract with a consultant that agrees to receive payment as a percentage of shared services savings as measured under section 3, subdivision 2, of this act. This percentage must not exceed five percent of the savings computed according to section 3, subdivision 2, of this act in fiscal years 2010, 2011, and 2012.

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

Sec. 3. SHARED SERVICES.

Subdivision 1. **Shared services arrangement.** School districts, charter schools, and their employees must work with a shared services consultant and may work with an intermediate school district, a regional service cooperative, or a regional management information center to create and implement a plan that maximizes the benefits of shared services.

Subd. 2. **Savings measurement.** School districts, charter schools, and their employees must work with a shared services consultant to develop a method for measuring school district or charter school savings as a result of utilizing shared services under this section. This method must calculate savings for each individual district or charter school. The savings must be allocated to classroom education in each school district or charter school. Each school district and charter school must annually report the savings calculated under this section to the commissioner of education by January 15, 2010; January 15, 2011; and January 15, 2012.

Subd. 3. **Report.** The commissioner of education must annually report by February 15, 2010; February 15, 2011; and February 15, 2012, to the education finance committees of the legislature on the savings that shared services generates for the state's school districts and charter schools.

Sec. 4. SHARED SERVICES DEDUCTION.

(a) Notwithstanding Minnesota Statutes, section 126C.13, subdivision 4, for fiscal years 2010, 2011, and 2012 only, a school district or charter school's general education aid must equal the amount computed under Minnesota Statutes, section 126C.13, subdivision 4, minus five percent of the savings computed under section 3, subdivision 2, of this act.

(b) Notwithstanding paragraph (a), the deduction under this section shall be equal to the contracted percentage under section 2 between the Department of Education and the consultant. The department must reduce the deduction under this section if the department and the consultant agree to a contract under section 2, in which the consultant is paid as a percentage of savings that is less than five percent.

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

Sec. 5. SAVINGS ALLOCATION.

Notwithstanding section 3 of this act, in fiscal years 2010, 2011, and 2012 only, savings computed according to section 3, subdivision 2, of this act minus the contracted percentage paid to

the shared services consultant under section 2 must be allocated to classroom education in each school district or charter school.

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

Sec. 6. APPROPRIATION; SHARED SERVICES CONSULTANT.

For fiscal years 2010 and 2011, the amount deducted from general education aid under section 4 is appropriated to the Department of Education for the costs of the contract associated with shared services consultation under section 2."

Delete the title and insert:

"A bill for an act relating to education finance; requiring school districts to use shared services and make purchases through the cooperative purchasing venture; requiring the Department of Education to hire a consultant to work with districts to share services; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 123B."

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. 643: A bill for an act relating to unemployment compensation; providing eligibility for benefits under certain training programs.

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

Page 1, line 13, delete "was" and insert "were"

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. 56 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its 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.
56	55				

and that the above 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. Report adopted.

Senator Bakk from the Committee on Taxes, to which was referred

S.F. No. 1054: A bill for an act relating to taxation; abolishing levy limits; amending Minnesota

Statutes 2008, sections 275.065, subdivision 3; 275.16; 275.62, subdivision 1; 473.167, subdivision 3; 473.249, subdivision 1; 473.253, subdivision 1; repealing Minnesota Statutes 2008, sections 275.70; 275.71; 275.72; 275.73; 275.74; 275.75.

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 2008, section 123B.10, subdivision 1, is amended to read:

Subdivision 1. **Budgets; form of notification.** (a) Every board must publish revenue and expenditure budgets for the current year and the actual revenues, expenditures, fund balances for the prior year and projected fund balances for the current year in a form prescribed by the commissioner within one week of the acceptance of the final audit by the board, or November 30, whichever is earlier. The forms prescribed must be designed so that year to year comparisons of revenue, expenditures and fund balances can be made.

(b) A school board annually must notify the public of its revenue, expenditures, fund balances, and other relevant budget information. The board must ~~include the budget information required by this section in the materials provided as a part of its truth in taxation hearing,~~ post the materials in a conspicuous place on the district's official Web site, including a link to the district's school report card on the Department of Education's Web site, and publish the information in a qualified newspaper of general circulation in the district.

EFFECTIVE DATE. This section is effective for taxes payable in 2010 and thereafter.

Sec. 2. Minnesota Statutes 2008, section 275.065, subdivision 3, is amended to read:

Subd. 3. **Notice of proposed property taxes.** (a) The county auditor shall prepare and the county treasurer shall deliver after November 10 and on or before November 24 each year, by first class mail to each taxpayer at the address listed on the county's current year's assessment roll, a notice of proposed property taxes. Upon written request by the taxpayer, the treasurer may send the notice in electronic form or by electronic mail instead of on paper or by ordinary mail.

(b) The commissioner of revenue shall prescribe the form of the notice.

(c) The notice must inform taxpayers that it contains the amount of property taxes each taxing authority proposes to collect for taxes payable the following year. In the case of a town, or in the case of the state general tax, the final tax amount will be its proposed tax. ~~In the case of taxing authorities required to hold a public meeting under subdivision 6, the notice must clearly state that each taxing authority, including regional library districts established under section 134.201, and including the metropolitan taxing districts as defined in paragraph (i), but excluding all other special taxing districts and towns, will hold a public meeting to receive public testimony on the proposed budget and proposed or final property tax levy, or, in case of a school district, on the current budget and proposed property tax levy.~~ The notice must clearly state for each city, county, school district, regional library authority established under section 134.201, and metropolitan taxing districts as defined in paragraph (i), the time and place of the taxing authorities' regularly scheduled meetings in which the budget and levy will be discussed and the final budget and levy determined. The taxing authorities must provide the county auditor with the information to be included in the notice. It must clearly state the time and place of each taxing authority's meeting, provide a telephone number for the taxing authority that taxpayers may call if they have questions related to the notice, and an

address where comments will be received by mail.

(d) The notice must state for each parcel:

(1) the market value of the property as determined under section 273.11, and used for computing property taxes payable in the following year and for taxes payable in the current year as each appears in the records of the county assessor on November 1 of the current year; and, in the case of residential property, whether the property is classified as homestead or nonhomestead. The notice must clearly inform taxpayers of the years to which the market values apply and that the values are final values;

(2) the items listed below, shown separately by county, city or town, and state general tax, net of the residential and agricultural homestead credit under section 273.1384, voter approved school levy, other local school levy, and the sum of the special taxing districts, and as a total of all taxing authorities:

(i) the actual tax for taxes payable in the current year; and

(ii) the proposed tax amount.

If the county levy under clause (2) includes an amount for a lake improvement district as defined under sections 103B.501 to 103B.581, the amount attributable for that purpose must be separately stated from the remaining county levy amount.

In the case of a town or the state general tax, the final tax shall also be its proposed tax unless the town changes its levy at a special town meeting under section 365.52. If a school district has certified under section 126C.17, subdivision 9, that a referendum will be held in the school district at the November general election, the county auditor must note next to the school district's proposed amount that a referendum is pending and that, if approved by the voters, the tax amount may be higher than shown on the notice. In the case of the city of Minneapolis, the levy for Minneapolis Park and Recreation shall be listed separately from the remaining amount of the city's levy. In the case of the city of St. Paul, the levy for the St. Paul Library Agency must be listed separately from the remaining amount of the city's levy. In the case of Ramsey County, any amount levied under section 134.07 may be listed separately from the remaining amount of the county's levy. In the case of a parcel where tax increment or the fiscal disparities areawide tax under chapter 276A or 473F applies, the proposed tax levy on the captured value or the proposed tax levy on the tax capacity subject to the areawide tax must each be stated separately and not included in the sum of the special taxing districts; and

(3) the increase or decrease between the total taxes payable in the current year and the total proposed taxes, expressed as a percentage.

For purposes of this section, the amount of the tax on homesteads qualifying under the senior citizens' property tax deferral program under chapter 290B is the total amount of property tax before subtraction of the deferred property tax amount.

(e) The notice must clearly state that the proposed or final taxes do not include the following:

(1) special assessments;

(2) levies approved by the voters after the date the proposed taxes are certified, including bond referenda and school district levy referenda;

(3) ~~a levy limit increase approved by the voters by the first Tuesday after the first Monday in November of the levy year as provided under section 275.73;~~

~~(4)~~ amounts necessary to pay cleanup or other costs due to a natural disaster occurring after the date the proposed taxes are certified;

~~(5)~~ (4) amounts necessary to pay tort judgments against the taxing authority that become final after the date the proposed taxes are certified; and

~~(6)~~ (5) the contamination tax imposed on properties which received market value reductions for contamination.

(f) Except as provided in subdivision 7, failure of the county auditor to prepare or the county treasurer to deliver the notice as required in this section does not invalidate the proposed or final tax levy or the taxes payable pursuant to the tax levy.

(g) If the notice the taxpayer receives under this section lists the property as nonhomestead, and satisfactory documentation is provided to the county assessor by the applicable deadline, and the property qualifies for the homestead classification in that assessment year, the assessor shall reclassify the property to homestead for taxes payable in the following year.

(h) In the case of class 4 residential property used as a residence for lease or rental periods of 30 days or more, the taxpayer must either:

(1) mail or deliver a copy of the notice of proposed property taxes to each tenant, renter, or lessee; or

(2) post a copy of the notice in a conspicuous place on the premises of the property.

The notice must be mailed or posted by the taxpayer by November 27 or within three days of receipt of the notice, whichever is later. A taxpayer may notify the county treasurer of the address of the taxpayer, agent, caretaker, or manager of the premises to which the notice must be mailed in order to fulfill the requirements of this paragraph.

(i) For purposes of this subdivision, ~~subdivisions and subdivision 5a and 6~~, "metropolitan special taxing districts" means the following taxing districts in the seven-county metropolitan area that levy a property tax for any of the specified purposes listed below:

(1) Metropolitan Council under section 473.132, 473.167, 473.249, 473.325, 473.446, 473.521, 473.547, or 473.834;

(2) Metropolitan Airports Commission under section 473.667, 473.671, or 473.672; and

(3) Metropolitan Mosquito Control Commission under section 473.711.

For purposes of this section, any levies made by the regional rail authorities in the county of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington under chapter 398A shall be included with the appropriate county's levy ~~and shall be discussed at that county's public hearing.~~

(j) The governing body of a county, city, or school district may, with the consent of the county board, include supplemental information with the statement of proposed property taxes about the impact of state aid increases or decreases on property tax increases or decreases and on the

level of services provided in the affected jurisdiction. This supplemental information may include information for the following year, the current year, and for as many consecutive preceding years as deemed appropriate by the governing body of the county, city, or school district. It may include only information regarding:

(1) the impact of inflation as measured by the implicit price deflator for state and local government purchases;

(2) population growth and decline;

(3) state or federal government action; and

(4) other financial factors that affect the level of property taxation and local services that the governing body of the county, city, or school district may deem appropriate to include.

The information may be presented using tables, written narrative, and graphic representations and may contain instruction toward further sources of information or opportunity for comment.

EFFECTIVE DATE. This section is effective for taxes payable in 2010 and thereafter.

Sec. 3. Minnesota Statutes 2008, section 275.065, subdivision 5a, is amended to read:

Subd. 5a. **Public advertisement.** (a) Except for property taxes levied in 2009 and 2010, a city that has a population of more than 2,500, county, a metropolitan special taxing district as defined in subdivision 3, paragraph (i), a regional library district established under section 134.201, or school district shall advertise in a newspaper a notice of its intent to adopt a budget and property tax levy or, in the case of a school district, to review its current budget and proposed property taxes payable in the following year, at a public hearing, if a public hearing is required under subdivision 6. The notice must be published not less than two business days nor more than six business days before the hearing.

The advertisement must be at least one-eighth page in size of a standard-size or a tabloid-size newspaper. The advertisement must not be placed in the part of the newspaper where legal notices and classified advertisements appear. The advertisement must be published in an official newspaper of general circulation in the taxing authority. The newspaper selected must be one of general interest and readership in the community, and not one of limited subject matter. The advertisement must appear in a newspaper that is published at least once per week.

For purposes of this section, the metropolitan special taxing district's advertisement must only be published in the Minneapolis Star and Tribune and the Saint Paul Pioneer Press.

In addition to other requirements, a county and a city having a population of more than 2,500 must show in the public advertisement required under this subdivision the current local tax rate, the proposed local tax rate if no property tax levy increase is adopted, and the proposed rate if the proposed levy is adopted. For purposes of this subdivision, "local tax rate" means the city's or county's net tax capacity levy divided by the city's or county's taxable net tax capacity.

(b) Subject to the provisions of paragraph (g), the advertisement for school districts, metropolitan special taxing districts, and regional library districts must be in the following form, except that the notice for a school district may include references to the current budget in regard to proposed property taxes.

"NOTICE OF PROPOSED PROPERTY TAXES

(School District/Metropolitan Special Taxing District/Regional Library District) of

The governing body of will soon hold budget hearings and vote on the property taxes for (metropolitan special taxing district/regional library district services that will be provided in (year)/school district services that will be provided in (year) and (year)).

NOTICE OF PUBLIC HEARING:

All concerned citizens are invited to attend a public hearing and express their opinions on the proposed (school district/metropolitan special taxing district/regional library district) budget and property taxes, or in the case of a school district, its current budget and proposed property taxes, payable in the following year. The hearing will be held on (Month/Day/Year) at (Time) at (Location, Address)."

(c) Subject to the provisions of paragraph (g), the advertisement for cities and counties must be in the following form.

"NOTICE OF PROPOSED TOTAL BUDGET AND PROPERTY TAXES

The (city/county) governing body or board of commissioners will hold a public hearing to discuss the budget and to vote on the amount of property taxes to collect for services the (city/county) will provide in (year).

SPENDING: The total budget amounts below compare (city's/county's) (year) total actual budget with the amount the (city/county) proposes to spend in (year).

(Year) Total Actual Budget	Proposed (Year) Budget	Change from (Year)-(Year)
\$	\$%

TAXES: The property tax amounts below compare that portion of the current budget levied in property taxes in (city/county) for (year) with the property taxes the (city/county) proposes to collect in (year).

(Year) Property Taxes	Proposed (Year) Property Taxes	Change from (Year)-(Year)
\$	\$%

LOCAL TAX RATE COMPARISON: The current local tax rate, the local tax rate if no tax levy increase is adopted, and the proposed local tax rate if the proposed levy is adopted.

(Year) Tax Rate	(Year) Tax Rate if NO Levy Increase	(Year) Proposed Tax Rate
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ATTEND THE PUBLIC HEARING

All (city/county) residents are invited to attend the public hearing of the (city/county) to express your opinions on the budget and the proposed amount of (year) property taxes. The hearing will be held on:

(Month/Day/Year/Time)
(Location/Address)

If the discussion of the budget cannot be completed, a time and place for continuing the discussion will be announced at the hearing. You are also invited to send your written comments to:

(City/County)
(Location/Address)"

(d) For purposes of this subdivision, the budget amounts listed on the advertisement mean:

(1) for cities, the total government fund expenditures, as defined by the state auditor under section 471.6965, less any expenditures for improvements or services that are specially assessed or charged under chapter 429, 430, 435, or the provisions of any other law or charter; and

(2) for counties, the total government fund expenditures, as defined by the state auditor under section 375.169, less any expenditures for direct payments to recipients or providers for the human service aids listed below:

(i) Minnesota family investment program under chapters 256J and 256K;

(ii) medical assistance under sections 256B.041, subdivision 5, and 256B.19, subdivision 1;

(iii) general assistance medical care under section 256D.03, subdivision 6;

(iv) general assistance under section 256D.03, subdivision 2;

(v) Minnesota supplemental aid under section 256D.36, subdivision 1;

(vi) preadmission screening under section 256B.0911, and alternative care grants under section 256B.0913;

(vii) general assistance medical care claims processing, medical transportation and related costs under section 256D.03, subdivision 4;

(viii) medical transportation and related costs under section 256B.0625, subdivisions 17 to 18a;

(ix) group residential housing under section 256I.05, subdivision 8, transferred from programs in clauses (iv) and (v); or

(x) any successor programs to those listed in clauses (i) to (ix).

(e) A city with a population of over 500 but not more than 2,500 that is required to hold a public hearing under subdivision 6 must advertise by posted notice as defined in section 645.12, subdivision 1. The advertisement must be posted at the time provided in paragraph (a). It must be in the form

required in paragraph (b).

(f) For purposes of this subdivision, the population of a city is the most recent population as determined by the state demographer under section 4A.02.

(g) The commissioner of revenue shall annually prescribe the specific form and format of the advertisements required under this subdivision, including such details as font size and style, and spacing for the required items. The commissioner may prescribe alternate and additional language for the advertisement for a taxing authority or for groups of taxing authorities. At least two weeks before November 29 each year, the commissioner shall provide a copy of the prescribed advertisements to the chairs of the committees of the house of representatives and the senate with jurisdiction over taxes.

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

Sec. 4. Minnesota Statutes 2008, section 275.065, subdivision 6, is amended to read:

Subd. 6. **Public hearing; Adoption of budget and levy.** ~~(a) For purposes of this section, the following terms shall have the meanings given:~~

~~(1) "Initial hearing" means the first and primary hearing held to discuss the taxing authority's proposed budget and proposed property tax levy for taxes payable in the following year, or, for school districts, the current budget and the proposed property tax levy for taxes payable in the following year.~~

~~(2) "Continuation hearing" means a hearing held to complete the initial hearing, if the initial hearing is not completed on its scheduled date.~~

~~(3) "Subsequent hearing" means the hearing held to adopt the taxing authority's final property tax levy, and, in the case of taxing authorities other than school districts, the final budget, for taxes payable in the following year.~~

~~(b) Between November 29 and December 20, the governing bodies of a city that has a population over 500, county, metropolitan special taxing districts as defined in subdivision 3, paragraph (i), and regional library districts shall each hold an initial public hearing to discuss and seek public comment on its final budget and property tax levy for taxes payable in the following year, and the governing body of the school district shall hold an initial public hearing to review its current budget and proposed property tax levy for taxes payable in the following year. The metropolitan special taxing districts shall be required to hold only a single joint initial public hearing, the location of which will be determined by the affected metropolitan agencies. A city, county, metropolitan special taxing district as defined in subdivision 3, paragraph (i), regional library district established under section 134.201, or school district is not required to hold a public hearing under this subdivision unless its proposed property tax levy for taxes payable in the following year, as certified under subdivision 1, has increased over its final property tax levy for taxes payable in the current year by a percentage that is greater than the percentage increase in the implicit price deflator for government consumption expenditures and gross investment for state and local governments prepared by the Bureau of Economic Analysts of the United States Department of Commerce for the 12-month period ending March 31 of the current year.~~

~~(c) The initial hearing must be held after 5:00 p.m. if scheduled on a day other than Saturday. No initial hearing may be held on a Sunday.~~

~~(d) At the initial hearing under this subdivision, the percentage increase in property taxes proposed by the taxing authority, if any, and the specific purposes for which property tax revenues are being increased must be discussed. During the discussion, the governing body shall hear comments regarding a proposed increase and explain the reasons for the proposed increase. The public shall be allowed to speak and to ask questions. At the public hearing, the school district must also provide and discuss information on the distribution of its revenues by revenue source, and the distribution of its spending by program area.~~

~~(e) If the initial hearing is not completed on its scheduled date, the taxing authority must announce, prior to adjournment of the hearing, the date, time, and place for the continuation of the hearing. The continuation hearing must be held at least five business days but no more than 14 business days after the initial hearing. A continuation hearing may not be held later than December 20 except as provided in paragraphs (f) and (g). A continuation hearing must be held after 5:00 p.m. if scheduled on a day other than Saturday. No continuation hearing may be held on a Sunday.~~

~~(f) The governing body of a county shall hold its initial hearing on the first Thursday in December each year, and may hold additional initial hearings on other dates before December 20 if necessary for the convenience of county residents. If the county needs a continuation of its hearing, the continuation hearing shall be held on the third Tuesday in December. If the third Tuesday in December falls on December 21, the county's continuation hearing shall be held on Monday, December 20.~~

~~(g) The metropolitan special taxing districts shall hold a joint initial public hearing on the first Wednesday of December. A continuation hearing, if necessary, shall be held on the second Wednesday of December even if that second Wednesday is after December 10.~~

~~(h) The county auditor shall provide for the coordination of initial and continuation hearing dates for all school districts and cities within the county to prevent conflicts under clauses (i) and (j).~~

~~(i) By August 10, each school board and the board of the regional library district shall certify to the county auditors of the counties in which the school district or regional library district is located the dates on which it elects to hold its initial hearing and any continuation hearing. If a school board or regional library district does not certify these dates by August 10, the auditor will assign the initial and continuation hearing dates. The dates elected or assigned must not conflict with the initial and continuation hearing dates of the county or the metropolitan special taxing districts.~~

~~(j) By August 20, the county auditor shall notify the clerks of the cities within the county of the dates on which school districts and regional library districts have elected to hold their initial and continuation hearings. At the time a city certifies its proposed levy under subdivision 1 it shall certify the dates on which it elects to hold its initial hearing and any continuation hearing. Until September 15, the first and second Mondays of December are reserved for the use of the cities. If a city does not certify its hearing dates by September 15, the auditor shall assign the initial and continuation hearing dates. The dates elected or assigned for the initial hearing must not conflict with the initial hearing dates of the county, metropolitan special taxing districts, regional library districts, or school districts within which the city is located. To the extent possible, the dates of the city's continuation hearing should not conflict with the continuation hearing dates of the county, metropolitan special taxing districts, regional library districts, or school districts within which the city is located. This paragraph does not apply to cities of 500 population or less.~~

~~(k) The county initial hearing date and the city, metropolitan special taxing district, regional~~

~~library district, and school district initial hearing dates must be designated on the notices required under subdivision 3. The continuation hearing dates need not be stated on the notices.~~

~~(1) At a subsequent hearing, each county, school district, city over 500 population, and metropolitan special taxing district may amend its proposed property tax levy and must adopt a final property tax levy. Each county, city over 500 population, and metropolitan special taxing district may also amend its proposed budget and must adopt a final budget at the subsequent hearing. The final property tax levy must be adopted prior to adopting the final budget. A school district is not required to adopt its final budget at the subsequent hearing. The subsequent hearing of a taxing authority must be held on a date subsequent to the date of the taxing authority's initial public hearing. If a continuation hearing is held, the subsequent hearing must be held either immediately following the continuation hearing or on a date subsequent to the continuation hearing. The subsequent hearing may be held at a regularly scheduled board or council meeting or at a special meeting scheduled for the purposes of the subsequent hearing. The subsequent hearing of a taxing authority does not have to be coordinated by the county auditor to prevent a conflict with an initial hearing, a continuation hearing, or a subsequent hearing of any other taxing authority. All subsequent hearings must be held prior to five working days after December 20 of the levy year. The date, time, and place of the subsequent hearing must be announced at the initial public hearing or at the continuation hearing.~~

~~(m)~~ (a) The property tax levy certified under section 275.07 by a city of any population, county, metropolitan special taxing district, regional library district, or school district must not exceed the proposed levy determined under subdivision 1, except by an amount up to the sum of the following amounts:

(1) the amount of a school district levy whose voters approved a referendum to increase taxes under section 123B.63, subdivision 3, or 126C.17, subdivision 9, after the proposed levy was certified;

(2) the amount of a city or county levy approved by the voters after the proposed levy was certified;

(3) the amount of a levy to pay principal and interest on bonds approved by the voters under section 475.58 after the proposed levy was certified;

(4) the amount of a levy to pay costs due to a natural disaster occurring after the proposed levy was certified, if that amount is approved by the commissioner of revenue under subdivision 6a;

(5) the amount of a levy to pay tort judgments against a taxing authority that become final after the proposed levy was certified, if the amount is approved by the commissioner of revenue under subdivision 6a;

(6) the amount of an increase in levy limits certified to the taxing authority by the commissioner of education or the commissioner of revenue after the proposed levy was certified; and

(7) the amount required under section 126C.55.

~~(n)~~ (b) This subdivision does not apply to towns and special taxing districts other than regional library districts and metropolitan special taxing districts.

~~(o)~~ (c) Notwithstanding the requirements of this section, the employer is required to meet and

negotiate over employee compensation as provided for in chapter 179A.

EFFECTIVE DATE. This section is effective for taxes payable in 2010 and thereafter.

Sec. 5. Minnesota Statutes 2008, section 275.16, is amended to read:

275.16 COUNTY AUDITOR TO FIX AMOUNT OF LEVY.

If any such municipality shall return to the county auditor a levy greater than permitted by chapters 123A, 123B, 124D, 126C, and 136C, and sections 275.124 to 275.16, and ~~275.70 to 275.74,~~ such county auditor shall extend only such amount of taxes as the limitations herein prescribed will permit; provided, if such levy shall include any levy for the payment of bonded indebtedness or judgments, such levies for bonded indebtedness or judgments shall be extended in full, and the remainder of the levies shall be reduced so that the total thereof, including levies for bonds and judgments, shall not exceed such amount as the limitations herein prescribed will permit.

EFFECTIVE DATE. This section is effective for taxes levied in 2009, payable in 2010, and thereafter.

Sec. 6. Minnesota Statutes 2008, section 275.62, subdivision 1, is amended to read:

Subdivision 1. **Report on taxes levied.** The commissioner of revenue shall establish procedures for the annual reporting of local government levies. Each local governmental unit shall submit a report to the commissioner by December 30 of the year in which the tax is levied. The report shall include, but is not limited to, information on the amount of the tax levied by the governmental unit for the following purposes:

(1) social services and related programs, which include taxes levied for the purposes defined in Minnesota Statutes 1991 Supplement, section 275.50, subdivision 5, clauses (a), (j), and (v);

(2) the amounts levied for each of the purposes listed in Minnesota Statutes 2008, section 275.70, subdivision 5; and

(3) other levies, which include the taxes levied for all purposes not included in clause (1), (2), or (3).

EFFECTIVE DATE. This section is effective for taxes levied in 2009, payable in 2010, and thereafter.

Sec. 7. Minnesota Statutes 2008, section 279.01, subdivision 1, is amended to read:

Subdivision 1. **Due dates; penalties.** Except as provided in subdivision 3 or 4, on May 16 or 21 days after the postmark date on the envelope containing the property tax statement, whichever is later, a penalty accrues and thereafter is charged upon all unpaid taxes on real estate on the current lists in the hands of the county treasurer. The penalty is at a rate of two percent on homestead property until May 31 and four percent on June 1. The penalty on nonhomestead property is at a rate of four percent until May 31 and eight percent on June 1. This penalty does not accrue until June 1 of each year, or 21 days after the postmark date on the envelope containing the property tax statements, whichever is later, on commercial use real property used for seasonal residential recreational purposes and classified as class 1c or 4c, and on other commercial use real property classified as class 3a, provided that over 60 percent of the gross income earned by the enterprise on the class 3a property is earned during the months of May, June, July, and August. In order for the first

half of the tax due on class 3a property to be paid after May 15 and before June 1, or 21 days after the postmark date on the envelope containing the property tax statement, whichever is later, without penalty, the owner of the property must attach an affidavit to the payment attesting to compliance with the income provision of this subdivision. Thereafter, for both homestead and nonhomestead property, on the first day of each month beginning July 1, up to and including October 1 following, an additional penalty of one percent for each month accrues and is charged on all such unpaid taxes provided that if the due date was extended beyond May 15 as the result of any delay in mailing property tax statements no additional penalty shall accrue if the tax is paid by the extended due date. If the tax is not paid by the extended due date, then all penalties that would have accrued if the due date had been May 15 shall be charged. When the taxes against any tract or lot exceed ~~\$50~~ \$250, one-half thereof may be paid prior to May 16 or 21 days after the postmark date on the envelope containing the property tax statement, whichever is later; and, if so paid, no penalty attaches; the remaining one-half may be paid at any time prior to October 16 following, without penalty; but, if not so paid, then a penalty of two percent accrues thereon for homestead property and a penalty of four percent on nonhomestead property. Thereafter, for homestead property, on the first day of November an additional penalty of four percent accrues and on the first day of December following, an additional penalty of two percent accrues and is charged on all such unpaid taxes. Thereafter, for nonhomestead property, on the first day of November and December following, an additional penalty of four percent for each month accrues and is charged on all such unpaid taxes. If one-half of such taxes are not paid prior to May 16 or 21 days after the postmark date on the envelope containing the property tax statement, whichever is later, the same may be paid at any time prior to October 16, with accrued penalties to the date of payment added, and thereupon no penalty attaches to the remaining one-half until October 16 following.

This section applies to payment of personal property taxes assessed against improvements to leased property, except as provided by section 277.01, subdivision 3.

A county may provide by resolution that in the case of a property owner that has multiple tracts or parcels with aggregate taxes exceeding ~~\$50~~ \$250, payments may be made in installments as provided in this subdivision.

The county treasurer may accept payments of more or less than the exact amount of a tax installment due. Payments must be applied first to the oldest installment that is due but which has not been fully paid. If the accepted payment is less than the amount due, payments must be applied first to the penalty accrued for the year or the installment being paid. Acceptance of partial payment of tax does not constitute a waiver of the minimum payment required as a condition for filing an appeal under section 278.03 or any other law, nor does it affect the order of payment of delinquent taxes under section 280.39.

EFFECTIVE DATE. This section is effective for taxes payable in 2010 and thereafter.

Sec. 8. Minnesota Statutes 2008, section 279.10, is amended to read:

279.10 PUBLICATION CORRECTED.

Immediately after preparing forms for printing such notice and list, and at least five days before the first day for the publication thereof, every ~~such~~ publisher shall furnish proof of the proposed publication to the county auditor for correction. When ~~such~~ the copy has been corrected, the auditor shall return ~~the same~~ it to the printer, who shall publish it as corrected. On the first day on which ~~such~~ the notice and list are published, the publisher shall mail a copy of the newspaper containing ~~the~~

~~same~~ the notice and list to the auditor. If during the publication of the notice and list, or within ten days after the last publication thereof, the auditor ~~shall discover~~ discovers that ~~such the~~ publication is ~~invalid~~ contains an error, the auditor shall ~~forthwith~~ direct the publisher to ~~republish the same as corrected~~ publish the correct information for an additional period of two weeks. The auditor does not have to direct the publisher to republish the entire list. The publisher, if not neglectful, ~~shall be~~ is entitled to ~~the same~~ compensation as allowed by law for ~~the original~~ publication of the corrected information, but shall receive no further compensation ~~therefor~~ if ~~such the~~ republication is necessary by reason of the neglect of the publisher.

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

Sec. 9. Minnesota Statutes 2008, section 375.194, subdivision 5, is amended to read:

Subd. 5. **Determination of county tax rate.** The eligible county's proposed and final tax rates shall be determined by dividing the certified levy by the total taxable net tax capacity, without regard to any abatements granted under this section. ~~The county board shall make available the estimated amount of the abatement at the public hearing under section 275.065, subdivision 6.~~

EFFECTIVE DATE. This section is effective for taxes payable in 2010 and thereafter.

Sec. 10. Minnesota Statutes 2008, section 383A.75, subdivision 3, is amended to read:

Subd. 3. **Duties.** The committee is authorized to and shall meet from time to time to make appropriate recommendations for the efficient and effective use of property tax dollars raised by the jurisdictions for programs, buildings, and operations. In addition, the committee shall:

(1) identify trends and factors likely to be driving budget outcomes over the next five years with recommendations for how the jurisdictions should manage those trends and factors to increase efficiency and effectiveness;

(2) agree, by October 1 of each year, on the appropriate level of overall property tax levy for the three jurisdictions and publicly report such to the governing bodies of each jurisdiction for ratification or modification by resolution; and

~~(3) plan for the joint truth-in-taxation hearings under section 275.065, subdivision 8; and~~

~~(4) identify, by December 31 of each year, areas of the budget to be targeted in the coming year for joint review to improve services or achieve efficiencies.~~

In carrying out its duties, the committee shall consult with public employees of each jurisdiction and with other stakeholders of the city, county, and school district, as appropriate.

EFFECTIVE DATE. This section is effective for taxes payable in 2010 and thereafter.

Sec. 11. Minnesota Statutes 2008, section 446A.086, subdivision 8, is amended to read:

Subd. 8. **Tax levy for repayment.** (a) With the approval of the authority, a governmental unit may levy in the year the state makes a payment under this section an amount up to the amount necessary to provide funds for the repayment of the amount paid by the state plus interest through the date of estimated repayment by the governmental unit. The proceeds of this levy may be used only for this purpose unless they exceed the amount actually due. Any excess must be used to repay other state payments made under this section or must be deposited in the debt redemption fund of

the governmental unit. The amount of aids to be reduced to repay the state are decreased by the amount levied.

(b) If the state is not repaid in full for a payment made under this section by November 30 of the calendar year following the year in which the state makes the payment, the authority shall require the governmental unit to certify a property tax levy in an amount up to the amount necessary to provide funds for repayment of the amount paid by the state plus interest through the date of estimated repayment by the governmental unit. To prevent undue hardship, the authority may allow the governmental unit to certify the levy over a five-year period. The proceeds of the levy may be used only for this purpose unless they are in excess of the amount actually due, in which case the excess must be used to repay other state payments made under this section or must be deposited in the debt redemption fund of the governmental unit. If the authority orders the governmental unit to levy, the amount of aids reduced to repay the state are decreased by the amount levied.

~~(c) A levy under this subdivision is an increase in the levy limits of the governmental unit for purposes of section 275.065, subdivision 6, and must be explained as a specific increase at the meeting required under that provision.~~

EFFECTIVE DATE. This section is effective for taxes payable in 2010 and thereafter.

Sec. 12. Minnesota Statutes 2008, section 465.719, subdivision 9, is amended to read:

Subd. 9. **Application of other laws.** A corporation created by a political subdivision under this section must comply with every law that applies to the political subdivision, as if the corporation is a part of the political subdivision, unless the resolution ratifying creation of the corporation specifically exempts the corporation from part or all of a law. If the resolution exempts the corporation from part or all of a law, the resolution must make a detailed and specific finding as to why the corporation cannot fulfill its purpose if the corporation is subject to that law. A corporation may not be exempted from chapter 13D, the Minnesota Open Meeting Law, sections 138.163 to 138.25, governing records management, or chapter 13, the Minnesota Government Data Practices Act. Any affected or interested person may bring an action in district court to void the resolution on the grounds that the findings are not sufficiently detailed and specific, or that the corporation can fulfill its purpose if it is subject to the law from which the resolution exempts the corporation. Laws that apply to a political subdivision that also apply to a corporation created by a political subdivision under this subdivision include, but are not limited to:

- (1) chapter 13D, the Minnesota Open Meeting Law;
- (2) chapter 13, the Minnesota Government Data Practices Act;
- (3) section 471.345, the Uniform Municipal Contracting Law;
- (4) sections 43A.17, limiting the compensation of employees based on the governor's salary; 471.991 to 471.999, providing for equitable pay; and 465.72 and 465.722, governing severance pay;
- ~~(5) section 275.065, providing for truth-in-taxation hearings. If any tax revenues of the political subdivision will be appropriated to the corporation, the corporation's annual operating and capital budgets must be included in the truth-in-taxation hearing of the political subdivision that created the corporation;~~

~~(6)~~ if the corporation issues debt, its debt is included in the political subdivision's debt limit if it would be included if issued by the political subdivision, and issuance of the debt is subject to the election and other requirements of chapter 475 and section 471.69;

~~(7)~~ (6) section 471.895, prohibiting acceptance of gifts from interested parties, and sections 471.87 to 471.89, relating to interests in contracts;

~~(8)~~ (7) chapter 466, relating to municipal tort liability;

~~(9)~~ (8) chapter 118A, requiring deposit insurance or bond or pledged collateral for deposits;

~~(10)~~ (9) chapter 118A, restricting investments;

~~(11)~~ (10) section 471.346, requiring ownership of vehicles to be identified;

~~(12)~~ (11) sections 471.38 to 471.41, requiring claims to be in writing, itemized, and approved by the governing board before payment can be made; and

~~(13)~~ (12) the corporation cannot make advances of pay, make or guarantee loans to employees, or provide in-kind benefits unless authorized by law.

EFFECTIVE DATE. This section is effective for taxes payable in 2010 and thereafter.

Sec. 13. Minnesota Statutes 2008, section 473.13, subdivision 1, is amended to read:

Subdivision 1. **Budget.** (a) On or before December 20 of each year, the council, ~~after the public hearing required in section 275.065,~~ shall adopt a final budget covering its anticipated receipts and disbursements for the ensuing year and shall decide upon the total amount necessary to be raised from ad valorem tax levies to meet its budget. The budget shall state in detail the expenditures for each program to be undertaken, including the expenses for salaries, consultant services, overhead, travel, printing, and other items. The budget shall state in detail the capital expenditures of the council for the budget year, based on a five-year capital program adopted by the council and transmitted to the legislature. After adoption of the budget and no later than five working days after December 20, the council shall certify to the auditor of each metropolitan county the share of the tax to be levied within that county, which must be an amount bearing the same proportion to the total levy agreed on by the council as the net tax capacity of the county bears to the net tax capacity of the metropolitan area. The maximum amount of any levy made for the purpose of this chapter may not exceed the limits set by the statute authorizing the levy.

(b) Each even-numbered year the council shall prepare for its transit programs a financial plan for the succeeding three calendar years, in half-year segments. The financial plan must contain schedules of user charges and any changes in user charges planned or anticipated by the council during the period of the plan. The financial plan must contain a proposed request for state financial assistance for the succeeding biennium.

(c) In addition, the budget must show for each year:

(1) the estimated operating revenues from all sources including funds on hand at the beginning of the year, and estimated expenditures for costs of operation, administration, maintenance, and debt service;

(2) capital improvement funds estimated to be on hand at the beginning of the year and estimated

to be received during the year from all sources and estimated cost of capital improvements to be paid out or expended during the year, all in such detail and form as the council may prescribe; and

(3) the estimated source and use of pass-through funds.

EFFECTIVE DATE. This section is effective for taxes payable in 2010 and thereafter.

Sec. 14. Minnesota Statutes 2008, section 473.167, subdivision 3, is amended to read:

Subd. 3. **Tax.** The council may levy a tax on all taxable property in the metropolitan area, as defined in section 473.121, to provide funds for loans made pursuant to subdivisions 2 and 2a. This tax for the right-of-way acquisition loan fund shall be certified by the council, levied, and collected in the manner provided by section 473.13. The tax shall be in addition to that authorized by section 473.249 and any other law and shall not affect the amount or rate of taxes which may be levied by the council or any metropolitan agency or local governmental unit. The amount of the levy shall be as determined and certified by the council, provided that the tax levied by the Metropolitan Council for the right-of-way acquisition loan fund shall not exceed \$2,828,379 for taxes payable in 2004 and \$2,828,379 for taxes payable in 2005. The amount of the levy for taxes payable in 2006 and subsequent years shall not exceed the product of (1) the Metropolitan Council's property tax levy limitation under this subdivision for the previous year, multiplied by (2) one plus a percentage equal to the growth in the implicit price deflator as defined in section ~~275.70~~ 275.025, subdivision 2.

EFFECTIVE DATE. This section is effective for taxes levied in 2009, payable in 2010, and thereafter.

Sec. 15. Minnesota Statutes 2008, section 473.249, subdivision 1, is amended to read:

Subdivision 1. **Indexed limit.** (a) The Metropolitan Council may levy a tax on all taxable property in the metropolitan area defined in section 473.121 to provide funds for the purposes of sections 473.121 to 473.249 and for the purpose of carrying out other responsibilities of the council as provided by law. This tax for general purposes shall be levied and collected in the manner provided by section 473.13.

(b) The property tax levied by the Metropolitan Council for general purposes shall not exceed \$10,522,329 for taxes payable in 2004 and \$10,522,329 for taxes payable in 2005.

(c) The property tax levy limitation for general purposes for taxes payable in 2006 and subsequent years shall not exceed the product of: (1) the Metropolitan Council's property tax levy limitation for general purposes for the previous year determined under this subdivision multiplied by (2) one plus a percentage equal to the growth in the implicit price deflator as defined in section ~~275.70~~ 275.025, subdivision 2.

EFFECTIVE DATE. This section is effective for taxes levied in 2009, payable in 2010, and thereafter.

Sec. 16. Minnesota Statutes 2008, section 473.253, subdivision 1, is amended to read:

Subdivision 1. **Sources of funds.** The council shall credit to the livable communities demonstration account the revenues provided in this subdivision. This tax shall be levied and collected in the manner provided by section 473.13. The levy shall not exceed the following amount for the years specified:

(1) for taxes payable in 2004 and 2005, \$8,259,070; and

(2) for taxes payable in 2006 and subsequent years, the product of (i) the property tax levy limit under this subdivision for the previous year multiplied by (ii) one plus a percentage equal to the growth in the implicit price deflator as defined in section ~~275.70~~ 275.025, subdivision 2.

EFFECTIVE DATE. This section is effective for taxes levied in 2009, payable in 2010, and thereafter.

Sec. 17. **REPEALER.**

(a) Minnesota Statutes 2008, section 275.065, subdivisions 6b, 6c, 8, 9, and 10, are repealed.

(b) Minnesota Statutes 2008, sections 275.70; 275.71; 275.72; 275.73; 275.74; and 275.75, are repealed.

EFFECTIVE DATE. This section is effective for taxes payable in 2010 and thereafter."

Delete the title and insert:

"A bill for an act relating to taxation; abolishing levy limits; eliminating truth-in-taxation hearing requirements and temporarily suspending advertising requirements; modifying publication correction requirements; increasing the property tax amount for which installment payments may be made; amending Minnesota Statutes 2008, sections 123B.10, subdivision 1; 275.065, subdivisions 3, 5a, 6; 275.16; 275.62, subdivision 1; 279.01, subdivision 1; 279.10; 375.194, subdivision 5; 383A.75, subdivision 3; 446A.086, subdivision 8; 465.719, subdivision 9; 473.13, subdivision 1; 473.167, subdivision 3; 473.249, subdivision 1; 473.253, subdivision 1; repealing Minnesota Statutes 2008, sections 275.065, subdivisions 6b, 6c, 8, 9, 10; 275.70; 275.71; 275.72; 275.73; 275.74; 275.75."

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

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

S.F. No. 353: A bill for an act relating to natural resources; prohibiting sales of land within the outdoor recreation system for certain purposes; proposing coding for new law in Minnesota Statutes, chapter 86A.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

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

S.F. No. 805: A bill for an act relating to natural resources; eliminating the need to scale cut forest products on state land; amending Minnesota Statutes 2008, sections 90.031, subdivision 5; 90.061, subdivisions 5, 8; 90.14; 90.151, subdivision 4; 90.181, subdivision 1; 90.221; 90.281; 90.41; repealing Minnesota Statutes 2008, sections 90.01, subdivision 4; 90.201, subdivision 2; 90.251; 90.252.

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

Delete everything after the enacting clause and insert:

"Section 1. **APPRAISED VALUE TIMBER SALES; FISCAL YEARS 2010 AND 2011.**

(a) During fiscal years 2010 and 2011, the commissioner of natural resources shall increase the amount of timber products sold from state lands under permits based solely on the appraiser's estimate of the timber volume described in the permit, as provided in Minnesota Statutes, section 90.14, paragraph (c).

(b) The commissioner shall evaluate sales of timber under paragraph (a) and other methods used to sell cut forest products from state lands to identify the method, or combination of methods, that is most efficient and effective in protecting the fiduciary interest of the state, including the permanent school fund.

(c) By January 15, 2011, the commissioner shall report to the house and senate natural resources policy and finance committees and divisions on the findings of the evaluation process completed under paragraph (b).

Sec. 2. **FOREST MANAGEMENT LEASE-PILOT PROJECT.**

(a) Notwithstanding the permit procedures of Minnesota Statutes, chapter 90, the commissioner of natural resources may lease up to 10,000 acres of state-owned forest lands for forest management purposes for a term not to exceed 21 years. The lease shall provide:

(1) that the lessee must comply with timber harvesting and forest management guidelines developed under Minnesota Statutes, section 89A.05, adopted by the Minnesota Forest Resources Council, and in effect at the time that the lease is issued; and

(2) for public access to the leased land that is the same as would be available under state management.

(b) For the purposes of this section, the term "state-owned forest lands" may include school trust lands as defined in Minnesota Statutes, section 92.025, or university land granted to the state by Acts of Congress.

(c) By December 15, 2009, the commissioner of natural resources shall provide a report to the house and senate natural resources policy and finance committees and divisions on the pilot project. The report will detail a plan for the implementation of the pilot project with a starting date that is no later than July 1, 2010.

(d) Upon implementation of the pilot project, the commissioner shall provide an annual report to the house and senate natural resources policy and finance committees and divisions on the progress of the project, including the acres leased, a breakdown of the types of forest land, and amounts harvested by species. The report shall include a net revenue analysis comparing the lease revenue with the estimated net revenue that would be obtained through state management and silvicultural practices cost savings the state realizes through leasing."

Delete the title and insert:

"A bill for an act relating to natural resources; directing the commissioner of natural resources

to increase timber sales based on appraised value only; authorizing a forest management lease pilot project."

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

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 1106: A bill for an act relating to health occupations; establishing licensure and practice limitations for an oral health practitioner; establishing fees; requiring rulemaking; amending Minnesota Statutes 2008, sections 150A.01, by adding a subdivision; 150A.05, subdivision 2, by adding a subdivision; 150A.06, subdivisions 2d, 5, 6, by adding subdivisions; 150A.08, subdivisions 1, 3a, 5; 150A.09, subdivisions 1, 3; 150A.091, subdivisions 2, 3, 5, 8, 10; 150A.10, subdivisions 2, 3, 4; 150A.11, subdivision 4; 150A.12; 150A.21, subdivisions 1, 4; 151.01, subdivision 23; 151.37, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 150A; repealing Minnesota Statutes 2008, section 150A.061.

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

Page 1, after line 16, insert:

"Sec. 2. Minnesota Statutes 2008, section 150A.01, is amended by adding a subdivision to read:

Subd. 6c. **Dental therapist.** "Dental therapist" means a person licensed under this chapter to perform the services authorized under section 150A.106 or any other services authorized under this chapter."

Page 2, after line 3, insert:

"Sec. 4. Minnesota Statutes 2008, section 150A.05, is amended by adding a subdivision to read:

Subd. 1c. **Practice of dental therapy.** A person shall be deemed to be practicing dental therapy within the meaning of sections 150A.01 to 150A.12 who:

(1) works under the supervision of a Minnesota-licensed dentist as specified under section 150A.106;

(2) practices in settings that serve low-income and underserved patients or are located in dental health professional shortage areas; and

(3) provides oral health care services, including preventive, evaluative, and educational services as authorized under section 150A.106 and within the context of a collaborative management agreement."

Page 2, line 11, after the second comma, insert "dental therapy students,"

Page 2, line 13, after the comma, insert "schools with a dental therapy education program,"

Page 2, line 15, after the second comma, insert "a licensed dental therapist,"

Page 3, line 7, after "graduated" insert "with a baccalaureate degree or a master's degree"

Page 3, line 18, delete "in rules adopted"

Page 3, after line 21, insert:

"Sec. 7. Minnesota Statutes 2008, section 150A.06, is amended by adding a subdivision to read:

Subd. 1e. **Dental therapists.** A person of good moral character who has graduated from a dental therapy education program in a dental school or dental college accredited by the Commission on Dental Accreditation may apply for licensure.

The applicant must submit an application and fee as prescribed by the board and a diploma or certificate from a dental therapy education program. Prior to being licensed, the applicant must pass a comprehensive, competency-based clinical examination that is approved by the board and administered independently of an institution providing dental therapy education. The applicant must also pass an examination testing the applicant's knowledge of the laws of Minnesota relating to the practice of dentistry and of the rules of the board. An applicant is ineligible to retake the clinical examination required by the board after failing it twice until further education and training are obtained as specified by board rule. A separate, nonrefundable fee may be charged for each time a person applies. An applicant who passes the examination in compliance with subdivision 2b, abides by professional ethical conduct requirements, and meets all the other requirements of the board shall be licensed as a dental therapist."

Page 3, line 24, delete "1e" and insert "1f"

Page 3, line 30, delete "according to rules adopted"

Page 4, line 4, after the second comma, insert "a licensed dental therapist,"

Page 4, lines 6 and 12, after the second comma, insert "a dental therapist,"

Page 4, line 25, strike the first "or" and insert "dental therapy, or"

Page 4, line 30, after the fourth comma, insert "a dental therapist,"

Page 5, line 4, after the second comma, insert "dental therapist,"

Page 5, line 18, after "dentistry" insert ", dental therapy,"

Page 5, line 23, after the second comma, insert "dental therapist's,"

Page 7, lines 3, 5, 10, and 24, after the second comma, insert "dental therapist,"

Page 7, line 12, after fourth comma, insert "dental therapist,"

Page 7, lines 15, 27, and 31, after the first comma, insert "dental therapist,"

Page 8, lines 2 and 7, after the second comma, insert "dental therapist,"

Page 8, line 11, after the first comma, insert "dental therapist,"

Page 8, line 14, after the third comma, insert "dental therapist,"

Page 8, after line 24, insert:

"(5) dental therapist, \$100;"

Page 8, line 25, delete "(5)" and insert "(6)"

Page 8, line 26, delete "(6)" and insert "(7)"

Page 8, line 27, delete "(7)" and insert "(8)"

Page 9, after line 2, insert:

"(3) dental therapist, \$10 times the number of months of initial term;"

Page 9, line 3, delete "(3)" and insert "(4)"

Page 9, line 4, delete "(4)" and insert "(5)"

Page 9, line 5, delete "(5)" and insert "(6)"

Page 9, after line 12, insert:

"(3) dental therapist, \$180;"

Page 9, line 13, delete "(3)" and insert "(4)"

Page 9, line 14, delete "(4)" and insert "(5)"

Page 9, line 15, delete "(5)" and insert "(6)"

Page 9, lines 20 and 24, after the second comma, insert "dental therapist,"

Page 9, after line 29, insert:

"(3) dental therapist, \$85;"

Page 9, line 30, delete "(3)" and insert "(4)"

Page 9, line 31, delete "(4)" and insert "(5)"

Page 9, after line 31, insert:

"Sec. 22. Minnesota Statutes 2008, section 150A.10, subdivision 1, is amended to read:

Subdivision 1. **Dental hygienists.** Any licensed dentist, licensed dental therapist, public institution, or school authority may obtain services from a licensed dental hygienist. ~~Sueh~~ The licensed dental hygienist may provide those services defined in section 150A.05, subdivision 1a. ~~Sueh~~ The services provided shall not include the establishment of a final diagnosis or treatment plan for a dental patient. ~~Sueh~~ All services shall be provided under supervision of a licensed dentist. Any licensed dentist who shall permit any dental service by a dental hygienist other than those authorized by the Board of Dentistry, shall be deemed to be violating the provisions of sections 150A.01 to 150A.12, and any ~~sueh~~ unauthorized dental service by a dental hygienist shall constitute a violation of sections 150A.01 to 150A.12."

Page 10, line 1, delete "or oral health practitioner" and insert ", oral health practitioner, and dental therapist"

Page 10, line 3, after "dentistry" insert "or dental therapy"

Page 10, line 4, delete "or" and insert a comma

Page 10, line 5, after "practitioner" insert ", or dental therapist"

Page 10, line 7, delete "or" and insert a comma

Page 10, line 8, before the period, insert ", or dental therapist" and before "shall" insert "or a licensed dental therapist"

Page 10, line 15, delete everything before "who" and insert ", oral health practitioner, or dental therapist"

Page 10, line 20, delete "and" and insert a comma and after "practitioner" insert ", and dental therapist"

Page 13, line 12, delete "paragraphs (c) and (d)" and insert "paragraph (c)"

Page 13, delete line 25

Page 13, line 26, delete "(vi)" and insert "(v)"

Page 13, line 27, delete "(vii)" and insert "(vi)"

Page 13, delete line 29

Page 13, line 30, delete "(ix)" and insert "(vii)"

Page 13, line 31, delete "(x)" and insert "(viii)"

Page 13, line 32, delete "(xi)" and insert "(ix)"

Page 13, line 33, delete "(xii)" and insert "(x)"

Page 14, delete lines 10 and 11

Page 14, line 12, delete "(xiv)" and insert "(xii)"

Page 14, line 13, delete "(xv)" and insert "(xiii)"

Page 14, line 14, delete "(xvi)" and insert "(xiv)"

Page 14, line 20, delete the second "and"

Page 14, line 21, delete the period and insert a semicolon

Page 14, after line 21 insert:

"(vii) placement of space maintainers; and

(viii) fabrication of soft-occlusal guards."

Page 14, line 27, delete "and indirect supervision"

Page 14, line 28, delete "have the meanings" and insert "has the meaning"

Page 15, line 20, delete "paragraph (c)" and insert "subdivision 4"

Page 16, line 2, before the period, insert ", and whose family gross income is equal to or less than 275 percent of the federal poverty guidelines"

Page 16, after line 5, insert:

"Sec. 27. **[150A.106] DENTAL THERAPIST.**

Subdivision 1. **General.** A dental therapist licensed under this chapter shall practice under the supervision of a Minnesota-licensed dentist and under the requirements of this chapter.

Subd. 2. **Limited practice settings.** A dental therapist licensed under this chapter is limited to primarily practicing in settings that serve low-income and underserved patients or in a dental health professional shortage area.

Subd. 3. **Collaborative management agreement.** (a) Prior to performing any of the services authorized under this chapter, a dental therapist must enter into a written collaborative management agreement with a Minnesota-licensed dentist. The agreement must include:

- (1) practice settings where services may be provided and the populations to be served;
- (2) any limitations on the services that may be provided by the dental therapist, including the level of supervision required by the collaborating dentist;
- (3) age and procedure specific practice protocols, including case selection criteria, assessment guidelines, and imaging frequency;
- (4) a procedure for creating and maintaining dental records for the patients that are treated by the dental therapist;
- (5) a plan to manage medical emergencies in each practice setting where the dental therapist provides care;
- (6) a quality assurance plan for monitoring care provided by the dental therapist, including patient care review, referral follow-up, and a quality assurance chart review;
- (7) protocols for administering and dispensing medications authorized under subdivision 5, including the specific conditions and circumstance under which these medications are to be dispensed and administered;
- (8) criteria relating to the provision of care to patients with specific medical conditions or complex medication histories, including requirements for consultation prior to the initiation of care;
- (9) supervision criteria of registered and nonregistered dental assistants; and
- (10) a plan for the provision of clinical resources and referrals in situations which are beyond the capabilities of the dental therapist.

(b) A collaborating dentist must be licensed and practicing in Minnesota. The collaborating dentist shall accept responsibility for all services authorized and performed by the dental therapist pursuant to the management agreement. Any licensed dentist who permits a dental therapist to perform a dental service other than those authorized under this section or by the board, or any dental therapist who performs an unauthorized service, shall be deemed to be in violation of the provisions in sections 150A.01 to 150A.12.

(c) Collaborative management agreements must be signed and maintained by the collaborating dentist and the dental therapist. Agreements must be reviewed, updated, and submitted to the board on an annual basis.

Subd. 4. **Scope of practice.** (a) A licensed dental therapist may perform dental services as authorized under this section within the parameters of the collaborative management agreement.

(b) The services authorized to be performed by a licensed dental therapist include preventive, evaluative, and educational oral health services, as specified in paragraphs (c), (d), and (e), and within the parameters of the collaborative management agreement.

(c) A licensed dental therapist may perform the following preventive, evaluative, and assessment services under general supervision, unless restricted or prohibited in the collaborative management agreement:

(1) oral health instruction and disease prevention education, including nutritional counseling and dietary analysis;

(2) assessment services, including an evaluation and assessment to identify oral disease and conditions;

(3) preliminary charting of the oral cavity;

(4) making radiographs;

(5) mechanical polishing;

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

(7) pulp vitality testing; and

(8) application of desensitizing medication or resin.

(d) A licensed dental therapist may perform the following services under indirect supervision:

(1) fabrication of athletic mouthguards;

(2) emergency palliative treatment of dental pain;

(3) space maintainer removal;

(4) restorative services:

(i) cavity preparation class I-IV;

(ii) restoration of primary and permanent teeth class I-IV;

(iii) placement of temporary crowns;

(iv) placement of temporary restorations;

(v) preparation and placement of preformed crowns; and

(vi) pulpotomies on primary teeth;

(5) indirect and direct pulp capping on primary and permanent teeth;

(6) fabrication of soft-occlusal guards;

(7) soft-tissue reline and conditioning;

(8) atraumatic restorative technique;

(9) surgical services:

(i) extractions of primary teeth;

(ii) suture removal; and

(iii) dressing change;

(10) tooth reimplantation and stabilization;

(11) administration of local anesthetic; and

(12) administration of nitrous oxide.

(e) A licensed dental therapist may perform the following services under direct supervision:

(1) placement of space maintainers; and

(2) recementing of permanent crowns.

(f) For purposes of this section, "general supervision," "indirect supervision," and "direct supervision" have the meanings given in Minnesota Rules, part 3100.0100, subpart 21.

Subd. 5. **Dispensing authority.** (a) A licensed dental therapist may dispense and administer the following drugs within the parameters of the collaborative management agreement and within the scope of practice of the dental therapist: analgesics, anti-inflammatories, and antibiotics.

(b) The authority to dispense and administer shall extend only to the categories of drugs identified in this subdivision, and may be further limited by the collaborative management agreement.

(c) The authority to dispense includes the authority to dispense sample drugs within the categories identified in this subdivision if dispensing is permitted by the collaborative management agreement.

(d) A licensed dental therapist is prohibited from dispensing or administering a narcotic drug as defined in section 152.01, subdivision 10.

Subd. 6. **Application of other laws.** A licensed dental therapist authorized to practice under this chapter is not in violation of section 150A.05 as it relates to the unauthorized practice of dentistry if the practice is authorized under this chapter and is within the parameters of the collaborative management agreement.

Subd. 7. **Use of dental assistants.** (a) A licensed dental therapist may supervise registered and unregistered dental assistants to the extent permitted in the collaborative management agreement and according to section 150A.10, subdivision 2.

(b) Notwithstanding paragraph (a), a licensed dental therapist is limited to supervising no more

than two registered dental assistants or nonregistered dental assistants at any one practice setting.

Subd. 8. **Definitions.** (a) For the purposes of this section, the following definitions apply.

(b) "Practice settings that serve the low-income and underserved" mean:

(1) critical access dental provider settings as designated by the commissioner of human services under section 256B.76, subdivision 4;

(2) dental hygiene collaborative practice settings identified in section 150A.10, subdivision 1a, paragraph (e), and including medical facilities, assisted living facilities, federally qualified health centers, and organizations eligible to receive a community clinic grant under section 145.9268, subdivision 1;

(3) military and veterans administration hospitals, clinics, and care settings;

(4) a patient's residence or home when the patient is home-bound or receiving or eligible to receive home care services or home and community-based waived services, regardless of the patient's income;

(5) oral health educational institutions; or

(6) any other clinic or practice setting, including mobile dental units, in which at least 50 percent of the total patient base of the clinic or practice setting consists of patients who:

(i) are enrolled in a Minnesota health care program;

(ii) have a medical disability or chronic condition that creates a significant barrier to receiving dental care; or

(iii) do not have dental health coverage, either through a public health care program or private insurance, and have an annual gross family income equal to or less than 200 percent of the federal poverty guidelines.

(c) "Dental health professional shortage area" means an area that meets the criteria established by the secretary of the United States Department of Health and Human Services and is designated as such under United States Code, title 42, section 254e."

Page 16, line 12, after the second comma, insert "a licensed dental therapist,"

Page 16, line 22, after the comma, insert "or dental therapy,"

Page 17, line 23, before the period, insert ". For purposes of sections 151.15, subdivision 4; 151.37, subdivision 2, paragraph (b); and 151.461, "practitioner" also means a dental therapist authorized to dispense and administer under chapter 150A"

Page 19, line 32, before the period, insert "AND DENTAL THERAPISTS"

Page 19, line 34, after "practitioners" insert "and dental therapists"

Page 20, lines 3, 5, 7, 9, 12, and 16, after "practitioners" insert "and dental therapists"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "practitioner" insert "and a dental therapist" and delete "requiring rulemaking;"

Amend the title numbers accordingly

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

Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred

S.F. No. 698: A bill for an act relating to economic development; expanding eligibility for the small business growth acceleration program; requiring matching funds; appropriating money; amending Minnesota Statutes 2008, section 116O.115, subdivisions 2, 4.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred

S.F. No. 1197: A bill for an act relating to unemployment insurance; conforming Minnesota law to the requirements necessary to receive federal stimulus funds; appropriating money; amending Minnesota Statutes 2008, sections 268.035, subdivisions 4, as amended, 23a; 268.07, subdivisions 1, 2; 268.095, subdivision 1.

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

Page 3, after line 2, insert:

"Sec. 2. Minnesota Statutes 2008, section 268.035, is amended by adding a subdivision to read:

Subd. 19a. **Immediate family member.** "Immediate family member" means the applicant's spouse, parent, stepparent, son or daughter, stepson or stepdaughter, or grandson or granddaughter.

Sec. 3. Minnesota Statutes 2008, section 268.035, subdivision 21a, is amended to read:

Subd. 21a. **Reemployment assistance training.** (a) An applicant is in "reemployment assistance training" when:

(1) a reasonable and opportunity for suitable employment for the applicant does not exist in the labor market area and it is necessary that the applicant receive additional training in order to obtain will assist the applicant in obtaining suitable employment;

(2) the curriculum, facilities, staff, and other essentials are adequate to achieve the training objective;

(3) the training is vocational ~~in nature~~ or short term academic training ~~vocationally~~ directed to an occupation or skill ~~for which there are reasonable~~ that will substantially enhance the employment opportunities available to the applicant in the applicant's labor market area;

(4) the training course is considered full time by the training provider; and

(5) the applicant is making satisfactory progress in the training.

(b) Full-time training provided through the dislocated worker program, the Trade Act of 1974, as amended, or the North American Free Trade Agreement is considered "reemployment assistance training," if that training course is in accordance with the requirements of that program.

(c) Apprenticeship training provided in order to meet the requirements of an apprenticeship program under chapter 178 is considered "reemployment assistance training."

(d) An applicant is considered in reemployment assistance training only if the training course has actually started or is scheduled to start within 30 calendar days.

EFFECTIVE DATE. This section is effective for determinations and appeal decisions issued on or after the day following final enactment."

Page 3, line 29, strike "wage credits were earned from" and insert "weeks of unemployment in the base period includes"

Page 3, line 35, delete "wage credits were earned from" and insert "weeks of unemployment in the base period includes"

Page 6, after line 16, insert:

"Sec. 7. Minnesota Statutes 2008, section 268.085, subdivision 15, is amended to read:

Subd. 15. **Available for suitable employment defined.** (a) "Available for suitable employment" means an applicant is ready and willing to accept suitable employment in the labor market area. The attachment to the work force must be genuine. An applicant may restrict availability to suitable employment, but there must be no other restrictions, either self-imposed or created by circumstances, temporary or permanent, that prevent accepting suitable employment.

(b) Unless the applicant is in reemployment assistance training, to be considered "available for suitable employment," a student who has regularly scheduled classes must be willing to ~~quit school~~ discontinue classes to accept suitable employment when:

(1) class attendance restricts the applicant from accepting suitable employment; and

(2) the applicant is unable to change the scheduled class or make other arrangements that excuse the applicant from attending class.

(c) An applicant who is absent from the labor market area for personal reasons, other than to search for work, is not "available for suitable employment."

(d) An applicant who has restrictions on the hours of the day or days of the week that the applicant can or will work, that are not normal for the applicant's usual occupation or other suitable employment, is not "available for suitable employment." An applicant must be available for daytime employment, if suitable employment is performed during the daytime, even though the applicant previously worked the night shift.

(e) An applicant must have transportation throughout the labor market area to be considered "available for suitable employment."

EFFECTIVE DATE. This section is effective for determinations and appeal decisions issued

on or after the day following final enactment."

Page 7, delete line 8 and insert "order to provide necessary care because of the illness, injury, or disability of an"

Page 7, line 35, strike "the applicant's minor child" and insert "an immediate family member of the applicant"

Page 8, line 5, delete "was" and delete "by the spouse's employer"

Page 8, after line 7, insert:

"Sec. 9. Minnesota Statutes 2008, section 268.095, subdivision 6, is amended to read:

Subd. 6. **Employment misconduct defined.** (a) Employment misconduct means any intentional, negligent, or indifferent conduct, on the job or off the job ~~(1)~~ that displays clearly:

(1) a serious violation of the standards of behavior the employer has the right to reasonably expect of the employee; or

(2) that displays clearly a substantial lack of concern for the employment.

(b) Regardless of paragraph (a), the following is not employment misconduct:

(1) conduct that was a consequence of the applicant's mental illness or impairment;

(2) inefficiency, or inadvertence;

(3) simple unsatisfactory conduct, a single incident that does not have a significant adverse impact on the employer;

(4) conduct an average reasonable employee would have engaged in under the circumstances;

(5) poor performance because of inability or incapacity;

(6) good faith errors in judgment if judgment was required, or;

(7) absence because of illness or injury of the applicant, with proper notice to the employer, are not employment misconduct;

(8) absence, with proper notice to the employer, in order to provide necessary care because of the illness, injury, or disability of an immediate family member of the applicant;

~~(b)~~ (9) conduct that was a direct result of the applicant's chemical dependency is not employment misconduct, unless the applicant was previously diagnosed chemically dependent or had treatment for chemical dependency, and since that diagnosis or treatment has failed to make consistent efforts to control the chemical dependency; or

~~(e)~~ (10) conduct that was a result of the applicant, or the applicant's minor child an immediate family member of the applicant, being a victim of domestic abuse as defined under section 518B.01, is not employment misconduct. Domestic abuse must be shown as provided for in section 268.095, subdivision 1, clause (9).

~~(d)~~ A driving offense (c) Regardless of paragraph (b), clause (9), conduct in violation of sections

169A.20, 169A.31, or 169A.50 to 169A.53 that interferes with or adversely affects the employment is employment misconduct.

(d) An important fact which must be considered in deciding if the applicant's conduct rises to the level of employment misconduct under paragraph (a) is whether or not the applicant was discharged because of a single incident.

(e) The definition of employment misconduct provided by this subdivision is exclusive and no other definition applies.

EFFECTIVE DATE. This section is effective for determinations issued on or after August 2, 2009."

Page 8, line 9, delete "\$9,900,000" and insert "\$9,290,259"

Page 8, after line 13, insert:

"Sec. 11. **FEDERAL CONFORMITY.**

Sections 1, 2, 4 to 6, and 8 to 10 are enacted in order to conform to the requirements of the American Recovery and Reinvestment Act, which provides Minnesota's unemployment insurance trust fund \$130,063,620 in incentive payments if certain changes are made to the Minnesota Unemployment Insurance Law. These sections should be interpreted consistent with the requirements necessary to qualify for those incentive payments."

Renumber the sections in sequence

Amend the title numbers accordingly

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

Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred

S.F. No. 1198: A bill for an act relating to employment and economic development; making technical changes; limiting certain liability; waiving certain unemployment benefit requirements for dislocated workers; expanding the authorized use of the Minnesota investment fund; modifying unemployment insurance provisions; requiring appeals to be filed online; providing for collection of fees; regulating continued request for unemployment benefits filings; providing administrative penalties; defining and clarifying terms; appropriating money; amending Minnesota Statutes 2008, sections 15.75, subdivision 5; 16B.54, subdivision 2; 84.94, subdivision 3; 116J.035, subdivision 6; 116J.401, subdivision 2; 116J.435, subdivisions 2, 3; 116J.68, subdivision 2; 116J.8731, subdivisions 2, 3; 116L.03, subdivision 5; 116L.05, subdivision 5; 116L.871, subdivision 1; 116L.96; 123A.08, subdivision 1; 124D.49, subdivision 3; 241.27, subdivision 1; 248.061, subdivision 3; 248.07, subdivisions 7, 8; 256J.626, subdivision 4; 256J.66, subdivision 1; 268.035, subdivisions 2, 17, by adding subdivisions; 268.042, subdivision 3; 268.043; 268.044, subdivision 2; 268.047, subdivisions 1, 2; 268.051, subdivisions 1, 4; 268.052, subdivision 2; 268.053, subdivision 1; 268.057, subdivisions 4, 5; 268.0625, subdivision 1; 268.066; 268.067; 268.069, subdivision 1; 268.07, subdivisions 1, 2, 3, 3b; 268.084; 268.085, subdivisions 1, 2, 3, 3a, 4, 5, 6, 15; 268.095, subdivisions 1, 2, 6, 10, 11; 268.101, subdivisions 1, 2; 268.103, subdivision 1, by adding a subdivision; 268.105, subdivisions 1, 2, 3a; 268.115, subdivision 5; 268.125, subdivision

5; 268.135, subdivision 4; 268.145, subdivision 1; 268.18, subdivisions 1, 2, 4a; 268.186; 268.196, subdivisions 1, 2; 268.199; 268.211; 268A.06, subdivision 1; 469.169, subdivision 3; 469.321, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 2008, sections 116J.402; 116J.413; 116J.58, subdivision 1; 116J.59; 116J.61; 116J.656; 116L.16; 116L.88; 116U.65; 268.085, subdivision 14; 268.086; 469.329; Minnesota Rules, part 3310.2925.

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

Page 17, after line 33, insert:

"Sec. 13. Minnesota Statutes 2008, section 160.276, subdivision 8, is amended to read:

Subd. 8. **Revenue.** The agreement may provide that the vendor pay a portion of the gross revenues derived from advertising. These revenues must be paid to the state for deposit in the safety rest area account established in section 160.2745. The commissioner of transportation and director of ~~the Office of~~ Explore Minnesota Tourism may enter into an interagency agreement to define the distribution of the revenues generated in this subdivision and subdivisions 2a and 3a."

Page 22, delete section 19

Page 23, line 9, before "116U.65" insert "and" and delete "; and 469.329"

Page 29, line 5, after "when" insert "a preponderance of the available evidence shows"

Page 29, lines 27 to 31, delete the new language and reinstate the stricken language

Page 30, delete lines 6 to 8

Page 34, after line 31, insert:

"Section 1. Minnesota Statutes 2008, section 268.031, is amended to read:

268.031 STANDARD OF PROOF.

All issues of fact under the Minnesota Unemployment Insurance Law are determined by a preponderance of the evidence. ~~Preponderance of the evidence means evidence in substantiation of a fact that, when weighed against the evidence opposing the fact, is more convincing and has a greater probability of truth.~~"

Page 36, after line 24, insert:

"Sec. 7. Minnesota Statutes 2008, section 268.035, is amended by adding a subdivision to read:

Subd. 20a. **Preponderance of the evidence.** "Preponderance of the evidence" means evidence in substantiation of a fact that, when weighed against the evidence opposing the fact, is more convincing and has a greater probability of truth."

Page 51, after line 30, insert:

"Sec. 29. Minnesota Statutes 2008, section 268.095, subdivision 4, is amended to read:

Subd. 4. **Discharge.** An applicant who was discharged from employment by an employer is ineligible for all unemployment benefits according to subdivision 10 only if a preponderance of the

available evidence shows:

(1) the applicant was discharged because of employment misconduct as defined in subdivision 6; or

(2) the applicant was discharged because of aggravated employment misconduct as defined in subdivision 6a."

Page 54, line 34, strike ", without regard to any burden of proof"

Page 56, line 4, after the second comma, insert "and"

Page 56, line 5, strike everything after "scheduled"

Page 56, line 6, strike "certain" and insert ". The notice must set out the parties" and after "hearing." insert "The notice must explain that the matter will be decided by the unemployment law judge based upon a preponderance of the available evidence. The notice must explain in clear and simple language the meaning of the term "preponderance of the evidence.""

Page 56, line 10, strike "without"

Page 56, line 11, strike "regard to any burden of proof" and strike "and not an adversarial"

Page 56, line 12, strike "proceeding" and after the period, insert "At the beginning of the hearing the unemployment law judge must fully explain how the hearing will be conducted, that the matter will be decided upon a preponderance of the available evidence, and, in clear and simple language, the meaning of the term "preponderance of the evidence.""

Page 59, after line 19, insert:

"Sec. 38. Minnesota Statutes 2008, section 268.105, subdivision 4, is amended to read:

Subd. 4. **Oaths; subpoenas.** An unemployment law judge has authority to administer oaths and affirmations, take depositions, and issue subpoenas to compel the attendance of witnesses and the production of documents and other personal property considered necessary as evidence in connection with the subject matter of an evidentiary hearing.

The unemployment law judge must give full consideration to a request for a subpoena and must not unreasonably deny a request for a subpoena. If a subpoena request is initially denied, the unemployment law judge must, on the unemployment law judge's own motion, reconsider that request during the evidentiary hearing and rule on whether the request was properly denied. If the request was not properly denied, the evidentiary hearing must be continued for issuance of the subpoena. The subpoenas are enforceable through the district court in Ramsey County. Witnesses subpoenaed, other than an involved applicant or involved employer or officers and employees of an involved employer, must be paid by the department the same witness fees as in a civil action in district court."

Page 64, line 21, delete "(a)"

Page 64, delete line 23

Renumber the sections in sequence

Amend the title accordingly

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

Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred

S.F. No. 1329: A bill for an act relating to the Public Facilities Authority; providing for federal use of funds allocated to the state by the American Recovery and Reinvestment Act; providing for clean water and drinking water loans and grants; appropriating money; amending Minnesota Statutes 2008, sections 446A.07, subdivision 7; 446A.081, subdivision 8.

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

Page 2, line 14, delete "wastewater" and insert "drinking water"

Page 3, line 2, after the period, insert "For the purpose of this subdivision, the term "grant" includes principal forgiveness that is granted at the time a loan is made."

Page, 4, line 7, after the period, insert "For the purpose of this subdivision, the term "grant" includes principal forgiveness that is granted at the time a loan is made."

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

Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred

S.F. No. 1004: A bill for an act relating to labor and industry; modifying construction codes and licensing; adding provisions relating to high pressure piping profession; modifying previous appropriations restrictions; extending authority to adopt rules for obtaining boiler licenses; requiring rulemaking; amending Minnesota Statutes 2008, sections 326B.082, subdivision 12; 326B.084; 326B.43, subdivision 1; 326B.435, subdivision 2; 326B.475, subdivision 6; 326B.52, subdivision 1; 326B.53; 326B.55, subdivision 1; 326B.59; 326B.801; 326B.921, subdivision 1, by adding a subdivision; Laws 2008, chapter 363, article 10, section 4, subdivision 1; repealing Minnesota Statutes 2008, section 326B.43, subdivision 5.

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

Page 3, line 12, after the period, insert "The Plumbing Code shall include the minimum standards described in sections 326B.43, subdivision 1, and 326B.52, subdivision 1."

Page 4, delete section 6 and insert:

"Sec. 6. Minnesota Statutes 2008, section 326B.52, is amended to read:

326B.52 WATER CONDITIONING CONTRACTOR AND INSTALLER STANDARDS.

Subdivision 1. **Rulemaking by ~~commissioner~~ Plumbing Board.** ~~The commissioner~~ Plumbing Board shall, by rule, prescribe minimum standards which shall be uniform, and which standards shall thereafter be effective for all new water conditioning servicing and water conditioning installations performed anywhere in the state, including additions, extensions, alterations, and replacements ~~connected with any water or sewage disposal system owned or operated by or for~~

~~any municipality, institution, factory, office building, hotel, apartment building or any other place of business, regardless of location or the population of the city, county or town in which located.~~

Subd. 2. **Inspectors.** Except for powers granted to the Plumbing Board, the commissioner shall administer the provisions of sections 326B.50 to 326B.59 and for such purposes may employ water conditioning inspectors and other assistants."

Page 4, line 30, strike "water conditioning standards" and insert "rules"

Page 5, delete section 8 and insert:

"Sec. 8. Minnesota Statutes 2008, section 326B.55, is amended to read:

326B.55 LICENSING IN CERTAIN CITIES; QUALIFICATIONS; RULES.

Subdivision 1. ~~**Licensing in certain cities.** In any city or town having a population of 5,000 or more according to the last federal census, No person shall engage in or work at the business of water conditioning installation or servicing after January 1, 1970, anywhere in the state unless (1) at all times an individual licensed as a water conditioning contractor by the commissioner shall be responsible for the proper water conditioning installation and servicing work of such person, and (2) all installations, other than exchanges of portable equipment, are performed by a licensed water conditioning contractor or licensed water conditioning installer. Any individual not so licensed may perform water conditioning work that complies with the minimum ~~standard~~ standards prescribed by the ~~commissioner~~ Plumbing Board on premises or that part of premises owned and occupied by the worker as a residence, unless otherwise prohibited by a local ordinance.~~

Subd. 2. **Qualifications for licensing.** A water conditioning contractor license shall be issued only to an individual who has demonstrated skill in planning, superintending, and servicing water conditioning installations, and has successfully passed the examination for water conditioning contractors. A water conditioning installer license shall only be issued to an individual other than a water conditioning contractor who has demonstrated practical knowledge of water conditioning installation, and has successfully passed the examination for water conditioning installers. A water conditioning installer must successfully pass the examination for water conditioning contractors before being licensed as a water conditioning contractor.

Subd. 3. **Rules Commissioner.** The commissioner shall:

(1) ~~prescribe rules, not inconsistent herewith, for the licensing of water conditioning contractors and installers;~~

(2) ~~license water conditioning contractors and installers; and~~

(3) ~~prescribe rules not inconsistent herewith for the examining of water conditioning contractors and installers prior to first granting a license as a water conditioning contractor or water conditioning installer; and~~

(4) (2) collect an examination fee from each examinee for a license as a water conditioning contractor and an examination fee from each examinee for a license as a water conditioning installer in an amount set forth in section 326B.58. ~~A water conditioning installer must successfully pass the examination for water conditioning contractors before being licensed as a water conditioning contractor.~~

Sec. 9. Minnesota Statutes 2008, section 326B.57, is amended to read:

326B.57 RULES.

In order to provide effective protection of the public health, the ~~commissioner~~ Plumbing Board may by rule prescribe limitations on the nature of alteration to, extension of, or connection with, the said water distribution system initially established by a licensed plumber which may be performed by a person licensed hereunder, ~~and. The commissioner~~ may by rule in appropriate instances require filing of plans, blueprints and specifications prior to commencement of installation. The installation of water heaters shall not constitute water conditioning installation and consequently such work shall be accomplished in accordance with the provisions of sections 326B.42 to 326B.49.

Sec. 10. Minnesota Statutes 2008, section 326B.58, is amended to read:

326B.58 FEES.

Examination fees for both water conditioning contractors and water conditioning installers shall be \$50 for each examination. Each water conditioning contractor and installer license shall expire on December 31 of the year for which it was issued. The license fee for each initial water conditioning contractor's license shall be \$70, except that the license fee shall be \$35 if the application is submitted during the last three months of the calendar year. The license fee for each renewal water conditioning contractor's license shall be \$70. The license fee for each initial water conditioning installer license shall be \$35, except that the license fee shall be \$17.50 if the application is submitted during the last three months of the calendar year. The license fee for each renewal water conditioning installer license shall be \$35. ~~The commissioner~~ Plumbing Board may by rule prescribe for the expiration and renewal of licenses. Any licensee who does not renew a license within two years after the license expires is no longer eligible for renewal. Such an individual must retake and pass the examination before a new license will be issued. A water conditioning contractor or water conditioning installer who submits a license renewal application after the time specified in rule but within two years after the license expired must pay all past due renewal fees plus a late fee of \$25."

Page 5, line 20, after the period, insert "In all areas of the state except in cities or towns with a population of more than 5,000 according to the last federal census, the provisions of sections 326B.50 to 326B.58 that require licenses to engage in the work or business of water conditioning installation, and the provisions that provide for the examination of applicants for such licenses, do not apply to restricted master plumbers and restricted journeyman plumbers licensed under the provisions of section 326B.475."

Page 5, after line 25, insert:

"Sec. 13. Minnesota Statutes 2008, section 326B.84, is amended to read:

326B.84 GROUNDS FOR LICENSE SANCTIONS.

In addition to the grounds set forth in section 326B.082, subdivision 11, the commissioner may deny, suspend, limit, place conditions on, or revoke a license or certificate of exemption, or may censure the person holding the license or certificate of exemption, if the applicant, licensee, certificate of exemption holder, qualifying person, owner, officer, or affiliate of an applicant, licensee, or certificate of exemption holder, or other agent owner:

(1) has filed an application for licensure or a certificate of exemption which is incomplete in

any material respect or contains any statement which, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;

(2) has engaged in a fraudulent, deceptive, or dishonest practice;

(3) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the business;

(4) has failed to reasonably supervise employees, agents, subcontractors, or salespersons, or has performed negligently or in breach of contract, so as to cause injury or harm to the public;

(5) has violated or failed to comply with any provision of sections 326B.802 to 326B.885, any rule or order under sections 326B.802 to 326B.885, or any other law, rule, or order related to the duties and responsibilities entrusted to the commissioner;

(6) has been convicted of a violation of the State Building Code or has refused to comply with a notice of violation or stop order issued by a certified building official, or in local jurisdictions that have not adopted the State Building Code has refused to correct a violation of the State Building Code when the violation has been documented or a notice of violation or stop order issued by a certified building official has been received;

(7) has failed to use the proceeds of any payment made to the licensee for the construction of, or any improvement to, residential real estate, as defined in section 326B.802, subdivision 13, for the payment of labor, skill, material, and machinery contributed to the construction or improvement, knowing that the cost of any labor performed, or skill, material, or machinery furnished for the improvement remains unpaid;

(8) has not furnished to the person making payment either a valid lien waiver as to any unpaid labor performed, or skill, material, or machinery furnished for an improvement, or a payment bond in the basic amount of the contract price for the improvement conditioned for the prompt payment to any person or persons entitled to payment;

(9) has engaged in an act or practice that results in compensation to an aggrieved owner or lessee from the contractor recovery fund pursuant to section 326B.89, unless:

(i) the applicant or licensee has repaid the fund twice the amount paid from the fund, plus interest at the rate of 12 percent per year; and

(ii) the applicant or licensee has obtained a surety bond in the amount of at least \$40,000, issued by an insurer authorized to transact business in this state;

(10) has engaged in bad faith, unreasonable delays, or frivolous claims in defense of a civil lawsuit or arbitration arising out of their activities as a licensee or certificate of exemption holder under this chapter;

(11) has had a judgment entered against them for failure to make payments to employees, subcontractors, or suppliers, that the licensee has failed to satisfy and all appeals of the judgment have been exhausted or the period for appeal has expired;

(12) if unlicensed, has obtained a building permit by the fraudulent use of a fictitious license number or the license number of another, or, if licensed, has knowingly allowed an unlicensed person to use the licensee's license number for the purpose of fraudulently obtaining a building permit; or

has applied for or obtained a building permit for an unlicensed person;

(13) has made use of a forged mechanic's lien waiver under chapter 514;

(14) has provided false, misleading, or incomplete information to the commissioner or has refused to allow a reasonable inspection of records or premises;

(15) has engaged in an act or practice whether or not the act or practice directly involves the business for which the person is licensed, that demonstrates that the applicant or licensee is untrustworthy, financially irresponsible, or otherwise incompetent or unqualified to act under the license granted by the commissioner; or

(16) has failed to comply with requests for information, documents, or other requests from the department within the time specified in the request or, if no time is specified, within 30 days of the mailing of the request by the department."

Pages 6 and 7, delete sections 12 and 13 and insert:

"Sec. 15. **[326B.961] TRIENNIAL AUDITS AND TEAM LEADER CERTIFICATIONS.**

Subdivision 1. **Triennial audits; assignment; qualifications.** The chief boiler inspector shall assign a qualified ASME designee or team leader to perform triennial audits on ASME Code and national board stamp holders at the request of the stamp holder. The department shall maintain qualifications for ASME designees and national board team leaders in accordance with ASME and national board requirements.

Subd. 2. **Fees.** The fee for performing ASME and national board triennial audits shall be the hourly rate pursuant to section 326B.986, subdivision 4."

Page 7, line 24, delete "section 326B.43" and insert "sections 326B.43 and 326B.52"

Renumber the sections in sequence

Amend the title numbers accordingly

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

SECOND READING OF SENATE BILLS

S.F. Nos. 208, 453, 740, 832, 1028, 32, 423, 615, 633, 708, 573, 586, 574, 404, 743, 236, 133, 412, 10, 643 and 1004 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 56 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Clark moved that the name of Senator Dille be added as a co-author to S.F. No. 488. The motion prevailed.

Senator Skogen moved that the names of Senators Clark and Saxhaug be added as co-authors to S.F. No. 672. The motion prevailed.

Senator Sheran moved that the name of Senator Rosen be added as a co-author to S.F. No. 731. The motion prevailed.

Senator Prettner Solon moved that the names of Senators Erickson Ropes and Bakk be added as co-authors to S.F. No. 734. The motion prevailed.

Senator Clark moved that the names of Senators Senjem and Koch be added as co-authors to S.F. No. 1014. The motion prevailed.

Senator Dahle moved that the name of Senator Pariseau be added as a co-author to S.F. No. 1112. The motion prevailed.

Senator Pappas moved that the name of Senator Sieben be added as a co-author to S.F. No. 1145. The motion prevailed.

Senator Pappas moved that the name of Senator Sieben be added as a co-author to S.F. No. 1153. The motion prevailed.

Senator Pappas moved that the name of Senator Sieben be added as a co-author to S.F. No. 1200. The motion prevailed.

Senator Koering moved that the name of Senator Fobbe be added as a co-author to S.F. No. 1205. The motion prevailed.

Senator Rest moved that the name of Senator Sieben be added as a co-author to S.F. No. 1219. The motion prevailed.

Senator Pappas moved that the name of Senator Sieben be added as a co-author to S.F. No. 1221. The motion prevailed.

Senator Wiger moved that the name of Senator Sieben be added as a co-author to S.F. No. 1253. The motion prevailed.

Senator Ortman moved that the name of Senator Sieben be added as a co-author to S.F. No. 1264. The motion prevailed.

Senator Langseth moved that the name of Senator Sieben be added as a co-author to S.F. No. 1316. The motion prevailed.

Senator Metzen moved that the name of Senator Sieben be added as a co-author to S.F. No. 1320. The motion prevailed.

Senator Higgins moved that the name of Senator Torres Ray be added as a co-author to S.F. No. 1321. The motion prevailed.

Senator Frederickson moved that the names of Senators Tomassoni, Cohen, Anderson and Rosen be added as co-authors to S.F. No. 1329. The motion prevailed.

Senator Stumpf moved that the name of Senator Saxhaug be added as a co-author to S.F. No. 524. The motion prevailed.

Senator Stumpf moved that the name of Senator Saxhaug be added as a co-author to S.F. No. 958. The motion prevailed.

Senator Stumpf moved that the name of Senator Saltzman be added as a co-author to S.F. No. 961. The motion prevailed.

Senator Senjem moved that his name be stricken as a co-author to S.F. No. 1054. The motion prevailed.

Senator Dibble moved that S.F. No. 915 be withdrawn from the Committee on Finance and re-referred to the Committee on State and Local Government Operations and Oversight. The motion prevailed.

Senator Wiger moved that S.F. No. 954 be withdrawn from the Committee on Education and re-referred to the Committee on State and Local Government Operations and Oversight. The motion prevailed.

Senator Saltzman moved that S.F. No. 1052 be withdrawn from the Committee on Finance and re-referred to the Committee on State and Local Government Operations and Oversight. The motion prevailed.

Senator Rummel moved that S.F. No. 1109 be withdrawn from the Committee on Education and re-referred to the Committee on State and Local Government Operations and Oversight. The motion prevailed.

Senator Rummel moved that S.F. No. 1113 be withdrawn from the Committee on Finance and re-referred to the Committee on State and Local Government Operations and Oversight. The motion prevailed.

Senator Senjem introduced –

Senate Resolution No. 51: A Senate resolution relating to per diem for members during the interim between regular legislative sessions.

Referred to the Committee on Rules and Administration.

Senator Senjem introduced –

Senate Resolution No. 52: A Senate resolution relating to rules; amending the temporary rules for the 86th session of the Legislature.

Referred to the Committee on Rules and Administration.

Senator Carlson introduced –

Senate Resolution No. 53: A Senate resolution congratulating Nicholas R. Sachs of Eagan, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senators Higgins, Pogemiller, Pappas, Sieben and Moua introduced –

Senate Resolution No. 54: A Senate resolution recognizing March 26, 2009, as Alpha Kappa Alpha Day at the State Capitol.

Referred to the Committee on Rules and Administration.

Senator Skoe introduced –

Senate Resolution No. 55: A Senate resolution honoring Clearwater County Sheriff's Office Manager/Jail Administrator Meta Kvam on the occasion of her retirement.

Referred to the Committee on Rules and Administration.

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.

Senators Scheid, Tomassoni, Senjem, Marty and Bonoff introduced–

S.F. No. 1339: A bill for an act relating to taxation; property; establishing a limit on homeowner property taxes as a percentage of household income; reducing the market value homestead credit; amending Minnesota Statutes 2008, sections 273.1384, subdivision 1; 290A.03, subdivision 13; 290A.04, by adding a subdivision; 290A.23, subdivision 3; repealing Minnesota Statutes 2008, section 290A.04, subdivision 2h.

Referred to the Committee on Taxes.

Senators Scheid, Tomassoni, Senjem and Bonoff introduced–

S.F. No. 1340: A bill for an act relating to taxation; property; establishing a limit on senior homeowners' property taxes as a percentage of household income; amending Minnesota Statutes 2008, sections 290A.03, subdivision 13; 290A.04, by adding a subdivision; 290A.23, subdivision 3; repealing Minnesota Statutes 2008, section 290A.04, subdivision 2h.

Referred to the Committee on Taxes.

Senator Olson, M. introduced–

S.F. No. 1341: A bill for an act relating to data practices; classifying electronic licensing data maintained by the commissioner of natural resources; amending Minnesota Statutes 2008, section 13.7931, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 84.

Referred to the Committee on Environment and Natural Resources.

Senators Bonoff and Saltzman introduced—

S.F. No. 1342: A bill for an act relating to education; creating an alternative teacher preparation program and a resident teacher license for qualified nontraditional candidates; proposing coding for new law in Minnesota Statutes, chapter 122A.

Referred to the Committee on Education.

Senator Berglin introduced—

S.F. No. 1343: A bill for an act relating to human services; establishing a special transportation services pilot project in Hennepin County; establishing an advisory committee; requiring a report.

Referred to the Committee on Health, Housing and Family Security.

Senator Berglin introduced—

S.F. No. 1344: A bill for an act relating to human services; requiring a request for proposals process to develop community-based residential services.

Referred to the Committee on Health, Housing and Family Security.

Senator Metzen introduced—

S.F. No. 1345: A bill for an act relating to natural resources; appropriating money for a trail connection to the Mississippi River Regional Trail.

Referred to the Committee on Environment and Natural Resources.

Senators Dibble, Lynch, Sparks and Doll introduced—

S.F. No. 1346: A bill for an act relating to energy; modifying renewable energy standard technology options for certain public utilities; amending Minnesota Statutes 2008, section 216B.1691, subdivision 2a.

Referred to the Committee on Energy, Utilities, Technology and Communications.

Senator Dibble introduced—

S.F. No. 1347: A bill for an act relating to utilities; regulating incentive rate plans for conservation investments; amending Minnesota Statutes 2008, sections 216B.16, subdivision 6c; 216B.241, subdivision 5a.

Referred to the Committee on Energy, Utilities, Technology and Communications.

Senators Dibble and Metzen introduced—

S.F. No. 1348: A bill for an act relating to taxation; property; providing for a seasonal recreational property tax deferral program; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 290D.

Referred to the Committee on Taxes.

Senators Dibble, Murphy and Kelash introduced—

S.F. No. 1349: A bill for an act relating to traffic regulations; prohibiting intersection gridlock; imposing petty misdemeanor penalty; amending Minnesota Statutes 2008, section 169.15.

Referred to the Committee on Transportation.

Senator Skoe introduced—

S.F. No. 1350: A bill for an act relating to taxation; clarifying nexus to impose tax on pass-through interests of nonresident individuals; amending Minnesota Statutes 2008, sections 290.014, subdivision 2; 290.17, subdivision 2; 291.005, subdivision 1.

Referred to the Committee on Taxes.

Senators Koch, Michel, Ortman, Fischbach and Senjem introduced—

S.F. No. 1351: A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 2008, sections 2.021; 2.031, subdivision 1; repealing Minnesota Statutes 2008, section 2.031, subdivision 2.

Referred to the Committee on State and Local Government Operations and Oversight.

Senators Wiger, Vickerman, Langseth, Anderson and Rummel introduced—

S.F. No. 1352: A bill for an act relating to capital improvements; appropriating money for Silver Lake Trail; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Frederickson, Anderson, Torres Ray, Pariseau and Vickerman introduced—

S.F. No. 1353: A bill for an act relating to natural resources; authorizing sale of department gift cards and certificates; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 84.

Referred to the Committee on Environment and Natural Resources.

Senators Rest, Betzold, Robling, Langseth and Senjem introduced—

S.F. No. 1354: A bill for an act relating to capital improvements; appropriating money for the State Capitol Building; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Dille introduced—

S.F. No. 1355: A bill for an act relating to agriculture; appropriating money for livestock

investment grants.

Referred to the Committee on Finance.

Senator Dille introduced—

S.F. No. 1356: A bill for an act relating to taxation; sales and use; expanding the definition of farm machinery; exempting construction and other materials used in livestock farming operations; amending Minnesota Statutes 2008, sections 297A.61, subdivision 12; 297A.69, subdivisions 2, 3, 4.

Referred to the Committee on Taxes.

Senators Saltzman, Sieben and Lynch introduced—

S.F. No. 1357: A bill for an act relating to capital improvements; appropriating money for Stillwater flood control; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Metzen, Sparks and Higgins introduced—

S.F. No. 1358: A bill for an act relating to gambling; pari-mutuel horse racing; providing for occupational licenses; amending Minnesota Statutes 2008, section 240.08, by adding a subdivision.

Referred to the Committee on State and Local Government Operations and Oversight.

Senators Rest and Gerlach introduced—

S.F. No. 1359: A bill for an act relating to human services; establishing a human service authority; establishing aid to counties; creating a workgroup; requiring a report; proposing coding for new law as Minnesota Statutes, chapter 402A.

Referred to the Committee on Health, Housing and Family Security.

Senators Marty, Murphy and Tomassoni introduced—

S.F. No. 1360: A bill for an act relating to occupational safety and health; permitting injured employees a civil remedy if an employer willfully or repeatedly violated safety laws; amending Minnesota Statutes 2008, section 182.666, subdivision 1.

Referred to the Committee on Business, Industry and Jobs.

Senators Marty and Sieben introduced—

S.F. No. 1361: A bill for an act relating to higher education; changing eligibility for the state grant program; amending Minnesota Statutes 2008, section 136A.101, subdivision 4.

Referred to the Committee on Finance.

Senators Wiger and Moua introduced–

S.F. No. 1362: A bill for an act relating to capital improvements; appropriating money for Keller Regional Park; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Rummel and Moua introduced–

S.F. No. 1363: A bill for an act relating to capital improvements; appropriating money for the Tamarack Nature Center; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Dibble, Anderson, Tomassoni, Koering and Rosen introduced–

S.F. No. 1364: A bill for an act relating to education finance; authorizing the commissioner of education to waive the General Education Development (GED) test fee under certain circumstances; amending Minnesota Statutes 2008, section 124D.55.

Referred to the Committee on Finance.

Senators Dibble, Tomassoni and Murphy introduced–

S.F. No. 1365: A bill for an act relating to agriculture; providing for the development and regulation of an industrial hemp industry; authorizing rulemaking; providing a defense for possession and cultivation of industrial hemp; modifying the definition of marijuana; amending Minnesota Statutes 2008, sections 18J.01; 18J.02; 18J.03; 18J.04, subdivisions 1, 2, 3, 4; 18J.05, subdivisions 1, 2, 6; 18J.06; 18J.07, subdivisions 3, 4, 5; 18J.09; 18J.11, subdivision 1, by adding a subdivision; 152.01, subdivision 9; 375.30, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 18K.

Referred to the Committee on Agriculture and Veterans.

Senators Dibble, Doll, Carlson, Kelash and Torres Ray introduced–

S.F. No. 1366: A bill for an act relating to the Metropolitan Airports Commission; requiring the commission to prohibit outsourcing of certain jobs; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on State and Local Government Operations and Oversight.

Senators Foley, Betzold and Chaudhary introduced–

S.F. No. 1367: A bill for an act relating to capital improvements; appropriating money for a bicycle and pedestrian trail to connect the Northtown Transit hub to the metropolitan regional trail and to provide a safe route for elementary school students; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Dibble, Tomassoni, Bakk, Marty and Clark introduced–

S.F. No. 1368: A bill for an act relating to employment; expanding the official measure of unemployment.

Referred to the Committee on Business, Industry and Jobs.

Senator Murphy introduced–

S.F. No. 1369: A bill for an act relating to health; consolidating and relocating nursing facility beds to a new site in Goodhue County; amending Minnesota Statutes 2008, section 144A.071, subdivision 4c.

Referred to the Committee on Health, Housing and Family Security.

Senator Pappas introduced–

S.F. No. 1370: A bill for an act relating to public finance; providing the St. Paul Port Authority application fee credit toward a future bond sale.

Referred to the Committee on Finance.

Senator Erickson Ropes introduced–

S.F. No. 1371: A bill for an act relating to all-terrain vehicles; providing for use of class 3 all-terrain vehicles by the state or political subdivisions of the state; amending Minnesota Statutes 2008, sections 84.92, subdivision 8, by adding a subdivision; 84.9256, subdivisions 1, 2; 84.9257; 84.926, subdivisions 4, 6; 84.928, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

Senators Erickson Ropes and Prettner Solon introduced–

S.F. No. 1372: A bill for an act relating to arts; creating regional capital fund for arts organizations; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 129D.

Referred to the Committee on Finance.

Senators Rosen and Hann introduced–

S.F. No. 1373: A bill for an act relating to education; removing set-aside for student health personnel; amending Minnesota Statutes 2008, section 126C.44.

Referred to the Committee on Finance.

Senator Metzen introduced–

S.F. No. 1374: A bill for an act relating to retirement; authorizing a joint and survivor annuity for a divorced spouse of a deceased retiree who elected a single life annuity.

Referred to the Committee on State and Local Government Operations and Oversight.

Senator Kubly introduced—

S.F. No. 1375: A bill for an act relating to health; appropriating money for the rural pharmacy planning and transition grant program.

Referred to the Committee on Finance.

Senators Vandever and Saltzman introduced—

S.F. No. 1376: A bill for an act relating to capital improvements; appropriating money for Stillwater flood control; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Senjem introduced—

S.F. No. 1377: A bill for an act relating to natural resources; removing Bamber Lake in Olmsted County from the public waters inventory.

Referred to the Committee on Environment and Natural Resources.

Senator Senjem introduced—

S.F. No. 1378: A bill for an act relating to transportation; designating Highway 14 as Black and Yellow Trail; amending Minnesota Statutes 2008, section 161.14, by adding a subdivision.

Referred to the Committee on Transportation.

Senator Senjem introduced—

S.F. No. 1379: A bill for an act relating to taxation; expanding sales tax exemption for residential heating fuels; amending Minnesota Statutes 2008, section 297A.67, subdivision 15.

Referred to the Committee on Taxes.

Senator Senjem introduced—

S.F. No. 1380: A bill for an act relating to transportation; allowing specific service signs for JOBZ businesses; amending Minnesota Statutes 2008, section 160.292, subdivisions 21, 22.

Referred to the Committee on Transportation.

Senator Senjem introduced—

S.F. No. 1381: A bill for an act relating to taxation; job opportunity building zones; allowing amendments to agreements under certain circumstances; amending Minnesota Statutes 2008, section 469.3192.

Referred to the Committee on Business, Industry and Jobs.

Senators Tomassoni, Stumpf and Kelash introduced–

S.F. No. 1382: A bill for an act relating to housing; authorizing nonprofit housing bonds; appropriating money; amending Minnesota Statutes 2008, section 462A.36, by adding subdivisions.

Referred to the Committee on Finance.

Senators Rosen and Vickerman introduced–

S.F. No. 1383: A bill for an act relating to capital improvements; appropriating money for wastewater treatment infrastructure in Odin and Ormsby; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Rosen and Sparks introduced–

S.F. No. 1384: A bill for an act relating to capital improvements; appropriating money for wastewater treatment infrastructure in Waldorf; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Moua introduced–

S.F. No. 1385: A bill for an act relating to public safety; appropriating money for the Juvenile Delinquent Alternatives Initiative in Ramsey County.

Referred to the Committee on Finance.

Senator Moua introduced–

S.F. No. 1386: A bill for an act relating to capital improvements; appropriating money to commissioner of transportation for grant to city of St. Paul for planning enhancements connected to Warner Road bridge improvements; authorizing sale of state transportation bonds.

Referred to the Committee on Finance.

Senator Sparks introduced–

S.F. No. 1387: A bill for an act relating to capital improvements; authorizing the sale and issuance of state bonds; appropriating money for the Shooting Star Trail.

Referred to the Committee on Finance.

Senator Vandever introduced–

S.F. No. 1388: A bill for an act relating to higher education; providing for certain improvements in the human resources systems at the Minnesota State Colleges and Universities.

Referred to the Committee on Higher Education.

Senator Day introduced–

S.F. No. 1389: A bill for an act relating to capital investment; authorizing the sale of state bonds; appropriating money for a grant to the city of Waseca for a new wastewater treatment system and plant.

Referred to the Committee on Finance.

Senators Bonoff, Stumpf and Saxhaug introduced–

S.F. No. 1390: A bill for an act relating to education; allowing school districts to retain one-half of the wind energy production tax deduction; allocating one-half of the wind energy production tax allocated to school districts to the permanent school trust fund; amending Minnesota Statutes 2008, section 126C.21, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 127A.

Referred to the Committee on Finance.

Senator Robling introduced–

S.F. No. 1391: A bill for an act relating to capital improvements; appropriating money for Spring Lake Regional Park; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Chaudhary introduced–

S.F. No. 1392: A bill for an act relating to capital investment; authorizing the sale and issuance of state bonds; appropriating money for a grant to the city of Fridley for capital improvements to Springbrook Nature Center.

Referred to the Committee on Finance.

Senators Hann and Michel introduced–

S.F. No. 1393: A bill for an act relating to education; reducing mandates on school districts; amending Minnesota Statutes 2008, sections 13D.02; 120A.42; 120B.021, subdivision 1; 121A.035, subdivision 2; 121A.037; 121A.26; 121A.27; 121A.28; 121A.29, subdivision 1; 121A.41, subdivision 10; 122A.44, subdivision 2; 122A.48, subdivisions 2, 5; 123A.19, subdivision 2; 123A.30, subdivision 6; 123B.04, subdivision 2; 123B.10; 123B.143, subdivision 1; 123B.71, subdivisions 1, 9; 123B.90, subdivision 2; 124D.122; 126C.44; 177.42, subdivision 2; 179A.03, subdivision 14; 179A.18, subdivision 2; repealing Minnesota Statutes 2008, sections 120A.41; 120B.11; 120B.39; 121A.06; 121A.21; 121A.30; 122A.32; 122A.50; 122A.51; 122A.61; 122A.628; 122A.75; 123A.19, subdivisions 3, 4; 123A.33; 123B.02, subdivision 15; 123B.05; 123B.71, subdivisions 8, 11, 12; 123B.76, subdivision 3; 123B.92, subdivision 5; 179A.07, subdivision 6; 256.962, subdivision 6.

Referred to the Committee on Education.

Senators Olseen and Olson, G. introduced—

S.F. No. 1394: A bill for an act relating to human services; modifying licensing disqualifications; amending Minnesota Statutes 2008, section 245C.24, subdivision 2.

Referred to the Committee on Health, Housing and Family Security.

Senator Betzold, by request, introduced—

S.F. No. 1395: A bill for an act relating to government finance; modifying provisions for general legislative and administrative expenses of state government; regulating state and local government operations; establishing technology development lease-purchase financing; establishing state appropriation bonds; establishing a statewide electronic licensing system; requiring local units of government to utilize state cooperative purchasing; transferring the Environmental Quality Board to the Pollution Control Agency; requiring a report; appropriating money; amending Minnesota Statutes 2008, sections 13.7411, subdivision 8; 103A.204; 103B.151, subdivision 1; 103B.315, subdivision 5; 103F.751; 103G.222, subdivision 1; 103H.151, subdivision 4; 103H.175, subdivision 3; 115A.072, subdivision 1; 115A.32; 116C.02, by adding a subdivision; 116C.04, subdivisions 1, 7; 116C.71, by adding a subdivision; 116F.06, subdivision 2; 116G.03, by adding a subdivision; 116G.15; 116G.151; 129D.13, subdivisions 1, 3; 129D.14, subdivisions 4, 5, 6; 137.56; 471.345, subdivision 15; Laws 2007, chapter 148, article 1, sections 10; 12, subdivision 2; 16, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16A; 16E; 270C; repealing Minnesota Statutes 2008, sections 13.7411, subdivision 9; 116C.02, subdivision 2; 116C.03, subdivisions 1, 2, 2a, 3a, 4, 5, 6; 116C.24, subdivision 2; 116C.71, subdivisions 1c, 2a; 116C.91, subdivision 2; 116F.06, subdivision 2; 116G.03, subdivision 2; 240A.08.

Referred to the Committee on Environment and Natural Resources.

Senator Skogen introduced—

S.F. No. 1396: A bill for an act relating to education; removing obsolete and unneeded mandates; amending Minnesota Statutes 2008, section 123B.143, subdivision 1; repealing Minnesota Statutes 2008, sections 120B.39; 122A.628; 122A.75.

Referred to the Committee on Education.

Senator Higgins introduced—

S.F. No. 1397: A bill for an act relating to real property; clarifying tenant rights with respect to property subject to a mortgage foreclosure; amending Minnesota Statutes 2008, sections 504B.151, subdivision 1; 504B.178, subdivision 8.

Referred to the Committee on Judiciary.

Senators Carlson, Doll and Olson, M. introduced—

S.F. No. 1398: A bill for an act relating to child support; adding a requirement for full compliance with payment agreements; amending Minnesota Statutes 2008, sections 518A.64; 518A.65; 518A.66; 518A.67; 518A.68; 518A.72, subdivision 1.

Referred to the Committee on Judiciary.

Senators Prettner Solon and Bakk introduced—

S.F. No. 1399: A bill for an act relating to natural resources; approving the consumptive use of water for snowmaking in St. Louis County.

Referred to the Committee on Environment and Natural Resources.

Senators Kubly and Vickerman introduced—

S.F. No. 1400: A bill for an act relating to traffic regulations; modifying vehicle width and axle requirements for transporting manufactured home; amending Minnesota Statutes 2008, sections 169.80, subdivision 2; 169.828, subdivision 1.

Referred to the Committee on Transportation.

Senator Berglin introduced—

S.F. No. 1401: A bill for an act relating to human services; requiring prior authorization before certain prescription drugs are eligible for medical assistance payment; amending Minnesota Statutes 2008, section 256B.0625, subdivision 13f.

Referred to the Committee on Health, Housing and Family Security.

Senator Berglin introduced—

S.F. No. 1402: A bill for an act relating to human services; creating a withhold to managed care plan payments for prepaid medical assistance and general assistance medical care; amending Minnesota Statutes 2008, sections 256B.69, subdivision 5a; 256L.12, subdivision 9.

Referred to the Committee on Finance.

Senator Berglin introduced—

S.F. No. 1403: A bill for an act relating to human services; requiring prior authorization for cesarean deliveries; amending Minnesota Statutes 2008, section 256B.0625, by adding a subdivision.

Referred to the Committee on Finance.

Senator Berglin introduced—

S.F. No. 1404: A bill for an act relating to human services; eliminating prescription drug coverage from prepaid medical assistance program contracts; amending Minnesota Statutes 2008, sections 256B.0625, subdivision 13; 256B.69, subdivision 6.

Referred to the Committee on Health, Housing and Family Security.

Senator Prettner Solon introduced–

S.F. No. 1405: A bill for an act relating to energy; providing funding for residential energy conservation using federal stimulus funding.

Referred to the Committee on Energy, Utilities, Technology and Communications.

Senators Rummel and Wiger introduced–

S.F. No. 1406: A bill for an act relating to education; establishing state measures of students' achievement growth; amending Minnesota Statutes 2008, sections 120B.30; 120B.31; 120B.35; 120B.36; proposing coding for new law in Minnesota Statutes, chapter 120B; repealing Minnesota Statutes 2008, section 120B.362.

Referred to the Committee on Education.

Senators Tomassoni and Koering introduced–

S.F. No. 1407: A bill for an act relating to retirement; amending certain coverage provisions; making certain technical changes; amending Minnesota Statutes 2008, section 352D.02, subdivisions 1, 3.

Referred to the Committee on State and Local Government Operations and Oversight.

Senator Metzen introduced–

S.F. No. 1408: A bill for an act relating to public safety; securing aircraft cockpits against lasers; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary.

Senator Erickson Ropes introduced–

S.F. No. 1409: A bill for an act relating to capital investment; authorizing the sale of state bonds; appropriating money to Independent School District No. 227, Chatfield, for the Potter Center for the Arts in the city of Chatfield.

Referred to the Committee on Finance.

Senators Kubly, Frederickson, Dille, Dibble and Rest introduced–

S.F. No. 1410: A bill for an act relating to agriculture; changing provisions of the Minnesota Noxious Weed Law; establishing a fund; providing for grants; creating an advisory committee; amending Minnesota Statutes 2008, sections 18.75; 18.76; 18.77, subdivisions 1, 3, 5, by adding subdivisions; 18.78, subdivision 1, by adding a subdivision; 18.79; 18.80, subdivision 1; 18.81, subdivision 1; 18.82, subdivisions 1, 3; 18.83; 18.84, subdivisions 1, 2, 3; 18.86; 18.87; 18.88; proposing coding for new law in Minnesota Statutes, chapter 18; repealing Minnesota Statutes 2008, section 18.81, subdivision 3.

Referred to the Committee on Agriculture and Veterans.

Senator Ingebrigtsen introduced—

S.F. No. 1411: A bill for an act relating to drivers' licenses; requiring full head and face be shown on driver's license and identification card; amending Minnesota Statutes 2008, section 171.07, subdivisions 1, 3; repealing Minnesota Statutes 2008, sections 13.6905, subdivision 8; 171.071, subdivision 1.

Referred to the Committee on Transportation.

Senator Ingebrigtsen introduced—

S.F. No. 1412: A bill for an act relating to public safety; requiring certain sex offenders to wear tracking and monitoring bracelets after release from prison; prescribing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 244.

Referred to the Committee on Judiciary.

Senators Robling, Erickson Ropes, Lourey and Clark introduced—

S.F. No. 1413: A bill for an act relating to human services; requiring that the state perform family day care background checks; allowing access to criminal history data; amending Minnesota Statutes 2008, sections 245A.10, subdivision 2; 245A.16, subdivisions 1, 3; 245C.04, subdivision 1; 245C.05, subdivisions 2, 2a, 4, 7; 245C.08, subdivision 2; 245C.10, by adding a subdivision; 245C.17, by adding a subdivision; 245C.21, subdivision 1a; 245C.23, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 299C.

Referred to the Committee on Health, Housing and Family Security.

Senator Hann, by request, introduced—

S.F. No. 1414: A bill for an act relating to employment; limiting application to certain minors of certain collective bargaining provisions; proposing coding for new law in Minnesota Statutes, chapter 181A.

Referred to the Committee on Business, Industry and Jobs.

Senator Hann introduced—

S.F. No. 1415: A bill for an act relating to trade regulations; providing for construction of the Minnesota Unlawful Trade Practices Act, Uniform Deceptive Trade Practices Act, Prevention of Consumer Fraud Act, and False Statement in Advertisement Act; modifying private remedies; amending Minnesota Statutes 2008, sections 8.31, subdivision 3a, by adding a subdivision; 325D.09; 325D.16; 325D.46, subdivision 1; 325D.47; 325F.67; 325F.69, by adding subdivisions.

Referred to the Committee on Judiciary.

Senator Hann introduced—

S.F. No. 1416: A bill for an act relating to data practices; eliminating student authorization for disclosure of information to parent; amending Minnesota Statutes 2008, section 13.32, subdivision

3.

Referred to the Committee on Judiciary.

Senators Pogemiller, Rosen and Lynch introduced–

S.F. No. 1417: A bill for an act relating to retirement; modifying early retirement initiative; amending Minnesota Statutes 2008, section 356.351, subdivisions 1, 2.

Referred to the Committee on State and Local Government Operations and Oversight.

Senator Foley introduced–

S.F. No. 1418: A bill for an act relating to nursing homes and home care; adding requirements for licensure; amending Minnesota Statutes 2008, section 144A.04, by adding a subdivision.

Referred to the Committee on Health, Housing and Family Security.

Senators Murphy, Higgins, Chaudhary, Metzen and Anderson introduced–

S.F. No. 1419: A bill for an act relating to labor and industry; allowing municipalities to adopt ordinances in addition to the State Building Code; amending Minnesota Statutes 2008, sections 326B.106, by adding a subdivision; 326B.121, by adding a subdivision.

Referred to the Committee on Business, Industry and Jobs.

Senators Murphy, Higgins, Skoe and Bakk introduced–

S.F. No. 1420: A bill for an act relating to taxation; increasing the class rate on certain utility properties; amending Minnesota Statutes 2008, section 273.13, subdivision 24.

Referred to the Committee on Taxes.

Senators Chaudhary and Marty introduced–

S.F. No. 1421: A bill for an act relating to homeless programs; allowing providers to impose requirements on clients and requiring consistency in program guidelines; amending Minnesota Statutes 2008, section 462A.29.

Referred to the Committee on Health, Housing and Family Security.

Senators Rest, Ortman and Scheid introduced–

S.F. No. 1422: A bill for an act relating to taxation; property; modifying the prescribed content of property tax statements; amending Minnesota Statutes 2008, section 276.04, subdivision 2.

Referred to the Committee on Taxes.

Senators Sparks, Bakk, Tomassoni and Metzen introduced—

S.F. No. 1423: A bill for an act relating to workers' compensation; clarifying the Department of Labor and Industry's duty to assist employees and employers to deal with the workers' compensation system; amending Minnesota Statutes 2008, section 176.261.

Referred to the Committee on Business, Industry and Jobs.

Senator Olseen introduced—

S.F. No. 1424: A bill for an act relating to local government; increasing the threshold amount for county publication of individual claims; amending Minnesota Statutes 2008, section 375.12, subdivision 2.

Referred to the Committee on State and Local Government Operations and Oversight.

Senators Skoe, Vickerman and Dille introduced—

S.F. No. 1425: A bill for an act relating to construction codes; providing for regulation of elevators in grain elevators; amending Minnesota Statutes 2008, section 326B.163, subdivision 5.

Referred to the Committee on Business, Industry and Jobs.

Senator Wiger introduced—

S.F. No. 1426: A bill for an act relating to capital improvements; appropriating money for projects around the Phalen Chain of Lakes; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Wiger introduced—

S.F. No. 1427: A bill for an act relating to taxation; tax increment financing; allowing city of North St. Paul an extension of the five-year rule for two districts.

Referred to the Committee on Taxes.

Senators Metzen and Sieben introduced—

S.F. No. 1428: A bill for an act relating to school safety; permitting Special School District No. 6, South Saint Paul, to contract with South Metro Fire Department for fire inspection services; amending Minnesota Statutes 2008, section 299F.47, subdivision 4.

Referred to the Committee on Education.

Senators Vandever and Rummel introduced—

S.F. No. 1429: A bill for an act relating to education; modifying the alternative dispute resolution process and due process hearing guidelines for children with disabilities; amending Minnesota Statutes 2008, sections 125A.091, subdivisions 6, 8, 9, 10, 13, 14, 15, 18, 20, 22, 23;

125A.43; 125A.46; repealing Minnesota Statutes 2008, section 125A.091, subdivision 19.

Referred to the Committee on Judiciary.

Senators Pappas, Anderson, Prettnner Solon, Rummel and Rosen introduced—

S.F. No. 1430: A bill for an act relating to energy; amending definition of "qualifying solar electric project" to include energy storage equipment and to include installation in publicly owned buildings; amending Minnesota Statutes 2008, section 216B.2411, subdivision 2.

Referred to the Committee on Energy, Utilities, Technology and Communications.

Senators Tomassoni and Metzen introduced—

S.F. No. 1431: A bill for an act relating to employment; regulating the deduction from wages of unreimbursed expenses; amending Minnesota Statutes 2008, section 177.24, subdivisions 4, 5.

Referred to the Committee on Business, Industry and Jobs.

Senators Lourey, Lynch, Sheran and Marty introduced—

S.F. No. 1432: A bill for an act relating to health care; providing an alternative mechanism for prompt payment of emergency room and ambulance charges incurred by patients enrolled in very high deductible health plans; amending Minnesota Statutes 2008, sections 60A.23, subdivision 8; 62Q.01, by adding a subdivision; 62Q.025, by adding a subdivision.

Referred to the Committee on Health, Housing and Family Security.

Senators Fobbe, Lourey and Skogen introduced—

S.F. No. 1433: A bill for an act relating to game and fish; providing free angling licenses for residents 90 years of age or older; amending Minnesota Statutes 2008, section 97A.441, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Senator Olson, M. introduced—

S.F. No. 1434: A bill for an act relating to public safety; changing the Financial Crimes Oversight Council to an advisory board; amending Minnesota Statutes 2008, section 299A.681.

Referred to the Committee on Judiciary.

Senator Lourey introduced—

S.F. No. 1435: A bill for an act relating to health occupations; changing provisions on licensure of nutritionists; amending Minnesota Statutes 2008, section 148.624, subdivision 2; repealing Minnesota Statutes 2008, section 148.627, subdivisions 1, 2, 3, 4, 5.

Referred to the Committee on Health, Housing and Family Security.

Senator Lourey introduced—

S.F. No. 1436: A bill for an act relating to human services; modifying provisions relating to the Minnesota sex offender program; creating additional oversight to the Minnesota sex offender program; creating a client grievance process; allowing access to the statewide supervision system; making changes to the vocational work program; amending Minnesota Statutes 2008, sections 16C.10, subdivision 5; 168.012, subdivision 1; 246B.01, by adding subdivisions; 246B.02; 246B.03; 246B.05; 246B.06; 609.485, subdivisions 2, 4.

Referred to the Committee on Health, Housing and Family Security.

Senator Moua introduced—

S.F. No. 1437: A bill for an act relating to veterans; extending veterans benefits to allied soldiers from Vietnam and Laos who assisted the United States armed forces during the Vietnam War; proposing coding for new law in Minnesota Statutes, chapter 197.

Referred to the Committee on Agriculture and Veterans.

Senators Murphy, Day, Sieben and Saltzman introduced—

S.F. No. 1438: A bill for an act relating to capital investment; appropriating money for local roads and bridges; authorizing grants for fracture-critical bridges; amending Minnesota Statutes 2008, section 174.50, by adding a subdivision.

Referred to the Committee on Finance.

Senators Kubly; Wiger; Olson, G. and Stumpf introduced—

S.F. No. 1439: A bill for an act relating to education; enlisting retired teachers to help support newly licensed teachers in developing their teaching practice and improving students' learning; amending Minnesota Statutes 2008, sections 122A.413, subdivision 2; 122A.60, subdivisions 1a, 3.

Referred to the Committee on Education.

Senators Kubly, Dille, Chaudhary and Saxhaug introduced—

S.F. No. 1440: A bill for an act relating to taxation; providing a tax credit for certain residential solar energy system installations; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes.

Senator Tomassoni introduced—

S.F. No. 1441: A bill for an act relating to capital improvements; appropriating money for utility extensions from Virginia to Gilbert; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Berglin introduced—

S.F. No. 1442: A bill for an act relating to health care; establishing an alternative basic health plan for families with children eligible for medical assistance; proposing coding for new law in Minnesota Statutes, chapter 256B.

Referred to the Committee on Health, Housing and Family Security.

Senator Berglin introduced—

S.F. No. 1443: A bill for an act relating to public transit; requiring Metropolitan Council and commissioner of transportation to provide free transit passes for unemployed individuals seeking employment; appropriating money; amending Minnesota Statutes 2008, sections 174.23, by adding a subdivision; 473.408, by adding a subdivision.

Referred to the Committee on Transportation.

Senator Berglin introduced—

S.F. No. 1444: A bill for an act relating to human services; eliminating medical assistance coverage for certain ineffective preventive services; amending Minnesota Statutes 2008, section 256B.0625, subdivision 14.

Referred to the Committee on Health, Housing and Family Security.

Senator Marty introduced—

S.F. No. 1445: A bill for an act relating to health; modifying provisions in health occupations for speech language pathologists and occupational therapists; expanding definition of licensed health care professional; changing provisions for food, beverage, and lodging establishments; requiring the Department of Health to use rules and guidelines from the federal government to implement the minimum data set for resident reimbursement classification; establishing fees; amending Minnesota Statutes 2008, sections 148.512, subdivision 13; 148.5193, subdivision 6a; 148.5194, subdivisions 2, 3, 7; 148.6402, subdivisions 13, 22a; 148.6405; 148.6440, subdivision 2; 157.16, subdivisions 2, 4; repealing Minnesota Rules, parts 4610.0420; 4610.0500, subparts 1, 2, 3, 5; 4610.0600, subparts 1, 3, 4; 4610.0650.

Referred to the Committee on Health, Housing and Family Security.

Senators Saltzman, Rosen, Metzen, Tomassoni and Sparks introduced—

S.F. No. 1446: A bill for an act relating to science and technology; establishing a matching grant program; appropriating money; amending Minnesota Statutes 2008, section 116J.657, by adding a subdivision.

Referred to the Committee on Business, Industry and Jobs.

Senator Lourey introduced—

S.F. No. 1447: A bill for an act relating to human services; making changes to licensing

provisions, including data practices, disqualifications, and background study requirements; amending Minnesota Statutes 2008, sections 13.46, subdivisions 3, 4; 245A.03, subdivision 2; 245A.04, subdivisions 5, 7; 245A.041, by adding a subdivision; 245A.05; 245A.07, subdivisions 1, 3; 245A.1435; 245A.16, subdivision 1; 245A.50, subdivision 5; 245C.03, subdivision 1; 245C.15, subdivisions 1, 2, 3, 4; 245C.22, subdivision 7; 245C.24, subdivisions 2, 3; 245C.25; 245C.27, subdivision 1; 256.045, subdivisions 3, 3b; 626.556, subdivisions 2, 10e, 10f; 626.557, subdivisions 9c, 12b; 626.5572, subdivision 13.

Referred to the Committee on Health, Housing and Family Security.

Senator Skoe introduced—

S.F. No. 1448: A bill for an act relating to counties; modifying or repealing certain mandates; amending Minnesota Statutes 2008, sections 3.987, by adding a subdivision; 6.48; 15.435; 18.81, subdivision 3; 62E.02, subdivision 7; 134.34, subdivision 4, by adding a subdivision; 134A.12; 168.33, subdivision 7; 211B.37; 275.065, subdivisions 4, 5a, 6c; 277.01, subdivision 1; 279.01, subdivision 1; 331A.03, subdivision 3; 373.01, subdivision 1; 373.052, subdivisions 1, 2; 373.40, subdivision 2; 373.41; 384.151, subdivisions 1a, 8; 385.373, subdivisions 1a, 8; 386.015, subdivisions 2, 8; 387.20, subdivision 1; 388.18, subdivision 2; 471.661; 471.999; repealing Minnesota Statutes 2008, sections 6.76; 134.34, subdivision 4; 326B.145; 373.42; 384.151, subdivisions 1, 3; 385.373, subdivisions 1, 3; 386.015, subdivisions 1, 4; 387.20, subdivision 4; 388.18, subdivisions 1, 4.

Referred to the Committee on State and Local Government Operations and Oversight.

Senators Fobbe, Clark and Chaudhary introduced—

S.F. No. 1449: A bill for an act relating to environment; modifying sewage treatment systems provisions; changing terminology; amending Minnesota Statutes 2008, sections 115.55, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 9; 115.56, subdivisions 1, 2, 3; repealing Minnesota Statutes 2008, sections 115.55, subdivision 10; 115.56, subdivision 2a.

Referred to the Committee on Environment and Natural Resources.

Senators Olson, M.; Tomassoni and Saxhaug introduced—

S.F. No. 1450: A bill for an act relating to plant closings; requiring oriented strand board facilities to be kept in salable operating conditions for one year after closing; requiring a maintenance plan.

Referred to the Committee on Business, Industry and Jobs.

Senators Latz, Foley and Olson, M. introduced—

S.F. No. 1451: A bill for an act relating to public safety; extending the establishment of pretrial diversion programs to all counties; amending Minnesota Statutes 2008, section 401.065, subdivisions 1, 2, 3a, 4.

Referred to the Committee on Judiciary.

Senator Moua introduced–

S.F. No. 1452: A bill for an act relating to the safe at home program; specifying applicability; eliminating certain persons from eligibility; providing a remedy for violation or refusal to recognize a designated address; prohibiting public release of certain court records; amending Minnesota Statutes 2008, sections 5B.01; 5B.02; 5B.07, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 5B.

Referred to the Committee on Judiciary.

Senators Olson, M. and Moua introduced–

S.F. No. 1453: A bill for an act relating to public safety; providing a restorative justice-based alternative disposition process for certain juvenile offenses; proposing coding for new law in Minnesota Statutes, chapter 260B.

Referred to the Committee on Judiciary.

Senators Saltzman, Tomassoni, Bonoff and Michel introduced–

S.F. No. 1454: A bill for an act relating to unemployment insurance; providing for a shared work plan; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 2008, section 268.135.

Referred to the Committee on Business, Industry and Jobs.

Senator Murphy introduced–

S.F. No. 1455: A bill for an act relating to traffic regulation; prohibiting the use of wireless communications devices in Metropolitan Council public transit vehicles; proposing coding for new law in Minnesota Statutes, chapter 169.

Referred to the Committee on Transportation.

Senators Clark, Fobbe and Fischbach introduced–

S.F. No. 1456: A bill for an act relating to transportation; providing for oversight and distribution of transportation funding; requiring Department of Transportation to meet certain programmatic investment percentages and a certain minimum guarantee of state highway and bridge funding for all state transportation districts; proposing coding for new law in Minnesota Statutes, chapter 174.

Referred to the Committee on Finance.

Senators Clark, Fobbe and Fischbach introduced–

S.F. No. 1457: A bill for an act relating to libraries; authorizing a county law library to be located outside of the courthouse; amending Minnesota Statutes 2008, section 134A.07.

Referred to the Committee on State and Local Government Operations and Oversight.

Senators Fobbe and Clark introduced–

S.F. No. 1458: A bill for an act relating to education; establishing an advisory task force on improving teacher quality and identifying institutional structures and strategies for effectively integrating secondary and postsecondary academic and career education.

Referred to the Committee on Education.

Senators Bonoff; Olson, G.; Saltzman and Michel introduced–

S.F. No. 1459: A bill for an act relating to state government; requiring municipalities to utilize state cooperative purchasing; amending Minnesota Statutes 2008, section 471.345, subdivision 15.

Referred to the Committee on State and Local Government Operations and Oversight.

Senators Rosen and Prettner Solon introduced–

S.F. No. 1460: A bill for an act relating to energy; providing rights to low-income customers of delivered home heating fuel vendors; proposing coding for new law in Minnesota Statutes, chapter 325E.

Referred to the Committee on Energy, Utilities, Technology and Communications.

Senators Rosen and Prettner Solon introduced–

S.F. No. 1461: A bill for an act relating to energy; requiring reports by certain residential heating, delivered-fuel suppliers; proposing coding for new law in Minnesota Statutes, chapter 216B.

Referred to the Committee on Energy, Utilities, Technology and Communications.

Senator Prettner Solon introduced–

S.F. No. 1462: A bill for an act relating to health; modifying isolation and quarantine provisions and provisions for mass dispensing of medications; amending Minnesota Statutes 2008, sections 144.4195, subdivisions 1, 2, 5; 144.4197; 145A.06, subdivision 7; 151.37, subdivisions 2, 10; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health, Housing and Family Security.

Senators Clark, Fischbach, Tomassoni and Sparks introduced–

S.F. No. 1463: A bill for an act relating to economic development; establishing an investment fund for eligible organizations; authorizing loans; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Business, Industry and Jobs.

Senators Rest, Marty, Jungbauer and Lourey introduced–

S.F. No. 1464: A bill for an act relating to state government; authorizing use of state space

for employee fitness and wellness activities; authorizing rulemaking; amending Minnesota Statutes 2008, section 16B.24, by adding a subdivision.

Referred to the Committee on State and Local Government Operations and Oversight.

Senators Sheran, Moua and Frederickson introduced—

S.F. No. 1465: A bill for an act relating to data practices; excluding electronically stored personal notes from government data; amending Minnesota Statutes 2008, section 13.32, subdivision 1.

Referred to the Committee on Judiciary.

Senators Tomassoni, Dibble and Frederickson introduced—

S.F. No. 1466: A bill for an act relating to public employment; modifying provisions relating to labor or employee organizations; amending Minnesota Statutes 2008, sections 16A.133, subdivision 1; 179A.03, subdivision 14; 179A.06, subdivisions 3, 6.

Referred to the Committee on State and Local Government Operations and Oversight.

Senators Fobbe, Olseen and Jungbauer introduced—

S.F. No. 1467: A bill for an act relating to traffic regulations; amending provisions related to speed limits; amending Minnesota Statutes 2008, sections 169.011, subdivisions 64, 90, by adding a subdivision; 169.14, subdivision 2.

Referred to the Committee on Transportation.

Senators Marty, Prettnner Solon and Pappas introduced—

S.F. No. 1468: A bill for an act relating to health; regulating hospital policies on cesarean section under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health, Housing and Family Security.

Senators Marty, Prettnner Solon and Pappas introduced—

S.F. No. 1469: A bill for an act relating to health; prohibiting an individual health plan from refusing to issue coverage because of a previous cesarean delivery; amending Minnesota Statutes 2008, section 62A.65, subdivision 4.

Referred to the Committee on Health, Housing and Family Security.

Senator Sieben introduced—

S.F. No. 1470: A bill for an act relating to insurance; specifying required behavioral health coverage for children and young adults who have autism spectrum disorder; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Referred to the Committee on Commerce and Consumer Protection.

Senator Sieben introduced—

S.F. No. 1471: A bill for an act relating to capital improvements; appropriating money for state cemetery improvements; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Berglin introduced—

S.F. No. 1472: A bill for an act relating to capital improvements; authorizing the sale and issuance of state bonds; appropriating money for a Minnesota African American History Museum in Minneapolis.

Referred to the Committee on Finance.

Senator Berglin introduced—

S.F. No. 1473: A bill for an act relating to health care reform; increasing affordability and eligibility for state health care programs; establishing the Minnesota Health Insurance Exchange; continuing payment reform; creating an affordability standard; establishing goals for universal coverage and a contingent individual responsibility mandate; amending Minnesota Statutes 2008, sections 13.46, subdivision 2; 62E.141; 62L.12, subdivisions 2, 4; 62U.04, subdivisions 3, 8; 62U.05; 62U.07, by adding a subdivision; 62U.08, subdivision 2; 256.01, by adding a subdivision; 256B.056, subdivision 10; 256B.057, subdivision 8; 256L.03, subdivisions 3, 5; 256L.04, subdivisions 1, 7; 256L.05, by adding a subdivision; 256L.07, subdivisions 1, 3; 256L.15, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62U.

Referred to the Committee on Health, Housing and Family Security.

Senator Berglin introduced—

S.F. No. 1474: A bill for an act relating to human services; requiring that certain enrollees select a primary care clinic with clinicians who are certified as health care homes; amending Minnesota Statutes 2008, section 256B.0751, subdivision 7.

Referred to the Committee on Health, Housing and Family Security.

Senators Clark and Sheran introduced—

S.F. No. 1475: A bill for an act relating to human services; modifying recovery of money requirements by adding group residential housing; amending Minnesota Statutes 2008, section 256.019, subdivision 1.

Referred to the Committee on Health, Housing and Family Security.

Senator Bakk introduced—

S.F. No. 1476: A bill for an act relating to labor and employment; modifying workers' compensation provisions; amending Minnesota Statutes 2008, sections 176.101, subdivision 2a; 176.102, subdivisions 3, 3a, by adding a subdivision; 176.103, subdivision 3; 176.135, subdivisions

6, 7, by adding a subdivision; 176.155, subdivision 1; 176.179; 176.181, subdivision 8; 176.183, subdivision 2; 176.186; 176.231, subdivision 1; 176.341, subdivision 1; 176.351, subdivision 2a; repealing Minnesota Statutes 2008, section 176.1021.

Referred to the Committee on Business, Industry and Jobs.

Senators Frederickson and Kubly introduced—

S.F. No. 1477: A bill for an act relating to construction codes; providing a limited exemption.

Referred to the Committee on Business, Industry and Jobs.

Senators Scheid and Rosen introduced—

S.F. No. 1478: A bill for an act relating to health; changing provisions in the newborn screening program; amending Minnesota Statutes 2008, sections 13.386, subdivision 3; 144.125, subdivision 3, by adding subdivisions.

Referred to the Committee on Health, Housing and Family Security.

Senator Doll introduced—

S.F. No. 1479: A bill for an act relating to health; making technical changes to electronic prescription drug program; amending Minnesota Statutes 2008, section 62J.497, subdivisions 1, 2.

Referred to the Committee on Health, Housing and Family Security.

Senators Doll, Dibble and Dahle introduced—

S.F. No. 1480: A bill for an act relating to the environment; requiring a project proposal for a climate adaptation plan.

Referred to the Committee on Environment and Natural Resources.

Senators Cohen; Olson, M.; Frederickson; Sheran and Erickson Ropes introduced—

S.F. No. 1481: A bill for an act relating to the budget reserve; modifying priorities for additional revenues in general fund forecasts; requiring a report; appropriating money; amending Minnesota Statutes 2008, sections 4A.01; 16A.103, subdivisions 1a, 1b, by adding a subdivision; 16A.11, subdivision 1, by adding a subdivision; 16A.152, subdivision 2, by adding a subdivision.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS - CONTINUED

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 Metzen reported that the committee had considered the following:

S.F. Nos. 685, 887, 265 and 978, which the committee recommends to pass.

H.F. No. 392, which the committee recommends to pass, subject to the following motions:

Senator Skoe moved to amend H.F. No. 392, the unofficial engrossment, as follows:

Page 13, line 5, after "of" insert "Minnesota Statutes 2006,"

Page 13, line 25, after the second "and" insert "is withdrawn from the program"

Page 14, delete lines 16 to 18

Page 14, line 27, delete everything after "(3)"

Page 14, delete lines 28 and 29

Page 14, line 30, delete "(4)"

Page 14, line 31, delete "(5)" and insert "(4)"

Page 14, line 33, after "273.117" insert ", or chapter 290C"

Page 14, line 36, delete "be determined as" and insert "not exceed"

Page 15, line 20, delete "assessor" and insert "recorder"

The motion prevailed. So the amendment was adopted.

Senator Skoe moved to amend H.F. No. 392, the unofficial engrossment, as follows:

Page 11, after line 14, insert:

"The ten acre minimum size requirement will be considered to be met for real estate that had consisted of ten acres or more that had qualified for treatment under Minnesota Statutes 2006, section 273.111."

The motion prevailed. So the amendment was adopted.

Senator Erickson Ropes moved to amend H.F. No. 392, the unofficial engrossment, as follows:

Page 10, delete section 1 and insert:

"Section 1. Minnesota Statutes 2008, section 273.111, subdivision 3, is amended to read:

Subd. 3. **Requirements.** (a) Real estate consisting of ten acres or more or a nursery or greenhouse, and qualifying for classification as class 2a or 2b under section 273.13, shall be entitled to valuation and tax deferral under this section if it is primarily devoted to agricultural use, and meets the requirements in subdivision 6, and either:

(1) is the homestead of the owner, or of a surviving spouse, child, or sibling of the owner or is real estate which is farmed with the real estate which contains the homestead property; or

(2) has been in possession of the applicant, the applicant's spouse, parent, or sibling, or any combination thereof, for a period of at least seven years prior to application for benefits under the provisions of this section, or is real estate which is farmed with the real estate which qualifies under this clause and is within four townships or cities or combination thereof from the qualifying real estate; or

(3) is the homestead of an individual who is part of an entity described in paragraph (b), clause (1), (2), or (3); or

(4) is in the possession of a nursery or greenhouse or an entity owned by a proprietor, partnership, or corporation which also owns the nursery or greenhouse operations on the parcel or parcels, provided that only the acres used to produce nursery stock qualify for treatment under this section.

(b) Valuation of real estate under this section is limited to parcels owned by individuals except for:

(1) a family farm entity or authorized farm entity regulated under section 500.24;

(2) a poultry entity other than a limited liability entity in which the majority of the members, partners, or shareholders are related and at least one of the members, partners, or shareholders either resides on the land or actively operates the land; and

(3) corporations that derive 80 percent or more of their gross receipts from the wholesale or retail sale of horticultural or nursery stock.

The terms in this paragraph have the meanings given in section 500.24, where applicable.

(c) Land that previously qualified for tax deferral under this section and no longer qualifies because it is not primarily used for agricultural purposes but would otherwise qualify under ~~Minnesota Statutes 2006, section 273.111, subdivision~~ subdivisions 3 and 6, for a period of at least three years will not be required to make payment of the previously deferred taxes, notwithstanding the provisions of subdivision 9. Sale of the land prior to the expiration of the three-year period requires payment of deferred taxes as follows: sale in the year the land no longer qualifies requires payment of the current year's deferred taxes plus payment of deferred taxes for the two prior years; sale during the second year the land no longer qualifies requires payment of the current year's deferred taxes plus payment of the deferred taxes for the prior year; and sale during the third year the land no longer qualifies requires payment of the current year's deferred taxes. Deferred taxes shall be paid even if the land qualifies pursuant to subdivision 11a. When such property is sold or no longer qualifies under this paragraph, or at the end of the three-year period, whichever comes first, all deferred special assessments plus interest are payable in equal installments spread over the time remaining until the last maturity date of the bonds issued to finance the improvement for which the assessments were levied. If the bonds have matured, the deferred special assessments plus interest are payable within 90 days. The provisions of section 429.061, subdivision 2, apply to the collection of these installments. Penalties are not imposed on any such special assessments if timely paid.

~~(d) Land that is enrolled in the reinvest in Minnesota program under sections 103F.501 to 103F.535, the federal Conservation Reserve Program as contained in Public Law 99-198, or a~~

~~similar state or federal conservation program does not qualify for valuation and assessment deferral under this section. This paragraph applies to land that has not qualified under this section for taxes payable in 2009 or previous years.~~

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

Sec. 2. Minnesota Statutes 2008, section 273.111, subdivision 4, is amended to read:

Subd. 4. **Determination of value.** (a) The value of any real estate described in subdivision 3 shall upon timely application by the owner, in the manner provided in subdivision 8, be determined solely with reference to its appropriate agricultural classification and value notwithstanding sections 272.03, subdivision 8, and 273.11. Furthermore, the assessor shall not consider any added values resulting from nonagricultural factors. In order to account for the presence of nonagricultural influences that may affect the value of agricultural land, the commissioner of revenue shall develop a fair and uniform method of determining agricultural values for each county in the state that are consistent with this subdivision. The commissioner shall annually assign the resulting values to each county, and these values shall be used as the basis for determining the agricultural value for all properties in the county qualifying for tax deferral under this section.

~~(b) In the case of property qualifying for tax deferral only under subdivision 3a, the value shall be based on the value in effect for assessment year 2008, multiplied by the ratio of the total taxable market value of all property in the county for the current assessment year divided by the total taxable market value of all property in the county for assessment year 2008.~~

EFFECTIVE DATE. This section is effective for assessment year 2009 and thereafter.

Sec. 3. Minnesota Statutes 2008, section 273.111, subdivision 8, is amended to read:

Subd. 8. **Application.** Application for deferral of taxes and assessment under this section shall be filed by May 1 of the year prior to the year in which the taxes are payable. Any application filed hereunder and granted shall continue in effect for subsequent years until the property no longer qualifies. The application must be filed with the assessor of the taxing district in which the real property is located on the form prescribed by the commissioner of revenue. The assessor may require proof by affidavit or otherwise that the property qualifies under ~~subdivision~~ subdivisions 3 and 6 and may require the applicant to provide a copy of the appropriate schedule or form showing farm income that is attested to by the applicant as having been included in the most recently filed federal income tax return of the applicant.

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

Sec. 4. Minnesota Statutes 2008, section 273.111, subdivision 9, is amended to read:

Subd. 9. **Additional taxes.** When real property which is being, or has been valued and assessed under this section no longer qualifies under ~~subdivision~~ subdivisions 3 and 6, the portion no longer qualifying shall be subject to additional taxes, in the amount equal to the difference between the taxes determined in accordance with subdivision 4, and the amount determined under subdivision 5. Provided, however, that the amount determined under subdivision 5 shall not be greater than it would have been had the actual bona fide sale price of the real property at an arm's-length transaction been used in lieu of the market value determined under subdivision 5. Such additional taxes shall be extended against the property on the tax list for the current year, provided, however, that no interest or penalties shall be levied on such additional taxes if timely paid, and provided further, that such

additional taxes shall only be levied with respect to the last three years that the said property has been valued and assessed under this section.

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

Sec. 5. Minnesota Statutes 2008, section 273.111, subdivision 11, is amended to read:

Subd. 11. **Special local assessments.** The payment of special local assessments levied after June 1, 1967, for improvements made to any real property described in subdivision 3 together with the interest thereon shall, on timely application as provided in subdivision 8, be deferred as long as such property meets the conditions contained in ~~subdivision~~ subdivisions 3 ~~or 3a~~ and 6 or is transferred to an agricultural preserve under sections 473H.02 to 473H.17. If special assessments against the property have been deferred pursuant to this subdivision, the governmental unit shall file with the county recorder in the county in which the property is located a certificate containing the legal description of the affected property and of the amount deferred. When such property no longer qualifies under ~~subdivision~~ subdivisions 3 ~~or 3a~~ and 6, all deferred special assessments plus interest shall be payable in equal installments spread over the time remaining until the last maturity date of the bonds issued to finance the improvement for which the assessments were levied. If the bonds have matured, the deferred special assessments plus interest shall be payable within 90 days. The provisions of section 429.061, subdivision 2, apply to the collection of these installments. Penalty shall not be levied on any such special assessments if timely paid.

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

Sec. 6. Minnesota Statutes 2008, section 273.111, subdivision 11a, is amended to read:

Subd. 11a. **Continuation of tax treatment upon sale.** (a) When real property qualifying under ~~subdivision~~ subdivisions 3 and 6 is sold, no additional taxes or deferred special assessments plus interest shall be extended against the property provided the property continues to qualify pursuant to ~~subdivision~~ subdivisions 3 and 6, and provided the new owner files an application for continued deferment within 30 days after the sale.

(b) For purposes of meeting the income requirements of subdivision 6, the property purchased shall be considered in conjunction with other qualifying property owned by the purchaser.

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

Sec. 7. Laws 2008, chapter 366, article 6, section 52, is amended to read:

Sec. 52. **REPEALER.**

(a) Minnesota Statutes 2006, section 272.027, subdivision 3, is repealed.

(b) Minnesota Statutes 2006, section 273.11, subdivision 14, is repealed.

~~(c) Minnesota Statutes 2006, section 273.111, subdivision 6, is repealed.~~

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

Sec. 8. **LAND REMOVED FROM PROGRAM.**

Any land that had been enrolled in the Minnesota Agricultural Property Tax Law under Minnesota Statutes 2008, section 273.111, and that was removed from the program between May

21, 2008, and the effective date of this section, must be reinstated to the program at the request of the owner provided that the eligibility requirements under Minnesota Statutes 2008, section 273.111, subdivisions 3 and 6, are met.

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

Sec. 9. **REPEALER.**

Minnesota Statutes 2008, section 273.111, subdivision 3a, is repealed.

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

Page 12, delete section 2

Page 13, delete sections 3 and 4

Page 17, delete section 5

Page 21, delete section 6

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 34, as follows:

Those who voted in the affirmative were:

Clark	Fobbe	Jungbauer	Michel	Sparks
Dahle	Gerlach	Koch	Olseen	Vandever
Day	Gimse	Koering	Robling	Wiger
Dille	Hann	Limmer	Rosen	
Erickson Ropes	Ingebrigtsen	Lourey	Sheran	
Fischbach	Johnson	Lynch	Sieben	

Those who voted in the negative were:

Anderson	Cohen	Kubly	Olson, M.	Skoe
Bakk	Dibble	Langseth	Pappas	Skogen
Berglin	Doll	Latz	Pogemiller	Stumpf
Betzold	Foley	Marty	Prettner Solon	Tomassoni
Bonoff	Frederickson	Metzen	Rummel	Torres Ray
Carlson	Higgins	Moua	Saxhaug	Vickerman
Chaudhary	Kelash	Murphy	Scheid	

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

Senator Hann moved to amend H.F. No. 392, the unofficial engrossment, as follows:

Page 4, line 20, after the semicolon, insert "and"

Page 4, strike lines 22 to 26

Page 4, line 27, strike the old language and delete "; and"

Page 4, line 28, delete "(14)"

Pages 5 to 6, delete sections 5 and 6

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 20 and nays 43, as follows:

Those who voted in the affirmative were:

Dille	Gerlach	Johnson	Michel	Rosen
Fischbach	Gimse	Jungbauer	Olson, G.	Senjem
Fobbe	Hann	Koch	Olson, M.	Sheran
Frederickson	Ingebrigtsen	Limmer	Robling	Vandever

Those who voted in the negative were:

Anderson	Dahle	Langseth	Pappas	Skogen
Bakk	Dibble	Latz	Pogemiller	Sparks
Berglin	Doll	Lourey	Prettner Solon	Stumpf
Betzold	Erickson Ropes	Lynch	Rummel	Tomassoni
Bonoff	Foley	Marty	Saltzman	Torres Ray
Carlson	Higgins	Metzen	Saxhaug	Vickerman
Chaudhary	Kelash	Moua	Scheid	Wiger
Clark	Koering	Murphy	Sieben	
Cohen	Kubly	Olseen	Skoe	

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

Senator Vandever moved to amend H.F. No. 392, the unofficial engrossment, as follows:

Page 21, after line 31, insert:

"ARTICLE 3

SALES AND USE TAXES

Section 1. Minnesota Statutes 2008, section 297A.68, subdivision 5, is amended to read:

Subd. 5. Capital equipment. (a) Capital equipment is exempt. For purchases prior to January 1, 2010, the tax must be imposed and collected as if the rate under section 297A.62, subdivision 1, applied, and then refunded in the manner provided in section 297A.75.

"Capital equipment" means machinery and equipment purchased or leased, and used in this state by the purchaser or lessee primarily for manufacturing, fabricating, mining, or refining tangible personal property to be sold ultimately at retail if the machinery and equipment are essential to the integrated production process of manufacturing, fabricating, mining, or refining. Capital equipment also includes machinery and equipment used primarily to electronically transmit results retrieved by a customer of an online computerized data retrieval system.

(b) Capital equipment includes, but is not limited to:

- (1) machinery and equipment used to operate, control, or regulate the production equipment;
- (2) machinery and equipment used for research and development, design, quality control, and testing activities;
- (3) environmental control devices that are used to maintain conditions such as temperature, humidity, light, or air pressure when those conditions are essential to and are part of the production process;

- (4) materials and supplies used to construct and install machinery or equipment;
 - (5) repair and replacement parts, including accessories, whether purchased as spare parts, repair parts, or as upgrades or modifications to machinery or equipment;
 - (6) materials used for foundations that support machinery or equipment;
 - (7) materials used to construct and install special purpose buildings used in the production process;
 - (8) ready-mixed concrete equipment in which the ready-mixed concrete is mixed as part of the delivery process regardless if mounted on a chassis, repair parts for ready-mixed concrete trucks, and leases of ready-mixed concrete trucks; and
 - (9) machinery or equipment used for research, development, design, or production of computer software.
- (c) Capital equipment does not include the following:
- (1) motor vehicles taxed under chapter 297B;
 - (2) machinery or equipment used to receive or store raw materials;
 - (3) building materials, except for materials included in paragraph (b), clauses (6) and (7);
 - (4) machinery or equipment used for nonproduction purposes, including, but not limited to, the following: plant security, fire prevention, first aid, and hospital stations; support operations or administration; pollution control; and plant cleaning, disposal of scrap and waste, plant communications, space heating, cooling, lighting, or safety;
 - (5) farm machinery and aquaculture production equipment as defined by section 297A.61, subdivisions 12 and 13;
 - (6) machinery or equipment purchased and installed by a contractor as part of an improvement to real property;
 - (7) machinery and equipment used by restaurants in the furnishing, preparing, or serving of prepared foods as defined in section 297A.61, subdivision 31;
 - (8) machinery and equipment used to furnish the services listed in section 297A.61, subdivision 3, paragraph (g), clause (6), items (i) to (vi) and (viii);
 - (9) machinery or equipment used in the transportation, transmission, or distribution of petroleum, liquefied gas, natural gas, water, or steam, in, by, or through pipes, lines, tanks, mains, or other means of transporting those products. This clause does not apply to machinery or equipment used to blend petroleum or biodiesel fuel as defined in section 239.77; or
 - (10) any other item that is not essential to the integrated process of manufacturing, fabricating, mining, or refining.
- (d) For purposes of this subdivision:
- (1) "Equipment" means independent devices or tools separate from machinery but essential to an integrated production process, including computers and computer software, used in operating,

controlling, or regulating machinery and equipment; and any subunit or assembly comprising a component of any machinery or accessory or attachment parts of machinery, such as tools, dies, jigs, patterns, and molds.

(2) "Fabricating" means to make, build, create, produce, or assemble components or property to work in a new or different manner.

(3) "Integrated production process" means a process or series of operations through which tangible personal property is manufactured, fabricated, mined, or refined. For purposes of this clause, (i) manufacturing begins with the removal of raw materials from inventory and ends when the last process prior to loading for shipment has been completed; (ii) fabricating begins with the removal from storage or inventory of the property to be assembled, processed, altered, or modified and ends with the creation or production of the new or changed product; (iii) mining begins with the removal of overburden from the site of the ores, minerals, stone, peat deposit, or surface materials and ends when the last process before stockpiling is completed; and (iv) refining begins with the removal from inventory or storage of a natural resource and ends with the conversion of the item to its completed form.

(4) "Machinery" means mechanical, electronic, or electrical devices, including computers and computer software, that are purchased or constructed to be used for the activities set forth in paragraph (a), beginning with the removal of raw materials from inventory through completion of the product, including packaging of the product.

(5) "Machinery and equipment used for pollution control" means machinery and equipment used solely to eliminate, prevent, or reduce pollution resulting from an activity described in paragraph (a).

(6) "Manufacturing" means an operation or series of operations where raw materials are changed in form, composition, or condition by machinery and equipment and which results in the production of a new article of tangible personal property. For purposes of this subdivision, "manufacturing" includes the generation of electricity or steam to be sold at retail.

(7) "Mining" means the extraction of minerals, ores, stone, or peat.

(8) "Online data retrieval system" means a system whose cumulation of information is equally available and accessible to all its customers.

(9) "Primarily" means machinery and equipment used 50 percent or more of the time in an activity described in paragraph (a).

(10) "Refining" means the process of converting a natural resource to an intermediate or finished product, including the treatment of water to be sold at retail.

(11) This subdivision does not apply to telecommunications equipment as provided in subdivision 35, and does not apply to wire, cable, fiber, poles, or conduit for telecommunications services.

EFFECTIVE DATE. This section is effective for sales and purchases after December 31, 2009.

Sec. 2. Minnesota Statutes 2008, section 297A.75, subdivision 1, is amended to read:

Subdivision 1. **Tax collected.** The tax on the gross receipts from the sale of the following exempt

items must be imposed and collected as if the sale were taxable and the rate under section 297A.62, subdivision 1, applied. The exempt items include:

(1) capital equipment exempt under section 297A.68, subdivision 5, and purchased prior to January 1, 2010;

(2) building materials for an agricultural processing facility exempt under section 297A.71, subdivision 13;

(3) building materials for mineral production facilities exempt under section 297A.71, subdivision 14;

(4) building materials for correctional facilities under section 297A.71, subdivision 3;

(5) building materials used in a residence for disabled veterans exempt under section 297A.71, subdivision 11;

(6) elevators and building materials exempt under section 297A.71, subdivision 12;

(7) building materials for the Long Lake Conservation Center exempt under section 297A.71, subdivision 17;

(8) materials, supplies, fixtures, furnishings, and equipment for a county law enforcement and family service center under section 297A.71, subdivision 26;

(9) materials and supplies for qualified low-income housing under section 297A.71, subdivision 23;

(10) materials, supplies, and equipment for municipal electric utility facilities under section 297A.71, subdivision 35;

(11) equipment and materials used for the generation, transmission, and distribution of electrical energy and an aerial camera package exempt under section 297A.68, subdivision 37;

(12) tangible personal property and taxable services and construction materials, supplies, and equipment exempt under section 297A.68, subdivision 41;

(13) commuter rail vehicle and repair parts under section 297A.70, subdivision 3, clause (11); and

(14) materials, supplies, and equipment for construction or improvement of projects and facilities under section 297A.71, subdivision 40.

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

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 32, as follows:

Those who voted in the affirmative were:

Bonoff
Carlson

Clark
Dahle

Dille
Doll

Erickson Ropes
Fischbach

Fobbe
Frederickson

Gerlach	Johnson	Limmer	Robling	Sheran
Gimse	Jungbauer	Michel	Rosen	Sparks
Hann	Koch	Olseen	Saltzman	Tomassoni
Ingebrigtsen	Koering	Olson, G.	Senjem	Vandevveer

Those who voted in the negative were:

Anderson	Foley	Lynch	Prettner Solon	Stumpf
Bakk	Higgins	Marty	Rummel	Torres Ray
Berglin	Kelash	Metzen	Saxhaug	Vickerman
Betzold	Kubly	Moua	Scheid	Wiger
Chaudhary	Langseth	Murphy	Sieben	
Cohen	Latz	Pappas	Skoe	
Dibble	Lourey	Pogemiller	Skogen	

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

Senator Hann moved to amend H.F. No. 392, the unofficial engrossment, as follows:

Page 21, after line 31, insert:

"ARTICLE 3

RESEARCH TAX CREDIT

Section 1. Minnesota Statutes 2008, section 290.068, subdivision 1, is amended to read:

Subdivision 1. **Credit allowed.** ~~A corporation, other than a corporation treated as an "S" corporation under section 290.9725, taxpayer~~ is allowed a credit against the portion of the franchise tax computed under section 290.06, ~~subdivision 1,~~ for the taxable year equal to:

- (a) 5 percent of the first \$2,000,000 of the excess (if any) of
 - (1) the qualified research expenses for the taxable year, over
 - (2) the base amount; and
- (b) 2.5 percent on all of such excess expenses over \$2,000,000.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2008.

Sec. 2. Minnesota Statutes 2008, section 290.068, subdivision 3, is amended to read:

Subd. 3. **Limitation; carryover.** (a)(1) The credit for the taxable year shall not exceed the liability for tax. "Liability for tax" for purposes of this section means the tax imposed under section 290.06, subdivision 1, for the taxable year reduced by the sum of the nonrefundable credits allowed under this chapter.

(2) ~~In the case of a corporation which is~~ For a partner in a partnership and for a shareholder in an S corporation, the credit allowed for the taxable year shall not exceed the lesser of the amount determined under clause (1) for the taxable year or an amount (separately computed with respect to the ~~corporation's taxpayer's~~ taxpayer's interest in the trade or business or entity) equal to the amount of tax attributable to that portion of taxable income which is allocable or apportionable to the ~~corporation's taxpayer's~~ taxpayer's interest in the trade or business or entity.

- (b) If the amount of the credit determined under this section for any taxable year exceeds

the limitation under clause (a), the excess shall be a research credit carryover to each of the 15 succeeding taxable years. The entire amount of the excess unused credit for the taxable year shall be carried first to the earliest of the taxable years to which the credit may be carried and then to each successive year to which the credit may be carried. The amount of the unused credit which may be added under this clause shall not exceed the taxpayer's liability for tax less the research credit for the taxable year.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2008.

Sec. 3. Minnesota Statutes 2008, section 290.068, subdivision 4, is amended to read:

Subd. 4. **Partnerships and S corporations.** In the case of partnerships and S corporations, the credit shall be allocated in the same manner provided by ~~section~~ sections 41(f)(2) and 41(g) of the Internal Revenue Code.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2008."

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 43, as follows:

Those who voted in the affirmative were:

Erickson Ropes	Gimse	Jungbauer	Michel	Rummel
Fischbach	Hann	Koch	Olson, G.	Saltzman
Frederickson	Ingebrigtsen	Limmer	Robling	Senjem
Gerlach	Johnson	Lynch	Rosen	Vandevveer

Those who voted in the negative were:

Anderson	Dahle	Kubly	Olson, M.	Skogen
Bakk	Dibble	Langseth	Pappas	Sparks
Berglin	Dille	Latz	Pogemiller	Stumpf
Betzold	Doll	Lourey	Prettner Solon	Tomassoni
Bonoff	Fobbe	Marty	Saxhaug	Torres Ray
Carlson	Foley	Metzen	Scheid	Vickerman
Chaudhary	Higgins	Moua	Sheran	Wiger
Clark	Kelash	Murphy	Sieben	
Cohen	Koering	Olseen	Skoe	

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

Senator Frederickson moved to amend H.F. No. 392, the unofficial engrossment, as follows:

Page 16, line 24, delete "such" and insert "the"

Page 16, line 30, delete "any such" and insert "these"

The motion prevailed. So the amendment was adopted.

H.F. No. 392 was then recommended to pass.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Scheid moved that S.F. No. 1004, on General Orders, be stricken and re-referred to the Committee on State and Local Government Operations and Oversight. 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 Orders of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

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

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

S.F. No. 781: A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; establishing new programs and modifying existing programs; authorizing the sale of state bonds; repealing and modifying previous appropriations; appropriating money; amending Minnesota Statutes 2008, sections 16A.86, subdivision 2, by adding a subdivision; 115A.908, subdivision 2; 116.155, subdivision 3; 135A.046, subdivision 2; 136F.98, subdivision 1; Laws 2006, chapter 258, sections 20, subdivision 7; 23, subdivision 3, as amended; Laws 2007, chapter 122, section 1; Laws 2008, chapter 179, sections 3, subdivisions 12, as amended, 21, 25; 12, subdivision 3; 15, subdivision 5; Laws 2008, chapter 365, section 4, subdivision 3; repealing Minnesota Statutes 2008, sections 16A.86, subdivision 3; 116.156; Laws 2008, chapter 179, section 8, subdivision 3.

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

Page 2, line 6, delete "41,183,000" and insert "41,433,000"

Page 2, line 13, delete "367,425,000" and insert "367,675,000"

Page 2, line 14, delete "307,918,000" and insert "308,168,000"

Page 15, line 11, delete "Airport Tower" and insert "Aircraft Surveillance Facility"

Page 15, line 12, delete everything before the second "to"

Page 15, line 17, delete "Runways" and insert "Runway"

Page 15, line 19, delete "runways" and insert "a runway"

Page 15, line 30, delete "41,183,000" and insert "41,433,000"

Page 16, after line 34, insert:

"Subd. 5.I-94 Corridor Transit Way 250,000

For a grant to Ramsey County to work with the Metropolitan Council for predesign and preliminary engineering of transportation and transit improvements, including busways, park-and-rides, or rail transit, in the marked Interstate Highway 94 corridor from the Minnesota-Wisconsin border extending westward through Washington County to downtown St. Paul."

Page 17, line 1, delete "5" and insert "6"

Page 17, line 12, delete "6" and insert "7"

Page 17, line 20, delete "7" and insert "8"

Page 17, delete lines 21 and 22 and insert "To prepare"

Page 17, line 28, after the period, insert "The Metropolitan Council may grant a portion of this appropriation to the Hennepin County Regional Railroad Authority."

Page 17, line 29, delete "8" and insert "9"

Page 18, line 5, delete "9" and insert "10"

Page 19, line 18, delete "between" and insert "from"

Page 19, line 20, delete "and" and insert "along St. Anthony Parkway and Industrial Boulevard to"

Page 21, delete lines 22 to 26 and insert:

"To set up a summer boiler system for the Minnesota Sex Offender Program at Moose Lake and to make capital improvements at the St. Peter Regional Treatment Center to accomplish the following: improve lighting, conserve water, replace caulking and weather stripping, replace steam traps, install a building automation system, replace window air conditioners in the Administration Building, install solar pool heating and a pool blanket, and install premium efficiency motors for mechanical systems. Any money

remaining may be spent for asset preservation improvements and betterments of a capital nature at Department of Human Services facilities statewide, in accordance with Minnesota Statutes, section 16B.307."

Page 27, line 10, delete "\$346,345,000" and insert "\$346,595,000"

Page 29, after line 11, insert:

"Sec. 24. Minnesota Statutes 2008, section 134.45, is amended by adding a subdivision to read:

Subd. 8. Sale of public library funded with state bond proceeds. If the commissioner of education and the local or regional governmental entity that owns a public library that has been improved with state bond proceeds under this section determines that the library is no longer usable or needed for the purposes for which the grant of state bond funds was made, the owner of the public library may sell the property in the manner authorized by law for the sale of other property owned by that jurisdiction for its fair market value. The sale must be approved by the commissioner of finance. Notwithstanding section 16A.695, subdivision 3, clause (2), the net proceeds must be applied as follows: first, to pay the state the amount of state bond proceeds used to acquire or better the property; and second, any remaining amount must be paid to the local or regional governmental owner of the property sold. When the sale is complete and the sale proceeds have been applied as provided in this subdivision, section 16A.695 no longer applies to the property and the property is no longer state bond financed property.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to the sale of public library property on or after that date."

Page 30, after line 9, insert:

"Sec. 28. Laws 2006, chapter 258, section 21, subdivision 6, as amended by Laws 2008, chapter 179, section 65, is amended to read:

Subd. 6. Redevelopment Account

9,000,000

For purposes of the redevelopment account under Minnesota Statutes, section 116J.571.

\$800,000 is for a grant to the city of Worthington to remediate contaminated soil and redevelop the site of the former Campbell Soup factory. This grant is exempt from the requirements of Minnesota Statutes, sections 116J.572 to 116J.575. Notwithstanding Minnesota Statutes, section 16A.642, the bond authorization and appropriation of the bond proceeds for this project do not cancel.

\$250,000 is for a grant to the city of Winona to predesign facilities for a multipurpose events center and arena to be used for the

Shakespeare Festival, Beethoven Festival, and Winona State University events. This grant is exempt from the requirements of Minnesota Statutes, sections 116J.572 to 116J.575."

Page 30, delete section 28

Renumber the sections in sequence

Amend the title numbers accordingly

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

SECOND READING OF SENATE BILLS

S.F. No. 781 was read the second time.

MEMBERS EXCUSED

Senators Ortman, Pariseau and Rest were excused from the Session of today. Senator Senjem was excused from the Session of today from 11:35 a.m. to 12:10 p.m. Senator Day was excused from the Session of today at 12:00 noon. Senator Saltzman was excused from the Session of today from 12:00 noon to 12:10 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 11:00 a.m., Monday, March 16, 2009. The motion prevailed.

Peter S. Wattson, Secretary of the Senate (Legislative)

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