

FORTY-FOURTH DAY

St. Paul, Minnesota, Wednesday, April 29, 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. Dr. David Van Dyke

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

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

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 communications were received.

April 6, 2009

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

EMERGENCY MEDICAL SERVICES REGULATORY BOARD

Matthew Simpson, 4569 Cliff Ridge Ct., Eagan, in the county of Dakota, effective April 13, 2009, to complete a term that expires on January 3, 2011.

(Referred to the Committee on Health, Housing and Family Security.)

April 16, 2009

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

METROPOLITAN COUNCIL

Wendy Wulff, 17326 Greentree Path, Lakeville, in the county of Dakota, effective April 21, 2009, to complete a term that expires on January 3, 2011.

(Referred to the Committee on State and Local Government Operations and Oversight.)

Sincerely,
Tim Pawlenty, Governor

April 27, 2009

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 643 and 978.

Sincerely,
Tim Pawlenty, Governor

April 27, 2009

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2009 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2009	Date Filed 2009
643		25	4:51 p.m. April 27	April 27
978		26	4:49 p.m. April 27	April 27

Sincerely,
Mark Ritchie
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1309:

H.F. No. 1309: A bill for an act relating to transportation finance; appropriating money for transportation, Metropolitan Council, and public safety activities and programs; providing for fund transfers and tort claims; authorizing an account and certain contingent appropriations; modifying previous appropriations provisions; modifying various provisions related to transportation finance and policy; modifying provisions related to speed limits, fracture-critical bridges, transit, passenger rail, motor vehicle lease sales tax revenue allocations, transit services, and the Buffalo Ridge Regional Rail Authority; requiring reports; amending Minnesota Statutes 2008, sections 16A.152, subdivision 2; 161.081, by adding a subdivision; 161.36, subdivision 7, as added; 162.12, subdivision 2; 169.14, by adding a subdivision; 174.24, subdivision 1a, by adding a subdivision; 174.50, by adding a subdivision; 297A.815, subdivision 3; 473.408, by adding a subdivision; Laws 2007, chapter 143, article 1, section 3, subdivision 2, as amended; Laws 2008, chapter 152, article 1, section 5; proposing coding for new law in Minnesota Statutes, chapters 161; 174.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Lieder, Hornstein, Morrow, Hortman and Beard have been appointed as such committee on the part of the House.

House File No. 1309 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 28, 2009

Senator Murphy moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1309, and that a Conference Committee of 5 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference

Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 928.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 28, 2009

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 928: A bill for an act relating to transportation; modifying various provisions related to transportation or public safety; prohibiting certain acts; amending Minnesota Statutes 2008, sections 161.14, subdivision 62, as added, by adding subdivisions; 168.33, subdivision 2; 169.011, by adding a subdivision; 169.045; 169.15; 169.306; 169.71, subdivision 1; 171.12, subdivision 6; 174.86, subdivision 5; 221.012, subdivision 38, by adding a subdivision; 221.0252, by adding a subdivision; 473.167, subdivision 2a; Laws 2008, chapter 287, article 1, section 122; proposing coding for new law in Minnesota Statutes, chapters 160; 171; 174; 299C.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

Senator Pogemiller moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 1126 and 2078. The motion prevailed.

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

H.F. No. 2251 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2251	1938				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2251 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2251, the second engrossment; and insert the language after the enacting clause of S.F. No. 1938, the first engrossment; further, delete the title of H.F. No. 2251, the second engrossment; and insert the title of S.F. No. 1938, the first engrossment.

And when so amended H.F. No. 2251 will be identical to S.F. No. 1938, and further recommends that H.F. No. 2251 be given its second reading and substituted for S.F. No. 1938, and that the Senate File be indefinitely postponed.

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

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

S.F. No. 1126: A bill for an act relating to real property; modifying procedures relating to uses and conveyances of tax-forfeited property; amending Minnesota Statutes 2008, sections 282.01, subdivisions 1, 1a, 1c, 1d, 2, 3, 4, 7, 7a, by adding a subdivision; 287.2205; repealing Minnesota Statutes 2008, section 282.01, subdivisions 1b, 9, 10, 11.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 282.01, subdivision 1, is amended to read:

Subdivision 1. **Classification as conservation or nonconservation.** ~~It is the general policy of this state to encourage the best use of tax forfeited lands, recognizing that some lands in public ownership should be retained and managed for public benefits while other lands should be returned to private ownership.~~ (a) Parcels of land becoming the property of the state in trust under law declaring the forfeiture of lands to the state for taxes must be classified by the county board of the county in which the parcels lie as conservation or nonconservation. In making the classification the board shall consider the present use of adjacent lands, the productivity of the soil, the character of forest or other growth, accessibility of lands to established roads, schools, and other public services, their peculiar suitability or desirability for particular uses, and the suitability of the forest resources on the land for multiple use, and sustained yield management. The classification, furthermore, must encourage and foster a mode of land utilization that will facilitate the economical and adequate provision of transportation, roads, water supply, drainage, sanitation, education, and recreation; facilitate reduction of governmental expenditures; conserve and develop the natural resources; and foster and develop agriculture and other industries in the districts and places best suited to them.

~~In making the classification the county board may use information made available by any office or department of the federal, state, or local governments, or by any other person or agency possessing pertinent information at the time the classification is made. The lands may be reclassified from time to time as the county board considers necessary or desirable, except for conservation lands held by the state free from any trust in favor of any taxing district.~~

~~If the lands are located within the boundaries of an organized town, with taxable valuation in excess of \$20,000, or incorporated municipality, the classification or reclassification and sale must first be approved by the town board of the town or the governing body of the municipality in which the lands are located. The town board of the town or the governing body of the municipality is considered to have approved the classification or reclassification and sale if the county board is not notified of the disapproval of the classification or reclassification and sale within 60 days of the date the request for approval was transmitted to the town board of the town or governing body of the municipality. If the town board or governing body desires to acquire any parcel lying in the town~~

~~or municipality by procedures authorized in this section, it must file a written application with the county board to withhold the parcel from public sale. The application must be filed within 60 days of the request for classification or reclassification and sale. The county board shall then withhold the parcel from public sale for six months. A municipality or governmental subdivision shall pay maintenance costs incurred by the county during the six-month period while the property is withheld from public sale, provided the property is not offered for public sale after the six-month period. A clerical error made by county officials does not serve to eliminate the request of the town board or governing body if the board or governing body has forwarded the application to the county auditor. If the town board or governing body of the municipality fails to submit an application and a resolution of the board or governing body to acquire the property within the withholding period, the county may offer the property for sale upon the expiration of the withholding period.~~

(b) Whenever the county board deems it appropriate, the board may hold a meeting for the purpose of reclassifying tax-forfeited land that has not been sold or released from the trust. The criteria and procedures for reclassification are the same as those required for an initial classification.

(c) Prior to meeting for the purpose of classifying or reclassifying tax-forfeited lands, the county board must give notice of its intent to meet for that purpose as provided in this paragraph. The notice must be given no more than 90 days and no less than 60 days before the date of the meeting; provided that if the meeting is rescheduled, notice of the new date, time, and location must be given at least 14 days before the date of the rescheduled meeting. The notice must be posted on a Web site under the procedures in section 331A.12. The board must also mail a notice by electronic means to each person who requests notice of meetings dealing with this subject and who agrees as provided in chapter 325L to accept notice that is mailed by electronic means. Receipt of actual notice under the conditions specified in section 13D.04, subdivision 7, satisfies the notice requirements of this paragraph.

The board may classify or reclassify tax-forfeited lands at any regular or special meeting, as those terms are defined in chapter 13D and may conduct only this business, or this business as well as other business or activities at the meeting.

(d) At the meeting, the county board must allow any person or agency possessing pertinent information to make or submit comments and recommendations about the pending classification or reclassification. In addition, representatives of governmental entities in attendance must be allowed to describe plans, ideas, or projects that may involve use or acquisition of the property by that or another governmental entity. After allowing testimony, the board may classify, reclassify, or delay taking action on any parcel or parcels. In order for a state agency or a governmental subdivision of the state to preserve its right to request a purchase or other acquisition of a forfeited parcel, it may, at any time following forfeiture, file a written request to withhold the parcel from sale or lease to others under the provisions of subdivision 1a.

(e) When classifying, reclassifying, appraising, and selling lands under this chapter, the county board may designate the tracts as assessed and acquired, or may by resolution provide for the subdivision of the tracts into smaller units or for the grouping of several tracts into one tract when the subdivision or grouping is deemed advantageous for conservation or sale purposes. This paragraph does not authorize the county board to subdivide a parcel or tract of tax-forfeited land that, as assessed and acquired, is withheld from sale under section 282.018, subdivision 1.

(f) A county board may by resolution elect to use the classification and reclassification

procedures provided in paragraphs (g), (h), and (i), instead of the procedures provided in paragraphs (b), (c), and (d). Once an election is made under this paragraph, it is effective for a minimum of five years.

(g) The classification or reclassification of tax-forfeited land that has not been sold or released from the trust may be made by the county board using information made available to it by any office or department of the federal, state, or local governments, or by any other person or agency possessing pertinent information at the time the classification is made.

(h) If the lands are located within the boundaries of an organized town or incorporated municipality, a classification or reclassification and sale must first be approved by the town board of the town or the governing body of the municipality in which the lands are located. The town board of the town or the governing body of the municipality is considered to have approved the classification or reclassification and sale if the county board is not notified of the disapproval of the classification or reclassification and sale within 60 days of the date the request for approval was transmitted to the town board of the town or governing body of the municipality. If the town board or governing body disapproves of the classification or reclassification and sale, the county board must follow the procedures in paragraphs (c) and (d), with regard to the parcel, and must additionally cause to be published in a newspaper a notice of the date, time, location, and purpose of the required meeting.

(i) If a town board or a governing body of a municipality desires to acquire any parcel lying in the town or municipality by procedures authorized in this section, it may file a written request under subdivision 1a, paragraph (a).

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 2. Minnesota Statutes 2008, section 282.01, subdivision 1a, is amended to read:

Subd. 1a. **Conveyance; generally to public entities.** (a) Upon written request from a state agency or a governmental subdivision of the state, a parcel of unsold tax-forfeited land must be withheld from sale or lease to others for a maximum of six months. The request must be submitted to the county auditor. Upon receipt, the county auditor must withhold the parcel from sale or lease to any other party for six months, and must confirm the starting date of the six-month withholding period to the requesting agency or subdivision. If the request is from a governmental subdivision of the state, the governmental subdivision must pay the maintenance costs incurred by the county during the period the parcel is withheld. The county board may approve a sale or conveyance to the requesting party during the withholding period. A conveyance of the property to the requesting party terminates the withholding period.

A governmental subdivision of the state must not make, and a county auditor must not act upon, a second request to withhold a parcel from sale or lease within 18 months of a previous request for that parcel. A county may reject a request made under this paragraph if the request is made more than 30 days after the county has given notice to the requesting state agency or governmental subdivision of the state that the county intends to sell or otherwise dispose of the property.

(b) Nonconservation tax-forfeited lands may be sold by the county board, for their market value as determined by the county board, to an organized or incorporated governmental subdivision of the state for any public purpose for which the subdivision is authorized to acquire property ~~or~~. When the term "market value" is used in this section, it means an estimate of the full and actual market

value of the parcel as determined by the county board, but in making this determination, the board and the persons employed by or under contract with the board in order to perform, conduct, or assist in the determination, are exempt from the licensure requirements of chapter 82B.

(c) Nonconservation tax-forfeited lands may be released from the trust in favor of the taxing districts on application of to the county board by a state agency for an authorized use at not less than their market value as determined by the county board.

(d) Nonconservation tax-forfeited lands may be sold by the county board to an organized or incorporated governmental subdivision of the state or state agency for less than their market value if:

(1) the county board determines that a sale at a reduced price is in the public interest because a reduced price is necessary to provide an incentive to correct the blighted conditions that make the lands undesirable in the open market, or the reduced price will lead to the development of affordable housing; and

(2) the governmental subdivision or state agency has documented its specific plans for correcting the blighted conditions or developing affordable housing, and the specific law or laws that empower it to acquire real property in furtherance of the plans.

If the sale under this paragraph is to a governmental subdivision of the state, the commissioner of revenue must convey the property on behalf of the state by quit claim deed. If the sale under this paragraph is to a state agency, the commissioner must issue a conveyance document that releases the property from the trust in favor of the taxing districts.

(e) Nonconservation tax-forfeited land held in trust in favor of the taxing districts may be conveyed by the commissioner of revenue ~~may convey by deed~~ in the name of the state ~~a tract of tax forfeited land held in trust in favor of the taxing districts~~ to a governmental subdivision for an authorized public use, if an application is submitted to the commissioner which includes a statement of facts as to the use to be made of the tract ~~and the need therefor~~ and the favorable recommendation of the county board. For the purposes of this paragraph, "authorized public use" means a use that allows an indefinite segment of the public to physically use and enjoy the property in numbers appropriate to its size and use, or is for a public service facility. Authorized public uses as defined in this paragraph are limited to:

(1) a road, or right-of-way for a road;

(2) a park that is both available to, and accessible by, the public that contains amenities such as campgrounds, playgrounds, ball fields, trails, or shelters;

(3) trails for walking, bicycling, snowmobiling, or other recreational purposes, along with a reasonable amount of surrounding land maintained in its natural state;

(4) transit ways for buses or commuter trains;

(5) public beaches or boat launches;

(6) public parking;

(7) civic recreation or conference facilities; and

(8) public service facilities such as fire halls, police stations, lift stations, water towers, sanitation facilities, water treatment facilities, and administrative offices.

(f) The commissioner of revenue shall convey a parcel of nonconservation tax-forfeited land to a local governmental subdivision of the state by quit claim deed on behalf of the state upon the favorable recommendation of the county board if the governmental subdivision has certified to the board that prior to forfeiture the subdivision was entitled to the parcel under a written development agreement, but the conveyance failed to occur prior to forfeiture. No compensation or consideration is required for, and no conditions attach to, the conveyance.

(g) The commissioner of revenue shall convey a parcel of nonconservation tax-forfeited land to the association of a common interest community by quit claim deed upon the favorable recommendation of the county board if the association certifies to the board that prior to forfeiture the association was entitled to the parcel under a written agreement, but the conveyance failed to occur prior to forfeiture. No compensation or consideration is required for, and no conditions attach to, the conveyance.

(h) Conservation tax-forfeited land may be sold to a governmental subdivision of the state for less than its market value for either: (1) creation or preservation of wetlands; (2) drainage or storage of storm water under a storm water management plan; or (3) preservation, or restoration and preservation, of the land in its natural state. The deed must contain a restrictive covenant limiting the use of the land to one of these purposes for 30 years or until the property is reconveyed back to the state in trust. At any time, the governmental subdivision may reconvey the property to the state in trust for the taxing districts. The deed of reconveyance is subject to approval by the commissioner of revenue. No part of a purchase price determined under this paragraph shall be refunded upon a reconveyance, but the amount paid for a conveyance under this paragraph may be taken into account by the county board when setting the terms of a future sale of the same property to the same governmental subdivision under paragraph (b) or (d). If the lands are unplatted and located outside of an incorporated municipality and the commissioner of natural resources determines there is a mineral use potential, the sale is subject to the approval of the commissioner of natural resources.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 3. Minnesota Statutes 2008, section 282.01, subdivision 1b, is amended to read:

Subd. 1b. **Conveyance; targeted neighborhood lands.** ~~(a)~~ Notwithstanding subdivision 1a, in the case of tax-forfeited lands located in a targeted neighborhood, ~~as defined in section 469.201, subdivision 10~~ in a city of the first class, the commissioner of revenue shall convey by quit claim deed in the name of the state any tract of tax-forfeited land held in trust in favor of the taxing districts, to a political subdivision of the state that submits an application to the commissioner of revenue and the favorable recommendation of the county board. For purposes of this subdivision, the term "targeted neighborhood" has the meaning given in section 469.201, subdivision 10, except that the land must be located within a first class city.

~~(b) The application under paragraph (a) must include a statement of facts as to the use to be made of the tract, the need therefor, and a resolution, adopted by the governing body of the political subdivision, finding that the conveyance of a tract of tax-forfeited land to the political subdivision is necessary to provide for the redevelopment of land as productive taxable property. Deeds of conveyance issued under paragraph (a) are not conditioned on continued use of the property for the~~

~~use stated in the application.~~

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 4. Minnesota Statutes 2008, section 282.01, subdivision 1c, is amended to read:

Subd. 1c. **Deed of conveyance; form; approvals.** The deed of conveyance for property conveyed for a an authorized public use under the authorities in subdivision 1a, paragraph (e), must be on a form approved by the attorney general and must be conditioned on continued use for the purpose stated in the application as provided in this section. These deeds are conditional use deeds that convey a defeasible estate. Reversion of the estate occurs by operation of law and without the requirement for any affirmative act by or on behalf of the state when there is a failure to put the property to the approved authorized public use for which it was conveyed, or an abandonment of that use, except as provided in subdivision 1d.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 5. Minnesota Statutes 2008, section 282.01, subdivision 1d, is amended to read:

Subd. 1d. **Reverter for failure to use; conveyance to state.** (a) If after three years from the date of the conveyance a governmental subdivision to which tax-forfeited land has been conveyed for a specified an authorized public use as provided in this section subdivision 1a, paragraph (e), fails to put the land to that use, or abandons that use, the governing body of the subdivision may, must: (1) with the approval of the county board, purchase the property for an authorized public purpose at the present appraised market value as determined by the county board. In that case, the commissioner of revenue shall, upon proper written application approved by the county board, issue an appropriate deed to the subdivisions free of a use restriction and reverter. The governing body may also, or (2) authorize the proper officers to convey the land, or the part of the land not required for an authorized public use, to the state of Minnesota in trust for the taxing districts. If the governing body purchases the property under clause (1), the commissioner of revenue shall, upon property application submitted by the county auditor, convey the property on behalf of the state by quit claim deed to the subdivision free of a use restriction and the possibility of reversion or defeasement. If the governing body decides to reconvey the property to the state under clause (2), the officers shall execute a deed of conveyance immediately. The conveyance is subject to the approval of the commissioner and its form must be approved by the attorney general. A sale, lease, transfer, or other conveyance of tax forfeited lands by a housing and redevelopment authority, a port authority, an economic development authority, or a city as authorized by chapter 469 is not an abandonment of use and the lands shall not be reconveyed to the state nor shall they revert to the state. A certificate made by a housing and redevelopment authority, a port authority, an economic development authority, or a city referring to a conveyance by it and stating that the conveyance has been made as authorized by chapter 469 may be filed with the county recorder or registrar of titles, and the rights of reverter in favor of the state provided by subdivision 1e will then terminate. No vote of the people is required for the conveyance. For the purposes of this paragraph, there is no failure to put the land to the authorized public use and no abandonment of that use if a formal plan of the governmental subdivision shows an intended future use of the land for the authorized public use.

(b) Property held by a governmental subdivision of the state under a conditional use deed executed by the commissioner of revenue after January 1, 2006, may be acquired by that governmental subdivision after 15 years from the date of the conveyance if the commissioner

determines upon written application from the subdivision that the subdivision has in fact put the property to the authorized public use for which it was conveyed, and the subdivision has made a finding that it has no current plans to change the use of the lands. Prior to conveying the property, the commissioner shall inquire whether the county board where the land is located objects to a conveyance of the property to the subdivision without conditions and without further act by or obligation of the subdivision. If the county does not object within 60 days, and the commissioner makes a favorable determination, the commissioner shall issue a quit claim deed on behalf of the state unconditionally conveying the property to the governmental subdivision. For purposes of this paragraph, demonstration of an intended future use for the authorized public use in a formal plan of the governmental subdivision does not constitute use for that authorized public use.

(c) Property held by a governmental subdivision of the state under a conditional use deed executed by the commissioner of revenue before January 1, 2006, is released from the use restriction and possibility of reversion on January 1, 2021, if the county board records a document describing the land and citing this paragraph. The county board may authorize the county treasurer to deduct the amount of the recording fees from future settlements of property taxes to the subdivision.

(d) All property held by a governmental subdivision of the state under a conditional use deed executed by the commissioner of revenue is released from the use restriction and possibility of reversion on the later of: (1) January 1, 2015; (2) 40 years after the date the deed was executed; or (3) upon final resolution of an appeal to district court under subdivision 1e if the appeal was commenced prior to January 1, 2015. Upon the occurrence of clause (1), (2), or (3), the governmental subdivision may record a certificate referring to the land, the original conveyance, and to the release under this paragraph.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 6. Minnesota Statutes 2008, section 282.01, is amended by adding a subdivision to read:

Subd. 1g. **Conditional use deed fees.** (a) A governmental subdivision of the state applying for a conditional use deed under subdivision 1a, paragraph (e), must submit a fee of \$250 to the commissioner of revenue along with the application. If the application is denied, the commissioner shall refund \$150 of the application fee.

(b) The proceeds from the fees must be deposited in a Department of Revenue conditional use deed revolving fund. The sums deposited into the revolving fund are appropriated to the commissioner of revenue for the purpose of making the refunds described in this subdivision, and administering conditional use deed laws.

EFFECTIVE DATE. This section is effective for applications received by the commissioner after June 30, 2009.

Sec. 7. Minnesota Statutes 2008, section 282.01, subdivision 2, is amended to read:

Subd. 2. **Conservation lands; county board supervision.** (a) Lands classified as conservation lands, ~~unless reclassified as nonconservation lands, sold to a governmental subdivision of the state, designated as lands primarily suitable for forest production and sold as hereinafter provided, or released from the trust in favor of the taxing districts, as herein provided, will~~ must be held under the supervision of the county board of the county within which ~~such~~ the parcels lie, and must not be conveyed or sold unless the lands are:

~~The county board may, by resolution duly adopted, declare lands classified as conservation lands as primarily suitable for timber production and as lands which should be placed in private ownership for such purposes. If such action be approved by the commissioner of natural resources, the lands so designated, or any part thereof, may be sold by the county board in the same manner as provided for the sale of lands classified as nonconservation lands. Such county action and the approval of the commissioner shall be limited to lands lying within areas zoned for restricted uses under the provisions of Laws 1939, chapter 340, or any amendments thereof.~~

- (1) reclassified as nonconservation lands;
- (2) conveyed to a governmental subdivision of the state under subdivision 1a;
- (3) released from the trust in favor of the taxing districts as provided in paragraph (b); or
- (4) conveyed or sold under the authority of another general or special law.

(b) The county board may, by resolution duly adopted, resolve that certain lands classified as conservation lands shall be devoted to conservation uses and may submit such a resolution to the commissioner of natural resources. If, upon investigation, the commissioner of natural resources determines that the lands covered by such the resolution, or any part thereof, can be managed and developed for conservation purposes, the commissioner shall make a certificate describing the lands and reciting the acceptance thereof on behalf of the state for such purposes. The commissioner shall transmit the certificate to the county auditor, who shall note the same upon the auditor's records and record the same with the county recorder. The title to all lands so accepted shall be held by the state free from any trust in favor of any and all taxing districts and such the lands shall be devoted thereafter to the purposes of forestry, water conservation, flood control, parks, game refuges, controlled game management areas, public shooting grounds, or other public recreational or conservation uses, and managed, controlled, and regulated for such purposes under the jurisdiction of the commissioner of natural resources and the divisions of the department.

(c) All proceeds derived from the sale of timber, lease of crops of hay, or other revenue from lands under the jurisdiction of the commissioner of natural resources shall be credited to the general fund of the state.

~~In case (d) If the commissioner of natural resources shall determine determines that any tract of land so held acquired by the state under paragraph (b) and situated within or adjacent to the boundaries of any governmental subdivision of the state is suitable for use by such the subdivision for any authorized public purpose, the commissioner may convey such the tract by deed in the name of the state to such the subdivision upon the filing with the commissioner of a resolution adopted by a majority vote of all the members of the governing body thereof, stating the purpose for which the land is desired. The deed of conveyance shall be upon a form approved by the attorney general and must be conditioned upon continued use for the purpose stated in the resolution. All proceeds derived from the sale of timber, lease of hay stumpage, or other revenue from such lands under the jurisdiction of the natural resources commissioner shall be paid into the general fund of the state.~~

(e) The county auditor, with the approval of the county board, may lease conservation lands remaining under the jurisdiction supervision of the county board and sell timber and hay stumpage thereon in the manner hereinafter provided, and all proceeds derived therefrom shall be distributed in the same manner as provided in section 282.04.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 8. Minnesota Statutes 2008, section 282.01, subdivision 3, is amended to read:

Subd. 3. **Nonconservation lands; appraisal and sale.** (a) All parcels of land classified as nonconservation, except those which may be reserved, shall be sold as provided, if it is determined, by the county board of the county in which the parcels lie, that it is advisable to do so, having in mind their accessibility, their proximity to existing public improvements, and the effect of their sale and occupancy on the public burdens. Any parcels of land proposed to be sold shall be first appraised by the county board of the county in which the parcels lie. The parcels may be reappraised whenever the county board deems it necessary to carry out the intent of sections 282.01 to 282.13.

(b) In an appraisal the value of the land and any standing timber on it shall be separately determined. No parcel of land containing any standing timber may be sold until the appraised value of the timber on it and the sale of the land have been approved by the commissioner of natural resources. The commissioner shall base review of a proposed sale on the policy and considerations specified in subdivision 1. The decision of the commissioner shall be in writing and shall state the reasons for it. The commissioner's decision is exempt from the rulemaking provisions of chapter 14 and section 14.386 does not apply. The county may appeal the decision of the commissioner in accordance with chapter 14.

(c) In any county in which a state forest or any part of it is located, the county auditor shall submit to the commissioner at least 60 days before the first publication of the list of lands to be offered for sale a list of all lands included on the list which are situated outside of any incorporated municipality. If, at any time before the opening of the sale, the commissioner notifies the county auditor in writing that there is standing timber on any parcel of such land, the parcel shall not be sold unless the requirements of this section respecting the separate appraisal of the timber and the approval of the appraisal by the commissioner have been complied with. The commissioner may waive the requirement of the 60-day notice as to any parcel of land which has been examined and the timber value approved as required by this section.

(d) If any public improvement is made by a municipality after any parcel of land has been forfeited to the state for the nonpayment of taxes, and the improvement is assessed in whole or in part against the property benefited by it, the clerk of the municipality shall certify to the county auditor, immediately upon the determination of the assessments for the improvement, the total amount that would have been assessed against the parcel of land if it had been subject to assessment; or if the public improvement is made, petitioned for, ordered in or assessed, whether the improvement is completed in whole or in part, at any time between the appraisal and the sale of the parcel of land, the cost of the improvement shall be included as a separate item and added to the appraised value of the parcel of land at the time it is sold. No sale of a parcel of land shall discharge or free the parcel of land from lien for the special benefit conferred upon it by reason of the public improvement until the cost of it, including penalties, if any, is paid. The county board shall determine the amount, if any, by which the value of the parcel was enhanced by the improvement and include the amount as a separate item in fixing the appraised value for the purpose of sale. ~~In classifying, appraising, and selling the lands, the county board may designate the tracts as assessed and acquired, or may by resolution provide for the subdivision of the tracts into smaller units or for the grouping of several tracts into one tract when the subdivision or grouping is deemed advantageous for the purpose of sale. Each such smaller tract or larger tract must be classified and appraised as such before being offered for sale. If any such lands have once been classified, the board of county commissioners,~~

~~in its discretion, may, by resolution, authorize the sale of the smaller tract or larger tract without reclassification.~~

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 9. Minnesota Statutes 2008, section 282.01, subdivision 4, is amended to read:

Subd. 4. **Sale: method, requirements, effects.** The sale authorized under subdivision 3 must be conducted by the county auditor at the county seat of the county in which the parcels lie, except that in St. Louis and Koochiching Counties, the sale may be conducted in any county facility within the county. The sale must not be for less than the appraised value except as provided in subdivision 7a. The parcels must be sold for cash only ~~and at not less than the appraised value~~, unless the county board of the county has adopted a resolution providing for their sale on terms, in which event the resolution controls with respect to the sale. When the sale is made on terms other than for cash only (1) a payment of at least ten percent of the purchase price must be made at the time of purchase, and the balance must be paid in no more than ten equal annual installments, or (2) the payments must be made in accordance with county board policy, but in no event may the board require more than 12 installments annually, and the contract term must not be for more than ten years. Standing timber or timber products must not be removed from these lands until an amount equal to the appraised value of all standing timber or timber products on the lands at the time of purchase has been paid by the purchaser. If a parcel of land bearing standing timber or timber products is sold at public auction for more than the appraised value, the amount bid in excess of the appraised value must be allocated between the land and the timber in proportion to their respective appraised values. In that case, standing timber or timber products must not be removed from the land until the amount of the excess bid allocated to timber or timber products has been paid in addition to the appraised value of the land. The purchaser is entitled to immediate possession, subject to the provisions of any existing valid lease made in behalf of the state.

For sales occurring on or after July 1, 1982, the unpaid balance of the purchase price is subject to interest at the rate determined pursuant to section 549.09. The unpaid balance of the purchase price for sales occurring after December 31, 1990, is subject to interest at the rate determined in section 279.03, subdivision 1a. The interest rate is subject to change each year on the unpaid balance in the manner provided for rate changes in section 549.09 or 279.03, subdivision 1a, whichever, is applicable. Interest on the unpaid contract balance on sales occurring before July 1, 1982, is payable at the rate applicable to the sale at the time that the sale occurred.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 10. Minnesota Statutes 2008, section 282.01, subdivision 7, is amended to read:

Subd. 7. **County sales; notice, purchase price, disposition.** The sale must commence at the time determined by the county board of the county in which the parcels are located. The county auditor shall offer the parcels of land in order in which they appear in the notice of sale, and shall sell them to the highest bidder, but not for a sum less than the appraised value, until all of the parcels of land have been offered. Then the county auditor shall sell any remaining parcels to anyone offering to pay the appraised value, except that if the person could have repurchased a parcel of property under section 282.012 or 282.241, that person may not purchase that same parcel of property at the sale under this subdivision for a purchase price less than the sum of all taxes, assessments, penalties, interest, and costs due at the time of forfeiture computed under section 282.251, and any special assessments for improvements certified as of the date of sale. The sale must continue until all the parcels are

sold or until the county board orders a reappraisal or withdraws any or all of the parcels from sale. The list of lands may be added to and the added lands may be sold at any time by publishing the descriptions and appraised values. The added lands must be: (1) parcels of land that have become forfeited and classified as nonconservation since the commencement of any prior sale; (2) parcels classified as nonconservation that have been reappraised; (3) parcels that have been reclassified as nonconservation; or (4) other parcels that are subject to sale but were omitted from the existing list for any reason. The descriptions and appraised values must be published in the same manner as provided for the publication of the original list. Parcels added to the list must first be offered for sale to the highest bidder before they are sold at appraised value. All parcels of land not offered for immediate sale, as well as parcels that are offered and not immediately sold, continue to be held in trust by the state for the taxing districts interested in each of the parcels, under the supervision of the county board. Those parcels may be used for public purposes until sold, as directed by the county board.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 11. Minnesota Statutes 2008, section 282.01, subdivision 7a, is amended to read:

Subd. 7a. **City sales; alternate procedures.** Land located in a home rule charter or statutory city, or in a town which cannot be improved because of noncompliance with local ordinances regarding minimum area, shape, frontage or access may be sold by the county auditor pursuant to this subdivision if the auditor determines that a nonpublic sale will encourage the approval of sale of the land by the city or town and promote its return to the tax rolls. If the physical characteristics of the land indicate that its highest and best use will be achieved by combining it with an adjoining parcel and the city or town has not adopted a local ordinance governing minimum area, shape, frontage, or access, the land may also be sold pursuant to this subdivision. If the property consists of an undivided interest in land or land and improvements, the property may also be sold to the other owners under this subdivision. The sale of land pursuant to this subdivision shall be subject to any conditions imposed by the county board pursuant to section 282.03. The governing body of the city or town may recommend to the county board conditions to be imposed on the sale. The county auditor may restrict the sale to owners of lands adjoining the land to be sold. The county auditor shall conduct the sale by sealed bid or may select another means of sale. The land shall be sold to the highest bidder ~~but in no event shall the land~~ and may be sold for less than its appraised value. All owners of land adjoining the land to be sold shall be given a written notice at least 30 days prior to the sale.

This subdivision shall be liberally construed to encourage the sale and utilization of tax-forfeited land, to eliminate nuisances and dangerous conditions and to increase compliance with land use ordinances.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 12. Minnesota Statutes 2008, section 287.2205, is amended to read:

287.2205 TAX-FORFEITED LAND.

Before a state deed for tax-forfeited land may be issued, the deed tax must be paid by the purchaser of tax-forfeited land whether the purchase is the result of a public auction or private sale or a repurchase of tax-forfeited land. State agencies and local units of government that acquire tax-forfeited land by purchase or any other means are subject to this section. The deed tax is \$1.65 for

a conveyance of tax-forfeited lands to a governmental subdivision for an authorized public use under section 282.01, subdivision 1a, ~~or for redevelopment purposes under section 282.01, subdivision 1b.~~

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 13. **REPEALER.**

Minnesota Statutes 2008, sections 282.01, subdivisions 9, 10, and 11; and 383A.76, are repealed.

EFFECTIVE DATE. This section is effective 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.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred

S.F. No. 2078: A bill for an act relating to economic development; amending tax increment financing requirements; authorizing state investment in a loan guaranty fund; creating a loan guaranty program; authorizing issuance of bonds for nonprofit housing; requiring establishment of a second mortgage loan program; authorizing issuance of bonds for sustainable development projects; limiting environmental review for certain projects; requiring certain projects to comply with procurement regulations; providing income tax credits for historic structure rehabilitation on low-income housing projects; authorizing the use of special assessments for energy improvements; extending the JOBZ program to the metropolitan area; appropriating money; amending Minnesota Statutes 2008, sections 11A.24, by adding a subdivision; 15.99, by adding a subdivision; 16C.16, by adding a subdivision; 429.011, by adding subdivisions; 429.021, subdivision 1; 429.031, subdivision 3; 462A.36, subdivisions 1, 2, 4, by adding a subdivision; 469.176, subdivision 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 116J; 290; 462A; repealing Minnesota Statutes 2008, section 469.312, subdivision 3.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 16C.16, is amended by adding a subdivision to read:

Subd. 13. Actions related to stimulus projects. This section applies to the construction of a stimulus project, as defined in section 469.176, subdivision 8.

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

Sec. 2. **[116J.408] CONSTRUCTION CREDIT FREEZE; TEMPORARY LOAN GUARANTEE ACCOUNT.**

Subdivision 1. Findings. The legislature finds that the construction industry in this state is being damaged by a credit freeze imposed by private lenders. If credit is extended, it is being extended for an amount much less than has historically been the case with the result that there is a capital shortage to complete construction projects. The credit freeze has resulted in the delay or cancellation of many

construction projects resulting in significant harm to the state economy, including the elimination of thousands of jobs and the loss of significant tax revenues. A temporary state guarantee program for a portion of a private loan may contribute to the thawing of the credit freeze to the benefit of the state and its citizens.

Subd. 2. **Construction loan guarantee program created.** The commissioner of employment and economic development shall administer a program under this section to guarantee loans by a private lender for construction projects in this state that will commence on or after July 1, 2009. A loan guarantee may not be made after December 31, 2012.

Subd. 3. **Eligible projects.** A project is eligible for a guarantee under this section if it has a private loan commitment of \$5,000,000 or more to pay for the costs of a related residential, commercial, industrial, or institutional construction project.

Subd. 4. **Guarantee amount limits.** A guarantee may not be made for more than 25 percent of the principal amount of the loan made by a private lender.

Subd. 5. **Loan guarantee application process.** The commissioner shall develop an application form by which a person may apply for a loan guarantee. The application shall request information required by the commissioner to determine whether a project loan is eligible for a guarantee and to determine whether a guarantee should be issued. The application may be submitted by a lender, developer, or jointly by a lender and a project developer. The commissioner shall issue loan guarantees quarterly. The first round of guarantees must be issued for applications submitted by June 30, 2009.

Subd. 6. **Guarantee criteria.** In issuing loan guarantees for projects, the commissioner shall attempt to distribute the projects throughout the state. The commissioner shall require information from an applicant concerning the number of jobs involved in a project and the wages expected to be paid for jobs related to the project and may consider the number of jobs created in relation to the amount of a loan guarantee.

Subd. 7. **Construction loan guarantee account.** A construction loan guarantee account is established in the state treasury. Money in the account consists of money appropriated to the account, interest and other earnings on money in the account, fees credited to the account under subdivision 8, and sales and local taxes credited to the account under subdivision 9.

Subd. 8. **Guarantee fee.** The commissioner shall charge a onetime loan guarantee issuance fee of no more than three percent of the principal amount of the loan being guaranteed. Fees shall be credited to the construction loan guarantee account.

Subd. 9. **Sales and use taxes.** The amount collected from taxes imposed by chapter 297A, upon retail sales, and upon the privilege of use, storage, or consumption in this state, of personal property and services purchased for the construction of any project for which a loan guarantee has been made, less any refunds required by law and a proportionate share of the cost of administration and enforcement of the assessment and collection of the taxes, are appropriated from the general fund to the commissioner of finance for transfer to the construction loan guarantee account at least once each year from and after the date the guarantee was issued. The commissioner of finance shall determine from information provided by the person to whom the loan guarantee was issued the amount of taxes so imposed and from the information provided by the commissioner of revenue the amount of refunds or costs to be deducted from them.

Subd. 10. **Limitation on guaranteed amount.** The amount of all guaranties under this section must not exceed funds in the construction loan guarantee account available to satisfy all outstanding guaranties. Unless sufficient applications are not received, no less than 40 percent of all amounts guaranteed shall be for projects located outside the seven-county metropolitan area. No more than \$50,000,000 may be guaranteed on any one project.

Subd. 11. **Appropriation.** Money in the construction loan guarantee account is appropriated to the commissioner of employment and economic development to make payments on loan guarantees and to administer the loan guarantee program under this section.

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

Sec. 3. **[216C.149] BONDS FOR QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.**

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

(b) "Commissioner" means the commissioner of commerce.

(c) "Rural area" means an area of the state outside the metropolitan area as defined in section 473.121, subdivision 2.

Subd. 2. **Authority.** An economic development authority or port authority may apply to the commissioner for authorization to issue revenue bonds under sections 469.152 to 469.165, either at one time or in a series from time to time, for a qualified green building and sustainable design project that meets the criteria in subdivision 3.

Subd. 3. **Project designations.** (a) Within 60 days after the end of the nomination period described in paragraph (c), clause (1), the commissioner shall designate qualified green building and sustainable design projects for which bonds may be issued under this section.

(b) The commissioner shall ensure that each designated project substantially:

(1) reduces consumption of electricity compared to conventional construction;

(2) reduces daily sulfur dioxide emissions compared to energy generated from coal;

(3) increases the use of solar photovoltaic cells in this state; or

(4) increases the use of fuel cells to generate energy.

(c) The commissioner may not designate a project under this subdivision unless:

(1) the project is nominated by an economic development authority or port authority within 24 months of enactment of this section; and

(2) the economic development authority or port authority provides written verification to the commissioner that the project will satisfy the eligibility criteria in this section.

Subd. 4. **Applications.** (a) An application for designation under this section must include a project proposal that describes the energy-efficiency, renewable energy, and sustainable design features of the project and demonstrates that the project satisfies the eligibility criteria in this

subdivision.

(b) At least 75 percent of the square footage of commercial buildings that are part of the project must be registered with a recognized green building rating system, including Minnesota's B3 standards or the United States Green Building Council's LEED certification, or in the case of residential buildings, Minnesota GreenStar rating, and must be reasonably expected to receive the certification.

(c) The project must have commitments to be granted state or local government resources worth at least \$500,000, including tax increment financing, tax abatement benefits, or in-kind contributions.

(d) The project must include at least 25,000 square feet of building area, or be located on a parcel that is at least two acres in size.

Subd. 5. **Use of bond financing.** The project proposal must include a description of the bond financing that will be allocated for financing of one or more of the following:

(1) the purchase, construction, integration, or other use of energy-efficiency, renewable energy, and sustainable design features of the project; or

(2) compliance with certification standards cited under subdivision 4, paragraph (b).

Subd. 6. **Employment requirements.** (a) To qualify for designation under this section, the project must be projected to provide construction employment of at least 100 full-time equivalents, or ten full-time equivalents in rural areas, and permanent employment of at least 250 full-time equivalents, or 25 full-time equivalents in rural areas, when completed.

(b) The application must include an independent analysis that describes the project's economic impact, including the amount of projected employment.

Subd. 7. **Project description.** Each application must contain for each project a description of:

(1) the amount of electric consumption reduced as compared to conventional construction;

(2) the amount of sulfur dioxide daily emissions reduced compared to energy generated from coal;

(3) the amount of the gross installed capacity of the project's solar photovoltaic capacity measured in megawatts; and

(4) the amount in megawatts of the project's energy generated by fuel cells.

Subd. 8. **Accountability.** Each bond issuer shall maintain, on behalf of each project, an interest-bearing reserve account into which one percent of the net proceeds of any bond issued under this section for the project is deposited. Not later than five years after the date of issuance, the commissioner shall determine whether the project has substantially complied with the terms and conditions described in this section. If the commissioner certifies that the project has substantially complied with the terms and conditions and meets the commitments in the application for the project described in this section, the issuer must release the amount in the reserve account, including accrued interest, to the issuer's general account. If the commissioner determines that the project has not substantially complied with the terms and conditions, the issuer must remit the

amount in the account, including accrued interest, to the commissioner, who must deposit it in the state treasury and credit it to the general fund.

EFFECTIVE DATE. This section is effective for bonds issued after June 30, 2009.

Sec. 4. [290.0681] CREDIT FOR HISTORIC STRUCTURE REHABILITATION.

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

(b) "Certified historic structure" means a property located in Minnesota and listed individually on the National Register of Historic Places or a historic property designated by either a certified local government or a heritage preservation commission created under the National Historic Preservation Act of 1966 and whose designation is approved by the state historic preservation officer.

(c) "Eligible property" means a certified historic structure or a structure in a certified historic district that is offered or used for residential or business purposes.

(d) "Structure in a certified historic district" means a structure located in Minnesota that is certified by the State Historic Preservation Office as contributing to the historic significance of a certified historic district listed on the National Register of Historic Places or a local district that has been certified by the United States Department of the Interior.

Subd. 2. Credit allowed. A taxpayer who incurs costs for the rehabilitation of eligible property may take a credit against the tax imposed under this chapter in an amount equal to 25 percent of the total costs of rehabilitation. Costs of rehabilitation include, but are not limited to, qualified rehabilitation expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code, provided that the costs of rehabilitation must exceed 50 percent of the total basis in the property at the time the rehabilitation activity begins and the rehabilitation must meet standards consistent with the standards of the Secretary of the Interior for rehabilitation as determined by the State Historic Preservation Office of the Minnesota Historical Society.

Subd. 3. Carryback and carryforward. If the amount of the credit under subdivision 2 exceeds the tax liability under this chapter for the year in which the cost is incurred, the amount that exceeds the tax liability may be carried back to any of the three preceding taxable years or carried forward to each of the ten taxable years succeeding the taxable year in which the expense was incurred. The entire amount of the credit must be carried to the earliest taxable year to which the amount may be carried. The unused portion of the credit must be carried to the following taxable year.

Subd. 4. Partnerships; multiple owners; transfers. (a) Credits granted to a partnership, a limited liability company taxed as a partnership, or multiple owners of property shall be passed through to the partners, members, or owners, respectively, pro rata or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method.

(b) Taxpayers eligible for credits may transfer, sell, or assign the credits in whole or part. Any assignee may use acquired credits to offset up to 100 percent of the taxes otherwise imposed by this chapter. The assignee shall perfect a transfer by notifying the Department of Revenue in writing within 30 calendar days following the effective date of the transfer in a form and manner as prescribed by the Department of Revenue. The proceeds of any sale or assignment of a credit is exempt from taxation under this chapter.

Subd. 5. **Process.** To claim the credit, the taxpayer must apply to the State Historic Preservation Office of the Minnesota Historical Society before a historic rehabilitation project begins. The State Historic Preservation Office shall determine the amount of eligible rehabilitation costs and whether the rehabilitation meets the standards of the United States Department of the Interior. The State Historic Preservation Office shall issue certificates verifying eligibility for and the amount of credit. The taxpayer shall attach the certificate to any income tax return on which the credit is claimed. The State Historic Preservation Office of the Minnesota Historical Society may collect fees for applications for the historic preservation tax credit. Fees shall be set at an amount that does not exceed the costs of administering the tax credit program.

Subd. 6. **Mortgage certificates; credit for lending institutions.** (a) The taxpayer may elect, in lieu of the credit otherwise allowed under this section, to receive a historic rehabilitation mortgage credit certificate.

(b) For purposes of this subdivision, a historic rehabilitation mortgage credit is a certificate that is issued to the taxpayer according to procedures prescribed by the State Historic Preservation Office with respect to the certified rehabilitation and meets the requirements of this paragraph. The face amount of the certificate must be equal to the credit that would be allowable under subdivision 2 to the taxpayer with respect to the rehabilitation. The certificate may only be transferred by the taxpayer to a lending institution, including a nondepository home mortgage lending institution, in connection with a loan:

(1) that is secured by the building with respect to which the credit is issued; and

(2) the proceeds of which may not be used for any purpose other than the acquisition or rehabilitation of the building.

(c) In exchange for the certificate, the lending institution must provide to the taxpayer an amount equal to the face amount of the certificate discounted by the amount by which the federal income tax liability of the lending institution is increased due to its use of the certificate in the manner provided in this section. That amount must be applied, as directed by the taxpayer, in whole or in part, to reduce:

(1) the principal amount of the loan;

(2) the rate of interest on the loan; or

(3) the taxpayer's cost of purchasing the building, but only in the case of a qualified historic home that is located in a poverty-impacted area as designated by the State Historic Preservation Office.

(d) The lending institution may take as a credit against the tax due under this chapter an amount equal to the amount specified in the certificate. If the amount of the discount retained by the lender exceeds the amount by which the lending institution's federal income tax liability is increased due to the use of a mortgage credit certificate, the excess shall be refunded to the borrower with interest at the rate prescribed by the State Historic Preservation Office. The lending institution may carry forward all unused credits under this subdivision until exhausted. Nothing in this subdivision requires a lending institution to accept a historic rehabilitation certificate from any person.

Subd. 7. **National landmarks.** Notwithstanding subdivision 2, the rehabilitation of a property designated as a National Historic Landmark on the National Register of Historic Places shall be eligible for the credit under this section provided that:

(1) renovation of the specific property, designated as a National Historic Landmark, without regard to its being part of a larger project, is consistent with the standards set forth in section 47(c) of the Internal Revenue Code;

(2) any project of which the National Historic Landmark is a part has received the approval of any local heritage preservation commission under section 471.193, with review jurisdiction, or, if there is no applicable local heritage preservation commission, the Minnesota State Historic Preservation Officer; and

(3) all other requirements of this section are met.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2008.

Sec. 5. [290.0682] LOW-INCOME HOUSING CREDIT.

Subdivision 1. Definitions. For purposes of this section, the following terms have the meanings given.

(a) "Agency" means the Minnesota Housing Finance Agency.

(b) "Applicable percentage" means the appropriate percentage prescribed by the secretary of the treasury for the type of building for purposes of section 42 of the Internal Revenue Code for the month that is the earlier of:

(1) the month in which the eligible low-income project is placed in service; or

(2) at the election of the taxpayer, the month in which the taxpayer and the agency or suballocator enter into an agreement with respect to the building, which is binding on the agency or suballocator, the taxpayer, and all successors in interest, as to the housing credit dollar amount to be allocated to the project.

A month may be elected under clause (2) only if the election is made not later than the fifth day after the close of the month. The election, once made, is irrevocable.

If, as of the close of a taxable year in the credit period, the qualified basis of an eligible low-income building exceeds the basis as of the close of the first year of the credit period, the applicable percentage that applies to the excess is two-thirds of the applicable percentage originally ascribed to the building.

(c) "Compliance period" means the period of 15 taxable years beginning with the first taxable year of the credit period with respect to a building.

(d) "Credit period" means, with respect to any eligible low-income project, the period of ten taxable years beginning with:

(1) the taxable year in which the project is placed in service; or

(2) at the election of the taxpayer, the succeeding taxable year, but only if the project is an eligible low-income project as of the close of the first year of the period. The election, once made, is irrevocable.

(e) "Eligibility statement" means a statement issued by the agency or the suballocator certifying

that a project is an eligible low-income housing project. The statement must set forth the taxable year in which the project is placed in service, the dollar amount of low-income housing credit allocated to the project as provided in subdivision 5, the applicable percentage and maximum qualified basis with respect to the project taken into account in determining the dollar amount, sufficient information to identify each project and the taxpayer or taxpayers who may claim a credit for each project, and other information as the agency, in consultation with the commissioners of revenue and finance, prescribe. The statement must be first issued following the close of the first taxable year in the credit period, and thereafter, to the extent required by the commissioners of revenue and finance, following the close of each taxable year of the compliance period.

(f) "Eligible low-income housing project" or "project" means a housing project located in this state that is a qualified low-income project as defined in section 42(c) of the Internal Revenue Code and that has been allocated federal low-income housing tax credits from the agency or a suballocator.

(g) "Low-income project" means a project that has received an allocation of federal nine percent low-income housing credits for the applicable year.

(h) "Qualified basis" of an eligible low-income housing project means the qualified basis of the building determined under section 42(c) of the Internal Revenue Code.

(i) "Suballocator" means an allocator of low-income housing credits other than the agency, as provided in section 462A.222.

(j) Terms not otherwise defined in this subdivision have the meanings provided in section 42 of the Internal Revenue Code.

Subd. 2. **Allowance.** A taxpayer that owns an interest in one or more eligible low-income housing projects shall be allowed a credit against the tax imposed under this chapter for the amount of low-income housing credit allocated by the agency or a suballocator to the project. The credit amount allocated shall be allowed as a credit against the tax for the ten taxable years in the credit period, provided the credit allowable for the first taxable year of the credit period for any project shall be adjusted as provided in section 42(f)(2) of the Internal Revenue Code and any reduction in first-year credit by reason of the adjustment shall be allowable for the first taxable year following the credit period.

Subd. 3. **Amount of credit.** Except as provided in subdivisions 4 and 5, the amount of low-income housing credit shall be the applicable percentage multiplied by the qualified basis of each eligible low-income project.

Subd. 4. **Statewide limitation.** The aggregate dollar amount of credit available for eligible low-income housing projects under this section is one-half the dollar amount of the federal low-income housing tax credits allocated to the state in any year. The annual amount of low-income credit shall be allocated between the agency and suballocators in the same proportion as provided for federal credits and the allocation process shall be as provided in section 462A.222. The state credit need not be allocated in the same proportion among eligible low-income projects as the federal credit. The limitation provided by this subdivision applies only to allocation of the annual aggregate dollar amount of credit to be allocated by the agency and the suballocators, and does not apply to allowance to a taxpayer of the credit with respect to an eligible low-income building for each year of the credit period.

Subd. 5. **Project allocation limitation.** The dollar amount of credit allocated to any project must not exceed the amount the agency and the suballocators determine is necessary for the financial feasibility of the project as an eligible low-income project throughout the credit period. In allocating a dollar amount of credit to any eligible low-income project, the agency and suballocators must specify the applicable percentage and the maximum qualified basis that may be taken into account under this section with respect to the project. The applicable percentage and the maximum qualified basis for a project must not exceed the amounts determined under this subdivision.

Subd. 6. **Long-term commitment to low-income housing required.** No credit shall be allowed under this section with respect to a project or the taxable year, unless an extended low-income housing commitment is in effect as of the end of the taxable year. In this subdivision, the term "extended low-income housing commitment" means an agreement between the taxpayer and the agency or suballocator, substantially similar to the agreement specified in section 42(h)(6)(B) of the Internal Revenue Code.

Subd. 7. **Credit to successor owner.** If a credit is allowed under this section to an eligible low-income housing project and the project or an interest in it is sold during the credit period, the credit for the period after the sale that would have been allowable to the prior owner had the project not been sold shall be allowable to the new owner. Credit for the year of sale shall be allocated between the parties on the basis of the number of days during the year that the project interest was held by each.

Subd. 8. **Project monitoring.** The agency shall establish procedures it deems necessary for monitoring compliance of all eligible low-income projects with the provisions of this section and section 42 of the Internal Revenue Code and for notifying the commissioners of revenue and finance of any known noncompliance. The procedure shall utilize existing procedures for monitoring the federal low-income housing tax credit compliance with section 42 of the Internal Revenue Code.

Subd. 9. **Credit recapture.** If, as of the close of any taxable year in the compliance period, the amount of the qualified basis of any low-income housing project for the taxpayer is less than the amount of the basis as of the close of the preceding taxable year, the credit under this section may be recaptured under a procedure to be established by the commissioner of revenue.

Subd. 10. **Education and promotion.** The agency, in cooperation with the suballocators, shall conduct a series of educational seminars and promotional events targeted to corporations with major operations in Minnesota to inform potentially interested purchasers of the state credit regarding the program and shall facilitate and encourage creation of state credit buyer pools to acquire federal and state credits in Minnesota.

EFFECTIVE DATE. This section is effective the day following final enactment, provided that the tax credits are effective for taxable years beginning after December 31, 2009.

Sec. 6. Minnesota Statutes 2008, section 429.011, is amended by adding a subdivision to read:

Subd. 2c. **Municipality, energy conservation improvements.** For purposes of construction, improvement, alteration, and reconstruction of an on-site energy conservation system, a municipality may provide the improvements through and impose special assessments upon the request of a port authority, economic development authority, industrial development authority, or housing and redevelopment authority.

Sec. 7. Minnesota Statutes 2008, section 429.011, is amended by adding a subdivision to read:

Subd. 17. **On-site energy conservation improvements.** "On-site energy conservation improvement" means any type of active or passive improvement, including insulation; windows or doors; heating, cooling, or other building systems; lighting systems; energy-related process or manufacturing changes; energy demand monitoring and regulation equipment; and any other type of device, improvement, or equipment installed in a building for the primary purpose of reduction in the use of energy in the building, whether the devices, equipment, or improvements so installed are publicly or privately owned.

Sec. 8. Minnesota Statutes 2008, section 429.021, subdivision 1, is amended to read:

Subdivision 1. **Improvements authorized.** The council of a municipality shall have power to make the following improvements:

(1) To acquire, open, and widen any street, and to improve the same by constructing, reconstructing, and maintaining sidewalks, pavement, gutters, curbs, and vehicle parking strips of any material, or by grading, graveling, oiling, or otherwise improving the same, including the beautification thereof and including storm sewers or other street drainage and connections from sewer, water, or similar mains to curb lines.

(2) To acquire, develop, construct, reconstruct, extend, and maintain storm and sanitary sewers and systems, including outlets, holding areas and ponds, treatment plants, pumps, lift stations, service connections, and other appurtenances of a sewer system, within and without the corporate limits.

(3) To construct, reconstruct, extend, and maintain steam heating mains.

(4) To install, replace, extend, and maintain street lights and street lighting systems and special lighting systems.

(5) To acquire, improve, construct, reconstruct, extend, and maintain water works systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants, and other appurtenances of a water works system, within and without the corporate limits.

(6) To acquire, improve and equip parks, open space areas, playgrounds, and recreational facilities within or without the corporate limits.

(7) To plant trees on streets and provide for their trimming, care, and removal.

(8) To abate nuisances and to drain swamps, marshes, and ponds on public or private property and to fill the same.

(9) To construct, reconstruct, extend, and maintain dikes and other flood control works.

(10) To construct, reconstruct, extend, and maintain retaining walls and area walls.

(11) To acquire, construct, reconstruct, improve, alter, extend, operate, maintain, and promote a pedestrian skyway system. Such improvement may be made upon a petition pursuant to section 429.031, subdivision 3.

(12) To acquire, construct, reconstruct, extend, operate, maintain, and promote underground

pedestrian concourses.

(13) To acquire, construct, improve, alter, extend, operate, maintain, and promote public malls, plazas or courtyards.

(14) To construct, reconstruct, extend, and maintain district heating systems.

(15) To construct, reconstruct, alter, extend, operate, maintain, and promote fire protection systems in existing buildings, but only upon a petition pursuant to section 429.031, subdivision 3.

(16) To acquire, construct, reconstruct, improve, alter, extend, and maintain highway sound barriers.

(17) To improve, construct, reconstruct, extend, and maintain gas and electric distribution facilities owned by a municipal gas or electric utility.

(18) To purchase, install, and maintain signs, posts, and other markers for addressing related to the operation of enhanced 911 telephone service.

(19) To improve, construct, extend, and maintain facilities for Internet access and other communications purposes, if the council finds that:

(i) the facilities are necessary to make available Internet access or other communications services that are not and will not be available through other providers or the private market in the reasonably foreseeable future; and

(ii) the service to be provided by the facilities will not compete with service provided by private entities.

(20) To assess affected property owners for all or a portion of the costs agreed to with an electric utility, telecommunications carrier, or cable system operator to bury or alter a new or existing distribution system within the public right-of-way that exceeds the utility's design and construction standards, or those set by law, tariff, or franchise, but only upon petition under section 429.031, subdivision 3.

(21) To construct, reconstruct, improve, alter, and maintain on-site energy conservation improvements in existing buildings, but only upon a petition under section 429.031, subdivision 3. The activities under this clause may also be undertaken by a port authority, economic development authority, industrial development authority, or housing and redevelopment authority, and the municipality may act on the request of those entities in imposing special assessments.

Sec. 9. Minnesota Statutes 2008, section 429.031, subdivision 3, is amended to read:

Subd. 3. **Petition by all owners.** Whenever all owners of real property abutting upon any street named as the location of any improvement shall petition the council to construct the improvement and to assess the entire cost against their property, the council may, without a public hearing, adopt a resolution determining such fact and ordering the improvement. The validity of the resolution shall not be questioned by any taxpayer or property owner or the municipality unless an action for that purpose is commenced within 30 days after adoption of the resolution as provided in section 429.036. Nothing herein prevents any property owner from questioning the amount or validity of the special assessment against the owner's property pursuant to section 429.081. In the case of a petition for the municipality to own and install a fire protection system, a pedestrian skyway

system, on-site energy conservation improvements, or on-site water contaminant improvements, the petition must contain or be accompanied by an undertaking satisfactory to the city by the petitioner that the petitioner will grant the municipality the necessary property interest in the building to permit the city to enter upon the property and the building to construct, maintain, and operate the fire protection system, pedestrian skyway system, on-site energy conservation improvements, or on-site water contaminant improvements. In the case of a petition for the installation of a privately owned fire protection system, a privately owned pedestrian skyway system, privately owned on-site energy conservation improvements, or privately owned on-site water contaminant improvements, the petition shall contain the plans and specifications for the improvement, the estimated cost of the improvement and a statement indicating whether the city or the owner will contract for the construction of the improvement. If the owner is contracting for the construction of the improvement, the city shall not approve the petition until it has reviewed and approved the plans, specifications, and cost estimates contained in the petition. The construction cost financed under section 429.091 shall not exceed the amount of the cost estimate contained in the petition. In the case of a petition for the installation of a fire protection system, a pedestrian skyway system, on-site energy conservation improvements, or on-site water contaminant improvements, the petitioner may request abandonment of the improvement at any time after it has been ordered pursuant to subdivision 1 and before contracts have been awarded for the construction of the improvement under section 429.041, subdivision 2. If such a request is received, the city council shall abandon the proceedings but in such case the petitioner shall reimburse the city for any and all expenses incurred by the city in connection with the improvement.

Sec. 10. [462A.2094] TAX CREDIT ADVANCE LOAN PROGRAM FOR FIRST-TIME HOMEBUYERS.

(a) The agency must develop the tax credit advance loan program for first time homebuyers. The program provides loans to first-time homebuyers equal to the anticipated amount of the federal first-time homebuyer credit which the homebuyer is eligible to receive. The maximum tax credit advance loan is the lesser of (i) 10 percent of the purchase price of the home, or (ii) \$8,000. The agency may charge reasonable servicing fees associated with issuing and administering tax credit advance loans. The agency may only issue loans under this program when the federal first-time homebuyer credit is in effect.

(b) For purposes of this section, "federal first-time homebuyer credit" means the credit allowed under section 36 of the Internal Revenue Code, and "first-time homebuyer" has the meaning given in section 36 of the Internal Revenue Code.

(c) To be eligible for a tax credit advance loan, a first-time homebuyer must

(i) meet the eligibility requirements for the federal first time homebuyer credit;

(ii) use the tax credit advance loan in conjunction with a conventional loan at a 30-year fixed rate mortgage to buy a home; and

(iii) agree to apply for the federal first-time homebuyer credit and use the credit refund to repay the tax credit advance loan.

(d) The tax credit advance loan agreement between the agency and the homebuyer must include

(i) a statement of servicing fees associated with the loan; and

(ii) a schedule of principal and interest payments that will be due over a ten year period if the homebuyer does not repay the loan by June 30 of the calendar year following the year in which the loan is received.

(e) If the homebuyer applies for a federal first-time homebuyer credit and repays the tax credit advance loan on or before June 30 of the calendar year following the year in which the tax credit advance loan is received, there is no interest on the loan. If the homebuyer does not repay the tax credit advance loan on or before June 30 of the calendar year following the calendar year in which the tax credit advance loan is received, the homebuyer must make principal and interest payments over a ten year period to repay the loan, with the interest rate equal to the rate in the 30 year conventional mortgage entered into in conjunction with the tax credit advance loan.

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

Sec. 11. Minnesota Statutes 2008, section 469.176, subdivision 2, is amended to read:

Subd. 2. **Excess increments.** (a) The authority shall annually determine the amount of excess increments for a district, if any. This determination must be based on the tax increment financing plan in effect on December 31 of the year and the increments and other revenues received as of December 31 of the year. The authority must spend or return the excess increments under paragraph (c) within nine months after the end of the year.

(b) For purposes of this subdivision, "excess increments" equals the excess of:

(1) total increments collected from the district since its certification, reduced by any excess increments paid under paragraph (c), clause (4), for a prior year, over

(2) the total costs authorized by the tax increment financing plan to be paid with increments from the district, reduced, but not below zero, by the sum of:

(i) the amounts of those authorized costs that have been paid from sources other than tax increments from the district;

(ii) revenues, other than tax increments from the district, that are dedicated for or otherwise required to be used to pay those authorized costs and that the authority has received and that are not included in item (i);

(iii) the amount of principal and interest obligations due on outstanding bonds after December 31 of the year and not prepaid under paragraph (c) in a prior year; and

(iv) increased by the sum of the transfers of increments made under section 469.1763, subdivision 6, to reduce deficits in other districts made by December 31 of the year.

(c) The authority shall use excess increment only to do one or more of the following:

(1) prepay any outstanding bonds;

(2) discharge the pledge of tax increment for any outstanding bonds;

(3) pay into an escrow account dedicated to the payment of any outstanding bonds; ~~or~~

(4) pay or reimburse eligible project costs for a stimulus project certified by the authority as defined in section 469.176, subdivision 8, paragraph (b); or

(5) return the excess amount to the county auditor who shall distribute the excess amount to the city or town, county, and school district in which the tax increment financing district is located in direct proportion to their respective local tax rates.

(d) For purposes of a district for which the request for certification was made prior to August 1, 1979, excess increments equal the amount of increments on hand on December 31, less the principal and interest obligations due on outstanding bonds or advances, qualifying under subdivision 1c, clauses (1), (2), (4), and (5), after December 31 of the year and not prepaid under paragraph (c).

(e) The county auditor must report to the commissioner of education the amount of any excess tax increment distributed to a school district within 30 days of the distribution.

(f) For purposes of this subdivision, "outstanding bonds" means bonds which are secured by increments from the district.

(g) The state auditor may exempt an authority from reporting the amounts calculated under this subdivision for a calendar year, if the authority certifies to the auditor in its report that the total amount authorized by the tax increment plan to be paid with increments from the district exceeds the sum of the total increments collected for the district for all years by 20 percent.

Sec. 12. Minnesota Statutes 2008, section 469.176, is amended by adding a subdivision to read:

Subd. 8. **Economic stimulus projects.** (a) In connection with a stimulus project, the authority may extend by ten years the duration limits in subdivision 1b, paragraph (a), for any district for which the request for certification was made after July 31, 1979, and before January 1, 2013, to pay expenditures relating to a stimulus project.

(b) A "stimulus project" means any capital project, the construction of which commences not later than December 31, 2012, determined to create or retain jobs in the state, including construction jobs, by the governing body of the municipality in which the project is located.

Sec. 13. EXTENSION OF CERTAIN ECONOMIC DEVELOPMENT-RELATED PERMITS.

Notwithstanding any law, rule, or local ordinance or regulation to the contrary, the expiration date of a permit for an economic development project or subdivision approved under Minnesota Statutes, section 326B.121, subdivision 2, or Minnesota Statutes, sections 462.351 to 462.364, that has not expired before the effective date of this section is extended for one year beyond its original expiration date.

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

Delete the title and insert:

"A bill for an act relating to economic development; providing for stimulation of the construction industry; streamlining certain construction projects; creating a construction loan guarantee program; authorizing green energy revenue bonds; permitting local assessments for energy improvements; providing for home purchase loans; providing a historic structure rehabilitation tax credit; providing a low-income housing tax credit; appropriating money; amending Minnesota Statutes 2008, sections 16C.16, by adding a subdivision; 429.011, by adding subdivisions; 429.021, subdivision 1; 429.031, subdivision 3; 469.176, subdivision 2, by adding a subdivision; proposing coding for new law in

Minnesota Statutes, chapters 116J; 216C; 290; 462A."

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

SECOND READING OF HOUSE BILLS

H.F. No. 2251 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Clark moved that the names of Senators Pappas, Senjem and Frederickson be added as co-authors to S.F. No. 1569. The motion prevailed.

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

CONFIRMATION

Senator Rest moved that the report from the Committee on State and Local Government Operations and Oversight, reported April 28, 2009, pertaining to appointments to the Campaign Finance and Public Disclosure Board, be taken from the table. The motion prevailed.

Senator Rest moved that the foregoing report be now adopted. The motion prevailed.

Senator Rest moved that in accordance with the report from the Committee on State and Local Government Operations and Oversight, reported April 28, 2009, the Senate, having given its advice, do now consent to and confirm the appointment of:

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

John J. Scanlon, 75 Upper Afton Ter., Saint Paul, Ramsey County, effective October 6, 2008, to complete a term expiring on January 4, 2010.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Rest moved that the report from the Committee on State and Local Government Operations and Oversight, reported April 28, 2009, pertaining to appointments to the Gambling Control Board, be taken from the table. The motion prevailed.

Senator Rest moved that the foregoing report be now adopted. The motion prevailed.

Senator Rest moved that in accordance with the report from the Committee on State and Local Government Operations and Oversight, reported April 28, 2009, the Senate, having given its advice, do now consent to and confirm the appointment of:

GAMBLING CONTROL BOARD

William B. Goede, 630 - 3rd Ave. N.W., Plainview, Wabasha County, effective July 1, 2008, for

a term expiring on June 30, 2012.

Christine Long, 175 Nature Valley Pl., Owatonna, Steele County, effective July 1, 2008, for a term expiring on June 30, 2012.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Rest moved that the report from the Committee on State and Local Government Operations and Oversight, reported April 28, 2009, pertaining to appointments to the Board of the Arts, be taken from the table. The motion prevailed.

Senator Rest moved that the foregoing report be now adopted. The motion prevailed.

Senator Rest moved that in accordance with the report from the Committee on State and Local Government Operations and Oversight, reported April 28, 2009, the Senate, having given its advice, do now consent to and confirm the appointment of:

BOARD OF THE ARTS

Michael Charron, 700 Terrace Heights, Winona, Winona County, effective June 25, 2008, for a term expiring on January 2, 2012.

Ken Kaffine, 410 Groveland Ave., #501, Minneapolis, Hennepin County, effective April 25, 2007, for a term expiring on January 3, 2011.

Ellen McInnis, 3406 - 46th Ave. N., Robbinsdale, Hennepin County, effective June 25, 2008, for a term expiring on January 2, 2012.

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of General Orders.

GENERAL ORDERS

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

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

S.F. No. 1447, which the committee recommends to pass with the following amendments offered by Senators Prettner Solon and Dibble:

Senator Prettner Solon moved to amend S.F. No. 1447 as follows:

Page 56, after line 5, insert:

"Sec. 6. Minnesota Statutes 2008, section 299C.61, subdivision 6, is amended to read:

Subd. 6. **Children's service worker.** "Children's service worker" means a person who has, may have, or seeks to have access to a child to whom the children's service provider provides children's services, and who:

(1) is employed by, volunteers with, or seeks to be employed by or volunteer with a children's service provider; ~~or~~

(2) is an independent contractor who provides children's services to a children's service provider;
or

(3) owns, operates, or seeks to own or operate a children's service provider.

Sec. 7. Minnesota Statutes 2008, section 299C.62, subdivision 3, is amended to read:

Subd. 3. **Children's service worker rights.** (a) The children's service provider shall notify the children's service worker of the children's service worker's rights under paragraph (b).

(b) A children's service worker who is the subject of a background check request has the following rights:

(1) the right to be informed that a children's service provider will request a background check on the children's service worker:

(i) for purposes of the children's service worker's application to be employed by, volunteer with, be an independent contractor for, or be an owner of a children's service provider or for purposes of continuing as an employee, volunteer, independent contractor, or owner; and

(ii) to determine whether the children's service worker has been convicted of any crime specified in section 299C.61, subdivision 2 or 4;

(2) the right to be informed by the children's service provider of the superintendent's response to the background check and to obtain from the children's service provider a copy of the background check report;

(3) the right to obtain from the superintendent any record that forms the basis for the report;

(4) the right to challenge the accuracy and completeness of any information contained in the report or record pursuant to section 13.04, subdivision 4;

(5) the right to be informed by the children's service provider if the children's service worker's application to be employed with, volunteer with, be an independent contractor for, or be an owner of a children's service provider, or to continue as an employee, volunteer, independent contractor, or owner, has been denied because of the superintendent's response; and

(6) the right not to be required directly or indirectly to pay the cost of the background check.

Sec. 8. Minnesota Statutes 2008, section 299C.62, subdivision 4, is amended to read:

Subd. 4. **Response of bureau.** The superintendent shall respond to a background check request within a reasonable time after receiving the signed, written document described in subdivision 2. The superintendent shall provide the children's service provider with a copy of the applicant's criminal

record or a statement that the applicant is not the subject of a criminal history record at the bureau. It is the responsibility of the service provider to determine if the applicant qualifies as an employee ~~or~~, volunteer, or independent contractor under this section."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Dibble moved to amend S.F. No. 1447 as follows:

Page 6, after line 4, insert:

"Section 1. Minnesota Statutes 2008, section 147C.01, is amended to read:

147C.01 DEFINITIONS.

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

Subd. 2. **Advisory council.** "Advisory council" means the Respiratory Care ~~Practitioner~~ Advisory Council established under section 147C.35.

Subd. 3. **Approved education program.** "Approved education program" means a university, college, or other postsecondary education program leading to eligibility for registry or certification in respiratory care, that, at the time the student completes the program, is accredited by a national accrediting organization approved by the board.

Subd. 4. **Board.** "Board" means the Board of Medical Practice or its designee.

Subd. 5. **Contact hour.** "Contact hour" means an instructional session of 50 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and social activities.

Subd. 6. **Credential.** "Credential" means a license, ~~permit, certification, registration,~~ or other evidence of qualification or authorization to engage in respiratory care practice in this state or any other state.

Subd. 7. **Credentialing examination.** "Credentialing examination" means an examination administered by the National Board for Respiratory Care ~~or other national testing organization approved by the board,~~ its successor organization, or the Canadian Society for Respiratory Care for credentialing as a ~~certified respiratory therapy technician, registered respiratory therapist,~~ or other title indicating an entry or advanced level respiratory care practitioner.

Subd. 8. **Health care facility.** "Health care facility" means a hospital as defined in section 144.50, subdivision 2, a medical facility as defined in section 144.561, subdivision 1, paragraph (b), or a nursing home as defined in section 144A.01, subdivision 5, a long-term acute care facility, a subacute care facility, an outpatient clinic, a physician's office, a rehabilitation facility, or a hospice.

Subd. 9. **Qualified medical direction.** "Qualified medical direction" means direction from a licensed physician who is on the staff or is a consultant of a health care facility or home care agency or home medical equipment provider and who has a special interest in and knowledge of the diagnosis and treatment of deficiencies, abnormalities, and diseases of the cardiopulmonary system.

Subd. 10. **Respiratory care.** "Respiratory care" means the provision of services described under section 147C.05 for the assessment, treatment, education, management, evaluation, and care of

patients with deficiencies, abnormalities, and diseases of the cardiopulmonary system, under the ~~guidance of qualified medical direction~~ supervision of a physician and pursuant to a referral, or verbal, written, or telecommunicated order from a physician who has medical responsibility for the patient, nurse practitioner, or physician assistant. ~~Respiratory care includes, but is not limited to, education pertaining to health promotion, and disease prevention and management, patient care, and treatment.~~

Sec. 2. Minnesota Statutes 2008, section 147C.05, is amended to read:

147C.05 SCOPE OF PRACTICE.

(a) The practice of respiratory care by a ~~registered licensed respiratory care practitioner~~ therapist includes, but is not limited to, the following services:

(1) providing and monitoring therapeutic administration of medical gases, aerosols, humidification, and pharmacological agents related to respiratory care procedures, but not including administration of general anesthesia;

(2) carrying out therapeutic application and monitoring of mechanical ventilatory support;

(3) providing cardiopulmonary resuscitation and maintenance of natural airways and insertion and maintenance of artificial airways;

(4) assessing and monitoring signs, symptoms, and general behavior relating to, and general physical response to, respiratory care treatment or evaluation for treatment and diagnostic testing, including determination of whether the signs, symptoms, reactions, behavior, or general response exhibit abnormal characteristics;

(5) obtaining physiological specimens and interpreting physiological data including:

(i) analyzing arterial and venous blood gases;

(ii) assessing respiratory secretions;

(iii) measuring ventilatory volumes, pressures, and flows;

(iv) testing pulmonary function;

(v) testing and studying the cardiopulmonary system; and

(vi) diagnostic and therapeutic testing of breathing patterns related to sleep disorders;

(6) assisting hemodynamic monitoring and support of the cardiopulmonary system;

(7) assessing and making suggestions for modifications in the treatment regimen based on abnormalities, protocols, or changes in patient response to respiratory care treatment;

(8) providing cardiopulmonary rehabilitation including respiratory-care related educational components, postural drainage, chest physiotherapy, breathing exercises, aerosolized administration of medications, and equipment use and maintenance;

(9) instructing patients and their families in techniques for the prevention, alleviation, and rehabilitation of deficiencies, abnormalities, and diseases of the cardiopulmonary system; ~~and~~

(10) transcribing and implementing verbal, written, or telecommunicated orders from a physician, nurse practitioner, or physician assistant orders for respiratory care services;

(11) tobacco cessation and prevention programs; and

(12) disease management programs, including but not limited to, asthma and chronic obstructive pulmonary disease.

~~(b) Patient service by a practitioner must be limited to:~~

~~(1) services within the training and experience of the practitioner; and~~

~~(2) services within the parameters of the laws, rules, and standards of the facilities in which the respiratory care practitioner practices.~~

~~(c) Respiratory care services provided by a registered respiratory care practitioner, whether delivered in a health care facility or the patient's residence, must not be provided except upon referral from a physician.~~

(b) This section does not prohibit a respiratory therapist from performing advances in the art and techniques of respiratory care learned through formal or specialized training as approved by the Respiratory Care Advisory Council.

~~(c)~~ (c) This section does not prohibit an individual licensed or ~~registered~~ credentialed as a respiratory therapist in another state or country from providing respiratory care in an emergency in this state, providing respiratory care as a member of an organ harvesting team, or from providing respiratory care on board an ambulance as part of an ambulance treatment team.

Sec. 3. Minnesota Statutes 2008, section 147C.10, is amended to read:

147C.10 UNLICENSED PRACTICE PROHIBITED; PROTECTED TITLES AND RESTRICTIONS ON USE.

Subdivision 1. **Protected titles.** ~~No individual may~~ A person who does not hold a license or temporary permit under this chapter as a respiratory therapist or whose license or permit has lapsed, been suspended, or revoked may not use the title "Minnesota-~~registered~~ licensed respiratory care practitioner therapist," "registered licensed respiratory care practitioner therapist," "respiratory care practitioner," "respiratory therapist," "respiratory therapy (or care) technician," "inhalation therapist," or "inhalation therapy technician," or use, in connection with the individual's name, the letters "RCP," "RT" or "LRT" or any other titles, words, letters, abbreviations, or insignia indicating or implying that the individual is eligible for ~~registration~~ licensure by the state as a respiratory care practitioner therapist unless the individual has been ~~registered~~ licensed as a respiratory care practitioner therapist according to this chapter.

Subd. 1a. **Unlicensed practice prohibited.** No person shall practice respiratory care unless the person is licensed as a respiratory therapist under this chapter except as otherwise provided under this chapter.

Subd. 2. **Other health care practitioners.** ~~(a) Nonphysician individuals practicing in a health care occupation or profession are not restricted in the provision of services included in section 147C.05, as long as they do not hold themselves out as respiratory care practitioners by or through the use of the titles provided in subdivision 1 in association with provision of these services. Nothing~~

in this chapter shall prohibit the practice of any profession or occupation licensed or registered by the state by any person duly licensed or registered to practice the profession or occupation or to perform any act that falls within the scope of practice of the profession or occupation.

(b) ~~Physician practitioners are exempt from this chapter.~~

(e) Nothing in this chapter shall be construed to require registration of a respiratory care license for:

(1) a respiratory care practitioner student enrolled in a respiratory therapy or polysomnography technology education program accredited by the Commission on Accreditation of Allied Health Education Programs, its successor organization, or another nationally recognized accrediting organization approved by the board; and

(2) a respiratory care practitioner employed in the service of the federal government therapist as a member of the United States armed forces while performing duties incident to that employment duty;

(3) an individual employed by a durable medical equipment provider or a home medical equipment provider who delivers, sets up, or maintains respiratory care equipment, but does not perform assessment, education, or evaluation of the patient;

(4) self-care by a patient or gratuitous care by a friend or relative who does not purport to be a licensed respiratory therapist; or

(5) an individual employed in an accredited sleep lab or center as a polysomnographic technologist under the supervision of a licensed physician.

Subd. 3. **Penalty.** A person who violates ~~subdivision 1~~ this section is guilty of a gross misdemeanor.

Subd. 4. **Identification of ~~registered licensed~~ practitioners.** ~~Respiratory care practitioners registered therapists licensed~~ in Minnesota shall wear name tags that identify them as respiratory care practitioners therapists while in a professional setting. If not written in full, this must be designated as RCP "RT" or "LRT". A student attending a an accredited respiratory therapy training education program ~~or a tutorial intern program~~ must be identified as a student respiratory care practitioner therapist. This abbreviated designation is Student RCP RT. Unregulated individuals who work in an assisting respiratory role under the supervision of respiratory care practitioners therapists must be identified as respiratory care therapy assistants or aides.

Sec. 4. Minnesota Statutes 2008, section 147C.15, is amended to read:

147C.15 ~~REGISTRATION LICENSURE REQUIREMENTS.~~

Subdivision 1. **General requirements for ~~registration licensure.~~** To be eligible for ~~registration~~ a license, an applicant, with the exception of those seeking ~~registration licensure~~ by reciprocity under subdivision 2, must:

(1) submit a completed application on forms provided by the board along with all fees required under section 147C.40 that includes:

(i) the applicant's name, Social Security number, home address, e-mail address, and telephone

number, and business address and telephone number;

(ii) the name and location of the respiratory ~~care~~ therapy education program the applicant completed;

(iii) a list of degrees received from educational institutions;

(iv) a description of the applicant's professional training beyond the first degree received;

(v) the applicant's work history for the five years preceding the application, including the average number of hours worked per week;

(vi) a list of registrations, certifications, and licenses held in other jurisdictions;

(vii) a description of any other jurisdiction's refusal to credential the applicant;

(viii) a description of all professional disciplinary actions initiated against the applicant in any jurisdiction; and

(ix) any history of drug or alcohol abuse, and any misdemeanor or felony conviction;

(2) submit a certificate of completion from an approved education program;

(3) achieve a qualifying score on a credentialing examination within five years prior to application for registration;

(4) submit a verified copy of a valid and current credential, issued by the National Board for Respiratory Care or other board-approved national organization, as a certified respiratory ~~therapist~~ technician ~~therapist~~, registered respiratory therapist, or other entry or advanced level respiratory ~~care practitioner~~ therapist designation;

(5) submit additional information as requested by the board, including providing any additional information necessary to ensure that the applicant is able to practice with reasonable skill and safety to the public;

(6) sign a statement that the information in the application is true and correct to the best of the applicant's knowledge and belief; and

(7) sign a waiver authorizing the board to obtain access to the applicant's records in this or any other state in which the applicant has completed an approved education program or engaged in the practice of respiratory ~~care~~ therapy.

Subd. 2. **Registration Licensure by reciprocity.** To be eligible for ~~registration~~ licensure by reciprocity, the applicant must be credentialed by the National Board for Respiratory Care or other board-approved organization and have worked at least eight weeks of the previous five years as a respiratory ~~care practitioner~~ therapist and must:

(1) submit the application materials and fees as required by subdivision 1, clauses (1), (4), (5), (6), and (7);

(2) provide a verified copy from the appropriate government body of a current and unrestricted credential or license for the practice of respiratory ~~care~~ therapy in another jurisdiction that has initial credentialing requirements equivalent to or higher than the requirements in subdivision 1; and

(3) provide letters of verification from the appropriate government body in each jurisdiction in which the applicant holds a credential or license. Each letter must state the applicant's name, date of birth, credential number, date of issuance, a statement regarding disciplinary actions, if any, taken against the applicant, and the terms under which the credential was issued.

Subd. 3. **Temporary permit.** The board may issue a temporary permit to practice as a respiratory care practitioner therapist to an applicant eligible for registration licensure under this section if the application for registration licensure is complete, all applicable requirements in this section have been met, and a nonrefundable fee set by the board has been paid. The permit remains valid only until the meeting of the board at which a decision is made on the respiratory care practitioner's therapist's application for registration licensure.

Subd. 4. **Temporary registration.** ~~The board may issue temporary registration as a respiratory care practitioner for a period of one year to an applicant for registration under this section if the application for registration is complete, all applicable requirements have been met with exception of completion of a credentialing examination, and a nonrefundable fee set by the board has been paid. A respiratory care practitioner with temporary registration may qualify for full registration status upon submission of verified documentation that the respiratory care practitioner has achieved a qualifying score on a credentialing examination within one year after receiving temporary registration status. Temporary registration may not be renewed.~~

Subd. 5. **Practice limitations with temporary registration.** ~~A respiratory care practitioner with temporary registration is limited to working under the direct supervision of a registered respiratory care practitioner or physician able to provide qualified medical direction. The respiratory care practitioner or physician must be present in the health care facility or readily available by telecommunication at the time the respiratory care services are being provided. A registered respiratory care practitioner may supervise no more than two respiratory care practitioners with temporary registration status.~~

Subd. 6. **Registration License expiration.** ~~Registrations Licenses~~ issued under this chapter expire annually.

Subd. 7. **Renewal.** (a) To be eligible for registration license renewal a registrant licensee must:

(1) annually, or as determined by the board, complete a renewal application on a form provided by the board;

(2) submit the renewal fee;

(3) provide evidence every two years of a total of 24 hours of continuing education approved by the board as described in section 147C.25; and

(4) submit any additional information requested by the board to clarify information presented in the renewal application. The information must be submitted within 30 days after the board's request, or the renewal request is nullified.

(b) Applicants for renewal who have not practiced the equivalent of eight full weeks during the past five years must achieve a passing score on retaking the credentialing examination, ~~or complete no less than eight weeks of advisory council approved supervised clinical experience having a broad base of treatment modalities and patient care.~~

Subd. 8. **Change of address.** A registrant licensee who changes addresses must inform the board within 30 days, in writing, of the change of address. All notices or other correspondence mailed to or served on a registrant licensee by the board at the registrant's licensee's address on file with the board shall be considered as having been received by the registrant licensee.

Subd. 9. **Registration License renewal notice.** At least 30 days before the registration license renewal date, the board shall send out a renewal notice to the last known address of the registrant licensee on file. The notice must include a renewal application and a notice of fees required for renewal. It must also inform the registrant licensee that registration the license will expire without further action by the board if an application for registration license renewal is not received before the deadline for renewal. The registrant's licensee's failure to receive this notice shall not relieve the registrant licensee of the obligation to meet the deadline and other requirements for registration license renewal. Failure to receive this notice is not grounds for challenging expiration of registered licensure status.

Subd. 10. **Renewal deadline.** The renewal application and fee must be postmarked on or before July 1 of the year of renewal or as determined by the board. If the postmark is illegible, the application shall be considered timely if received by the third working day after the deadline.

~~Subd. 11. **Inactive status and return to active status.** (a) A registration may be placed in inactive status upon application to the board by the registrant and upon payment of an inactive status fee.~~

~~(b) Registrants seeking restoration to active from inactive status must pay the current renewal fees and all unpaid back inactive fees. They must meet the criteria for renewal specified in subdivision 7, including continuing education hours equivalent to one hour for each month of inactive status, prior to submitting an application to regain registered status. If the inactive status extends beyond five years, a qualifying score on a credentialing examination, or completion of an advisory council approved eight week supervised clinical training experience is required. If the registrant intends to regain active registration by means of eight weeks of advisory council approved clinical training experience, the registrant shall be granted temporary registration for a period of no longer than six months.~~

Subd. 12. **Registration Licensure following lapse of registration licensed status for two years or less.** For any individual whose registration status license has lapsed for two years or less, to regain registration status a license, the individual must:

- (1) apply for registration license renewal according to subdivision 7;
- (2) document compliance with the continuing education requirements of section 147C.25 since the registrant's licensee's initial registration licensure or last renewal; and
- (3) submit the fees required under section 147C.40 for the period not registered licensed, including the fee for late renewal.

Subd. 13. **Cancellation due to nonrenewal.** The board shall not renew, reissue, reinstate, or restore a registration license that has lapsed and has not been renewed within two annual registration renewal cycles starting July 1997. A registrant licensee whose registration license is canceled for nonrenewal must obtain a new registration license by applying for registration licensure and fulfilling all requirements then in existence for initial registration licensure as a

respiratory ~~care-practitioner~~ therapist.

Subd. 14. **Cancellation of registration license in good standing.** (a) A registrant licensee holding an active ~~registration~~ license as a respiratory ~~care-practitioner~~ therapist in the state may, upon approval of the board, be granted ~~registration~~ license cancellation if the board is not investigating the person as a result of a complaint or information received or if the board has not begun disciplinary proceedings against the ~~registrant~~ licensee. Such action by the board shall be reported as a cancellation of ~~registration~~ a license in good standing.

(b) A ~~registrant~~ licensee who receives board approval for ~~registration~~ license cancellation is not entitled to a refund of any ~~registration~~ licensure fees paid for the ~~registration~~ license year in which cancellation of the ~~registration~~ license occurred.

(c) To obtain ~~registration~~ a license after cancellation, a ~~registrant~~ licensee must obtain a new ~~registration~~ license by applying for ~~registration~~ licensure and fulfilling the requirements then in existence for obtaining initial ~~registration~~ licensure as a respiratory ~~care-practitioner~~ therapist.

Sec. 5. Minnesota Statutes 2008, section 147C.20, is amended to read:

147C.20 BOARD ACTION ON APPLICATIONS FOR ~~REGISTRATION~~ LICENSURE.

(a) The board shall act on each application for ~~registration~~ licensure according to paragraphs (b) to (d).

(b) The board shall determine if the applicant meets the requirements for ~~registration~~ licensure under section 147C.15. The board or advisory council may investigate information provided by an applicant to determine whether the information is accurate and complete.

(c) The board shall notify each applicant in writing of action taken on the application, the grounds for denying ~~registration~~ licensure if ~~registration~~ licensure is denied, and the applicant's right to review under paragraph (d).

(d) Applicants denied ~~registration~~ licensure may make a written request to the board, within 30 days of the board's notice, to appear before the advisory council or its designee and for the advisory council to review the board's decision to deny the applicant's ~~registration~~ licensure. After reviewing the denial, the advisory council shall make a recommendation to the board as to whether the denial shall be affirmed. Each applicant is allowed only one request for review per yearly ~~registration~~ licensure period.

Sec. 6. Minnesota Statutes 2008, section 147C.25, is amended to read:

147C.25 CONTINUING EDUCATION REQUIREMENTS.

Subdivision 1. **Number of required contact hours.** Two years after the date of initial ~~registration~~ licensure, and every two years thereafter, a ~~registrant~~ licensee applying for ~~registration~~ license renewal must complete a minimum of 24 contact hours of board-approved continuing education in the two years preceding ~~registration~~ license renewal and attest to completion of continuing education requirements by reporting to the board.

Subd. 2. **Approved programs.** The board shall approve continuing education programs that have been approved for continuing education credit by the American Association of Respiratory Care or the Minnesota Society for Respiratory Care or their successor organizations. The board

shall also approve programs substantially related to respiratory ~~care~~ therapy that are sponsored by an accredited university or college, medical school, state or national medical association, national medical specialty society, or that are approved for continuing education credit by the Minnesota Board of Nursing.

Subd. 3. **Approval of continuing education programs.** The board shall also approve continuing education programs that do not meet the requirements of subdivision 2 but that meet the following criteria:

- (1) the program content directly relates to the practice of respiratory ~~care~~ therapy;
- (2) each member of the program faculty is knowledgeable in the subject matter as demonstrated by a degree from an accredited education program, verifiable experience in the field of respiratory ~~care~~ therapy, special training in the subject matter, or experience teaching in the subject area;
- (3) the program lasts at least one contact hour;
- (4) there are specific, measurable, written objectives, consistent with the program, describing the expected outcomes for the participants; and
- (5) the program sponsor has a mechanism to verify participation and maintains attendance records for three years.

Subd. 4. **Hospital, health care facility, or medical company in-services.** Hospital, health care facility, or medical company in-service programs may qualify for continuing education credits provided they meet the requirements of this section.

Subd. 5. **Accumulation of contact hours.** A ~~registrant~~ licensee may not apply contact hours acquired in one two-year reporting period to a future continuing education reporting period.

Subd. 6. **Verification of continuing education credits.** The board shall periodically select a random sample of ~~registrants~~ licensees and require those ~~registrants~~ licensees to supply the board with evidence of having completed the continuing education to which they attested. Documentation may come directly from the ~~registrant~~ licensee or from state or national organizations that maintain continuing education records.

Subd. 7. **Restriction on continuing education topics.** A ~~registrant~~ licensee may apply no more than a combined total of eight hours of continuing education in the areas of management, risk management, personal growth, and educational techniques to a two-year reporting period.

Subd. 8. **Credit for credentialing examination.** A ~~registrant~~ licensee may fulfill the continuing education requirements for a two-year reporting period by achieving a qualifying score on one of the credentialing examinations or a specialty credentialing examination of the National Board for Respiratory Care or another board-approved testing organization. A ~~registrant~~ licensee may achieve 12 hours of continuing education credit by completing a National Board for Respiratory Care or other board-approved testing organization's specialty examination.

Sec. 7. Minnesota Statutes 2008, section 147C.30, is amended to read:

147C.30 DISCIPLINE; REPORTING.

For purposes of this chapter, ~~registered~~ licensed respiratory ~~care practitioners~~ therapists and

applicants are subject to the provisions of sections 147.091 to 147.162.

Sec. 8. Minnesota Statutes 2008, section 147C.35, is amended to read:

147C.35 RESPIRATORY CARE PRACTITIONER ADVISORY COUNCIL.

Subdivision 1. **Membership.** The board shall appoint a seven-member Respiratory Care Practitioner Advisory Council consisting of two public members as defined in section 214.02, three ~~registered licensed respiratory care practitioners~~ therapists, and two licensed physicians with expertise in respiratory care.

Subd. 2. **Organization.** The advisory council shall be organized and administered under section 15.059.

Subd. 3. **Duties.** The advisory council shall:

- (1) advise the board regarding standards for respiratory ~~care practitioners~~ therapists;
- (2) provide for distribution of information regarding respiratory ~~care practitioner~~ therapy standards;
- (3) advise the board on enforcement of sections 147.091 to 147.162;
- (4) review applications and recommend granting or denying ~~registration licensure~~ or ~~registration license renewal~~;
- (5) advise the board on issues related to receiving and investigating complaints, conducting hearings, and imposing disciplinary action in relation to complaints against respiratory ~~care practitioners~~ therapists;
- (6) advise the board regarding approval of continuing education programs using the criteria in section 147C.25, subdivision 3; and
- (7) perform other duties authorized for advisory councils by chapter 214, as directed by the board.

Sec. 9. Minnesota Statutes 2008, section 147C.40, is amended to read:

147C.40 FEES.

Subdivision 1. **Fees.** The board shall adopt rules setting:

- (1) ~~registration licensure~~ fees;
- (2) renewal fees;
- (3) late fees;
- (4) inactive status fees; and
- (5) fees for temporary permits; ~~and~~
- (6) ~~fees for temporary registration.~~

Subd. 2. **Proration of fees.** The board may prorate the initial annual ~~registration~~ license fee. All

~~registrants~~ licensees are required to pay the full fee upon ~~registration~~ license renewal.

Subd. 3. **Penalty fee for late renewals.** An application for ~~registration~~ license renewal submitted after the deadline must be accompanied by a late fee in addition to the required fees.

Subd. 4. **Nonrefundable fees.** All of the fees in subdivision 1 are nonrefundable."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Dibble moved to amend the Dibble amendment to S.F. No. 1447 as follows:

Page 3, line 6, reinstate the stricken language

Page 3, line 8, delete the semicolon

Page 3, delete lines 9 and 10

Page 3, line 11, delete the new language

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

Senator Dibble moved to amend the first Dibble amendment to S.F. No. 1447 as follows:

Page 4, line 32, delete "an accredited" and insert "a"

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

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

S.F. No. 1447 was then recommended to pass.

S.F. No. 97, which the committee recommends to pass, after to the following motions:

Senator Murphy moved to amend S.F. No. 97 as follows:

Page 2, line 33, delete "18" and insert "21"

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 97 as follows:

Page 9, delete subdivision 9

Page 15, after line 5, insert:

"Sec. 10. **FEES.**

Fees raised in Minnesota Statutes, sections 152.22 to 152.31, are appropriated and deposited in the state government special revenue fund and are appropriated to the commissioner of health to administer these sections."

Page 15, line 7, delete "\$436,000" and insert "\$256,000" and delete "\$517,000" and insert "\$48,000"

Page 15, line 9, after the period, insert "This is a onetime appropriation."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass S.F. No. 97.

The roll was called, and there were yeas 36 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Dahle	Latz	Pogemiller	Sparks
Bakk	Dibble	Lourey	Prettner Solon	Tomassoni
Berglin	Doll	Marty	Rest	Torres Ray
Betzold	Erickson Ropes	Metzen	Rummel	Wiger
Carlson	Foley	Michel	Saltzman	
Chaudhary	Higgins	Moua	Scheid	
Clark	Johnson	Murphy	Sheran	
Cohen	Koering	Pappas	Sieben	

Those who voted in the negative were:

Day	Gimse	Langseth	Ortman	Skogen
Dille	Hann	Limmer	Robling	Stumpf
Fischbach	Ingebrigtsen	Lynch	Rosen	Vanderveer
Fobbe	Jungbauer	Olseen	Saxhaug	Vickerman
Frederickson	Koch	Olson, G.	Senjem	
Gerlach	Kubly	Olson, M.	Skoe	

The motion prevailed. So S.F. No. 97 was recommended to pass.

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

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 Messages From the House and Reports of Committees.

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 657: A bill for an act relating to energy; providing direction for the use of federal stimulus money for energy programs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 216C.

Senate File No. 657 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 29, 2009

Senator Anderson moved that the Senate do not concur in the amendments by the House to S.F. No. 657, and that a Conference Committee of 5 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

REPORTS OF COMMITTEES

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

Senator Pogemiller from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 2078: A bill for an act relating to economic development; amending tax increment financing requirements; authorizing state investment in a loan guaranty fund; creating a loan guaranty program; authorizing issuance of bonds for nonprofit housing; requiring establishment of a second mortgage loan program; authorizing issuance of bonds for sustainable development projects; limiting environmental review for certain projects; requiring certain projects to comply with procurement regulations; providing income tax credits for historic structure rehabilitation on low-income housing projects; authorizing the use of special assessments for energy improvements; extending the JOBZ program to the metropolitan area; appropriating money; amending Minnesota Statutes 2008, sections 11A.24, by adding a subdivision; 15.99, by adding a subdivision; 16C.16, by adding a subdivision; 429.011, by adding subdivisions; 429.021, subdivision 1; 429.031, subdivision 3; 462A.36, subdivisions 1, 2, 4, by adding a subdivision; 469.176, subdivision 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 116J; 290; 462A; repealing Minnesota Statutes 2008, section 469.312, subdivision 3.

Reports the same back with the recommendation that the report from the Committee on Business, Industry and Jobs, shown in the Journal for April 29, 2009, be adopted; that committee recommendation being:

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

Senator Pogemiller from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 1126: A bill for an act relating to real property; modifying procedures relating to uses

and conveyances of tax-forfeited property; amending Minnesota Statutes 2008, sections 282.01, subdivisions 1, 1a, 1c, 1d, 2, 3, 4, 7, 7a, by adding a subdivision; 287.2205; repealing Minnesota Statutes 2008, section 282.01, subdivisions 1b, 9, 10, 11.

Reports the same back with the recommendation that the report from the Committee on Environment and Natural Resources, shown in the Journal for April 29, 2009, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Judiciary" and that Joint Rule 2.03 be suspended for all further proceedings. Amendments adopted. Report adopted.

RECESS

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

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

APPOINTMENTS

Senator Pogemiller from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 1309: Senators Murphy, Carlson, Rest, Jungbauer and Doll.

S.F. No. 657: Senators Anderson, Prettner Solon, Kubly, Dille and Rummel.

Senator Pogemiller moved that the foregoing appointments be approved. The motion prevailed.

RECESS

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 2082: A bill for an act relating to government operations; modifying provisions for general legislative and administrative expenses of state government; regulating state and local government operations; establishing a statewide electronic licensing system; requiring reports; appropriating money; amending Minnesota Statutes 2008, sections 5.12, subdivision 1; 5.29; 5.32; 5A.03; 10A.31, subdivision 4; 16A.133, subdivision 1; 16B.24, subdivision 5; 43A.49; 45.24; 270C.63, subdivision 13; 302A.821; 303.14; 303.16, subdivision 4; 308A.995; 308B.121, subdivisions 1, 2; 317A.823; 321.0206; 321.0210; 321.0810; 322B.960; 323A.1003; 333.055; 336A.04, subdivision 3; 336A.09, subdivision 2; 359.01, subdivision 3; 469.175, subdivisions 1, 6; proposing coding for new law in Minnesota Statutes, chapters 5; 16E; repealing Minnesota Statutes 2008, section 240A.08.

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

Kahn, Winkler, Simon, Solberg and Downey.

Senate File No. 2082 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 29, 2009

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2323:

H.F. No. 2323: A bill for an act relating to the financing and operation of state and local government; making policy, technical, administrative, enforcement, collection, refund, clarifying, and other changes to income, franchise, property, sales and use, estate, gift, cigarette, tobacco, liquor, motor vehicle, gross receipts, minerals, tax increment financing and other taxes and tax-related provisions; requiring certain additions; conforming to federal section 179 expensing allowances; adding Minnesota development subsidies to corporate taxable income; disallowing certain subtractions; allowing certain nonrefundable credits; allowing a refundable Minnesota child credit; repealing various credits; conforming to certain federal tax provisions; expanding definition of domestic corporation to include tax havens; modifying income tax rates; expanding and increasing credit for research activities; accelerating single sales apportionment; modifying minimum fees; allowing county local sales tax; eliminating certain existing local sales taxes; adjusting county program aid; modifying levy limits; making changes to residential homestead market value credit; providing flexibility and mandate reduction provisions; making changes to various property tax and local government aid-related provisions; providing temporary suspension of new or increased maintenance of effort and matching fund requirements; modifying county support of libraries; establishing the Council on Local Results and Innovation; providing property tax system benchmarks, critical indicators, and principles; establishing a property tax work group; creating the Legislative Commission on Mandate Reform; making changes to certain administrative procedures; modifying mortgage registry tax payments; modifying truth in taxation provisions; providing clarification for eligibility for property tax exemption for institutions of purely public charity; making changes to property tax refund and senior citizen property tax deferral programs; providing property tax exemptions; providing a property valuation reduction for certain land constituting a riparian buffer; providing a partial valuation exclusion for disaster damaged homes;

extending deadline for special service district and housing improvement districts; requiring a fiscal disparity study; extending emergency medical service special taxing district; providing emergency debt certificates; providing and modifying local taxes; expanding county authorization to abate certain improvements; providing municipal street improvement districts; establishing a seasonal recreational property tax deferral program; expanding sales and use tax base; defining solicitor for purposes of nexus; providing a bovine tuberculosis testing grant; modifying tax preparation services law; modifying authority of municipalities to issue bonds for certain other postemployment benefits; allowing use of increment to offset state aid reductions; allowing additional authority to spend increments for housing replacement district plans; modifying and authorizing certain tax increment financing districts; providing equitable funding health and human services reform; modifying JOBZ provisions; repealing international economic development and biotechnology and health science industry zones; modifying basic sliding fee program funding; providing appointments; requiring reports; appropriating money; amending Minnesota Statutes 2008, sections 3.842, subdivision 4a; 3.843; 16C.28, subdivision 1a; 40A.09; 84.82, subdivision 10; 84.922, subdivision 11; 86B.401, subdivision 12; 123B.10, subdivision 1; 134.34, subdivisions 1, 4; 245.4932, subdivision 1; 253B.045, subdivision 2; 254B.04, subdivision 1; 270C.12, by adding a subdivision; 270C.445; 270C.56, subdivision 3; 272.02, subdivision 7, by adding subdivisions; 272.029, subdivision 6; 273.111, by adding a subdivision; 273.1231, subdivision 1; 273.1232, subdivision 1; 273.124, subdivision 1; 273.13, subdivisions 25, 34; 273.1384, subdivisions 1, 4, by adding a subdivision; 273.1393; 275.025, subdivisions 1, 2; 275.065, subdivisions 1, 1a, 1c, 3, 6; 275.07, subdivisions 1, 4, by adding a subdivision; 275.70, subdivisions 3, 5; 275.71, subdivisions 2, 4, 5; 276.04, subdivision 2; 279.10; 282.08; 287.08; 289A.02, subdivision 7, as amended; 289A.11, subdivision 1; 289A.20, subdivision 4; 289A.31, subdivision 5; 290.01, subdivisions 5, 19, as amended, 19a, as amended, 19b, 19c, as amended, 19d, as amended, 29, 31, as amended, by adding subdivisions; 290.014, subdivision 2; 290.06, subdivisions 2c, 2d, by adding subdivisions; 290.0671, subdivision 1; 290.068, subdivisions 1, 3, 4; 290.091, subdivision 2; 290.0921, subdivision 3; 290.0922, subdivisions 1, 3, by adding a subdivision; 290.17, subdivisions 2, 4; 290.191, subdivisions 2, 3; 290A.03, subdivision 15, as amended; 290A.04, subdivision 2; 290B.03, subdivision 1; 290B.04, subdivisions 3, 4; 290B.05, subdivision 1; 291.005, subdivision 1, as amended; 291.03, subdivision 1; 295.75, subdivision 2; 297A.61, subdivisions 3, 4, 5, 6, 10, 14a, 17a, 21, 38, by adding subdivisions; 297A.62, by adding a subdivision; 297A.63; 297A.64, subdivision 2; 297A.66, subdivision 1, by adding a subdivision; 297A.67, subdivisions 15, 23; 297A.815, subdivision 3; 297A.83, subdivision 3; 297A.94; 297A.99, subdivisions 1, 6; 297B.02, subdivision 1; 297F.01, by adding a subdivision; 297F.05, subdivisions 1, 3, 4, by adding a subdivision; 297G.03, subdivision 1; 297G.04; 298.001, by adding a subdivision; 298.018, subdivisions 1, 2, by adding a subdivision; 298.227; 298.24, subdivision 1; 298.28, subdivisions 2, 11, by adding a subdivision; 306.243, by adding a subdivision; 344.18; 365.28; 375.194, subdivision 5; 383A.75, subdivision 3; 428A.101; 428A.21; 429.011, subdivision 2a; 429.021, subdivision 1; 429.041, subdivisions 1, 2; 446A.086, subdivision 8; 465.719, subdivision 9; 469.015; 469.174, subdivision 22; 469.175, subdivisions 1, 6; 469.176, subdivisions 3, 6, by adding a subdivision; 469.1763, subdivisions 2, 3; 469.178, subdivision 7; 469.315; 469.3192; 473.13, subdivision 1; 473H.04, by adding a subdivision; 473H.05, subdivision 1; 475.51, subdivision 4; 475.52, subdivision 6; 475.58, subdivision 1; 477A.011, subdivision 36; 477A.0124, by adding a subdivision; 477A.013, subdivision 9, by adding a subdivision; 477A.03, subdivisions 2a, 2b; 641.12, subdivision 1; Laws 1986, chapter 396, section 4, subdivision 3; by adding a subdivision; Laws 1986, chapter 400, section 44, as amended; Laws 1991, chapter 291, article 8, section 27, subdivision 3, as amended; Laws 1993, chapter 375, article 9, section 46, subdivision 2, as

amended, by adding a subdivision; Laws 1995, chapter 264, article 5, sections 44, subdivision 4, as amended; 45, subdivision 1, as amended; Laws 1996, chapter 471, article 2, section 30; Laws 1998, chapter 389, article 8, section 37, subdivision 1; Laws 2001, First Special Session chapter 5, article 3, section 8, as amended; Laws 2002, chapter 377, article 3, section 25; Laws 2006, chapter 259, article 3, section 12, subdivision 3; Laws 2008, chapter 366, article 5, section 34; article 6, sections 9; 10; article 7, section 16, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 3; 6; 14; 17; 256E; 270C; 272; 273; 275; 290; 292; 297A; 435; 475; 477A; proposing coding for new law as Minnesota Statutes, chapter 290D; repealing Minnesota Statutes 2008, sections 245.4835; 245.714; 246.54; 254B.02, subdivision 3; 256B.19, subdivision 1; 256I.08; 272.02, subdivision 83; 273.113; 275.065, subdivisions 5a, 6b, 6c, 8, 9, 10; 289A.50, subdivision 10; 290.01, subdivision 6b; 290.06, subdivisions 24, 28, 30, 31, 32, 33, 34; 290.067, subdivisions 1, 2, 2a, 2b, 3, 4; 290.0672; 290.0674; 290.0679; 290.0802; 290.0921, subdivision 7; 290.191, subdivision 4; 290.491; 297A.61, subdivision 45; 297A.68, subdivisions 38, 41; 469.316; 469.317; 469.321; 469.3215; 469.322; 469.323; 469.324; 469.325; 469.326; 469.327; 469.328; 469.329; 469.330; 469.331; 469.332; 469.333; 469.334; 469.335; 469.336; 469.337; 469.338; 469.339; 469.340; 469.341; 477A.0124, subdivisions 3, 4, 5; 477A.03, subdivision 5; Laws 2009, chapter 3, section 1; Laws 2009, chapter 12, article 1, section 8.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Lenczewski, Marquart, Koenen, Loeffler and Seifert have been appointed as such committee on the part of the House.

House File No. 2323 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 29, 2009

Senator Bakk moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2323, and that a Conference Committee of 5 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1362:

H.F. No. 1362: A bill for an act relating to state government; establishing the health and human services budget; making changes to licensing; Minnesota family investment program, children, and adult supports; child support; the Department of Health; health care programs; making technical changes; chemical and mental health; continuing care programs; establishing the State-County Results, Accountability, and Service Delivery Redesign; public health; health-related fees; making forecast adjustments; creating work groups and pilot projects; requiring reports; decreasing provider reimbursements; increasing fees; appropriating money to various state agencies for health and human services provisions; amending Minnesota Statutes 2008, sections 62J.495;

62J.496; 62J.497, subdivisions 1, 2, by adding subdivisions; 62J.692, subdivision 7; 103I.208, subdivision 2; 125A.744, subdivision 3; 144.0724, subdivisions 2, 4, 8, by adding subdivisions; 144.121, subdivisions 1a, 1b; 144.122; 144.1222, subdivision 1a; 144.125, subdivision 1; 144.226, subdivision 4; 144.72, subdivisions 1, 3; 144.9501, subdivisions 22b, 26a, by adding subdivisions; 144.9505, subdivisions 1g, 4; 144.9508, subdivisions 2, 3, 4; 144.9512, subdivision 2; 144.966, by adding a subdivision; 144.97, subdivisions 2, 4, 6, by adding subdivisions; 144.98, subdivisions 1, 2, 3, by adding subdivisions; 144.99, subdivision 1; 144A.073, by adding a subdivision; 144A.44, subdivision 2; 144A.46, subdivision 1; 148.108; 148.6445, by adding a subdivision; 148D.180, subdivisions 1, 2, 3, 5; 148E.180, subdivisions 1, 2, 3, 5; 153A.17; 156.015; 157.15, by adding a subdivision; 157.16; 157.22; 176.011, subdivision 9; 245.462, subdivision 18; 245.470, subdivision 1; 245.4871, subdivision 27; 245.488, subdivision 1; 245.4885, subdivision 1; 245A.03, by adding a subdivision; 245A.10, subdivisions 2, 3, 4, 5, by adding subdivisions; 245A.11, subdivision 2a, by adding a subdivision; 245A.16, subdivisions 1, 3; 245C.03, subdivision 2; 245C.04, subdivisions 1, 3; 245C.05, subdivision 4; 245C.08, subdivision 2; 245C.10, subdivision 3, by adding subdivisions; 245C.17, by adding a subdivision; 245C.20; 245C.21, subdivision 1a; 245C.23, subdivision 2; 246.50, subdivision 5, by adding subdivisions; 246.51, by adding subdivisions; 246.511; 246.52; 246B.01, by adding subdivisions; 252.46, by adding a subdivision; 252.50, subdivision 1; 254A.02, by adding a subdivision; 254A.16, by adding a subdivision; 254B.03, subdivisions 1, 3, by adding a subdivision; 254B.05, subdivision 1; 254B.09, subdivision 2; 256.01, subdivision 2b, by adding subdivisions; 256.045, subdivision 3; 256.476, subdivisions 5, 11; 256.962, subdivisions 2, 6; 256.963, by adding a subdivision; 256.969, subdivision 3a; 256.975, subdivision 7; 256.983, subdivision 1; 256B.04, subdivision 16; 256B.055, subdivisions 7, 12; 256B.056, subdivisions 3, 3b, 3c, by adding a subdivision; 256B.057, subdivisions 3, 9, by adding a subdivision; 256B.0575; 256B.0595, subdivisions 1, 2; 256B.06, subdivisions 4, 5; 256B.0621, subdivision 2; 256B.0622, subdivision 2; 256B.0623, subdivision 5; 256B.0624, subdivisions 5, 8; 256B.0625, subdivisions 3c, 7, 8, 8a, 9, 13e, 17, 19a, 19c, 26, 41, 42, 47; 256B.0631, subdivision 1; 256B.0641, subdivision 3; 256B.0651; 256B.0652; 256B.0653; 256B.0654; 256B.0655, subdivisions 1b, 4; 256B.0657, subdivisions 2, 6, 8, by adding a subdivision; 256B.08, by adding a subdivision; 256B.0911, subdivisions 1, 1a, 3, 3a, 4a, 5, 6, 7, by adding subdivisions; 256B.0913, subdivision 4; 256B.0915, subdivisions 3e, 3h, 5, by adding a subdivision; 256B.0916, subdivision 2; 256B.0917, by adding a subdivision; 256B.092, subdivision 8a, by adding subdivisions; 256B.0943, subdivision 1; 256B.0944, by adding a subdivision; 256B.0945, subdivision 4; 256B.0947, subdivision 1; 256B.15, subdivisions 1, 1a, 1h, 2, by adding subdivisions; 256B.37, subdivisions 1, 5; 256B.434, by adding a subdivision; 256B.437, subdivision 6; 256B.441, subdivisions 48, 55, by adding subdivisions; 256B.49, subdivisions 12, 13, 14, 17, by adding subdivisions; 256B.501, subdivision 4a; 256B.5011, subdivision 2; 256B.5012, by adding a subdivision; 256B.5013, subdivision 1; 256B.69, subdivisions 5a, 5c, 5f; 256B.76, subdivisions 1, 4, by adding a subdivision; 256B.761; 256D.024, by adding a subdivision; 256D.03, subdivision 4; 256D.051, subdivision 2a; 256D.0515; 256D.06, subdivision 2; 256D.09, subdivision 6; 256D.44, subdivision 5; 256D.49, subdivision 3; 256G.02, subdivision 6; 256I.03, subdivision 7; 256I.05, subdivisions 1a, 7c; 256J.08, subdivision 73a; 256J.20, subdivision 3; 256J.24, subdivisions 5a, 10; 256J.26, by adding a subdivision; 256J.37, subdivision 3a, by adding a subdivision; 256J.38, subdivision 1; 256J.45, subdivision 3; 256J.49, subdivision 13; 256J.575, subdivisions 3, 6, 7; 256J.621; 256J.626, subdivision 6; 256J.751, by adding a subdivision; 256J.95, subdivision 12; 256L.04, subdivision 10a, by adding a subdivision; 256L.05, subdivision 1, by adding subdivisions; 256L.11, subdivisions 1, 7; 256L.12, subdivision 9; 256L.17, subdivision 3; 259.67, by adding a subdivision; 270A.09, by adding a subdivision; 295.52, by adding a subdivision; 327.14, by adding a subdivision; 327.15; 327.16;

327.20, subdivision 1, by adding a subdivision; 393.07, subdivision 10; 501B.89, by adding a subdivision; 518A.53, subdivisions 1, 4, 10; 519.05; 604A.33, subdivision 1; 609.232, subdivision 11; 626.556, subdivision 3c; 626.5572, subdivisions 6, 13, 21; Laws 2003, First Special Session chapter 14, article 13C, section 2, subdivision 1, as amended; Laws 2007, chapter 147, article 19, section 3, subdivision 4, as amended; proposing coding for new law in Minnesota Statutes, chapters 62A; 62Q; 156; 246B; 254B; 256; 256B; proposing coding for new law as Minnesota Statutes, chapter 402A; repealing Minnesota Statutes 2008, sections 62U.08; 103I.112; 144.9501, subdivision 17b; 148D.180, subdivision 8; 246.51, subdivision 1; 246.53, subdivision 3; 256.962, subdivision 7; 256B.0655, subdivisions 1, 1a, 1c, 1d, 1e, 1f, 1g, 1h, 1i, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13; 256B.071, subdivisions 1, 2, 3, 4; 256B.092, subdivision 5a; 256B.19, subdivision 1d; 256B.431, subdivision 23; 256D.46; 256I.06, subdivision 9; 256J.626, subdivision 7; 327.14, subdivisions 5, 6; Laws 1988, chapter 689, section 251; Minnesota Rules, parts 4626.2015, subpart 9; 9100.0400, subparts 1, 3; 9100.0500; 9100.0600; 9500.1243, subpart 3; 9500.1261, subparts 3, 4, 5, 6; 9555.6125, subpart 4, item B.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Huntley, Thissen, Hosch, Clark and Abeler have been appointed as such committee on the part of the House.

House File No. 1362 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 28, 2009

Senator Berglin moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1362, and that a Conference Committee of 5 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

RECESS

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

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

APPOINTMENTS

Senator Pogemiller from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 2323: Senators Bakk, Skoe, Dibble, Moua and Johnson.

H.F. No. 1362: Senators Berglin, Lourey, Sheran, Rosen and Prettnner Solon.

Senator Pogemiller moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Senators Bonoff and Pariseau were excused from the Session of today. Senator Kelash was excused from the Session of today at 1:30 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 11:00 a.m., Thursday, April 30, 2009. The motion prevailed.

Peter S. Wattson, Secretary of the Senate (Legislative)

INDEX TO DAILY JOURNAL

Wednesday, April 29, 2009

EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 3483 to 3485

CHAPTER LAWS

S.F. Nos.	H.F. Nos.	Session Laws Chapter No.	Page
643		25	3485
978		26	3485

MESSAGES FROM THE HOUSE AND FIRST READING OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
657	3527	928	3486	3486
2082	3529	1309	3485	
		1362	3531	
		2323	3529	

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
1126	3487		2251	3486	3512
1126	3527				
2078	3498				
2078	3527				

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
1569	3512		

GENERAL ORDERS

S.F. Nos.	Page	H.F. Nos.	Page
97	3525		
1447	3513		

CONFIRMATION

Pages Nos.3512 - 3513

APPOINTMENTS TO CONFERENCE COMMITTEES

S.F. Nos.	Page	H.F. Nos.	Page
657	3528	1309	3528
		1362	3533
		2323	3533