

## EIGHTIETH DAY

St. Paul, Minnesota, Thursday, March 25, 2010

The Senate met at 12:30 p.m. and was called to order by the President.

**CALL OF THE SENATE**

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

Prayer was offered by the Chaplain, Rev. Richard Andrews.

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

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

March 24, 2010

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. 2439 and 2259.

Sincerely,  
Tim Pawlenty, Governor

March 24, 2010

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 2010 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 2010	Date Filed 2010
	2706	191	10:18 a.m. March 24	March 24
2439		192	10:14 a.m. March 24	March 24
2259		193	10:15 a.m. March 24	March 24
	3111	194	10:17 a.m. March 24	March 24

Sincerely,  
Mark Ritchie  
Secretary of State

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2183, 2743 and 2946.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned March 24, 2010

### REPORTS OF COMMITTEES

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

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

**S.F. No. 525:** A bill for an act relating to health occupations; establishing a regulation system for technicians performing body art procedures and for body art establishments; adopting penalty fees; proposing coding for new law as Minnesota Statutes, chapter 146B.

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

Delete everything after the enacting clause and insert:

"Section 1. [146B.01] DEFINITIONS.

Subdivision 1. **Scope.** The terms defined in this section apply to this chapter.

Subd. 2. **Aftercare.** "Aftercare" means written instructions given to a client, specific to the procedure rendered, on caring for the body art and surrounding area. These instructions must include information on when to seek medical treatment.

Subd. 3. **Antiseptic.** "Antiseptic" means an agent that destroys disease-causing microorganisms on human skin or mucosa.

Subd. 4. **Body art.** "Body art" or "body art procedures" means physical body adornment using, but not limited to, tattooing and body piercing. Body art does not include practices and procedures that are performed by a licensed medical or dental professional if the procedure is within the professional's scope of practice.

Subd. 5. **Body art establishment.** "Body art establishment" or "establishment" means any structure or venue, whether permanent, temporary, or mobile, where body art is performed. Mobile establishments include vehicle-mounted units, either motorized or trailered, and readily moveable without disassembling and where body art procedures are regularly performed in more than one geographic location.

Subd. 6. **Body piercing.** "Body piercing" means the penetration or puncturing of the skin by any method for the purpose of inserting jewelry or other objects in or through the body. Body piercing also includes branding, scarification, suspension, subdermal implantation, microdermal, and tongue bifurcation. Body piercing does not include the piercing of the outer perimeter or the lobe of the ear using a presterilized single-use stud-and-clasp ear-piercing system.

Subd. 7. **Branding.** "Branding" means an indelible mark burned into the skin using instruments of thermal cautery, radio frequency, and strike branding.

Subd. 8. **Commissioner.** "Commissioner" means the commissioner of health.

Subd. 9. **Contaminated waste.** "Contaminated waste" means any liquid or semiliquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semiliquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; and sharps and any wastes containing blood and other potentially infectious materials, as defined in Code of Federal Regulations, title 29, section 1910.1030, known as "Occupational Exposure to Bloodborne Pathogens."

Subd. 10. **Department.** "Department" means the Department of Health.

Subd. 11. **Equipment.** "Equipment" means all machinery, including fixtures, containers, vessels,

tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in the operation of a body art establishment.

Subd. 12. **Guest artist.** "Guest artist" means an individual who performs body art procedures according to the requirements under section 146B.04.

Subd. 13. **Hand sink.** "Hand sink" means a sink equipped with potable hot and cold water held under pressure, used for washing hands, wrists, arms, or other portions of the body.

Subd. 14. **Hot water.** "Hot water" means water at a temperature of at least 110 degrees Fahrenheit.

Subd. 15. **Jewelry.** "Jewelry" means any ornament inserted into a pierced area.

Subd. 16. **Liquid chemical germicide.** "Liquid chemical germicide" means a tuberculocidal disinfectant or sanitizer registered with the Environmental Protection Agency.

Subd. 17. **Microdermal.** "Microdermal" means a single-point perforation of any body part other than an earlobe for the purpose of inserting an anchor with a step either protruding from or flush with the skin.

Subd. 18. **Micropigmentation or cosmetic tattooing.** "Micropigmentation or cosmetic tattooing" means the use of tattoos for permanent makeup or to hide or neutralize skin discolorations.

Subd. 19. **Operator.** "Operator" means any person who controls, operates, or manages body art activities at a body art establishment and who is responsible for the establishment's compliance with these regulations, whether or not the person actually performs body art activities.

Subd. 20. **Procedure area.** "Procedure area" means the physical space or room used for conducting body art procedures.

Subd. 21. **Procedure surface.** "Procedure surface" means the surface area of furniture or accessories that may come into contact with the client's clothed or unclothed body during a body art procedure and the area of the client's skin where the body art procedure is to be performed and the surrounding area, or any other associated work area requiring sanitizing.

Subd. 22. **Safe level.** "Safe level" means not more than 50 colonies of microorganisms per four square inches of equipment or procedure surface.

Subd. 23. **Scarification.** "Scarification" means an indelible mark fixed on the body by the production of scars.

Subd. 24. **Sharps.** "Sharps" means any object, sterile or contaminated, that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, presterilized single-use needles, scalpel blades, and razor blades.

Subd. 25. **Sharps container.** "Sharps container" means a closed, puncture-resistant, leak-proof container, labeled with the international biohazard symbol, that is used for handling, storage, transportation, and disposal.

Subd. 26. **Single use.** "Single use" means products or items intended for onetime use which are disposed of after use on a client. This definition includes, but is not limited to, cotton swabs or balls,

tissues or paper products, paper or plastic cups, gauze and sanitary coverings, disposable razors, piercing needles, tattoo needles, scalpel blades, stencils, ink cups, and protective gloves.

Subd. 27. **Sterilization.** "Sterilization" means a process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

Subd. 28. **Subdermal implantation.** "Subdermal implantation" means the implantation of an object entirely below the dermis.

Subd. 29. **Supervision.** "Supervision" means the physical presence of a technician licensed under this chapter while a body art procedure is being performed.

Subd. 30. **Suspension.** "Suspension" means the suspension of the body from affixed hooks placed through temporary piercings.

Subd. 31. **Tattooing.** "Tattooing" means any method of placing indelible ink or other pigments into or under the skin or mucosa with needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. Tattooing also includes micropigmentation and cosmetic tattooing.

Subd. 32. **Technician.** "Technician" or "body art technician" means any individual who is licensed under this chapter as a tattoo technician or as a body piercing technician or as both.

Subd. 33. **Temporary body art establishment.** "Temporary body art establishment" means any place or premise operating at a fixed location where an operator performs body art procedures for no more than 21 days in conjunction with a single event or celebration.

Subd. 34. **Tongue bifurcation.** "Tongue bifurcation" means the cutting of the tongue from the tip to the base, forking at the end.

## **Sec. 2. [146B.02] ESTABLISHMENT LICENSE PROCEDURES.**

Subdivision 1. **General.** Beginning January 1, 2011, no person acting individually or jointly with any other person may maintain, own, or operate a body art establishment in the state without an establishment license issued by the commissioner in accordance with this chapter, except as permitted under subdivision 8 or 9.

Subd. 2. **Requirements.** (a) Each application for an initial establishment license and for renewal must be submitted to the commissioner on a form provided by the commissioner accompanied with the applicable fee required under section 146B.10. The application must contain:

- (1) the name(s) of the owner(s) and operator(s) of the establishment;
- (2) the location of the establishment;
- (3) verification of compliance with all applicable local and state codes;
- (4) a description of the general nature of the business; and
- (5) any other relevant information deemed necessary by the commissioner.

(b) The commissioner shall issue a provisional establishment license effective until the commissioner determines after inspection that the applicant has met the requirements of this

chapter. Upon approval, the commissioner shall issue a body art establishment license effective for three years.

Subd. 3. **Inspection.** (a) Within the period of the provisional establishment license, and thereafter at least one time during each three-year licensure period, the commissioner shall conduct an inspection of the body art establishment and a review of any records necessary to ensure that the standards required under this chapter are met.

(b) The commissioner shall have the authority to enter a premises to make an inspection. Refusal to permit an inspection constitutes valid grounds for licensure denial or revocation.

(c) If the establishment seeking licensure is new construction or if a licensed establishment is remodeling, the establishment must meet all local building and zoning codes.

Subd. 4. **Location restricted.** No person may perform a body art procedure at any location other than a body art establishment licensed under this chapter except as permitted under subdivisions 8 and 9.

Subd. 5. **Transfer and display of license.** A body art establishment license must be issued to a specific person and location and is not transferable. A license must be prominently displayed in a public area of the establishment.

Subd. 6. **Establishment information.** The following information must be kept on file for three years on the premises of the establishment and must be made available for inspection upon request by the commissioner:

- (1) a description of all body art procedures performed by the establishment;
- (2) copies of the spore tests conducted on each sterilizer; and
- (3) the following information for each technician or guest artist employed or performing body art procedures in the establishment:
  - (i) name;
  - (ii) home address;
  - (iii) home telephone number;
  - (iv) date of birth;
  - (v) copy of an identification photo; and
  - (vi) license number or guest artist registration number.

Subd. 7. **Establishments located in a private residence.** If the body art establishment is located within a private residence, the space where the body art procedures are performed must:

- (1) be completely partitioned off;
- (2) be exclusively used for body art procedures;
- (3) be separate from the residential living, eating, and bathroom areas;

- (4) have an entrance separate from the entrance to the residential area;
- (5) meet the standards of this chapter; and
- (6) be made available for inspection upon the request of the commissioner.

Subd. 8. **Temporary events permit.** (a) An owner or operator of a temporary body art establishment shall submit an application for a temporary events permit to the commissioner at least 14 days before the start of the event. The application must include the specific days and hours of operation. The owner or operator shall comply with the requirements of this chapter.

(b) The temporary events permit must be prominently displayed in a public area at the location.

(c) The temporary events permit, if approved, is valid for the specified dates and hours listed on the application. No temporary events permit shall be issued for longer than a 21-day period, and may not be extended.

Subd. 9. **Exception.** (a) Any body art establishment located within a county or municipal jurisdiction that has enacted an ordinance that establishes licensure for body art establishments operating within the jurisdiction shall be exempt from this chapter if the provisions of the ordinance meet or exceed the provisions of this chapter. Any county or municipal jurisdiction that maintains an ordinance that meets this exception may limit the types of body art procedures that may be performed in body art establishments located within its jurisdiction.

(b) Any individual performing body art procedures in an establishment that meets an exception under this subdivision must be licensed as a body art technician under this chapter.

### Sec. 3. **[146B.03] LICENSURE FOR BODY ART TECHNICIANS.**

Subdivision 1. **Licensure required.** (a) Effective January 1, 2011, no individual may perform tattooing unless the individual holds a valid tattoo technician license issued by the commissioner under this chapter, except as provided in subdivision 3.

(b) Effective January 1, 2011, no individual may perform body piercing unless the individual holds a valid body piercing technician license issued by the commissioner under this chapter, except as provided in subdivision 3.

(c) If an individual performs both tattooing and body piercing, the individual must hold a valid dual body art technician license.

Subd. 2. **Designation.** (a) No individual may use the title of "tattooist," "tattoo artist," "tattoo technician," "body art practitioner," "body art technician," or other letters, words, or titles in connection with that individual's name which in any way represents that the individual is engaged in the practice of tattooing or authorized to do so, unless the individual is licensed and authorized to perform tattooing under this chapter.

(b) No individual may use the title "body piercer," "body piercing artist," "body art practitioner," "body art technician," or other letters, words, or titles in connection with that individual's name which in any way represents that the individual is engaged in the practice of body piercing or authorized to do so, unless the individual is licensed and authorized to perform body piercing under this chapter.

(c) Any representation made to the public by a licensed technician must specify the types of body art procedures the technician is licensed to perform.

Subd. 3. **Exceptions.** (a) The following individuals may perform body art procedures within the scope of their practice without a technician's license:

- (1) a physician licensed under chapter 147;
- (2) a nurse licensed under sections 148.171 to 148.285;
- (3) a chiropractor licensed under chapter 148;
- (4) an acupuncturist licensed under chapter 147B;
- (5) a physician's assistant licensed under chapter 147A; or
- (6) a dental professional licensed under chapter 150A.

(b) A guest artist under section 146B.04 may perform body art procedures in accordance with the requirements of section 146B.04.

Subd. 4. **Licensure requirements.** An applicant for licensure under this section shall submit to the commissioner on a form provided by the commissioner:

- (1) proof that the applicant is over the age of 18;
- (2) the type of license the applicant is applying for;
- (3) all fees required under section 146B.10;
- (4) proof of completing a minimum of 200 hours of supervised experience within the area for which the applicant is seeking a license, and must include an affidavit from the supervising licensed technician;
- (5) proof of having satisfactorily completed coursework approved by the commissioner on bloodborne pathogens, the prevention of disease transmission, infection control, and aseptic technique. Courses to be considered for approval by the commissioner may include, but are not limited to, those administered by one of the following:

- (i) the American Red Cross;
- (ii) United States Occupational Safety and Health Administration (OSHA); or
- (iii) the Alliance of Professional Tattooists; and
- (6) any other relevant information requested by the commissioner.

Subd. 5. **Action on licensure applications.** (a) The commissioner shall notify the applicant in writing of the action taken on the application. If the application is approved, the commissioner shall issue a tattoo technician license, a body piercing technician license, or a dual body art technician license.

(b) If licensure is denied, the applicant must be notified of the determination and the grounds for it, and the applicant may request a hearing under chapter 14 on the determination by filing a



written statement with the commissioner within 30 days after receipt of the notice of denial. After the hearing, the commissioner shall notify the applicant in writing of the decision.

Subd. 6. **Licensure term; renewal.** (a) A technician's license is valid for two years from the date of issuance and may be renewed upon payment of the renewal fee established under section 146B.10.

(b) At renewal, a licensee must submit proof of continuing education approved by the commissioner in the areas identified in subdivision 4, clause (5).

Subd. 7. **Temporary licensure.** (a) The commissioner may issue a temporary license to an applicant who submits to the commissioner on a form provided by the commissioner:

(1) proof that the applicant is over the age of 18;

(2) all fees required under section 148B.10; and

(3) a letter from a licensed technician who has agreed to provide the supervision to meet the supervised experience requirement under subdivision 4, clause (4).

(b) Upon completion of the required supervised experience, the temporary licensee shall submit documentation of satisfactorily completing the requirements under subdivision 4, clauses (4) and (5), and the applicable fee under section 146B.10. The commissioner shall issue a new license in accordance with subdivision 4.

(c) A temporary license issued under this subdivision is valid for one year and may be renewed for one additional year.

Subd. 8. **License by reciprocity.** The commissioner shall issue a technician's license to a person who holds a current license, certification, or registration from another state if the commissioner determines that the standards for licensure, certification, or registration in the other jurisdiction meets or exceeds the requirements for licensure stated in this chapter and a letter is received from that jurisdiction stating that the applicant is in good standing.

Subd. 9. **Transfer and display of license.** A license issued under this section is not transferable to another individual. A valid license must be displayed at the establishment site and available to the public upon request.

Subd. 10. **Transition period.** Until January 1, 2012, the supervised experience requirement under subdivision 4, clause (4), shall be waived by the commissioner if the applicant submits to the commissioner evidence satisfactory to the commissioner that the applicant has performed at least 2,080 hours within the last five years in the body art area in which the applicant is seeking licensure.

#### Sec. 4. **[146B.04] TEMPORARY LICENSURE FOR GUEST ARTISTS.**

Subdivision 1. **General.** Before an individual may work as a guest artist, the commissioner shall issue a temporary license to the guest artist. The guest artist shall submit an application to the commissioner on a form provided by the commissioner. The form must include:

(1) the name, home address, and date of birth of the guest artist;

(2) the name of the licensed technician sponsoring the guest artist;

(3) proof of having satisfactorily completed coursework approved by the commissioner on bloodborne pathogens, the prevention of disease transmission, infection control, and aseptic technique;

(4) the starting and anticipated completion dates the guest artist will be working; and

(5) a copy of any current body art credential or licensure issued by another local or state jurisdiction.

Subd. 2. **Guest artists.** A guest artist may not conduct body art procedures for more than 30 days per calendar year. If the guest artist exceeds this time period, the guest artist must apply for a technician's license under section 146B.03.

**Sec. 5. [146B.05] GROUNDS FOR DENIAL OF AN ESTABLISHMENT LICENSE OR EMERGENCY CLOSURE.**

Subdivision 1. **General.** If any of the following conditions exist, the owner or operator of a licensed establishment may be ordered by the commissioner to discontinue all operations of a licensed body art establishment or the commissioner may refuse to grant or renew, suspend, or revoke licensure:

(1) evidence of a sewage backup in an area of the body art establishment where body art activities are conducted;

(2) lack of potable, plumbed, or hot or cold water to the extent that handwashing or toilet facilities are not operational;

(3) lack of electricity or gas service to the extent that handwashing, lighting, or toilet facilities are not operational;

(4) significant damage to the body art establishment due to tornado, fire, flood, or another disaster;

(5) evidence of an infestation of rodents or other vermin;

(6) evidence of any individual performing a body art procedure without a license as required under this chapter;

(7) evidence of existence of a public health nuisance;

(8) use of instruments or jewelry that are not sterile;

(9) failure to maintain required records;

(10) failure to use gloves as required;

(11) failure to properly dispose of sharps, blood or body fluids, or items contaminated by blood or body fluids;

(12) failure to properly report complaints of potential bloodborne pathogen transmission to the commissioner; or

(13) evidence of a positive spore test on the sterilizer if there is no other working sterilizer with a negative spore test in the establishment.

Subd. 2. **Licensure or reopening requirements.** Prior to license approval or renewal or the reopening of the establishment, the establishment shall submit to the commissioner satisfactory proof that the problem condition causing the need for the licensure action or emergency closure has been corrected or removed by the operator of the establishment. A body art establishment may not reopen without the written approval of the commissioner and a valid establishment license.

**Sec. 6. [146B.06] HEALTH AND SAFETY STANDARDS.**

Subdivision 1. **Establishment standards.** (a) The body art establishment must meet the health and safety standards in this subdivision before a licensed technician may conduct body art procedures at the establishment.

(b) The procedure area must be separated from any other area that may cause potential contamination of work surfaces.

(c) For clients requesting privacy, at a minimum, a divider, curtain, or partition must be provided to separate multiple procedure areas.

(d) All procedure surfaces must be smooth, nonabsorbent, and easily cleanable.

(e) The establishment must have an accessible hand sink equipped with:

(1) liquid hand soap;

(2) single-use paper towels or a mechanical hand drier or blower; and

(3) a nonporous washable garbage receptacle with a foot-operated lid or with no lid and a removable liner.

(f) All ceilings in the body art establishment must be in good condition.

(g) All walls and floors must be free of open holes or cracks and be washable and no carpeting may be in areas used for body art procedures.

(h) All facilities within the establishment must be maintained in a clean and sanitary condition and in good working order.

(i) No animals may be present during a body art procedure, unless the animal is a service animal.

Subd. 2. **Standards for equipment, instruments, and supplies.** (a) Equipment, instruments, and supplies must comply with the health and safety standards in this subdivision before a licensed technician may conduct body art procedures.

(b) Jewelry used as part of a body art procedure must be made of surgical implant-grade stainless steel, solid 14-karat or 18-karat white or yellow gold, niobium, titanium, or platinum, or a dense low-porosity plastic. Use of jewelry that is constructed of wood, bone, or other porous material is prohibited.

(c) Jewelry used as part of a body art procedure must be free of nicks, scratches, or irregular surfaces and must be properly sterilized before use.

(d) Reusable instruments must be thoroughly washed to remove all organic matter, rinsed, and sterilized before and after use.

(e) Needles must be single-use needles and sterilized before use.

(f) Sterilization must be conducted using steam heat or chemical vapor.

(g) All sterilization units must be operated according to the manufacturer's specifications.

(h) At least once a month, but not to exceed 30 days between tests, a spore test must be conducted on each sterilizer used to ensure proper functioning. If a positive spore test result is received, the sterilizer at issue may not be used until a negative result is obtained.

(i) All inks and other pigments used in a body art procedure must be specifically manufactured for tattoo procedures.

(j) Immediately before applying a tattoo, the ink needed must be transferred from the ink bottle and placed into single-use paper or plastic cups. Upon completion of the tattoo, the single-use cups and their contents must be discarded.

(k) All tables, chairs, furniture, or other procedure surfaces that may be exposed to blood or body fluids during the body art procedure must be cleanable and must be sanitized after each client with a liquid chemical germicide.

(l) Single-use towels or wipes must be provided to the client. These towels must be dispensed in a manner that precludes contamination and disposed of in a nonporous washable garbage receptacle with a foot-operated lid or with no lid and a removal liner.

(m) All bandages and surgical dressings used must be sterile or bulk-packaged clean and stored in a clean, closed nonporous container.

(n) All equipment and instruments must be maintained in good working order and in a clean and sanitary condition.

(o) All instruments and supplies must be stored clean and dry in covered containers.

(p) Single-use disposable barriers or a chemical germicide must be used on all equipment that cannot be sterilized as part of the procedure as required under this section including, but not limited to, spray bottles, procedure light fixture handles, and tattoo machines.

Subd. 3. **Standards for body art procedures.** (a) All body art procedures must comply with the health and safety standards in this subdivision.

(b) The skin area subject to a body art procedure must be thoroughly cleaned with soap and water, rinsed thoroughly, and swabbed with an antiseptic solution. Only single-use towels or wipes may be used to clean the skin.

(c) Whenever it is necessary to shave the skin, a new disposable razor for each client or a stainless steel straight edge must be used. The disposable razor must be discarded after use. The stainless steel straight edge must be thoroughly washed to remove all organic matter, and sterilized before used on another client.

(d) No body art procedure may be performed on any area of the skin where there is an evident

infection, irritation, or open wound.

(e) Single-use nonabsorbent gloves of adequate size and quality to preserve dexterity must be used for touching clients, for handling sterile instruments, or for handling blood or body fluids. Nonlatex gloves must be used with clients or employees who request them or when petroleum products are used. Gloves must be changed if a glove becomes damaged or comes in contact with any nonclean surface or objects or with a third person. At a minimum, gloves must be discarded after the completion of a procedure on a client. Upon leaving the procedure area, hands and wrists must be washed before putting on a clean pair of gloves and after removing a pair of gloves.

Subd. 4. **Standards for technicians.** (a) Technicians must comply with the health and safety standards in this subdivision.

(b) Technicians must scrub their hands and wrists thoroughly before and after performing a body art procedure, after contact with the client receiving the procedure, and after contact with potentially contaminated materials.

(c) A technician may not smoke, eat, or drink while performing body art procedures.

(d) A technician may not perform a body art procedure if the technician has any open sores visible or in a location that may come in contact with the client.

Subd. 5. **Contamination standards.** (a) Infectious waste and sharps must be managed according to sections 116.76 to 116.83 and must be disposed of by an approved infectious waste hauler at a site permitted to accept the waste, according to Minnesota Rules, parts 7035.9100 to 7035.9150. Sharps ready for disposal must be disposed of in an approved sharps container.

(b) Contaminated waste that may release liquid blood or body fluids when compressed or that may release dried blood or body fluids when handled must be placed in an approved red bag that is marked with the international biohazard symbol.

(c) Contaminated waste that does not release liquid blood or body fluids when compressed or handled may be placed in a covered receptacle and disposed of through normal approved disposal methods.

(d) Storage of contaminated waste on-site must not exceed the period specified by Code of Federal Regulations, title 29, section 1910.1030.

**Sec. 7. [146B.07] PROFESSIONAL STANDARDS.**

Subdivision 1. **Standard practice.** (a) A technician shall require proof of age before performing any body art procedure on a client. Proof of age must be established by one of the following methods:

(1) a valid driver's license or identification card issued by the state of Minnesota or another state that includes a photograph and date of birth of the individual;

(2) a valid military identification card issued by the United States Department of Defense;

(3) a valid passport;

(4) a resident alien card; or

(5) a tribal identification card.

(b) Before performing any body art procedure, the technician must provide the client with a disclosure and authorization form that indicates whether the client has:

(1) diabetes;

(2) a history of hemophilia;

(3) a history of skin diseases, skin lesions, or skin sensitivities to soap or disinfectants;

(4) a history of epilepsy, seizures, fainting, or narcolepsy;

(5) any condition that requires the client to take medications such as anticoagulants that thin the blood or interfere with blood clotting; or

(6) any other information that would aid the technician in the body art procedure process evaluation.

The technician shall ask the client to sign and date the disclosure and authorization form confirming that the information provided on the form is accurate.

(c) Before performing any body art procedure, the technician shall offer and make available to the client personal draping, as appropriate.

Subd. 2. **Prohibition.** (a) A technician may perform body piercings on an individual under the age of 18 only if the individual's parent or legal guardian is present and a consent form and the authorization form under subdivision 1, paragraph (b), is signed by the parent or legal guardian in the presence of the technician, and the body piercing is not prohibited under paragraph (c).

(b) No technician shall tattoo any individual under the age of 18 regardless of parental or guardian consent.

(c) No nipple or genital piercing, branding, scarification, suspension, subdermal implantation, microdermal, or tongue bifurcation shall be performed by any technician on any individual under the age of 18 regardless of parental or guardian consent.

(d) No technician shall perform body art procedures on any individual who appears to be under the influence of alcohol, controlled substances as defined in section 152.01, subdivision 4, or hazardous substances as defined in rules adopted under chapter 182.

(e) No technician shall perform body art procedures while under the influence of alcohol, controlled substances as defined under section 152.01, subdivision 4, or hazardous substances as defined in the rules adopted under chapter 182.

(f) No technician shall administer anesthetic injections, topical anesthetic, or other medications.

Subd. 3. **Informed consent.** Before performing a body art procedure, the technician shall obtain from the client a signed and dated informed consent form. The consent form must disclose:

(1) that a tattoo is considered permanent and may only be removed with a surgical procedure and that any effective removal may leave scarring; and

(2) that body piercing may leave scarring.

Subd. 4. **Client record maintenance.** For each client, the body art establishment operator shall

maintain proper records of each procedure. The records of the procedure must be kept for three years and must be available for inspection by the commissioner upon request. The record must include the following:

- (1) the date of the procedure;
- (2) the information on the required picture identification showing the name, age, and current address of the client;
- (3) a copy of the authorization form signed and dated by the client required under subdivision 1, paragraph (b);
- (4) a description of the body art procedure performed;
- (5) the name and license number of the technician performing the procedure;
- (6) a copy of the consent form required under subdivision 3; and
- (7) if the client is under the age of 18 years, a copy of the consent form signed by the parent or legal guardian as required under subdivision 3.

Subd. 5. **Aftercare.** A technician shall provide each client with verbal and written instructions for the care of the tattooed or pierced site upon the completion of the procedure. The written instructions must advise the client to consult a health care professional at the first sign of infection.

Subd. 6. **State, county, and municipal public health regulations.** An operator and technician shall comply with all applicable state, county, and municipal requirements regarding public health.

Subd. 7. **Notification.** The operator of the body art establishment shall immediately notify the commissioner or local health authority of any reports they receive of a potential bloodborne pathogen transmission.

#### Sec. 8. **[146B.08] INVESTIGATION PROCESS AND GROUNDS FOR DISCIPLINARY ACTION.**

Subdivision 1. **Investigations of complaints.** The commissioner may initiate an investigation upon receiving a signed complaint or other signed written communication that alleges or implies that an individual or establishment has violated this chapter. According to section 214.13, subdivision 6, in the receipt, investigation, and hearing of a complaint that alleges or implies an individual or establishment has violated this chapter, the commissioner shall follow the procedures in section 214.10.

Subd. 2. **Rights of applicants and licensees.** The rights of an applicant denied licensure are stated in section 146B.03, subdivision 5. A licensee may not be subjected to disciplinary action under this section without first having an opportunity for a contested case hearing under chapter 14.

Subd. 3. **Grounds for disciplinary action by commissioner.** The commissioner may take any of the disciplinary actions listed in subdivision 4 on proof that a technician or an operator of an establishment has:

- (1) intentionally submitted false or misleading information to the commissioner;
- (2) failed, within 30 days, to provide information in response to a written request by the

commissioner;

(3) violated any provision of this chapter;

(4) failed to perform services with reasonable judgment, skill, or safety due to the use of alcohol or drugs, or other physical or mental impairment;

(5) aided or abetted another person in violating any provision of this chapter;

(6) been or is being disciplined by another jurisdiction, if any of the grounds for the discipline are the same or substantially equivalent to those under this chapter;

(7) not cooperated with the commissioner in an investigation conducted according to subdivision 1;

(8) advertised in a manner that is false or misleading;

(9) engaged in conduct likely to deceive, defraud, or harm the public;

(10) demonstrated a willful or careless disregard for the health, welfare, or safety of a client;

(11) obtained money, property, or services from a client through the use of undue influence, harassment, duress, deception, or fraud;

(12) failed to refer a client to a health care professional for medical evaluation or care when appropriate; or

(13) been convicted of a felony-level criminal sexual conduct offense. "Conviction" means a plea of guilty, a verdict of guilty by a jury, or a finding of guilty by a court.

Subd. 4. **Disciplinary actions.** If the commissioner finds that a technician or an operator of an establishment should be disciplined according to subdivision 3, the commissioner may take any one or more of the following actions:

(1) refuse to grant or renew licensure;

(2) suspend licensure for a period not exceeding one year;

(3) revoke licensure;

(4) take any reasonable lesser action against an individual upon proof that the individual has violated this chapter; or

(5) impose, for each violation, a civil penalty not exceeding \$10,000 that deprives the licensee of any economic advantage gained by the violation and that reimburses the department for costs of the investigation and proceedings resulting in disciplinary action, including the amount paid for services of the Office of Administrative Hearings, the amount paid for services of the Office of the Attorney General, attorney fees, court reporters, witnesses, reproduction of records, department staff time, and expenses incurred by department staff.

Subd. 5. **Consequences of disciplinary actions.** Upon the suspension or revocation of licensure, the technician or establishment shall cease to:

(1) perform body art procedures;



(2) use titles protected under this chapter; and

(3) represent to the public that the technician or establishment is licensed by the commissioner.

Subd. 6. **Reinstatement requirements after disciplinary action.** A technician who has had licensure suspended may petition on forms provided by the commissioner for reinstatement following the period of suspension specified by the commissioner. The requirements of section 146B.03 for renewing licensure must be met before licensure may be reinstated.

Sec. 9. **[146B.09] COUNTY OR MUNICIPAL REGULATION.**

Nothing in this chapter preempts or supersedes any county or municipal ordinance relating to land use, building and construction requirements, nuisance control, or the licensing of commercial enterprises in general.

Sec. 10. **[146B.10] FEES.**

Subdivision 1. **Biennial licensing fees.** (a) The fee for the initial technician licensure and biennial licensure renewal is \$100.

(b) The fee for temporary technician licensure is \$100.

(c) The fee for the temporary guest artist license is \$50.

(d) The fee for a dual body art technician license is \$100.

(e) The fee for a provisional establishment license is \$1,000.

(f) The fee for an establishment license is \$1,000.

(g) The fee for a temporary body art establishment permit is \$75.

(h) The commissioner shall prorate the initial two-year technician license fee and the initial three-year body art establishment license fee based on the number of months in the initial licensure period.

Subd. 2. **Penalty for late renewals.** The penalty fee for late submission for renewal applications is \$75.

Subd. 3. **Deposit.** Fees collected by the commissioner under this section must be deposited in the state government special revenue fund.

Sec. 11. **APPROPRIATION.**

\$190,000 is appropriated in fiscal year 2011 from the state government special revenue fund to the commissioner of health for the implementation of Minnesota Statutes, chapter 146B. Base funding shall be \$101,000 in fiscal year 2012 and \$65,000 in fiscal year 2013.

Sec. 12. **EFFECTIVE DATE.**

Sections 1 to 10 are effective July 1, 2010."

Amend the title accordingly

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

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

**S.F. No. 2564:** A bill for an act relating to state government; appropriating money from constitutionally dedicated funds for outdoor heritage purposes.

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

Page 11, line 36, delete "pilot"

Page 14, line 4, delete "paid for" and insert "funded"

Page 18, line 8, after "Corps" insert "or its successor"

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

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

**S.F. No. 2386:** A bill for an act relating to state government; ratifying labor agreements and compensation plans.

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

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

**S.F. No. 364:** A bill for an act relating to waters; modifying drainage system provisions; appropriating money; amending Minnesota Statutes 2008, sections 103E.065; 103E.227; 103E.401, subdivision 3; 103E.505, subdivision 3; 103E.611, subdivision 1; 103E.735, subdivision 1; 103E.805; proposing coding for new law in Minnesota Statutes, chapter 103E.

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

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2008, section 103B.101, is amended by adding a subdivision to read:

Subd. 13. **Drainage stakeholder coordination.** The Board of Water and Soil Resources shall work with drainage stakeholders to foster mutual understanding and provide recommendations for drainage system management and related water management, including recommendations for updating the drainage law in chapter 103E and other related provisions. The board may convene informal working groups or work teams to develop information, education, and recommendations."

Page 5, line 23, delete "and by publication on a Web site" and insert a comma and before "in" insert "either"

Page 5, line 24, before the period, insert "or by publication on a Web site of the drainage authority"

Page 6, line 28, delete "and by publication on a Web site" and insert a comma and before "in" insert "either"

Page 6, line 29, before the period, insert "or by publication on a Web site of the drainage authority"

Page 7, delete section 9

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "appropriating money;"

Amend the title numbers accordingly

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

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

**H.F. No. 1182** 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.
1182	1112				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1182 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1182, the second engrossment; and insert the language after the enacting clause of S.F. No. 1112, the first engrossment; further, delete the title of H.F. No. 1182, the second engrossment; and insert the title of S.F. No. 1112, the first engrossment.

And when so amended H.F. No. 1182 will be identical to S.F. No. 1112, and further recommends that H.F. No. 1182 be given its second reading and substituted for S.F. No. 1112, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 2851** 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.
2851	2662				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2851 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2851, the first engrossment; and insert the language after the enacting clause of S.F. No. 2662, the first engrossment; further, delete the title of H.F. No. 2851, the first engrossment; and insert the title of S.F. No. 2662, the first engrossment.

And when so amended H.F. No. 2851 will be identical to S.F. No. 2662, and further recommends that H.F. No. 2851 be given its second reading and substituted for S.F. No. 2662, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 3096** 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.
				3096	2735

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3096 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3096, the first engrossment; and insert the language after the enacting clause of S.F. No. 2735, the first engrossment; further, delete the title of H.F. No. 3096, the first engrossment; and insert the title of S.F. No. 2735, the first engrossment.

And when so amended H.F. No. 3096 will be identical to S.F. No. 2735, and further recommends that H.F. No. 3096 be given its second reading and substituted for S.F. No. 2735, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 3143** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3143	3013				

and that the above Senate File be indefinitely postponed.

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

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

**H.F. No. 3460** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3460	3090				

and that the above Senate File be indefinitely postponed.

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

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

**H.F. No. 2881** 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.
				2881	2817

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2881 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2881, the second engrossment; and insert the language after the enacting clause of S.F. No. 2817, the first engrossment; further, delete the title of H.F. No. 2881, the second engrossment; and insert the title of S.F. No. 2817, the first engrossment.

And when so amended H.F. No. 2881 will be identical to S.F. No. 2817, and further recommends that H.F. No. 2881 be given its second reading and substituted for S.F. No. 2817, and that the Senate File be indefinitely postponed.

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

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

**referred**

**H.F. No. 3174** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
<b>H.F. No.</b>	<b>S.F. No.</b>	<b>H.F. No.</b>	<b>S.F. No.</b>	<b>H.F. No.</b>	<b>S.F. No.</b>
3174	2862				

and that the above Senate File be indefinitely postponed.

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

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

**H.F. No. 2786** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
<b>H.F. No.</b>	<b>S.F. No.</b>	<b>H.F. No.</b>	<b>S.F. No.</b>	<b>H.F. No.</b>	<b>S.F. No.</b>
				2786	2397

and that the above Senate File be indefinitely postponed.

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

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

**H.F. No. 212** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
<b>H.F. No.</b>	<b>S.F. No.</b>	<b>H.F. No.</b>	<b>S.F. No.</b>	<b>H.F. No.</b>	<b>S.F. No.</b>
				212	333

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 212 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 212; and insert the language after the enacting clause of S.F. No. 333, the first engrossment; further, delete the title of H.F. No. 212; and insert the title of S.F. No. 333, the first engrossment.

And when so amended H.F. No. 212 will be identical to S.F. No. 333, and further recommends that H.F. No. 212 be given its second reading and substituted for S.F. No. 333, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 3263** 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.
3263	3106				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3263 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3263, the second engrossment; and insert the language after the enacting clause of S.F. No. 3106, the first engrossment; further, delete the title of H.F. No. 3263, the second engrossment; and insert the title of S.F. No. 3106, the first engrossment.

And when so amended H.F. No. 3263 will be identical to S.F. No. 3106, and further recommends that H.F. No. 3263 be given its second reading and substituted for S.F. No. 3106, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 2915** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				2915	2847

and that the above Senate File be indefinitely postponed.

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

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

**H.F. No. 2360** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				2360	2738

and that the above Senate File be indefinitely postponed.

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

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

**H.F. No. 3591** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				3591	3115

and that the above Senate File be indefinitely postponed.

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

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

**H.F. No. 2561** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				2561	2182

and that the above Senate File be indefinitely postponed.

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



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

**H.F. No. 2231** 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.
				2231	2004

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2231 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2231, the second engrossment; and insert the language after the enacting clause of S.F. No. 2004, the first engrossment; further, delete the title of H.F. No. 2231, the second engrossment; and insert the title of S.F. No. 2004, the first engrossment.

And when so amended H.F. No. 2231 will be identical to S.F. No. 2004, and further recommends that H.F. No. 2231 be given its second reading and substituted for S.F. No. 2004, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 3065** 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.
				3065	2590

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3065 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3065, the first engrossment; and insert the language after the enacting clause of S.F. No. 2590, the first engrossment; further, delete the title of H.F. No. 3065, the first engrossment; and insert the title of S.F. No. 2590, the first engrossment.

And when so amended H.F. No. 3065 will be identical to S.F. No. 2590, and further recommends that H.F. No. 3065 be given its second reading and substituted for S.F. No. 2590, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 3277** 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.
				3277	3102

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3277 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3277, the first engrossment; and insert the language after the enacting clause of S.F. No. 3102, the second engrossment; further, delete the title of H.F. No. 3277, the first engrossment; and insert the title of S.F. No. 3102, the second engrossment.

And when so amended H.F. No. 3277 will be identical to S.F. No. 3102, and further recommends that H.F. No. 3277 be given its second reading and substituted for S.F. No. 3102, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 3327** 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.
				3327	2594

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3327 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3327; and insert the language after the enacting clause of S.F. No. 2594, the first engrossment; further, delete the title of H.F. No. 3327; and insert the title of S.F. No. 2594, the first engrossment.

And when so amended H.F. No. 3327 will be identical to S.F. No. 2594, and further recommends that H.F. No. 3327 be given its second reading and substituted for S.F. No. 2594, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 776** 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.
				776	612

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 776 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 776; and insert the language after the enacting clause of S.F. No. 612, the first engrossment; further, delete the title of H.F. No. 776; and insert the title of S.F. No. 612, the first engrossment.

And when so amended H.F. No. 776 will be identical to S.F. No. 612, and further recommends that H.F. No. 776 be given its second reading and substituted for S.F. No. 612, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 3335** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3335	2967				

and that the above Senate File be indefinitely postponed.

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

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

**H.F. No. 3128** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3128	2796				

and that the above Senate File be indefinitely postponed.

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

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

**H.F. No. 2639** 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.
2639	2470				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2639 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2639, the second engrossment; and insert the language after the enacting clause of S.F. No. 2470, the second engrossment; further, delete the title of H.F. No. 2639, the second engrossment; and insert the title of S.F. No. 2470, the second engrossment.

And when so amended H.F. No. 2639 will be identical to S.F. No. 2470, and further recommends that H.F. No. 2639 be given its second reading and substituted for S.F. No. 2470, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 2907** 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.
2907	2254				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2907 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2907, the second engrossment; and insert the language after the enacting clause of S.F. No. 2254, the first engrossment; further, delete the title of H.F. No. 2907, the second engrossment; and insert the title of S.F. No. 2254, the first engrossment.

And when so amended H.F. No. 2907 will be identical to S.F. No. 2254, and further recommends that H.F. No. 2907 be given its second reading and substituted for S.F. No. 2254, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 1692** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
<b>H.F. No.</b>	<b>S.F. No.</b>	<b>H.F. No.</b>	<b>S.F. No.</b>	<b>H.F. No.</b>	<b>S.F. No.</b>
1692	891				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1692 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1692, the first engrossment; and insert the language after the enacting clause of S.F. No. 891, the first engrossment; further, delete the title of H.F. No. 1692, the first engrossment; and insert the title of S.F. No. 891, the first engrossment.

And when so amended H.F. No. 1692 will be identical to S.F. No. 891, and further recommends that H.F. No. 1692 be given its second reading and substituted for S.F. No. 891, and that the Senate File be indefinitely postponed.

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

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

S.F. Nos. 525, 2564, 2386 and 364 were read the second time.

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

H.F. Nos. 1182, 2851, 3096, 3143, 3460, 2881, 3174, 2786, 212, 3263, 2915, 2360, 3591, 2561, 2231, 3065, 3277, 3327, 776, 3335, 3128, 2639, 2907 and 1692 were read the second time.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

**Senator Koering introduced–**

**S.F. No. 3321:** A bill for an act relating to health; requiring health care providers to participate in the federal TRICARE program as a condition of participating in state and public health care programs; proposing coding for new law in Minnesota Statutes, chapter 62J.

Referred to the Committee on Finance.

**Senator Pappas introduced–**

**S.F. No. 3322:** A bill for an act relating to higher education; modifying bond allocation limits; authorizing transfer; amending Minnesota Statutes 2008, sections 474A.04, subdivision 6; 474A.091, subdivision 3.

Referred to the Committee on Taxes.

**Senators Moua and Limmer introduced–**

**S.F. No. 3323:** A bill for an act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors; amending Minnesota Statutes 2008, section 245A.18, subdivision 2.

Referred to the Committee on Rules and Administration.

**MOTIONS AND RESOLUTIONS**

Senator Senjem moved that the name of Senator Lynch be added as a co-author to S.F. No. 2555. The motion prevailed.

Senator Skogen moved that the name of Senator Ingebrigtsen be added as a co-author to S.F. No. 2604. The motion prevailed.

Senator Ortman moved that her name be stricken as a co-author to S.F. No. 2790. The motion prevailed.

Senator Rummel moved that the name of Senator Erickson Ropes be added as a co-author to S.F. No. 2943. The motion prevailed.

Senator Koering moved that the name of Senator Clark be added as a co-author to S.F. No. 3303. The motion prevailed.

Senator Berglin moved that the name of Senator Prettnner Solon be added as a co-author to S.F. No. 3319. The motion prevailed.

**Senator Erickson Ropes introduced –**

**Senate Resolution No. 166:** A Senate resolution honoring Bernie Buehler for his 42 years of dedicated service to Houston County.

Referred to the Committee on Rules and Administration.

**Senator Sieben introduced –**

**Senate Resolution No. 167:** A Senate resolution recognizing the opening of a new HealthPartners clinic in Cottage Grove.

Referred to the Committee on Rules and Administration.

Senator Dibble moved that H.F. No. 3591, No. 82 on the Calendar, be stricken and placed on General Orders. The motion prevailed.

Senator Saltzman moved that S.F. No. 1886, No. 90 on the Calendar, be stricken and placed on General Orders. The motion prevailed.

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

**GENERAL ORDERS**

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

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

S.F. Nos. 3005, 3091, 1886, 3052, 2490, 2866, 1126, 3127, 2843, 2717, 2363, 3031, 2999, 2945, 2773, 2427, 2328, 2517, 3145, 2533, 2928, 2695, 2469, 2580, 987, 3116, 2425, 2559, 2825, 2364 and H.F. No. 2988, which the committee recommends to pass.

**S.F. No. 271**, which the committee recommends to pass, subject to the following motion:

The question was taken on the recommendation to pass S.F. No. 271.

The roll was called, and there were yeas 46 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Latz	Parry	Sparks
Berglin	Fobbe	Limmer	Prettner Solon	Stumpf
Betzold	Foley	Lourey	Rest	Tomassoni
Carlson	Frederickson	Lynch	Rummel	Torres Ray
Chaudhary	Gerlach	Marty	Saltzman	Vickerman
Cohen	Higgins	Moua	Saxhaug	Wiger
Dahle	Ingebrigtsen	Murphy	Scheid	
Dibble	Kelash	Olseen	Sheran	
Dille	Koering	Olson, M.	Sieben	
Doll	Langseth	Pappas	Skogen	

Those who voted in the negative were:

Fischbach	Hann	Johnson	Koch	Michel
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Olson, G.

Ortman

Pariseau

Senjem

Vandev eer

The motion prevailed. So S.F. No. 271 was recommended to pass.

**H.F. No. 3591**, which the committee recommends to pass with the following amendment offered by Senator Dibble:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 157.15, subdivision 9, is amended to read:

Subd. 9. **Mobile food unit.** "Mobile food unit" means a food and beverage service establishment that is a vehicle mounted unit, either motorized or trailered, ~~operating no more than 21 days annually at any one place or is~~ operated in conjunction with a permanent business licensed under this chapter or chapter 28A at the site of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location.

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

**S.F. No. 2846**, which the committee recommends to pass with the following amendment offered by Senator Murphy:

Page 9, line 34, strike "and"

Page 10, line 2, strike the period and insert "; and"

Page 10, after line 2, insert:

"(8) special milk hauling vehicles authorized under section 169.867."

Page 15, after line 17, insert:

"Sec. 14. **[169.867] SPECIAL MILK HAULING PERMIT.**

Subdivision 1. **Permit.** A road authority may issue an annual permit authorizing a single-unit vehicle to haul milk at weights that exceed the limitations provided in sections 169.823 and 169.824 by ten percent. The fee for this permit is as provided in section 169.86, subdivision 5, paragraph (c).

Subd. 2. **Expiration.** A permit under subdivision 1 may only be issued before August 1, 2012.

Subd. 3. **Requirements; restrictions.** A vehicle operating under a permit under subdivision 1:

(1) is subject to seasonal load restrictions under section 169.87;

(2) may not take advantage of seasonal weight increases authorized by section 169.826;

(3) is subject to bridge load limits posted under section 169.84;

(4) may not be operated on the interstate highway system; and

(5) may not be operated with a load that exceeds the manufacturer's gross vehicle weight rating



as affixed to the vehicle, or other certification of gross vehicle weight rating complying with Code of Federal Regulations, title 49, parts 567.4 to 567.7."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

**H.F. No. 1780**, which the committee recommends to pass, subject to the following motion:

Senator Fobbe moved that the amendment made to H.F. No. 1780 by the Committee on Rules and Administration in the report adopted March 24, 2010, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

**S.F. No. 2808**, which the committee recommends to pass with the following amendment offered by Senator Sparks:

Page 4, after line 30, insert:

"Sec. 4. Minnesota Statutes 2008, section 340A.419, as amended by Laws 2009, chapter 120, section 12, is amended to read:

**340A.419 WINE TASTINGS CONDUCTED BY EXCLUSIVE LIQUOR STORE.**

Subdivision 1. **Definition.** For purposes of this section, a "~~wine~~ tasting" is an event of not more than four hours' duration at which persons pay a fee to participate and are allowed to consume wine, malt liquor, or spirits by the glass without paying a separate charge for each glass.

Subd. 2. **Tastings.** (a) Notwithstanding any other law, an exclusive liquor store may conduct a wine, malt liquor, or spirits tasting on the premises of a holder of an on-sale intoxicating liquor license that is not a temporary license or on the premises of a holder of a wine license under section 340A.404, subdivision 5, if the exclusive liquor store complies with this section.

(b) No wine ~~at a wine tasting~~, malt liquor, or spirits authorized for use under this section may be sold for off-premises consumption. A participant in the tasting may fill out a form indicating preferences for wine, malt liquor, or spirits. The form may be held on the premises of the exclusive liquor store to assist the participant in making an off-sale purchase at a later date.

(c) Notwithstanding any other law, an exclusive liquor store may purchase or otherwise obtain wine or spirits for a ~~wine~~ tasting conducted under this section from a wholesaler licensed to sell wine or spirits. The wholesaler may sell or give wine or spirits to an exclusive liquor store for a ~~wine~~ tasting conducted under this section and may provide personnel to assist in the ~~wine~~ tasting.

(d) An exclusive liquor store that conducts a ~~wine~~ tasting under this section must use any fees collected from participants in the tasting only to defray the cost of conducting the tasting.

(e) Notwithstanding section 340A.409, subdivision 4, the premises on which a wine tasting is conducted must be insured as required by section 340A.409, subdivision 1.

Subd. 3. **Malt liquor tastings.** An exclusive liquor store conducting a malt liquor tasting under this section must also comply with the requirements of section 340A.510, subdivision 2."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

**S.F. No. 2759**, which the committee recommends to pass with the following amendment offered by Senator Latz:

Page 3, line 29, after "structure" insert ", component, or system"

The motion prevailed. So the amendment was adopted.

**S.F. No. 2370**, which the committee recommends to pass with the following amendment offered by Senator Limmer:

Page 1, line 13, delete everything after "sections" and insert "169.47 to 169.75, unless the vehicle is transported from the premises of the dealer or lessor without being placed in operation on a public street or highway."

The motion prevailed. So the amendment was adopted.

**S.F. No. 2415**, which the committee recommends to pass, subject to the following motion:

Senator Vandever moved to amend S.F. No. 2415 as follows:

Page 2, after line 10, insert:

"Sec. 2. Minnesota Statutes 2009 Supplement, section 169.686, subdivision 1, is amended to read:

Subdivision 1. **Seat belt requirement.** (a) ~~Except as provided in section 169.685,~~ A properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by:

(1) ~~the driver and passengers of a passenger vehicle, or commercial motor vehicle, type III vehicle, and type III Head Start vehicle;~~

(2) a passenger riding in the front seat of a passenger vehicle or commercial motor vehicle; and

(3) a passenger riding in any seat of a passenger vehicle who is older than three but younger than 11 years of age.

(b) A person who is 15 years of age or older and who violates paragraph (a), clause (1) or (2), is subject to a fine of \$25. ~~The driver of the passenger vehicle or commercial motor vehicle in which a violation occurs~~ the violation occurred is subject to a \$25 fine for each a violation of paragraph (a), clause (2) or (3), ~~by the driver or by a passenger a child of the driver under the age of 15, but the court may not impose more than one surcharge under section 357.021, subdivision 6, on the driver or any child under the age of 11. A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation other than a violation involving motor vehicle equipment. The Department of Public Safety shall not record a violation of this subdivision on a person's driving record.~~

Sec. 3. Minnesota Statutes 2009 Supplement, section 171.05, subdivision 2b, is amended to read:

Subd. 2b. **Instruction permit use by person under age 18.** (a) This subdivision applies to persons who have applied for and received an instruction permit under subdivision 2.

(b) The permit holder may, with the permit in possession, operate a motor vehicle, but must be accompanied by and be under the supervision of a certified driver education instructor, the permit holder's parent or guardian, or another licensed driver age 21 or older. The supervisor must occupy the seat beside the permit holder.

(c) The permit holder may operate a motor vehicle only when every occupant under the age of 18 has a seat belt or child passenger restraint system properly fastened. A person who violates this paragraph is subject to a fine of \$25. A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04, subdivision 1. The commissioner shall not record a violation of this paragraph on a person's driving record.

(d) The permit holder may not operate a vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, whether handheld or hands free, when the vehicle is in motion. The permit holder may assert as an affirmative defense that the violation was made for the sole purpose of obtaining emergency assistance to prevent a crime about to be committed, or in the reasonable belief that a person's life or safety was in danger. Violation of this paragraph is a petty misdemeanor subject to section 169.89, subdivision 2.

~~(d)~~ (e) The permit holder must maintain a driving record free of convictions for moving violations, as defined in section 171.04, subdivision 1, and free of convictions for violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53. If the permit holder drives a motor vehicle in violation of the law, the commissioner shall suspend, cancel, or revoke the permit in accordance with the statutory section violated.

Sec. 4. Minnesota Statutes 2009 Supplement, section 171.055, subdivision 2, is amended to read:

Subd. 2. **Use of provisional license.** (a) A provisional license holder may operate a motor vehicle only when every occupant under the age of 18 has a seat belt or child passenger restraint system properly fastened. A person who violates this paragraph is subject to a fine of \$25. A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04. The commissioner shall not record a violation of this paragraph on a person's driving record.

(b) A provisional license holder may not operate a vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, whether handheld or hands free, when the vehicle is in motion. The provisional license holder may assert as an affirmative defense that the violation was made for the sole purpose of obtaining emergency assistance to prevent a crime about to be committed, or in the reasonable belief that a person's life or safety was in danger. Violation of this paragraph is a petty misdemeanor subject to section 169.89, subdivision 2.

~~(b)~~(c) If the holder of a provisional license during the period of provisional licensing incurs (1) a conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (2) a conviction for a crash-related moving violation, or (3) more than one conviction for a moving violation that is not crash related, the person may not be issued a driver's license until 12 consecutive months have expired since the date of the conviction or until the person reaches the age of 18 years, whichever occurs first.

~~(e)~~ (d) For the first six months of provisional licensure, a provisional license holder may not operate a motor vehicle carrying more than one passenger under the age of 20 years who is not a member of the holder's immediate family. For the second six months, the holder of the license may not operate a motor vehicle that is carrying more than three passengers who are under the age of 20 years and who are not members of the holder's immediate family. This paragraph does not apply if the provisional license holder is accompanied by a parent or guardian.

~~(d)~~ (e) For the first six months of provisional licensure, a provisional license holder may operate a motor vehicle between the hours of midnight and 5:00 a.m. only when the license holder is:

- (1) driving between the license holder's home and place of employment;
- (2) driving between the license holder's home and a school event for which the school has not provided transportation;
- (3) driving for employment purposes; or
- (4) accompanied by a licensed driver at least 25 years of age."

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 17 and nays 38, as follows:

Those who voted in the affirmative were:

Bakk	Gerlach	Koering	Senjem	Vandev eer
Chaudhary	Hann	Limmer	Sparks	
Doll	Johnson	Metzen	Stumpf	
Fischbach	Koch	Ortman	Tomassoni	

Those who voted in the negative were:

Anderson	Erickson Ropes	Latz	Pappas	Saltzman
Berglin	Foley	Lourey	Parry	Sieben
Betzold	Frederickson	Lynch	Pogemiller	Skoe
Carlson	Gimse	Marty	Prettner Solon	Skogen
Clark	Higgins	Moua	Rest	Torres Ray
Cohen	Ingebrigtsen	Murphy	Robling	Wiger
Dahle	Kelash	Olseen	Rosen	
Dille	Langseth	Olson, M.	Rummel	

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

**S.F. No. 2437**, which the committee recommends to pass, subject to the following motions:

Senator Moua moved to amend S.F. No. 2437 as follows:

Page 5, line 21, reinstate the stricken "or"

Page 5, lines 22 to 24, delete the new language

Page 7, delete lines 11 to 13

Page 7, line 14, delete "(7)" and insert "(4)"

Page 7, line 15, delete "(8)" and insert "(5)"

Page 7, delete line 16

Page 7, line 17, delete "(10)" and insert "(6)"

Page 7, line 19, delete "(11)" and insert "(7)"

Page 7, line 20, delete "(12)" and insert "(8)"

Page 7, line 22, delete "(13)" and insert "(9)"

Page 7, line 23, delete "(14)" and insert "(10)"

Page 7, line 24, delete "(15)" and insert "(11)"

Page 7, line 25, delete "(16)" and insert "(12)"

Page 7, line 26, delete "(17)" and insert "(13)"

Page 7, line 27, delete "(18)" and insert "(14)"

Page 7, line 28, delete "(19)" and insert "(15)"

Page 7, line 30, delete "(20)" and insert "(16)"

Page 9, line 30, delete "and" and insert a comma and after "609.2242" insert ", and 629.75"

Page 10, delete section 10 and insert:

"Sec. 10. Minnesota Statutes 2008, section 629.72, subdivision 2a, is amended to read:

Subd. 2a. **Electronic monitoring; condition of pretrial release.** (a) Until the commissioner of corrections has adopted standards governing electronic monitoring devices used to protect victims of domestic abuse, the court, as a condition of release, may not order a person arrested for a crime described in section 609.135, subdivision 5a, paragraph (b), to use an electronic monitoring device to protect a victim's safety.

(b) Notwithstanding paragraph (a), district courts in the Tenth the chief judge of a judicial district may order, as a condition of a release, a person arrested on a charge of a crime described in section 609.135, subdivision 5a, paragraph (b), to use an electronic monitoring device to protect the victim's safety. The courts shall make data on the use of electronic monitoring devices to protect a victim's safety in the Tenth Judicial District available to the commissioner of corrections to evaluate and to aid in development of standards for the use of devices to protect victims of domestic abuse appoint and convene an advisory group comprised of representatives from law enforcement, prosecutors, defense attorneys, corrections, court administrators, judges, and battered women's organizations to develop standards for the use of electronic monitoring and global positioning system devices to protect victims of domestic abuse and for evaluating the effectiveness of electronic monitoring. After the advisory group does this, the chief judge, in consultation with the advisory group, may conduct a pilot project for implementation of the electronic monitoring standards. A judicial district that conducts a pilot project shall report on the standards and the pilot project to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice policy and the state court administrator's office.

**SUNSET.** The amendments to this section expire on January 15, 2014."

The motion prevailed. So the amendment was adopted.

Senator Ortman moved to amend S.F. No. 2437 as follows:

Page 2, after line 9, insert:

"Sec. 3. Minnesota Statutes 2008, section 518B.01, subdivision 2, is amended to read:

Subd. 2. **Definitions.** As used in this section, the following terms shall have the meanings given them:

(a) "Domestic abuse" means the following, if committed against a family or household member by a family or household member:

(1) physical harm, bodily injury, or assault;

(2) the infliction of fear of imminent physical harm, bodily injury, or assault; ~~or~~

(3) terroristic threats, within the meaning of section 609.713, subdivision 1; criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or 609.3451; or interference with an emergency call within the meaning of section 609.78, subdivision 2; or

(4) using or threatening to use any form of domination or control for the purpose of causing a family or household member to obtain an unwanted medical procedure.

(b) "Family or household members" means:

(1) spouses and former spouses;

(2) parents and children;

(3) persons related by blood;

(4) persons who are presently residing together or who have resided together in the past;

(5) persons who have a child in common regardless of whether they have been married or have lived together at any time;

(6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and

(7) persons involved in a significant romantic or sexual relationship.

Issuance of an order for protection on the ground in clause (6) does not affect a determination of paternity under sections 257.51 to 257.74. In determining whether persons are or have been involved in a significant romantic or sexual relationship under clause (7), the court shall consider the length of time of the relationship; type of relationship; frequency of interaction between the parties; and, if the relationship has terminated, length of time since the termination.

(c) "Qualified domestic violence-related offense" has the meaning given in section 609.02, subdivision 16."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 31, as follows:

Those who voted in the affirmative were:

Dille	Hann	Limmer	Pariseau	Sheran
Fischbach	Ingebrigtsen	Michel	Parry	Skogen
Fobbe	Johnson	Olseen	Robling	Sparks
Frederickson	Koch	Olson, G.	Rosen	Stumpf
Gerlach	Koering	Olson, M.	Saltzman	Vanderveer
Gimse	Langseth	Ortman	Senjem	Vickerman

Those who voted in the negative were:

Anderson	Cohen	Latz	Pappas	Tomassoni
Bakk	Dahle	Lourey	Pogemiller	Torres Ray
Berglin	Doll	Lynch	Prettner Solon	Wiger
Betzold	Erickson Ropes	Marty	Rest	
Carlson	Foley	Metzen	Rummel	
Chaudhary	Higgins	Moua	Sieben	
Clark	Kelash	Murphy	Skoe	

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

**S.F. No. 2797**, which the committee recommends to pass with the following amendment offered by Senator Rosen:

Page 1, delete section 1 and insert:

"Section 1. **ADVERTISING WAIVER; ST. CLAIR.**

Notwithstanding other law to the contrary, Independent School District No. 75, St. Clair, may place advertising signs on the inside perimeter of the baseball field that is part of the district-owned athletic complex and is located adjacent to Legislative Route No. 201, signed as Trunk Highway 83, on the effective date of this section. Advertising signs erected under this section must not extend above the top of the outfield fence of the baseball field and must be intended to be viewed by spectators within the athletic complex.

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

The motion prevailed. So the amendment was adopted.

**S.F. No. 2722**, which the committee recommends to pass, subject to the following motion:

Senator Limmer moved to amend S.F. No. 2722 as follows:

Page 2, after line 25, insert:

"Sec. 3. Minnesota Statutes 2009 Supplement, section 549.09, subdivision 1, is amended to read:

Subdivision 1. **When owed; rate.** (a) When a judgment or award is for the recovery of money, including a judgment for the recovery of taxes, interest from the time of the verdict, award, or report until judgment is finally entered shall be computed by the court administrator or arbitrator as provided in paragraph (c) and added to the judgment or award.

(b) Except as otherwise provided by contract or allowed by law, preverdict, preaward, or prereport interest on pecuniary damages shall be computed as provided in paragraph (c) from the

time of the commencement of the action or a demand for arbitration, or the time of a written notice of claim, whichever occurs first, except as provided herein. The action must be commenced within two years of a written notice of claim for interest to begin to accrue from the time of the notice of claim. If either party serves a written offer of settlement, the other party may serve a written acceptance or a written counteroffer within 30 days. After that time, interest on the judgment or award shall be calculated by the judge or arbitrator in the following manner. The prevailing party shall receive interest on any judgment or award from the time of commencement of the action or a demand for arbitration, or the time of a written notice of claim, or as to special damages from the time when special damages were incurred, if later, until the time of verdict, award, or report only if the amount of its offer is closer to the judgment or award than the amount of the opposing party's offer. If the amount of the losing party's offer was closer to the judgment or award than the prevailing party's offer, the prevailing party shall receive interest only on the amount of the settlement offer or the judgment or award, whichever is less, and only from the time of commencement of the action or a demand for arbitration, or the time of a written notice of claim, or as to special damages from when the special damages were incurred, if later, until the time the settlement offer was made. Subsequent offers and counteroffers supersede the legal effect of earlier offers and counteroffers. For the purposes of clause (2), the amount of settlement offer must be allocated between past and future damages in the same proportion as determined by the trier of fact. Except as otherwise provided by contract or allowed by law, preverdict, preaward, or prereport interest shall not be awarded on the following:

- (1) judgments, awards, or benefits in workers' compensation cases, but not including third-party actions;
- (2) judgments or awards for future damages;
- (3) punitive damages, fines, or other damages that are noncompensatory in nature;
- (4) judgments or awards not in excess of the amount specified in section 491A.01; and
- (5) that portion of any verdict, award, or report which is founded upon interest, or costs, disbursements, attorney fees, or other similar items added by the court or arbitrator.

(c)(1) For a judgment or award of ~~\$50,000 or less~~, the interest shall be computed as simple interest per annum. The rate of interest shall be based on the secondary market yield of one year United States Treasury bills, calculated on a bank discount basis as provided in this section.

On or before the 20th day of December of each year the state court administrator shall determine the rate from the one-year constant maturity treasury yield for the most recent calendar month, reported on a monthly basis in the latest statistical release of the board of governors of the Federal Reserve System. This yield, rounded to the nearest one percent, or four percent, whichever is greater, shall be the annual interest rate during the succeeding calendar year. The state court administrator shall communicate the interest rates to the court administrators and sheriffs for use in computing the interest on verdicts and shall make the interest rates available to arbitrators.

~~(2) For a judgment or award over \$50,000, the interest rate shall be ten percent per year until paid.~~

~~(3) When a judgment creditor, or the judgment creditor's attorney or agent, has received a payment after entry of judgment, whether the payment is made voluntarily by or on behalf of~~



the judgment debtor, or is collected by legal process other than execution levy where a proper return has been filed with the court administrator, the judgment creditor, or the judgment creditor's attorney, before applying to the court administrator for an execution shall file with the court administrator an affidavit of partial satisfaction. The affidavit must state the dates and amounts of payments made upon the judgment after the most recent affidavit of partial satisfaction filed, if any; the part of each payment that is applied to taxable disbursements and to accrued interest and to the unpaid principal balance of the judgment; and the accrued, but the unpaid interest owing, if any, after application of each payment.

(d) This section does not apply to arbitrations between employers and employees under chapter 179 or 179A. An arbitrator is neither required to nor prohibited from awarding interest under chapter 179 or under section 179A.16 for essential employees."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 30, as follows:

Those who voted in the affirmative were:

Berglin	Frederickson	Johnson	Ortman	Vandevveer
Clark	Gerlach	Koch	Parry	
Dille	Gimse	Koering	Robling	
Fischbach	Hann	Limmer	Senjem	
Fobbe	Ingebrigtsen	Michel	Stumpf	

Those who voted in the negative were:

Betzold	Foley	Metzen	Prettner Solon	Skogen
Carlson	Higgins	Murphy	Rummel	Sparks
Chaudhary	Kelash	Olseen	Saltzman	Tomassoni
Dahle	Langseth	Olson, M.	Scheid	Torres Ray
Doll	Lourey	Pappas	Sieben	Vickerman
Erickson Ropes	Lynch	Pogemiller	Skoe	Wiger

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

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

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

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

### **MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1217, 2823, 3187, 2616, 2828, 2949, 3027, 3061, 2956, 3048, 3172, 3350,

3067, 3139, 3362, 3259, 3318, 3391 and 3336.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted March 25, 2010

### FIRST READING OF HOUSE BILLS

The following bills were read the first time.

**H.F. No. 1217:** A bill for an act relating to health; expanding categories of persons allowed to possess legend and nonprescription drugs to include those disposing of them; modifying definitions; amending Minnesota Statutes 2008, sections 151.37, subdivisions 6, 7; 151.44.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1568, now on the Calendar.

**H.F. No. 2823:** A bill for an act relating to real property; clarifying certain definitions relating to filing contracts for deed; making changes relating to common interest community certificates; amending Minnesota Statutes 2009 Supplement, sections 507.235, subdivision 1a; 508.351, subdivisions 1, 5, 7; 508A.351, subdivisions 1a, 5, 7.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2232, now on the Calendar.

**H.F. No. 3187:** A bill for an act relating to civil commitments; providing for oaths or affirmations without notarization and the acceptability of electronic signatures and documents; amending Minnesota Statutes 2008, section 253B.23, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2328, now on the Calendar.

**H.F. No. 2616:** A bill for an act relating to traffic regulations; allowing bicyclist to stop and proceed through red light under limited circumstances; amending Minnesota Statutes 2008, section 169.06, subdivision 9.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2453, now on the Calendar.

**H.F. No. 2828:** A bill for an act relating to real property; clarifying requirements for an instrument intended to secure debt; amending Minnesota Statutes 2008, section 287.03.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2231, now on the Calendar.

**H.F. No. 2949:** A bill for an act relating to metropolitan government; modifying provisions for the allocation of treatment works and interceptors reserved capacity costs; amending Minnesota Statutes 2008, section 473.517, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2925, now on the Calendar.

**H.F. No. 3027:** A bill for an act relating to solid waste; amending mercury testing requirements for certain new incinerator units; amending Minnesota Statutes 2008, section 116.85, subdivision 1a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2604, now on the Calendar.

**H.F. No. 3061:** A bill for an act relating to solid waste; amending Minnesota's waste management hierarchy; amending Minnesota Statutes 2008, section 115A.02.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2991, now on the Calendar.

**H.F. No. 2956:** A bill for an act relating to transportation; authorizing conveyance by commissioner of transportation to Indian tribal government of land no longer needed for trunk highway purposes; amending Minnesota Statutes 2008, section 161.44, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2563, now on the Calendar.

**H.F. No. 3048:** A bill for an act relating to labor and industry; modifying construction codes and licensing provisions; modifying certain notice provisions; amending Minnesota Statutes 2008, sections 178.01; 178.03, subdivisions 3, 4; 178.06; 178.08; 178.11; 326.02, subdivision 5; 326B.04, subdivision 2; 326B.127, subdivision 3; 326B.13, subdivisions 3, 4, 5, 6; 326B.133, subdivision 5; 326B.139; 326B.142; 326B.148, subdivisions 2, 3; 326B.191; 326B.31, subdivision 28; 326B.33, subdivision 17; 326B.42, subdivisions 2, 6; 326B.435, subdivision 2; 326B.47; 326B.84; 326B.89, subdivisions 1, 5, 6, 7, 8, 10, 13, by adding subdivisions; 326B.921, subdivision 3; Minnesota Statutes 2009 Supplement, sections 14.14, subdivision 1a; 326B.145; Laws 2010, chapter 183, section 8; repealing Minnesota Statutes 2008, sections 299G.11; 299G.13, subdivisions 1, 6, 9, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28; 299G.14; 299G.15; 299G.16; 299G.17; 299G.18; 326B.115; 326B.37, subdivision 13; Minnesota Rules, parts 5200.0020; 5200.0050; 5200.0080, subparts 2, 3, 4, 4a, 4b, 6, 7, 8.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2928, now on the Calendar.

**H.F. No. 3172:** A bill for an act relating to education; permitting advertisements within a baseball field.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2797, now on the Calendar.

**H.F. No. 3350:** A bill for an act relating to local government; prohibiting city employees from serving on the city council or as mayor; amending Minnesota Statutes 2008, section 412.02, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 410.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2953, now on the Calendar.

**H.F. No. 3067:** A bill for an act relating to waters; modifying watershed plan provisions; amending Minnesota Statutes 2008, section 103B.231, subdivisions 7, 9, 11; repealing Minnesota

Statutes 2008, section 103B.231, subdivision 8.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2843, now on the Calendar.

**H.F. No. 3139:** A bill for an act relating to privacy; reinstating authority for release of financial records in response to a subpoena; amending Minnesota Statutes 2009 Supplement, section 13A.02, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2952, now on the Calendar.

**H.F. No. 3362:** A bill for an act relating to environment; modifying petroleum tank release provisions; amending Minnesota Statutes 2008, sections 13.7411, subdivision 6; 115C.02, subdivision 14, by adding a subdivision; 115C.07, subdivision 3; 514.671, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2841, now on the Calendar.

**H.F. No. 3259:** A bill for an act relating to energy; modifying utility's requirement to post notice of impending disconnection of utility services to a rental building due to landlord's failure to pay for service; amending Minnesota Statutes 2008, section 504B.215, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2875, now on the Calendar.

**H.F. No. 3318:** A bill for an act relating to judiciary; enacting the Uniform Unsworn Foreign Declarations Act proposed for adoption by the National Conference of Commissioners on Uniform State Laws; providing for penalties; amending Minnesota Statutes 2008, section 609.48, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 358.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2984, now on the Calendar.

**H.F. No. 3391:** A bill for an act relating to children; modifying certain provisions relating to children in need of protection and services; amending Minnesota Statutes 2008, sections 260C.007, subdivision 6; 260C.163, subdivision 2; Minnesota Statutes 2009 Supplement, section 260C.175, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2999, now on the Calendar.

**H.F. No. 3336:** A bill for an act relating to eminent domain; modifying right of first refusal offers for property obtained with federal transit funding; amending Minnesota Statutes 2008, section 117.226.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3031, now on the Calendar.

**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 adopted the recommendation and report of the Conference Committee on House File No. 3108, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 3108 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted March 25, 2010

**CONFERENCE COMMITTEE REPORT ON H. F. NO. 3108**

A bill for an act relating to elections; changing and clarifying certain provisions; amending Minnesota Statutes 2008, sections 201.016, subdivision 1a; 201.061, subdivision 1; 201.11; 201.12; 201.121, subdivision 3; 201.13; 201.14; 201.15, subdivisions 1, 2; 201.155; 201.171; 203B.02, subdivision 3; 203B.04, subdivision 1; 203B.06, subdivisions 1, as amended, 5; 203B.081, as amended; 203B.16, subdivision 2; 203B.19; 203B.227; 204B.04, subdivision 2; 204B.135, subdivision 4; 204B.14, by adding a subdivision; 204B.18, subdivision 1; 204B.22, subdivisions 1, 2; 204B.24; 204B.27, subdivisions 2, 3; 204B.28, by adding a subdivision; 204B.38; 204C.02; 204C.04, subdivision 1; 204C.06, subdivision 1; 204C.08; 204C.09, subdivision 1; 204C.12, subdivision 2; 204C.13, subdivision 2; 204C.24, subdivision 1; 204C.28, subdivisions 1, 2; 204C.33, subdivision 1; 204C.35, subdivisions 2, 3; 204C.36, subdivisions 3, 4; 204C.37; 204D.04, subdivision 2; 204D.09, subdivision 2; 204D.10, subdivision 1; 204D.17; 204D.19; 204D.20, subdivision 1; 205.065, subdivision 1, as amended; 205.07, subdivision 1, by adding a subdivision; 205.13, subdivisions 1, 2; 205.16, subdivisions 2, 3, 4, as amended, 5, as amended; 205A.03, subdivision 2, as amended; 205A.04, subdivision 1; 205A.05, subdivision 1; 205A.07, subdivisions 3, as amended, 3a, as amended, 3b, as amended; 205A.11, subdivision 3; 206.57, subdivision 6; 208.03; 365.51, subdivision 1; 375.101, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapters 201; 204D; 205; 205A; 373; repealing Minnesota Statutes 2008, sections 3.22; 204B.22, subdivision 3; 204D.10, subdivision 2; 206.57, subdivision 7; 206.805, subdivision 2; 206.91.

March 24, 2010

The Honorable Margaret Anderson Kelliher  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

We, the undersigned conferees for H. F. No. 3108 report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendments and that H. F. No. 3108 be further amended as follows:

Page 22, line 35, delete everything after "not" and insert "necessarily require disqualification of the votes from that precinct or invalidation of the"

Page 23, line 27, delete everything after "not" and insert "necessarily require disqualification of the votes from that precinct or invalidation of"

Page 23, line 28, delete "invalidate"

We request the adoption of this report and repassage of the bill.

House Conferees: Ryan Winkler, Gene Pelowski, Mary Kiffmeyer

Senate Conferees: Katie Sieben, Chris Gerlach, Ann H. Rest

Senator Sieben moved that the foregoing recommendations and Conference Committee Report on H.F. No. 3108 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 3108 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 50 and nays 0, as follows:

Those who voted in the affirmative were:

Berglin	Fobbe	Koch	Olson, M.	Senjem
Betzold	Foley	Koering	Ortman	Sieben
Carlson	Frederickson	Langseth	Pappas	Skoe
Chaudhary	Gerlach	Limmer	Parry	Skogen
Clark	Gimse	Lourey	Pogemiller	Sparks
Dahle	Hann	Lynch	Prettner Solon	Stumpf
Dille	Higgins	Marty	Robling	Tomassoni
Doll	Ingebrigtsen	Metzen	Rummel	Torres Ray
Erickson Ropes	Johnson	Michel	Saltzman	Vanderveer
Fischbach	Kelash	Olseen	Scheid	Wiger

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

### MEMBERS EXCUSED

Senators Bonoff and Jungbauer were excused from the Session of today. Senator Doll was excused from the Session of today from 12:30 to 1:30 p.m. Senator Bakk was excused from the Session of today from 12:30 to 2:15 p.m. Senator Anderson was excused from the Session of today

from 12:30 to 4:30 and from 5:00 to 6:00 p.m. Senator Clark was excused from the Session of today from 1:30 to 3:30 p.m. Senator Rosen was excused from the Session of today from 1:30 to 3:50 and at 5:00 p.m. Senator Gimse was excused from the Session of today from 1:45 to 2:05 p.m. Senator Hann was excused from the Session of today from 2:20 to 4:20 p.m. Senator Michel was excused from the Session of today from 2:50 to 4:15 p.m. Senator Saltzman was excused from the Session of today from 3:00 to 4:00 p.m. Senator Scheid was excused from the Session of today from 3:00 to 5:10 p.m. Senator Dibble was excused from the Session of today at 3:30 p.m. Senator Saxhaug was excused from the Session of today at 4:00 p.m. Senator Pariseau was excused from the Session of today from 4:00 to 4:45 p.m. Senator Olson, G. was excused from the Session of today from 4:00 to 4:45 and at 5:45 p.m. Senator Rest was excused from the Session of today at 4:05 p.m. Senator Kubly was excused from the Session of today at 4:10 p.m. Senator Sheran was excused from the Session of today at 5:20 p.m. Senator Moua was excused from the Session of today at 5:30 p.m. Senator Latz was excused from the Session of today at 5:40 p.m.

### **ADJOURNMENT**

Senator Pogemiller moved that the Senate do now adjourn until 9:30 a.m., Friday, March 26, 2010. The motion prevailed.

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

