

EIGHTY-NINTH DAY

St. Paul, Minnesota, Monday, April 19, 2010

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Kevin McDonough.

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

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 15, 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. 987, 2559, 2562, 2517, 2322, 3091, 2852, 2475, 2580, 2923, 2616, 2877, 2722 and 2705.

Sincerely,
Tim Pawlenty, Governor

April 15, 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
	212	231	11:46 a.m. April 15	April 15
	2616	232	11:47 a.m. April 15	April 15
	2823	233	11:48 a.m. April 15	April 15
	3065	234	11:49 a.m. April 15	April 15
	3277	235	11:51 a.m. April 15	April 15
987		236	11:52 a.m. April 15	April 15
2559		237	11:54 a.m. April 15	April 15
2562		238	11:56 a.m. April 15	April 15
2517		239	11:57 a.m. April 15	April 15
2322		240	11:58 a.m. April 15	April 15
	3362	241	11:59 a.m. April 15	April 15
3091		242	12:00 p.m. April 15	April 15
2852		243	12:02 p.m. April 15	April 15
2475		244	12:03 p.m. April 15	April 15
2580		245	12:05 p.m. April 15	April 15
2923		246	12:06 p.m. April 15	April 15
2616		247	12:09 p.m. April 15	April 15
2877		248	12:10 p.m. April 15	April 15
2722		249	12:16 p.m. April 15	April 15
2705		250	12:17 p.m. April 15	April 15
	3174	251	12:19 p.m. April 15	April 15
	3143	252	12:20 p.m. April 15	April 15
	3460	253	12:21 p.m. April 15	April 15

89TH DAY]

MONDAY, APRIL 19, 2010

9623

3128

254

12:22 p.m. April 15

April 15

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. 2339, 2690 and 2717.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 15, 2010

Mr. President:

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

S.F. No. 1246: A bill for an act relating to economic development; providing certification for rehabilitation counselors for the blind; amending Minnesota Statutes 2008, section 248.07, by adding a subdivision.

Senate File No. 1246 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 15, 2010

CONCURRENCE AND REPASSAGE

Senator Tomassoni moved that the Senate concur in the amendments by the House to S.F. No. 1246 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1246 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 55 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Chaudhary	Erickson Ropes	Gimse	Kelash
Bakk	Clark	Fischbach	Hann	Koch
Betzold	Dahle	Fobbe	Higgins	Koering
Bonoff	Dibble	Foley	Ingebrigtsen	Kubly
Carlson	Dille	Frederickson	Jungbauer	Langseth

Latz	Murphy	Pariseau	Saxhaug	Sparks
Lynch	Olseen	Pogemiller	Scheid	Stumpf
Marty	Olson, G.	Rest	Senjem	Tomassoni
Metzen	Olson, M.	Robling	Sheran	Vanderveer
Michel	Ortman	Rosen	Sieben	Vickerman
Moua	Pappas	Saltzman	Skoe	Wiger

Those who voted in the negative were:

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 863: A bill for an act relating to data practices; classifying government data; modifying provisions governing temporary classifications and personnel data; amending business screening services provisions; amending Minnesota Statutes 2008, sections 13.05, subdivision 4, by adding a subdivision; 13.06, subdivisions 1, 3, 4, 5, 7, by adding subdivisions; 13.43, subdivisions 1, 2, by adding subdivisions; 13.64; 13.643, by adding a subdivision; 13.7931, by adding a subdivision; 13.87, by adding a subdivision; 13.871, by adding a subdivision; 13D.05, subdivision 3; 16B.97, by adding a subdivision; 125A.21, subdivision 5; 270B.14, subdivision 16; 299C.156, subdivision 5; 332.70, subdivisions 1, 2, 3, 4; proposing coding for new law in Minnesota Statutes, chapters 13; 84; repealing Minnesota Statutes 2008, section 13.06, subdivision 2; Minnesota Rules, part 1205.1800.

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

Mullery, Johnson and Holberg.

Senate File No. 863 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 15, 2010

Mr. President:

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

S.F. No. 2370: A bill for an act relating to motor vehicles; prohibiting vehicle dealers from selling vehicles that do not comply with vehicle equipment and material requirements; prohibiting sale of illegally tinted motor vehicle windows; amending Minnesota Statutes 2008, sections 168.27, by adding a subdivision; 169.71, by adding a subdivision; repealing Minnesota Statutes 2008, section 168.27, subdivision 30.

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

Mariani, Hornstein and Cornish.

Senate File No. 2370 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 15, 2010

Mr. President:

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

S.F. No. 2713: A bill for an act relating to human services; amending provisions relating to judicial holds in commitment cases; amending Minnesota Statutes 2008, section 253B.07, subdivision 2b.

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

Morrow, Paymar and Kelly.

Senate File No. 2713 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 15, 2010

Mr. President:

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

S.F. No. 2755: A bill for an act relating to public safety; clarifying detention placement options for extended jurisdiction juveniles pending revocation hearings; amending Minnesota Statutes 2008, section 260B.130, subdivision 5.

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

Mullery, Olin and Anderson, B.

Senate File No. 2755 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 15, 2010

Mr. President:

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

S.F. No. 2855: A bill for an act relating to human services; making changes to children and family services technical and policy provisions; Minnesota family investment program and adult supports; early childhood development; child welfare; amending Minnesota Statutes 2008, sections 119B.189, by adding subdivisions; 119B.19, subdivision 7; 119B.21, as amended; 245A.04, subdivision 11; 256.01, by adding a subdivision; 256.046, subdivision 1; 256.82, subdivision 3; 256.98, subdivision 8; 256J.24, subdivisions 3, 5a, 10; 256J.37, subdivision 3a; 256J.425, subdivision 5; 260C.007, subdivision 4; 260C.193, subdivision 6; 260C.201, subdivision 10; 260C.451; 626.556, subdivision 10; Minnesota Statutes 2009 Supplement, sections 256D.44, subdivision 3; 256J.24, subdivision 5; 256J.425, subdivision 2; 256J.521, subdivision 2; 256J.561, subdivision 3; 256J.66, subdivision 1; 256J.95, subdivisions 3, 11; 260.012; 260C.212, subdivision 7; repealing Minnesota Statutes 2008, section 256.82, subdivision 5; Minnesota Rules, part 9560.0660.

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

Hayden, Rosenthal and Kelly.

Senate File No. 2855 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 15, 2010

Mr. President:

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

S.F. No. 2866: A bill for an act relating to health; modifying provisions for the statewide trauma system; amending Minnesota Statutes 2008, sections 13.3806, subdivision 13; 144.603; 144.605, subdivisions 2, 3, by adding a subdivision; 144.608, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 2008, section 144.607.

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

Loeffler, Ruud and Abeler.

Senate File No. 2866 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 15, 2010

Mr. President:

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

S.F. No. 2912: A bill for an act relating to human services; amending children's mental health policy provisions; making a technical change to community health workers; amending Minnesota Statutes 2008, sections 256B.761; 260C.157, subdivision 3; Minnesota Statutes 2009 Supplement, sections 245.4885, subdivisions 1, 1a; 256B.0625, subdivision 49; 256B.0943, subdivision 9.

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

Hosch, Gardner and Mack.

Senate File No. 2912 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 13, 2010

Mr. President:

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

S.F. No. 3147: A bill for an act relating to health occupation; requiring license revocation for chiropractors convicted of a felony-level criminal sexual conduct offense; amending Minnesota Statutes 2008, sections 148.10, by adding a subdivision; 364.09.

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

Jackson, Laine and Abeler.

Senate File No. 3147 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 15, 2010

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2634:

H.F. No. 2634: A bill for an act relating to natural resources; expanding prohibitions on the appropriation of water from the Mt. Simon-Hinckley aquifer; amending Minnesota Statutes 2008, section 103G.271, subdivision 4a.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Kalin, Gardner and Loon have been appointed as such committee on the part of the House.

House File No. 2634 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 15, 2010

Senator Olseen moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2634, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3263:

H.F. No. 3263: A bill for an act relating to traffic regulations; modifying provisions governing speed limits in highway work zones, operating vehicles on multilane roads, and surcharges on traffic citations; creating traffic safety education account; amending Minnesota Statutes 2008, sections 169.14, subdivision 5d; 169.18, subdivisions 7, 10, by adding a subdivision; 171.12, subdivision 6; 171.13, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 357.021, subdivision 6.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

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

House File No. 3263 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 15, 2010

Senator Gimse moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3263, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

REPORTS OF COMMITTEES

Senator Pogemiller moved that the Committee Reports at the Desk be now adopted, with the exception of the reports pertaining to appointments. The motion prevailed.

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

referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 3075: A bill for an act relating to employment; providing that certain joint powers agreements may not circumvent or impinge upon the rights of employees covered by certain collective bargaining agreements; amending Minnesota Statutes 2008, section 471.59, subdivision 10.

Reports the same back with the recommendation that the report from the Committee on State and Local Government Operations and Oversight, shown in the Journal for March 23, 2010, be adopted; that committee recommendation being:

"the bill be amended 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 under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 3043: A bill for an act relating to commerce; requiring a certain appraisal fee disclosure; providing for the licensing and regulation of appraisal management companies; proposing coding for new law in Minnesota Statutes, chapter 47; proposing coding for new law as Minnesota Statutes, chapter 82C.

Reports the same back with the recommendation that the report from the Committee on State and Local Government Operations and Oversight, shown in the Journal for March 23, 2010, be adopted; that committee recommendation being:

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

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

S.F. No. 2540: A bill for an act relating to transportation; modifying or adding provisions relating to transportation construction impacts on business, rest areas, highways, bridges, special license plates, deputy registrars, vehicles, impounds, towing, intersection gridlock, bus operation, various traffic regulations, cargo tank vehicle weight exemptions, transportation department goals and mission, a Minnesota Council of Transportation Access, a Commuter Rail Corridor Coordinating Committee, railroad track safety, motor carriers of railroad employees, airport authorities, property acquisition for highways, transit, and town road interest extinguishment nullification; providing for State Patrol tax compliance and vehicle crimes investigations; requiring reports; making technical and clarifying changes; appropriating money; amending Minnesota Statutes 2008, sections 161.14, by adding subdivisions; 165.14, subdivisions 4, 5; 168.12, subdivision 2b, by adding a subdivision; 168.123, subdivisions 1, 2; 168.33, subdivision 2; 168B.06, subdivision 1; 168B.07, subdivision 3; 169.041, subdivision 5; 169.15; 169.306; 169.87, by adding a subdivision; 174.01, subdivisions 1, 2; 174.02, subdivision 1a; 174.86, subdivision 5; 219.01; 221.012, subdivision 38, by adding a subdivision; 360.061, subdivision 3; 473.167, subdivision 2a; 473.411, subdivision 5; 514.18, subdivision 1a; Minnesota Statutes 2009 Supplement, sections 160.165; 161.14, subdivision 62; 169.71, subdivision 1; 169.865, subdivision 1; 299D.03, subdivision 5; Laws 2008, chapter 287, article 1, section 122; Laws 2009, chapter 36, article 1, sections 1; 3, subdivision 3; 5, subdivisions

1, 3; proposing coding for new law in Minnesota Statutes, chapters 160; 174; 221; repealing Minnesota Statutes 2008, section 169.041, subdivisions 3, 4.

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

Page 19, line 27, after "council" insert ", following consultation with the legislative committees or divisions with jurisdiction over transportation policy and budget, or with appropriate legislative transportation subcommittees,"

Page 20, after line 33, insert:

"Subd. 3. Coordination with legislative committees. The council shall coordinate its meeting schedule and activities pursuant to its work plan, to the extent practicable, with legislative committees and divisions with jurisdiction over transportation budget and policy, or with appropriate subcommittees. The chairperson of the council shall act as a liaison with the chairs and ranking minority members of the legislative transportation committees, divisions, and appropriate subcommittees, in carrying out these duties."

Page 20, line 34, delete "3" and insert "4" and delete "comprised" and insert "composed" and delete "17" and insert "13"

Page 20, delete lines 35 and 36

Page 21, delete lines 1 and 2

Page 21, line 3, delete "(3)" and insert "(1)"

Page 21, line 4, delete "(4)" and insert "(2)"

Page 21, line 5, delete "(5)" and insert "(3)"

Page 21, line 6, delete "(6)" and insert "(4)"

Page 21, line 7, delete "(7)" and insert "(5)"

Page 21, line 8, delete "(8)" and insert "(6)"

Page 21, line 9, delete "(9)" and insert "(7)"

Page 21, line 10, delete "(10)" and insert "(8)"

Page 21, line 11, delete "(11)" and insert "(9)"

Page 21, line 12, delete "(12)" and insert "(10)"

Page 21, line 13, delete "(13)" and insert "(11)"

Page 21, line 14, delete "(14)" and insert "(12)"

Page 21, line 15, delete "(15)" and insert "(13)" and delete "finance" and insert "management and budget"

Page 21, line 23, delete "4" and insert "5"

Page 21, line 28, delete "5" and insert "6"

Page 21, line 29, delete "either"

Page 21, line 30, delete ", or for legislative members, as provided in section 3.101"

Page 21, line 31, delete "6" and insert "7"

Page 21, line 36, delete "7" and insert "8"

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. 1320 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.
1320	1137				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1320 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1320, the first engrossment; and insert the language after the enacting clause of S.F. No. 1137, the first engrossment; further, delete the title of H.F. No. 1320, the first engrossment; and insert the title of S.F. No. 1137, the first engrossment.

And when so amended H.F. No. 1320 will be identical to S.F. No. 1137, and further recommends that H.F. No. 1320 be given its second reading and substituted for S.F. No. 1137, 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 Marty from the Committee on Health, Housing and Family Security, to which were referred the following appointments:

MINNESOTA HOUSING FINANCE AGENCY
 Michael D. Finch
 Barbara A. Sanderson

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

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Marty from the Committee on Health, Housing and Family Security, to which were referred the following appointments:

EMERGENCY MEDICAL SERVICES REGULATORY BOARD

Michael S. Gormley
Gary S. Pearson
Matthew Simpson
Marlys Ann Tanner

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

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Moua from the Committee on Judiciary, to which were referred the following appointments:

BOARD ON JUDICIAL STANDARDS

William J. Egan
Cynthia C. Jepsen

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

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Chaudhary from the Committee on Environment and Natural Resources, to which were referred the following appointments:

CLEAN WATER COUNCIL

Pamela Blixt
Keith Hanson
Scott F. Hoese
Gene Merriam
Steven W. Pedersen
Victoria Reinhardt
Todd L. Renville
Deborah L. Swackhamer

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

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

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

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Julie Goehring

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

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion

prevailed.

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

LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES
Alfred Berner

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

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Chaudhary from the Committee on Environment and Natural Resources, to which were referred the following appointments:

MINNESOTA POLLUTION CONTROL AGENCY
Brian Bensen
Daniel Foley

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

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

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

DEPARTMENT OF ADMINISTRATION
COMMISSIONER
Sheila M. Reger

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

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

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

OFFICE OF ADMINISTRATIVE HEARINGS
CHIEF ADMINISTRATIVE LAW JUDGE
Raymond R. Krause

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

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Rest from the Committee on State and Local Government Operations and

Oversight, to which were referred the following appointments:

BOARD OF THE ARTS

Judson Bemis, Jr.
Peggy Burnet
Margaret Rapp

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

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which were referred the following appointments:

MINNESOTA RACING COMMISSION

Mark A. Ethen
James S. Lane, III
Kristine Sundberg

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

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which were referred the following appointments:

METROPOLITAN COUNCIL

Richard Aguilar
Polly Peterson Bowles
Craig J. Peterson

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

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which were referred the following appointments:

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

Greg McCullough
John J. Scanlon

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

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which were referred the following appointments:

GAMBLING CONTROL BOARD

William A. Gillespie
Robert J. Hyde
Norman Pint

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

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 3075 and 2540 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 1320 was read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Latz, Fobbe and Erickson Ropes introduced—

S.F. No. 3362: A bill for an act relating to taxation; authorizing valuation exclusion for certain improvements to homestead and commercial-industrial property; amending Minnesota Statutes 2008, section 273.11, subdivision 16, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Limmer, Fischbach, Koch and Parry introduced—

S.F. No. 3363: A bill for an act relating to public health; requiring labeling of certain human DNA vaccines and informed consent for administration of those vaccines; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Senators Pappas and Tomassoni introduced—

S.F. No. 3364: A bill for an act relating to higher education and public health; requiring a report on nanotechnology from the University of Minnesota and the Minnesota State Colleges and Universities.

Referred to the Committee on Higher Education.

Senator Bakk introduced—

S.F. No. 3365: A bill for an act relating to probate; providing certain rules of construction; making technical and clarifying changes to the estate tax; amending Minnesota Statutes 2008, section 289A.10, subdivision 1; Minnesota Statutes 2009 Supplement, section 291.005, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 524.

Referred to the Committee on Taxes.

Senators Doll, Carlson and Robling introduced—

S.F. No. 3366: A bill for an act relating to taxation; sales and use; providing a construction exemption for an aerospace defense manufacturing facility; amending Minnesota Statutes 2008, section 297A.71, by adding a subdivision.

Referred to the Committee on Taxes.

Senator Jungbauer introduced—

S.F. No. 3367: A bill for an act relating to taxation; sales and use; reducing rate of sales and use tax on aircraft; amending Minnesota Statutes 2008, section 297A.62, subdivision 1, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 297A.94.

Referred to the Committee on Taxes.

Senators Cohen, Michel, Moua and Scheid introduced—

S.F. No. 3368: A bill for an act relating to telecommunications; modifying switched access services regulation; amending Minnesota Statutes 2008, sections 237.12, by adding a subdivision; 237.16, subdivision 9; repealing Minnesota Statutes 2008, section 237.12, subdivision 3.

Referred to the Committee on Energy, Utilities, Technology and Communications.

MOTIONS AND RESOLUTIONS

Senator Senjem moved that his name be stricken as a co-author to S.F. No. 70. The motion prevailed.

Senator Bonoff moved that the name of Senator Clark be added as a co-author to S.F. No. 2620. The motion prevailed.

Senator Stumpf moved that the name of Senator Fobbe be added as a co-author to S.F. No. 3065. The motion prevailed.

Senator Berglin moved that the name of Senator Lynch be added as a co-author to S.F. No. 3310. The motion prevailed.

Senator Latz moved that the name of Senator Rest be added as a co-author to S.F. No. 3325. The motion prevailed.

Senator Lynch moved that the name of Senator Senjem be added as a co-author to S.F. No. 3351. The motion prevailed.

Senator Scheid moved that the name of Senator Limmer be added as a co-author to S.F. No. 3361. The motion prevailed.

Senator Sieben introduced –

Senate Resolution No. 175: A Senate resolution congratulating the community of Hastings for its hard work to be designated as a Beyond the Yellow Ribbon community, designed to support the area's many service men and women.

Referred to the Committee on Rules and Administration.

Senator Erickson Ropes introduced –

Senate Resolution No. 176: A Senate resolution honoring the Chatfield Commercial club as they celebrate their 100th anniversary.

Referred to the Committee on Rules and Administration.

Senators Fischbach and Gimse introduced –

Senate Resolution No. 177: A Senate resolution honoring Art Daniels of Sauk Rapids for 50 years as a Volunteer Safety Instructor

Referred to the Committee on Rules and Administration.

Senator Dahle introduced –

Senate Resolution No. 178: A Senate resolution congratulating the 2009-2010 Miss Czech Slovak honorees.

Referred to the Committee on Rules and Administration.

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

CALENDAR

S.F. No. 2653: A bill for an act relating to transportation; amending requirements for type III vehicle drivers; providing a rulemaking exception; amending Minnesota Statutes 2008, section 171.321, subdivision 2; Minnesota Statutes 2009 Supplement, section 171.02, subdivision 2b.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2505: A bill for an act relating to child care; appropriating money to provide statewide child care provider training, coaching, consultation, and supports to prepare for the voluntary Minnesota quality rating system.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Carlson	Dibble	Foley	Langseth
Bakk	Chaudhary	Dille	Frederickson	Latz
Berglin	Clark	Doll	Higgins	Lynch
Betzold	Cohen	Erickson Ropes	Kelash	Marty
Bonoff	Dahle	Fobbe	Kubly	Metzen

Michel	Pappas	Rosen	Sheran	Tomassoni
Moua	Pariseau	Rummel	Sieben	Torres Ray
Murphy	Pogemiller	Saltzman	Skoe	Vickerman
Olseen	Prettner Solon	Saxhaug	Skogen	Wiger
Olson, G.	Rest	Scheid	Sparks	
Olson, M.	Robling	Senjem	Stumpf	

Those who voted in the negative were:

Fischbach	Hann	Jungbauer	Limmer
Gerlach	Ingebrigtsen	Koch	Ortman
Gimse	Johnson	Koering	Vandev eer

So the bill passed and its title was agreed to.

S.F. No. 3119: A bill for an act relating to early childhood education; modifying the membership and duties of the State Advisory Council on Early Childhood Education and Care; appropriating money; amending Minnesota Statutes 2008, section 124D.141, subdivisions 1, 2, 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 9, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Gerlach	Johnson	Koch	Olson, G.	Vandev eer
Hann	Jungbauer	Limmer	Ortman	

So the bill passed and its title was agreed to.

S.F. No. 2873: A bill for an act relating to Public Facilities Authority; amending certain programs; making technical changes; amending Minnesota Statutes 2008, sections 446A.03, subdivision 5; 446A.07, subdivision 8; 446A.072, subdivisions 1, 3, 5a, 9; 446A.081, subdivision 9; 446A.086, subdivisions 1, 2, 11; Minnesota Statutes 2009 Supplement, sections 446A.075, subdivisions 1a, 2, 4, 5; 446A.081, subdivision 8.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 655: A bill for an act relating to elections; requiring an affidavit of candidacy to state the candidate's residence address and telephone number; prohibiting placement of a candidate on the ballot if residency requirements are not met; amending Minnesota Statutes 2008, section 204B.06, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 7, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Koch	Ortman	Senjem	Vandever
Limmer	Scheid	Sieben	

So the bill passed and its title was agreed to.

H.F. No. 653: A bill for an act relating to elections; changing certain municipal precinct and ward boundary procedures and requirements; amending Minnesota Statutes 2008, sections 204B.135, subdivisions 1, 3; 204B.14, subdivisions 3, 4; 205.84, subdivisions 1, 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2737: A bill for an act relating to state government; changing certain pesticide control provisions; authorizing waiver of a fee; providing for control of bovine tuberculosis; eliminating the native grasses and wildflower seed production and incentive program; authorizing ownership of agricultural land by certain nonprofit corporations; requiring tree care and tree trimming company registration; regulating certain sale and distribution of firewood; authorizing individuals and entities to take certain easements in agricultural land; allowing a temporary lien for livestock production inputs for 45 days following a mediation request requiring reports; clarifying the role of the commissioner and Department of Veterans Affairs in providing certain resources for the county veterans service offices; modifying a residency requirement for purposes of eligibility for higher educational benefits for the surviving spouse and children of a deceased veteran who dies as a result of military service; repealing authorization for a license plate; repealing a requirement that the Department of Veterans Affairs report on the status of a construction project priority listing; appropriating money; amending Minnesota Statutes 2008, sections 3.737, subdivision 4; 17.03, by adding a subdivision; 18B.31, subdivision 5; 18B.36, subdivision 1; 18B.37, subdivision 4; 18G.07; 28A.082, subdivision 1; 35.244, subdivisions 1, 2; 197.60, subdivision 1; 197.601; 197.605; 197.606; 197.609, subdivisions 1, 2; 197.75, subdivision 1; 239.092; 239.093; 500.221, subdivisions 2, 4; 500.24, subdivision 2; 514.965, subdivision 2; 514.966, subdivision 6, by adding a subdivision; Minnesota Statutes 2009 Supplement, sections 3.737, subdivision 1; 18B.316, subdivision 10; Laws 2008, chapter 296, article 1, section 25; proposing coding for new law in Minnesota Statutes, chapters 17; 38; repealing Minnesota Statutes 2008, sections 17.231; 168.1251; 343.26; Laws 2009, chapter 94, article 3, section 23.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

Rummel	Senjem	Skogen	Torres Ray
Saltzman	Sheran	Sparks	Vandever
Saxhaug	Sieben	Stumpf	Vickerman
Scheid	Skoe	Tomassoni	Wiger

So the bill passed and its title was agreed to.

S.F. No. 445: A resolution relating to Lake of the Woods.

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

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the resolution passed and its title was agreed to.

S.F. No. 2941: A bill for an act relating to youth development; authorizing municipalities to spend money on 4-H; proposing coding for new law in Minnesota Statutes, chapter 38.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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

GENERAL ORDERS

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

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

S.F. Nos. 3325, 2629 and 3131, which the committee recommends to pass.

S.F. No. 3046, which the committee recommends to pass, subject to the following motion:

Senator Vandever moved to amend S.F. No. 3046 as follows:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 2008, section 216B.243, subdivision 3b, is amended to read:

Subd. 3b. **Nuclear power plant; new construction ~~prohibited~~; relicensing.** (a) The commission may ~~not~~ issue a certificate of need for the construction of a new nuclear-powered electric generating plant.

(b) Any certificate of need for additional storage of spent nuclear fuel for a facility seeking a license extension shall address the impacts of continued operations over the period for which approval is sought.

Sec. 3. NUCLEAR POWER PLANT DESIGN AND SITING COMMISSIONS.

Subdivision 1. Nuclear Power Plant Design Commission. (a) A Nuclear Power Plant Design Commission is created consisting of the following six members appointed by the governor by August 1, 2010:

- (1) three members representing electric utilities;
- (2) one member of the Public Utilities Commission, who shall act as the chair; and
- (3) two members from the public.

(b) The commission shall approve a design for a new nuclear power plant, which at a minimum must consider:

- (1) the removal and disposition of plutonium from spent nuclear fuel rods;
- (2) power production required;
- (3) safety, environmental protection, and emergency preparedness and response plans; and
- (4) other considerations the commission determines relevant and necessary to obtain the approval of the Nuclear Regulatory Commission.

(c) The commission shall approve a design and report its decision to the governor and the legislative committees and divisions having jurisdiction over public utilities by December 1, 2010.

(d) This subdivision expires December 2, 2010.

Subd. 2. **Nuclear Power Plant Siting Commission.** (a) A Nuclear Power Plant Siting Commission is created consisting of the following seven members appointed by the governor by January 1, 2011:

(1) three members representing electric utilities;

(2) one member representing environmental organizations or interests;

(3) one member of the Public Utilities Commission, who shall act as the chair;

(4) one member representing large consumers of electricity; and

(5) one member representing small residential consumers of electricity.

(b) The commission shall select a site for a new nuclear power plant that resolves issues of safety, environmental protection, emergency preparedness and response, and community impact, with a view to obtaining an Early Site Permit from the Nuclear Regulatory Commission. The commission shall, as part of its consideration in selecting a site, make an assessment of the access to transmission for movement of the power out of the state and within the state.

(c) The commission shall approve a site and report its decision to the governor and the legislative committees and divisions having jurisdiction over public utilities by July 1, 2011. If the commission fails to approve a site and report its decision, the governor, in consultation with the speaker of the house of representatives and the majority leader of the senate, shall select the site.

(d) This subdivision expires July 2, 2011.

Subd. 3. **Applicability.** Except as specifically provided otherwise in this section, the privileges and requirements of Minnesota Statutes, section 15.059, apply to the commissions created in subdivisions 1 and 2.

Subd. 4. **Retirement of coal plants.** A certificate of need for a new nuclear power plant using a design and site designated under this section must include a related order of the Public Utilities Commission requiring the retirement of up to 50 percent of electric generation capacity of the oldest and most polluting existing coal electric generating plants in the state unless the commission finds that the retirement would jeopardize a reliable supply of electric power.

Sec. 4. **REQUEST FOR PROPOSAL PROCESS.**

If the utility in whose service territory the site recommended or selected under section 2 is located has not, by January 1, 2012, filed an application with the Public Utilities Commission for a certificate of need for a new nuclear power plant using the design and site selected under sections 1 and 2, the commission shall immediately initiate a request for proposal to build such a plant."

Amend the title accordingly

Senator Betzold questioned whether the amendment was germane.

The Chair ruled that the amendment was not germane.

Senator Vandever appealed the decision of the Chair.

The question was taken on "Shall the decision of the Chair be the judgment of the Committee?"

The roll was called, and there were yeas 47 and nays 18, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Latz	Prettner Solon	Skogen
Bakk	Doll	Lourey	Rest	Sparks
Berglin	Erickson Ropes	Lynch	Rosen	Stumpf
Betzold	Fobbe	Metzen	Rummel	Tomassoni
Bonoff	Foley	Moua	Saltzman	Torres Ray
Carlson	Frederickson	Murphy	Saxhaug	Vickerman
Chaudhary	Higgins	Olseen	Scheid	Wiger
Clark	Kelash	Olson, M.	Sheran	
Cohen	Kubly	Pappas	Sieben	
Dahle	Langseth	Pogemiller	Skoe	

Those who voted in the negative were:

Dille	Hann	Koch	Olson, G.	Senjem
Fischbach	Ingebrigtsen	Koering	Ortman	Vandever
Gerlach	Johnson	Limmer	Pariseau	
Gimse	Jungbauer	Michel	Robling	

So the decision of the Chair was sustained.

S.F. No. 3046 was then recommended to pass.

S.F. No. 3051, which the committee recommends to pass with the following amendment offered by Senator Anderson:

Page 3, line 6, after "usage" insert "residential"

The motion prevailed. So the amendment was adopted.

H.F. No. 1182, which the committee recommends to pass with the following amendment offered by Senator Prettner Solon:

Amend H.F. No. 1182, as amended pursuant to Rule 45, adopted by the Senate March 25, 2010, as follows:

(The text of the amended House File is identical to S.F. No. 1112.)

Page 2, after line 21, insert:

"Sec. 3. Minnesota Statutes 2008, section 216E.03, subdivision 7, is amended to read:

Subd. 7. **Considerations in designating sites and routes.** (a) The commission's site and route permit determinations must be guided by the state's goals to conserve resources, minimize environmental impacts, minimize human settlement and other land use conflicts, and ensure the state's electric energy security through efficient, cost-effective power supply and electric transmission infrastructure.

(b) To facilitate the study, research, evaluation, and designation of sites and routes, the

commission shall be guided by, but not limited to, the following considerations:

(1) evaluation of research and investigations relating to the effects on land, water and air resources of large electric power generating plants and high-voltage transmission lines and the effects of water and air discharges and electric and magnetic fields resulting from such facilities on public health and welfare, vegetation, animals, materials and aesthetic values, including baseline studies, predictive modeling, and evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;

(2) environmental evaluation of sites and routes proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;

(3) evaluation of the effects of new electric power generation and transmission technologies and systems related to power plants designed to minimize adverse environmental effects;

(4) evaluation of the potential for beneficial uses of waste energy from proposed large electric power generating plants;

(5) analysis of the direct and indirect economic impact of proposed sites and routes including, but not limited to, productive agricultural land lost or impaired;

(6) evaluation of adverse direct and indirect environmental effects that cannot be avoided should the proposed site and route be accepted;

(7) evaluation of alternatives to the applicant's proposed site or route proposed pursuant to subdivisions 1 and 2;

(8) evaluation of potential routes that would use or parallel existing railroad and highway rights-of-way;

(9) evaluation of governmental survey lines and other natural division lines of agricultural land so as to minimize interference with agricultural operations;

(10) evaluation of the future needs for additional high-voltage transmission lines in the same general area as any proposed route, and the advisability of ordering the construction of structures capable of expansion in transmission capacity through multiple circuiting or design modifications;

(11) evaluation of irreversible and irretrievable commitments of resources should the proposed site or route be approved; and

(12) when appropriate, consideration of problems raised by other state and federal agencies and local entities.

(c) If the commission's rules are substantially similar to existing regulations of a federal agency to which the utility in the state is subject, the federal regulations must be applied by the commission.

(d) No site or route shall be designated which violates state agency rules.

(e) The commission must make specific findings that it has considered locating a route for a high-voltage transmission line on an existing high-voltage transmission route and the use of parallel existing highway right-of-way and, to the extent those are not used for the route, the commission

must state the reasons.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to route applications filed on and after that date.

Sec. 4. **TRANSMISSION LINE ROUTING.**

(a) The Public Utilities Commission and the commissioner of transportation must cooperate to implement the policy in Minnesota Statutes, section 216E.03, subdivision 7, paragraph (e).

(b) The commission must report any statutory amendments required for the implementation of Minnesota Statutes, section 216E.03, subdivision 7, paragraph (e) to the chairs and ranking minority members of the energy and transportation policy committees of the legislature by January 15, 2011.

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. 3275, which the committee recommends to pass, subject to the following motions:

Senator Anderson moved to amend S.F. No. 3275 as follows:

Page 2, after line 10, insert:

"ARTICLE 1

OUTDOOR HERITAGE FUND

Section 1. **OUTDOOR HERITAGE APPROPRIATION.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this act. The appropriations are from the outdoor heritage fund and are available for the fiscal years indicated for each purpose. The figures "2010" and "2011" used in this act mean that the appropriations listed under them are available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium" is fiscal years 2010 and 2011. The appropriations in this act are onetime.

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2010</u>	<u>2011</u>

Sec. 2. **OUTDOOR HERITAGE**

Subdivision 1. <u>Total Appropriation</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>58,939,000</u>
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This appropriation is from the outdoor heritage fund. The amounts that may be

spent for each purpose are specified in the following subdivisions.

Subd. 2. Prairies

0

18,093,000

(a) Accelerated Prairie Grassland Restoration and Enhancement Program on DNR Lands

\$5,833,000 in fiscal year 2011 is to the commissioner of natural resources to accelerate the protection, restoration, and enhancement of native prairie vegetation. A list of proposed land acquisitions, restorations, and enhancements, describing the types and locations of acquisitions, restorations, and enhancements, must be provided as part of the required accomplishment plan. All restorations must comply with subdivision 9, paragraph (b).

(b) The Green Corridor Legacy Program

\$1,651,000 in fiscal year 2011 is to the commissioner of natural resources for an agreement with the Redwood Area Communities Foundation or its successor to acquire and restore land for purposes allowed under the Minnesota Constitution, article XI, section 15, in Redwood, Renville, Brown, Nicollet, Murray, Lyon, Yellow Medicine, Chippewa, and Cottonwood Counties to be added to the state outdoor recreation system as defined in Minnesota Statutes, chapter 86A. A list of proposed fee title acquisitions must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree to each proposed acquisition. All restorations must comply with subdivision 9, paragraph (b).

(c) Prairie Heritage Fund - Acquisition and Restoration

\$3,015,000 in fiscal year 2011 is to the commissioner of natural resources for an agreement with Pheasants Forever or its successor to acquire and restore land to be added to the state wildlife management

area system. A list of proposed fee title acquisitions and a list of proposed restoration projects, describing the types and locations of restorations, must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree to each proposed acquisition. All restorations must comply with subdivision 9, paragraph (b).

(d) Northern Tallgrass Prairie National Wildlife Refuge Protection

\$2,041,000 in fiscal year 2011 is to the commissioner of natural resources for an agreement with The Nature Conservancy or its successor to acquire land or permanent easements within the Northern Tallgrass Prairie Habitat Preservation Area in western Minnesota for addition to the Northern Tallgrass Prairie National Wildlife Refuge. A list of proposed fee title and permanent easement acquisitions must be provided as part of the required accomplishment plan. Land removed from this program shall transfer to the state. The accomplishment plan must include an easement stewardship plan.

(e) Rum River - Cedar Creek Initiative

\$1,900,000 in fiscal year 2011 is to the commissioner of natural resources for an agreement with Anoka County to acquire fee title to land at the confluence of the Rum River and Cedar Creek in Anoka County. Land acquired in fee must remain open to hunting and fishing, consistent with the capacity of the land, during the open season, as determined by the commissioner of natural resources. All restorations must comply with subdivision 9, paragraph (b).

(f) Minnesota Prairie Recovery Project

\$3,653,000 in fiscal year 2011 is to the commissioner of natural resources for an agreement with The Nature Conservancy or

its successor for a pilot project to acquire interests in land and restore and enhance prairie and prairie/wetland habitat in the prairie regions of western and southwestern Minnesota. The Nature Conservancy may acquire land in fee or through permanent conservation easements. A list of proposed fee title and permanent conservation easements, and a list of proposed restorations and enhancements, must be provided as part of the required accomplishment plan. All restorations must comply with subdivision 9, paragraph (b). The commissioner of natural resources must agree to each acquisition of interest in land, restoration project, and enhancement project. The accomplishment plan must include an easement stewardship plan.

Subd. 3. **Forests**

0

5,603,000

(a) **Critical Shoreline Habitat Protection Program**

\$816,000 in fiscal year 2011 is to the commissioner of natural resources for an agreement with the Minnesota Land Trust or its successor to acquire permanent conservation easements protecting critical shoreline habitats in Koochiching, Cook, Lake, and St. Louis County portions of the northern forest area in northern Minnesota and provide stewardship for those easements. A list of proposed conservation easement acquisitions must be provided as part of the required accomplishment plan. The accomplishment plan must include an easement stewardship plan.

(b) **Protect Key Industrial Forest Land Tracts in Central Minnesota**

\$594,000 in fiscal year 2011 is to the commissioner of natural resources for an agreement with Cass County to acquire lands that assist with gaining access for restoration and enhancement purposes to existing public land tracts. A list of proposed acquisitions must be provided as part of the required

accomplishment plan.

(c) Little Nokasippi River Wildlife Management Area

\$843,000 in fiscal year 2011 is to the commissioner of natural resources for acceleration of agency programs and cooperative agreements to acquire interests in land within the boundaries of the Minnesota National Guard Army compatible use buffer (ACUB) program. Of this appropriation, \$225,000 is for the Department of Natural Resources to acquire land for wildlife management areas and \$618,000 is for an agreement with the Board of Water and Soil Resources to acquire permanent conservation easements. A list of proposed acquisitions must be provided as part of the required accomplishment plan.

(d) Accelerated Forest Wildlife Habitat Program

\$1,791,000 in fiscal year 2011 is to the commissioner of natural resources for acceleration of agency programs to acquire, in fee, land for state forests and restore and enhance state forest habitat. A list of projects including proposed fee title acquisitions and restorations and enhancements must be provided as part of the required accomplishment plan. All restorations must comply with subdivision 9, paragraph (b).

(e) Northeastern Minnesota Sharp-Tailed Grouse Habitat

\$1,559,000 in fiscal year 2011 is to the commissioner of natural resources for an agreement with Pheasants Forever or its successor to acquire interests in land, and to restore and enhance habitat for sharp-tailed grouse in Kanabec, Aitkin, and St. Louis Counties in cooperation with the Minnesota Sharp-Tailed Grouse Society. A list of proposed acquisitions and a list of proposed restorations and enhancements must be provided as part of the required

accomplishment plan. The commissioner of natural resources must agree to each acquisition of interest in land, restoration project, and enhancement project. All restorations must comply with subdivision 9, paragraph (b).

Subd. 4. Wetlands

0

16,905,000

(a) Accelerated Shallow Lake and Wetland Enhancement and Restoration Program

\$6,505,000 in fiscal year 2011 is to the commissioner of natural resources to assess, enhance, and restore shallow lake and wetland habitats, to acquire land in fee or through permanent conservation easements for shallow lake program restoration, and to provide stewardship for acquired easements in cooperation with Ducks Unlimited, Inc., or its successor. Of this appropriation, \$1,463,000 is for the Department of Natural Resources agency program acceleration and \$5,042,000 is for an agreement with Ducks Unlimited, Inc. A list of proposed projects, describing the types and locations of land acquisitions, restoration projects, and enhancement projects, must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree to each acquisition, restoration project, and enhancement project. The accomplishment plan must include an easement stewardship plan. All restorations must comply with subdivision 9, paragraph (b).

(b) Accelerate the Waterfowl Production Area Program in Minnesota

\$3,505,000 in fiscal year 2011 is to the commissioner of natural resources for an agreement with Pheasants Forever or its successor to acquire and restore wetland and related upland habitats, in cooperation with the United States Fish and Wildlife Service and Ducks Unlimited, Inc. or its successor to be managed as waterfowl production areas. A list of proposed acquisitions and a list of

proposed projects, describing the types and locations of restorations, must be provided as part of the required accomplishment plan. All restorations must comply with subdivision 9, paragraph (b).

(c) Reinvest in Minnesota Wetlands Reserve Program Acquisition and Restoration

\$6,895,000 in fiscal year 2011 is to the Board of Water and Soil Resources to acquire permanent conservation easements and restore wetlands and associated uplands in cooperation with the United States Department of Agriculture Wetlands Reserve Program. A list of proposed acquisitions and a list of proposed projects, describing the types and locations of restorations, must be provided as part of the required accomplishment plan. All restorations must comply with subdivision 9, paragraph (b).

Subd. 5. Habitat

0

17,563,000

(a) Metro Big Rivers Habitat Program

\$2,397,000 in fiscal year 2011 is to the commissioner of natural resources for agreements for projects to protect, restore, and enhance natural systems of the Minnesota River, St. Croix River, Mississippi River, and their major tributaries as follows: \$500,000 with Minnesota Valley Trust or its successor for fee title land acquisition; \$1,500,000 with the Trust for Public Land or its successor for fee title land acquisition; \$227,300 with the Friends of the Mississippi River or its successor for restoration, enhancement, and conservation easement acquisition; and \$169,700 with Great River Greening or its successor for restoration and enhancement. The accomplishment plan must include an easement stewardship plan. All restorations must comply with subdivision 9, paragraph (b).

(b) Accelerated Aquatic Management Area Acquisition

\$3,416,000 in fiscal year 2011 is to the commissioner of natural resources to accelerate land acquisition by fee title and easements to be added to the state aquatic management area system as defined in Minnesota Statutes, chapter 86A, and to restore and enhance stream habitat and lake habitat. Land acquired in fee must remain open to hunting and fishing, consistent with the capacity of the land, during the open season, as determined by the commissioner of natural resources. A list of proposed fee title and easement acquisitions, stream habitat restorations and enhancements, and lake habitat restorations and enhancements must be provided as part of the required accomplishment plan.

(c) Cold Water River and Stream Restoration, Protection, and Enhancement

\$1,269,000 in fiscal year 2011 is to the commissioner of natural resources for an agreement with Trout Unlimited or its successor to restore, enhance, and protect cold water river and stream habitats in Minnesota. A list of proposed acquisitions and a list of proposed projects, describing the types and locations of restorations and enhancements, must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree to each proposed acquisition, restoration, and enhancement. All restorations must comply with subdivision 9, paragraph (b).

(d) Dakota County Riparian and Lakeshore Protection and Restoration

\$2,097,000 in fiscal year 2011 is to the commissioner of natural resources for an agreement with Dakota County for acquisition of permanent easements and enhancement and restoration of aquatic and associated upland habitat. A list of proposed acquisitions and restorations must be provided as part of the required accomplishment plan. The accomplishment

plan must include an easement stewardship plan. All restorations must comply with subdivision 9, paragraph (b).

(e) Valley Creek Protection Partnership

\$1,218,000 in fiscal year 2011 is to the commissioner of natural resources for agreements on projects to protect, restore, and enhance natural systems of Valley Creek in Washington County as follows: \$838,000 with Minnesota Land Trust or its successor; \$218,000 with Washington County; \$100,000 with the Belwin Conservancy or its successor; \$50,000 with Trout Unlimited or its successor; and \$12,000 with the Valley Branch Watershed District. All restorations must comply with subdivision 9, paragraph (b).

(f) Anoka Sand Plain Restoration and Enhancement

\$747,000 in fiscal year 2011 is to the commissioner of natural resources for an agreement with Great River Greening or its successor to restore and enhance habitat on public property in the Anoka Sand Plain in Anoka, Chisago, Isanti, Benton, Washington, Morrison, and Sherburne Counties. All restorations must comply with subdivision 9, paragraph (b).

(g) Lower Mississippi River Habitat Restoration Acceleration

\$1,000,000 in fiscal year 2011 is to the commissioner of natural resources to accelerate agency programs and for cooperative agreements to acquire land in the Root River watershed. A list of proposed acquisitions must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree to each proposed acquisition, restoration, and enhancement. All restorations must comply with subdivision 9, paragraph (b).

(h) Washington County St. Croix River Land Protection

\$1,033,000 in fiscal year 2011 is to the commissioner of natural resources for an agreement with Washington County to acquire permanent easements to protect habitat associated with the St. Croix River Valley. A list of proposed acquisitions must be provided as part of the required accomplishment plan. The accomplishment plan must include an easement stewardship plan.

(i) Outdoor Heritage Conservation Partners Grant Program

\$4,386,000 in fiscal year 2011 is to the commissioner of natural resources for a program to provide competitive, matching grants of up to \$400,000 to local, regional, state, and national organizations, including government, for enhancement, restoration, or protection of forests, wetlands, prairies, and habitat for fish, game, or wildlife in Minnesota. The commissioner of natural resources shall give priority to organizations that have a history or charter to receive private contributions for local conservation or habitat projects. Up to four percent of this appropriation may be used by the commissioner of natural resources for administering the grant program. Grantees may acquire land or interests in land. Easements must be permanent. Land acquired in fee must be open to hunting and fishing during the open season unless otherwise provided by state law. The commissioner of natural resources must agree to each proposed acquisition of land or interest in land. The program shall require a cash match of at least ten percent nonstate funds. The criteria for evaluating grant applications must include amount of habitat restored, enhanced, or protected; local support; degree of collaboration; urgency; capacity to achieve multiple benefits; habitat benefits provided;

consistency with sound conservation science; adjacency to protected lands; full funding of the project; supplementing existing funding; public access for hunting and fishing during the open season; sustainability; and use of native plant materials. All projects must conform to the Minnesota statewide conservation and preservation plan. Wildlife habitat projects must also conform to the Minnesota wildlife action plan. Priority may be given to projects acquiring land or easements associated with existing wildlife management areas. All restoration or enhancement projects must be on land permanently protected by conservation easement or public ownership. Subdivision 9 applies to grants awarded under this paragraph. All restorations must comply with subdivision 9, paragraph (b). This appropriation is available until June 30, 2014, at which time all grant project work must be completed and final products delivered, unless an earlier date is specified in the grant agreement. No less than five percent of the amount of each grant must be held back from reimbursement until the grant recipient has completed a grant accomplishment report by the deadline and in the form prescribed by and satisfactory to the Lessard-Sams Outdoor Heritage Council.

Subd. 6. Administration and Other

0

775,000

(a) Contract Management

\$175,000 in fiscal year 2011 is to the commissioner of natural resources for contract management duties assigned in this section.

(b) Legislative Coordinating Commission

\$600,000 in fiscal year 2011 is to the Legislative Coordinating Commission for administrative expenses of the Lessard-Sams Outdoor Heritage Council and for compensation and expense reimbursement of council members.

(c) Lessard-Sams Outdoor Heritage Council Site Visit Exception

Travel to and from site visits by council members that are funded under paragraph (b) are not meetings of the council for the purpose of receiving information under Minnesota Statutes, section 97A.056, subdivision 5.

Subd. 7. Availability of Appropriation

Money appropriated in this section may not be spent on activities unless they are directly related to and necessary for a specific appropriation and are specified in the accomplishment plan. Money appropriated in this section must not be spent on indirect costs or other institutional overhead charges. Unless otherwise provided, the amounts in this section are available until June 30, 2013, when projects must be completed and final accomplishments reported. If a project receives federal funds, the time period of the appropriation is extended to equal the availability of federal funding. Funds appropriated for fee title acquisition of land may be used to restore and enhance land acquired with the appropriation.

Subd. 8. Accomplishment Plans

It is a condition of acceptance of the appropriations made by this section that the agency or entity using the appropriation shall submit to the council an accomplishment plan and periodic accomplishment reports in the form determined by the Lessard-Sams Outdoor Heritage Council. The accomplishment plan must account for the use of the appropriation and outcomes of the expenditure in measures of wetlands, prairies, forests, and fish, game, and wildlife habitat restored, protected, and enhanced. The plan must include an evaluation of results. None of the money provided in this section may be expended unless the council has approved the pertinent

accomplishment plan.

Subd. 9. Project Requirements

(a) As a condition of accepting an appropriation in this section, any agency or entity receiving an appropriation must comply with this subdivision for any project funded in whole or in part with funds from the appropriation.

(b) To the extent possible, a person conducting restoration with money appropriated in this section must plant vegetation or sow seed only of ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as close to the restoration site as possible, and protect existing native prairies, grasslands, forests, wetlands, and other aquatic systems from genetic contamination.

(c) All conservation easements acquired with money appropriated in this section must: (1) be permanent; (2) specify the parties to an easement; (3) specify all of the provisions of an agreement that are permanent; (4) specify the responsibilities of the parties for habitat enhancement and restoration and the associated costs of these activities; (5) be sent to the office of the Lessard-Sams Outdoor Heritage Council; (6) include a long-term stewardship plan and identify the sources and amount of funding for monitoring and enforcing the easement agreement; and (7) identify the parties responsible for monitoring and enforcing the easement agreement.

(d) For all restorations, a recipient must prepare and retain an ecological restoration and management plan that, to the degree practicable, is consistent with the highest quality conservation and ecological goals for the restoration site. Consideration should be given to soil, geology, topography, and other relevant factors that would provide the best chance for long-term success of the

restoration projects. The plan shall include the proposed timetable for implementing the restoration, including, but not limited to, site preparation, establishment of diverse plant species, maintenance, and additional enhancement to establish the restoration; identify long-term maintenance and management needs of the restoration and how the maintenance, management, and enhancement will be financed; and use the best available science to achieve the best restoration.

(e) For new lands acquired, a recipient must prepare a restoration and management plan in compliance with paragraph (d), including identification of sufficient funding for implementation.

(f) To ensure public accountability for the use of public funds, a recipient must provide to the Lessard-Sams Outdoor Heritage Council documentation of the selection process used to identify parcels acquired in fee or permanent conservation easement and provide the council with documentation of all related transaction costs, including, but not limited to, appraisals, legal fees, recording fees, commissions, other similar costs, and donations. This information must be provided for all parties involved in the transaction. The recipient shall also report to the Lessard-Sams Outdoor Heritage Council any difference between the acquisition amount paid to the seller and the state-certified or state-reviewed appraisal, if a state-certified or state-reviewed appraisal was conducted. Acquisition data such as appraisals may remain private during negotiations but must ultimately be made public according to Minnesota Statutes, chapter 13.

(g) Except as otherwise provided in this section, all restoration and enhancement projects with money appropriated in this section must be on land permanently protected by a conservation easement or public ownership.

(h) To the extent an appropriation is used to acquire an interest in real property, a recipient of an appropriation under this section must provide to the Lessard-Sams Outdoor Heritage Council and the commissioner of management and budget an analysis of increased operations and maintenance costs likely to be incurred by public entities as a result of the acquisition and of how these costs are to be paid.

(i) A recipient of money from an appropriation in this section must give consideration to and make timely written contact with the Minnesota Conservation Corps or its successor for consideration of possible use of their services to contract for restoration and enhancement services. A copy of the written contact must be filed with the Lessard-Sams Outdoor Heritage Council within 15 days of execution.

(j) A recipient of money from this section must erect signage according to Laws 2009, chapter 172, article 5, section 10.

Subd. 10. Payment Conditions and Capital Equipment Expenditures

All agreements, grants, or contracts referred to in this section must be administered on a reimbursement basis unless otherwise provided in this section. Notwithstanding Minnesota Statutes, section 16A.41, expenditures directly related to each appropriation's purpose made on or after July 1, 2010, are eligible for reimbursement unless otherwise provided in this section. Periodic reimbursement must be made upon receiving documentation that the deliverable items articulated in the approved accomplishment plan have been achieved, including partial achievements as evidenced by approved progress reports. Reasonable amounts may be advanced to projects to accommodate cash flow needs or to match federal share. The advances must be approved as part of the accomplishment plan. Capital equipment

expenditures for specific items in excess of \$10,000 must be approved as part of the accomplishment plan.

Subd. 11. Purchase of Recycled and Recyclable Materials

A political subdivision, public or private corporation, or other entity that receives an appropriation in this section must use the appropriation in compliance with Minnesota Statutes, sections 16B.121, regarding purchase of recycled, repairable, and durable materials, and 16B.122, regarding purchase and use of paper stock and printing.

Subd. 12. Accessibility

Structural and nonstructural facilities must meet the design standards in the Americans with Disabilities Act (ADA) accessibility guidelines.

Subd. 13. Land Acquisition Restrictions

(a) An interest in real property, including, but not limited to, an easement or fee title, that is acquired with money appropriated under this section must be used in perpetuity or for the specific term of an easement interest for the purpose for which the appropriation was made.

(b) A recipient of funding who acquires an interest in real property subject to this subdivision may not alter the intended use of the interest in real property or convey any interest in the real property acquired with the appropriation without the prior review and approval of the Lessard-Sams Outdoor Heritage Council or its successor. The council shall establish procedures to review requests from recipients to alter the use of or convey an interest in real property. These procedures shall allow for the replacement of the interest in real property with another interest in real property meeting the following criteria: (1) the interest is at least equal in fair market

value, as certified by the commissioner of natural resources, to the interest being replaced; and (2) the interest is in a reasonably equivalent location and has a reasonably equivalent useful conservation purpose compared to the interest being replaced.

(c) A recipient of funding who acquires an interest in real property under paragraph (a) must separately record a notice of funding restrictions in the appropriate local government office where the conveyance of the interest in real property is filed. The notice of funding agreement must contain: (1) a legal description of the interest in real property covered by the funding agreement; (2) a reference to the underlying funding agreement; (3) a reference to this section; and (4) the following statement: "This interest in real property shall be administered in accordance with the terms, conditions, and purposes of the grant agreement controlling the acquisition of the property. The interest in real property, or any portion of the interest in real property, shall not be sold, transferred, pledged, or otherwise disposed of or further encumbered without obtaining the prior written approval of the Lessard-Sams Outdoor Heritage Council or its successor. The ownership of the interest in real property shall transfer to the state if: (1) the holder of the interest in real property fails to comply with the terms and conditions of the grant agreement or accomplishment plan; or (2) restrictions are placed on the land that preclude its use for the intended purpose as specified in the appropriation."

Subd. 14. Real Property Interest Report

By December 1 each year, a recipient of money appropriated under this section that is used for the acquisition of an interest in real property, including, but not limited to, an easement or fee title, must submit annual reports on the status of the real property to the Lessard-Sams Outdoor Heritage Council or its successor in a form determined by

the council. The responsibility for reporting under this section may be transferred by the recipient of the appropriation to another person or entity that holds the interest in the real property. To complete the transfer of reporting responsibility, the recipient of the appropriation must: (1) inform the person to whom the responsibility is transferred of that person's reporting responsibility; (2) inform the person to whom the responsibility is transferred of the property restrictions under subdivision 13; (3) provide written notice to the council of the transfer of reporting responsibility, including contact information for the person to whom the responsibility is transferred; and (4) provide the Lessard-Sams Outdoor Heritage Council or its successor written documentation from the person or entity holding the interest in real property certifying its acceptance of all reporting obligations and responsibilities previously held by the recipient of the appropriation. After the transfer, the person or entity that holds the interest in the real property is responsible for reporting requirements under this section."

Renumber the articles in sequence and correct internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Ingebrigtsen moved to amend S.F. No. 3275 as follows:

Page 42, after line 17, insert:

"(c) Laws 2009, chapter 172, article 5, section 8, is repealed."

The motion prevailed. So the amendment was adopted.

Senator Anderson moved to amend S.F. No. 3275 as follows:

Page 44, line, 3, before "Meetings" insert "(a)"

Page 44, delete lines 7 and 8 and insert:

"(b) For legislative members of the advisory committee and task forces of the advisory committee, enforcement of this subdivision is governed by Minnesota Statutes, section 3.055, subdivision 2. For nonlegislative members of the advisory committee and task forces of the advisory committee, enforcement of this subdivision is governed by Minnesota Statutes, section

13D.06, subdivisions 1 and 2."

The motion prevailed. So the amendment was adopted.

Senator Koch moved to amend S.F. No. 3275 as follows:

Page 82, after line 30, insert:

"Sec. 3. Minnesota Statutes 2008, section 216B.243, subdivision 3b, is amended to read:

Subd. 3b. ~~Nuclear power plant; new construction prohibited; relicensing~~ **Additional storage of spent nuclear fuel.** ~~(a) The commission may not issue a certificate of need for the construction of a new nuclear-powered electric generating plant.~~

~~(b)~~ Any certificate of need for additional storage of spent nuclear fuel for a facility seeking a license extension shall address the impacts of continued operations over the period for which approval is sought.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Anderson questioned whether the amendment was germane.

The Chair ruled that the amendment was not germane.

Senator Koch appealed the decision of the Chair.

The question was taken on "Shall the decision of the Chair be the judgment of the Committee?"

The roll was called, and there were yeas 47 and nays 18, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Latz	Pogemiller	Skogen
Bakk	Doll	Lourey	Prettner Solon	Sparks
Berglin	Erickson Ropes	Lynch	Rest	Stumpf
Betzold	Fobbe	Marty	Rummel	Tomassoni
Bonoff	Foley	Metzen	Saltzman	Torres Ray
Carlson	Frederickson	Moua	Saxhaug	Vickerman
Chaudhary	Higgins	Murphy	Scheid	Wiger
Clark	Kelash	Olseen	Sheran	
Cohen	Kubly	Olson, M.	Sieben	
Dahle	Langseth	Pappas	Skoe	

Those who voted in the negative were:

Dille	Hann	Limmer	Pariseau	Senjem
Fischbach	Ingebrigtsen	Michel	Parry	Vandev eer
Gerlach	Koch	Olson, G.	Robling	
Gimse	Koering	Ortman	Rosen	

So the decision of the Chair was sustained.

Senator Lourey moved to amend S.F. No. 3275 as follows:

Page 68, after line 8, insert:

"Sec. 25. PRIVATE SALE OF TAX-FORFEITED LAND; PINE COUNTY.

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, Pine County may sell by private sale the tax-forfeited land described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make changes to the land description to correct errors and ensure accuracy.

(c) The land to be sold is located in Pine County and is described as: the East 132 feet of the Northeast Quarter of the Southeast Quarter of Section 11, Township 42 North, Range 17 West, Wilma Township, Pine County, Minnesota, subject to a public road easement over, under, and across the West 66 feet thereof, and the East 132 feet of the Southeast Quarter of the Northeast Quarter of Section 11, Township 42 North, Range 17 West, Wilma Township, Pine County, Minnesota, subject to a public road easement over, under, and across the West 66 feet thereof.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership. The county will be able to access adjacent tax-forfeited property by the public road easement."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Saltzman moved to amend S.F. No. 3275 as follows:

Page 32, line 13, after the period, insert "The modifications to the financial assurance rules specified in this paragraph must require that a solid waste disposal facility subject to them maintain financial assurance so long as the facility poses a potential environmental risk to human health, wildlife, or the environment, as determined by the agency following an empirical assessment."

Page 34, line 10, delete the new language

The motion prevailed. So the amendment was adopted.

Senator Rosen moved to amend S.F. No. 3275 as follows:

Page 80, after line 6, insert:

"Section 1. Minnesota Statutes 2008, section 3.8851, subdivision 7, is amended to read:

Subd. 7. Assessment; appropriation. (a) Upon request by the cochairs of the commission, the commissioner of commerce shall assess the amount requested for the operation of the commission, not to exceed \$250,000 in a fiscal year, from the following sources:

(1) 50 percent of the assessment must come from all public utilities, municipal utilities, electric cooperative associations, generation and transmission cooperative electric associations, and municipal power agencies providing electric or natural gas services in Minnesota; and

(2) 50 percent of the assessment must come from all bulk terminals located in this state from which petroleum products and liquid petroleum gas are dispensed for sale in this state.

(b) The commissioner of commerce shall apportion the assessment amount requested among the entities in paragraph (a), ~~clauses clause (1) and (2)~~, in proportion to their respective gross operating revenues from energy sold within the state during the most recent calendar year, ~~while ensuring that wholesale and retail sales are not double counted.~~

(c) The commissioner of commerce shall apportion the assessment amount requested equally among the referenced entities in paragraph (a), clause (2).

~~(e)~~ (d) The entities in paragraph (a), ~~clauses clause (1) and (2)~~, must provide information to the commissioner of commerce to allow for calculation of the assessment.

~~(d)~~ (e) The assessments under this subdivision are in addition to assessments made under section 216B.62. The amount assessed under this section ~~is~~ must be deposited in the legislative energy commission account in the special revenue fund. Funds in the legislative energy commission account are appropriated to the director of the Legislative Coordinating Commission for the purposes of this section, and is are available until expended. Utilities selling gas and electric service at retail must be assessed and billed in accordance with the procedures provided in section 216B.62, to the extent that these procedures do not conflict with this subdivision.

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

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 3275 was then recommended to pass.

S.F. No. 2832, which the committee recommends to pass with the following amendment offered by Senator Saltzman:

Page 4, after line 14, insert:

"Sec. 9. Minnesota Statutes 2008, section 327A.03, is amended to read:

327A.03 EXCLUSIONS.

The liability of the vendor or the home improvement contractor under sections 327A.01 to 327A.07 is limited to the specific items set forth in sections 327A.01 to 327A.07 and does not extend to the following:

(a) loss or damage not reported by the vendee or the owner to the vendor or the home improvement contractor in writing within six months after the vendee or the owner discovers or should have discovered the loss or damage, unless the vendee or owner establishes that the vendor or home improvement contractor had actual notice of the loss or damage;

(b) loss or damage caused by defects in design, installation, or materials which the vendee or the owner supplied, installed, or directed to be installed;

(c) secondary loss or damage such as personal injury or property damage;

(d) loss or damage from normal wear and tear;

(e) loss or damage from normal shrinkage caused by drying of the dwelling or the home improvement within tolerances of building standards;

(f) loss or damage from dampness and condensation due to insufficient ventilation after occupancy;

(g) loss or damage from negligence, improper maintenance or alteration of the dwelling or the home improvement by parties other than the vendor or the home improvement contractor;

(h) loss or damage from changes in grading of the ground around the dwelling or the home improvement by parties other than the vendor or the home improvement contractor;

(i) landscaping or insect loss or damage;

(j) loss or damage from failure to maintain the dwelling or the home improvement in good repair;

(k) loss or damage which the vendee or the owner, whenever feasible, has not taken timely action to minimize;

(l) loss or damage which occurs after the dwelling or the home improvement is no longer used primarily as a residence;

(m) accidental loss or damage usually described as acts of God, including, but not limited to: fire, explosion, smoke, water escape, windstorm, hail or lightning, falling trees, aircraft and vehicles, flood, and earthquake, except when the loss or damage is caused by failure to comply with building standards;

(n) loss or damage from soil movement which is compensated by legislation or covered by insurance;

(o) loss or damage due to soil conditions where construction is done upon lands owned by the vendee or the owner and obtained by the vendee or owner from a source independent of the vendor or the home improvement contractor;

(p) in the case of home improvement work, loss or damage due to defects in the existing structure and systems not caused by the home improvement."

Page 6, after line 9, insert:

"Sec. 11. Minnesota Statutes 2009 Supplement, section 327A.08, is amended to read:

327A.08 LIMITATIONS.

Notwithstanding any other provision of sections 327A.01 to 327A.08:

(a) the terms of the home improvement warranties required by sections 327A.01 to 327A.08 commence upon completion of the home improvement and the term shall not be required to be renewed or extended if the home improvement contractor performs additional improvements required by warranty;

(b) the home improvement warranties required by sections 327A.01 to 327A.08 shall not include products or materials installed that are already covered by implied or written warranty; and

(c) the warranties required by sections 327A.01 to 327A.08 must be set forth as written warranty

instruments and must be included as part of the construction contract ~~and~~. The warranties and the exclusions under section 327A.03, the right to inspect and offer to repair under section 327A.02, subdivisions 4 and 5, and the homeowner dispute resolution process under section 327A.051 must be conveyed in writing to the owner. Failure to comply with this paragraph is a violation of section 326B.84.

(d) If the warranties required by sections 327A.01 to 327A.08 are not provided to the owner in writing as required by paragraph (c), they are implied statutory warranties that have the same effect as if the vendor or home improvement contractor had complied with paragraph (c).

(e) The owner's right under this section to receive the written warranty required under this section may not be waived or modified by contract or otherwise. Any agreement that purports to waive or modify the right to the written warranty required under this section is void.

(f) This section does not limit the ability of the vendor or home improvement contractor and the owner to enter into the agreements permitted under section 327A.04, subdivisions 2 and 3."

Page 6, line 18, delete "9" and insert "10"

Page 6, line 19, after the period, insert "Section 11 is effective August 1, 2010, and applies to contracts entered into on or after that date."

Page 6, line 20, delete "9" and insert "11"

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. 2541, which the committee recommends to pass with the following amendment offered by Senator Robling:

Page 1, lines 14 and 22, delete the new language

Page 2, line 5, delete the new language

Page 3, line 13, delete the new language

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 345, which the committee recommends to pass, subject to the following motions:

Senator Saxhaug moved to amend S.F. No. 345 as follows:

Page 2, after line 15, insert:

"Sec. 4. Minnesota Statutes 2008, section 171.04, is amended by adding a subdivision to read:

Subd. 4. **EMPLOYMENT.** No employer may require an employee to apply for or use an enhanced driver's license as a condition of employment, nor may an employer discharge an employee or otherwise discriminate or retaliate against an employee who refuses to apply for or

use an enhanced driver's license."

Page 6, after line 23, insert:

"Sec. 10. Minnesota Statutes 2008, section 171.07, is amended by adding a subdivision to read:

Subd. 4a. **Employment.** No employer may require an employee to apply for or use an enhanced identification card as a condition of employment, nor may an employer discharge an employee or otherwise discriminate or retaliate against an employee who refuses to apply for or use an enhanced identification card."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass S.F. No. 345.

The roll was called, and there were yeas 50 and nays 17, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Langseth	Pappas	Scheid
Bakk	Fischbach	Lourey	Parry	Sheran
Berglin	Fobbe	Lynch	Pogemiller	Sieben
Betzold	Frederickson	Marty	Prettner Solon	Skoe
Bonoff	Gimse	Metzen	Rest	Skogen
Chaudhary	Higgins	Michel	Robling	Sparks
Clark	Ingebrigtsen	Murphy	Rosen	Stumpf
Cohen	Kelash	Olseen	Rummel	Tomassoni
Dahle	Koering	Olson, G.	Saltzman	Vickerman
Dille	Kubly	Olson, M.	Saxhaug	Wiger

Those who voted in the negative were:

Carlson	Gerlach	Koch	Ortman	Vandev eer
Dibble	Hann	Latz	Pariseau	
Doll	Johnson	Limmer	Senjem	
Foley	Jungbauer	Moua	Torres Ray	

The motion prevailed. So S.F. No. 345 was recommended to pass.

S.F. No. 3251, which the committee recommends to pass, subject to the following motions:

RECONSIDERATION

Having voted on the prevailing side, Senator Rest moved that the vote whereby the Ortman amendment to S.F. No. 3251 was adopted on April 15, 2010, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 41 and nays 25, as follows:

Those who voted in the affirmative were:

Anderson	Berglin	Bonoff	Chaudhary	Cohen
Bakk	Betzold	Carlson	Clark	Dahle

Dibble	Langseth	Olson, M.	Scheid	Torres Ray
Dille	Latz	Pappas	Sheran	Vickerman
Erickson Ropes	Lourey	Pogemiller	Sieben	Wiger
Foley	Marty	Prettner Solon	Skoe	
Higgins	Metzen	Rest	Skogen	
Kelash	Moua	Rummel	Sparks	
Kubly	Olseen	Saxhaug	Tomassoni	

Those who voted in the negative were:

Doll	Gimse	Koch	Murphy	Robling
Fischbach	Hann	Koering	Olson, G.	Rosen
Fobbe	Ingebrigtsen	Limmer	Ortman	Saltzman
Frederickson	Johnson	Lynch	Pariseau	Senjem
Gerlach	Jungbauer	Michel	Parry	Vandever

The motion prevailed. So the vote was reconsidered.

The question recurred on the adoption of the Ortman amendment.

The roll was called, and there were yeas 32 and nays 34, as follows:

Those who voted in the affirmative were:

Bonoff	Gimse	Limmer	Pariseau	Skogen
Doll	Hann	Lynch	Parry	Sparks
Erickson Ropes	Ingebrigtsen	Michel	Robling	Vandever
Fischbach	Johnson	Murphy	Rosen	Wiger
Fobbe	Jungbauer	Olseen	Saltzman	
Frederickson	Koch	Olson, G.	Senjem	
Gerlach	Koering	Ortman	Sieben	

Those who voted in the negative were:

Anderson	Cohen	Kubly	Olson, M.	Sheran
Bakk	Dahle	Langseth	Pappas	Skoe
Berglin	Dibble	Latz	Pogemiller	Stumpf
Betzold	Dille	Lourey	Prettner Solon	Tomassoni
Carlson	Foley	Marty	Rest	Torres Ray
Chaudhary	Higgins	Metzen	Saxhaug	Vickerman
Clark	Kelash	Moua	Scheid	

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

Senator Ortman moved to amend S.F. No. 3251 as follows:

Page 8, line 27, strike "six" and insert "12"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 35, as follows:

Those who voted in the affirmative were:

Bonoff	Frederickson	Jungbauer	Murphy	Robling
Clark	Gerlach	Koch	Olseen	Rosen
Doll	Gimse	Koering	Olson, G.	Saltzman
Erickson Ropes	Hann	Limmer	Ortman	Senjem
Fischbach	Ingebrigtsen	Lynch	Pariseau	Vandever
Fobbe	Johnson	Michel	Parry	Wiger

Those who voted in the negative were:

Anderson	Bakk	Berglin	Betzold	Carlson
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Chaudhary	Kelash	Metzen	Rest	Skogen
Cohen	Kubly	Moua	Saxhaug	Sparks
Dahle	Langseth	Olson, M.	Scheid	Stumpf
Dibble	Latz	Pappas	Sheran	Tomassoni
Foley	Lourey	Pogemiller	Sieben	Torres Ray
Higgins	Marty	Prettner Solon	Skoe	Vickerman

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

The question was taken on the recommendation to pass S.F. No. 3251.

The roll was called, and there were yeas 49 and nays 17, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Langseth	Olson, M.	Sieben
Bakk	Doll	Latz	Pappas	Skoe
Berglin	Erickson Ropes	Lourey	Pogemiller	Skogen
Betzold	Fischbach	Lynch	Prettner Solon	Sparks
Bonoff	Fobbe	Marty	Rest	Stumpf
Carlson	Foley	Metzen	Rummel	Tomassoni
Chaudhary	Frederickson	Moua	Saltzman	Torres Ray
Clark	Higgins	Murphy	Saxhaug	Vickerman
Cohen	Kelash	Olseen	Scheid	Wiger
Dahle	Kubly	Olson, G.	Sheran	

Those who voted in the negative were:

Gerlach	Johnson	Limmer	Parry	Vandev eer
Gimse	Jungbauer	Michel	Robling	
Hann	Koch	Ortman	Rosen	
Ingebrigtsen	Koering	Pariseau	Senjem	

The motion prevailed. So S.F. No. 3251 was recommended to pass.

S.F. No. 2510, which the committee recommends to pass, subject to the following motions:

Senator Tomassoni moved to amend S.F. No. 2510 as follows:

Page 17, delete lines 11 to 14 and insert:

"(g) \$200,000 the first year and \$200,000
\$10,000 the second year are for the Office of
Science and Technology. This is a onetime
appropriation."

Page 21, line 5, delete "\$200,000" and insert "\$198,000"

Page 38, after line 2, insert:

"Section 1. Minnesota Statutes 2008, section 181.723, subdivision 5, is amended to read:

Subd. 5. **Application.** To obtain an independent contractor exemption certificate, the individual must submit, in the manner prescribed by the commissioner, a complete application and the certificate fee required under subdivision 14.

(a) A complete application must include all of the following information:

(1) the individual's full name;

- (2) the individual's residence address and telephone number;
- (3) the individual's business name, address, and telephone number;
- (4) the services for which the individual is seeking an independent contractor exemption certificate;
- (5) the individual's Social Security number;
- (6) the individual's or the individual's business federal employer identification number, if a number has been issued to the individual or the individual's business;
- (7) any information or documentation that the commissioner requires by rule that will assist the department in determining whether to grant or deny the individual's application; and
- (8) the individual's sworn statement that the individual meets all of the following conditions:
 - (i) maintains a separate business with the individual's own office, equipment, materials, and other facilities;
 - (ii) holds or has applied for a federal employer identification number or has filed business or self-employment income tax returns with the federal Internal Revenue Service if the person has performed services in the previous year for which the individual is seeking the independent contractor exemption certificate;
 - (iii) operates under contracts to perform specific services for specific amounts of money and under which the individual controls the means of performing the services;
 - (iv) incurs the main expenses related to the service that the individual performs under contract;
 - (v) is responsible for the satisfactory completion of services that the individual contracts to perform and is liable for a failure to complete the service;
 - (vi) receives compensation for service performed under a contract on a commission or per-job or competitive bid basis and not on any other basis;
 - (vii) may realize a profit or suffer a loss under contracts to perform service;
 - (viii) has continuing or recurring business liabilities or obligations; and
 - (ix) the success or failure of the individual's business depends on the relationship of business receipts to expenditures.

(b) Individuals who are applying for or renewing a residential building contractor or residential remodeler license under sections 326B.197, 326B.802, 326B.805, 326B.81, 326B.815, 326B.821 to 326B.86, 326B.87 to 326B.885, and 327B.041, and any rules promulgated pursuant thereto, may simultaneously apply for or renew an independent contractor exemption certificate. The commissioner shall create an application form that allows for the simultaneous application for both a residential building contractor or residential remodeler license and an independent contractor exemption certificate. If individuals simultaneously apply for or renew a residential building contractor or residential remodeler license and an independent contractor exemption certificate using the form created by the commissioner, individuals shall only be required to provide, in addition to the information required by section 326B.83 and rules promulgated pursuant thereto,

the sworn statement required by paragraph (a), clause (8), and any additional information required by this subdivision that is not also required by section 326B.83 and any rules promulgated thereto. When individuals submit a simultaneous application on the form created by the commissioner for both a residential building contractor or residential remodeler license and an independent contractor exemption certificate, the application fee shall be \$150. An independent contractor exemption certificate that is in effect before March 1, 2009, shall remain in effect until March 1, ~~2011~~ 2013, unless revoked by the commissioner or canceled by the individual.

(c) Within 30 days of receiving a complete application and the certificate fee, the commissioner must either grant or deny the application. The commissioner may deny an application for an independent contractor exemption certificate if the individual has not submitted a complete application and certificate fee or if the individual does not meet all of the conditions for holding the independent contractor exemption certificate. The commissioner may revoke an independent contractor exemption certificate if the commissioner determines that the individual no longer meets all of the conditions for holding the independent contractor exemption certificate, commits any of the actions set out in subdivision 7, or fails to cooperate with a department investigation into the continued validity of the individual's certificate. Once issued, an independent contractor exemption certificate remains in effect for ~~two~~ four years unless:

- (1) revoked by the commissioner; or
- (2) canceled by the individual.

(d) If the department denies an individual's original or renewal application for an independent contractor exemption certificate or revokes an independent contractor exemption certificate, the commissioner shall issue to the individual an order denying or revoking the certificate. The commissioner may issue an administrative penalty order to an individual or person who commits any of the actions set out in subdivision 7.

(e) An individual or person to whom the commissioner issues an order under paragraph (d) shall have 30 days after service of the order to request a hearing. The request for hearing must be in writing and must be served on or faxed to the commissioner at the address or facsimile number specified in the order by the 30th day after service of the order. If the individual does not request a hearing or if the individual's request for a hearing is not served on or faxed to the commissioner by the 30th day after service of the order, the order shall become a final order of the commissioner and will not be subject to review by any court or agency. The date on which a request for hearing is served by mail shall be the postmark date on the envelope in which the request for hearing is mailed. If the individual serves or faxes a timely request for hearing, the hearing shall be a contested case hearing and shall be held in accordance with chapter 14.

EFFECTIVE DATE. This section shall be effective retroactively from July 1, 2008."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Scheid moved to amend S.F. No. 2510 as follows:

Page 46, after line 3, insert:

"Sec. 10. Minnesota Statutes 2008, section 326B.106, subdivision 9, is amended to read:

Subd. 9. **Accessibility.** (a) **Public buildings.** The code must provide for making public buildings constructed or remodeled after July 1, 1963, accessible to and usable by persons with disabilities, although this does not require the remodeling of public buildings solely to provide accessibility and usability to persons with disabilities when remodeling would not otherwise be undertaken.

(b) **Leased space.** No agency of the state may lease space for agency operations in a non-state-owned building unless the building satisfies the requirements of the State Building Code for accessibility by persons with disabilities, or is eligible to display the state symbol of accessibility. This limitation applies to leases of 30 days or more for space of at least 1,000 square feet.

(c) **Meetings or conferences.** Meetings or conferences for the public or for state employees which are sponsored in whole or in part by a state agency must be held in buildings that meet the State Building Code requirements relating to accessibility for persons with disabilities. This subdivision does not apply to any classes, seminars, or training programs offered by the Minnesota State Colleges and Universities or the University of Minnesota. Meetings or conferences intended for specific individuals none of whom need the accessibility features for persons with disabilities specified in the State Building Code need not comply with this subdivision unless a person with a disability gives reasonable advance notice of an intent to attend the meeting or conference. When sign language interpreters will be provided, meetings or conference sites must be chosen which allow hearing impaired participants to see their signing clearly.

(d) **Exemptions.** The commissioner may grant an exemption from the requirements of paragraphs (b) and (c) in advance if an agency has demonstrated that reasonable efforts were made to secure facilities which complied with those requirements and if the selected facilities are the best available for access for persons with disabilities. Exemptions shall be granted using criteria developed by the commissioner in consultation with the Council on Disability.

(e) **Symbol indicating access.** The wheelchair symbol adopted by Rehabilitation International's Eleventh World Congress is the state symbol indicating buildings, facilities, and grounds which are accessible to and usable by persons with disabilities. In the interests of uniformity, this symbol is the sole symbol for display in or on all public or private buildings, facilities, and grounds which qualify for its use. The secretary of state shall obtain the symbol and keep it on file. No building, facility, or grounds may display the symbol unless it is in compliance with the rules adopted by the commissioner under subdivision 1. Before any rules are proposed for adoption under this paragraph, the commissioner shall consult with the Council on Disability. Rules adopted under this paragraph must be enforced in the same way as other accessibility rules of the State Building Code.

~~(f) **Municipal enforcement.** Municipalities which have not adopted the State Building Code may enforce the building code requirements for persons with disabilities by either entering into a joint powers agreement for enforcement with another municipality which has adopted the State Building Code; or contracting for enforcement with an individual certified under section 326B.133, subdivision 3, to enforce the State Building Code."~~

Page 49, after line 26, insert:

"Sec. 17. Minnesota Statutes 2008, section 326B.16, is amended to read:

326B.16 ENFORCEMENT OF REQUIREMENTS FOR ~~DISABLED~~ PERSONS WITH DISABILITIES.

Subdivision 1. **Application.** The State Building Code's requirements for persons with disabilities apply statewide. A statutory or home rule charter city that does not have in effect an ordinance adopting the State Building Code is responsible for enforcement in the city of the State Building Code's requirements for ~~disabled~~ persons with disabilities. In all other areas where there is no ordinance in effect adopting the State Building Code, the county is responsible for enforcement of the State Building Code's requirements for ~~disabled~~ persons with disabilities.

Subd. 2. **Municipal enforcement.** Municipalities which have not adopted the State Building Code shall enforce the State Building Code's requirements for persons with disabilities by: (1) entering into a joint powers agreement for enforcement with another municipality which has adopted the State Building Code; (2) contracting for enforcement with an individual certified under section 326B.133, subdivision 3, to enforce the State Building Code; or (3) hiring or training their own staff.

Subd. 3. **Responsibilities.** Municipalities shall fulfill code responsibilities including duties and responsibilities for code administration, plan review, and inspection in accordance with the procedures established in the State Building Code.

Subd. 4. **Enforcement by state building official.** If the commissioner determines that a municipality is not properly administering and enforcing the State Building Code's requirements for persons with disabilities, the commissioner may have the administration and enforcement in the involved municipality undertaken by the state building official or by another building official certified by the state. The commissioner shall notify the affected municipality in writing immediately upon making the determination, and the municipality may challenge the determination as a contested case before the commissioner pursuant to the Administrative Procedure Act. The commissioner shall charge the fees set by section 326B.153 for the administration and enforcement service rendered. Any cost to the state arising from the state administration and enforcement of the State Building Code shall be borne by the subject municipality."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Bakk moved to amend S.F. No. 2510 as follows:

Page 135, line 16, after "improvements" insert "and land purchase, provided that if the city sells or otherwise disposes of any of the land purchased with the money provided under this clause within a period of ten years after it was purchased, the city must transfer a portion of the proceeds of the sale equal to the amount of the purchase price paid from the money provided under this clause to the commissioner of Iron Range Resources and Rehabilitation for deposit in the taconite environmental protection fund to be used for the purposes of the fund under Minnesota Statutes, section 298.223"

The motion prevailed. So the amendment was adopted.

Senator Pappas moved to amend S.F. No. 2510 as follows:

Page 11, line 33, after "development" insert "and higher education"

The motion prevailed. So the amendment was adopted.

Senator Koch moved to amend S.F. No. 2510 as follows:

Page 6, delete section 7

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 31 and nays 33, as follows:

Those who voted in the affirmative were:

Bonoff	Gerlach	Limmer	Parry	Senjem
Clark	Gimse	Lynch	Rest	Sheran
Dille	Hann	Michel	Robling	Vandev eer
Doll	Ingebrigtsen	Olseen	Rosen	
Erickson Ropes	Jungbauer	Olson, G.	Rummel	
Fischbach	Koch	Ortman	Saltzman	
Frederickson	Koering	Pariseau	Scheid	

Those who voted in the negative were:

Anderson	Dahle	Langseth	Pogemiller	Stumpf
Bakk	Dibble	Lourey	Prettner Solon	Tomassoni
Berglin	Fobbe	Marty	Saxhaug	Torres Ray
Betzold	Foley	Metzen	Sieben	Vickerman
Carlson	Higgins	Moua	Skoe	Wiger
Chaudhary	Kelash	Murphy	Skogen	
Cohen	Kubly	Pappas	Sparks	

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

S.F. No. 2510 was then recommended to pass.

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

MOTIONS AND RESOLUTIONS - CONTINUED

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, Reports of Committees and Second Reading of Senate Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following House Concurrent Resolution, herewith transmitted:

House Concurrent Resolution No. 5: A House concurrent resolution relating to adjournment

for more than three days.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 19, 2010

Senator Pogemiller moved that House Concurrent Resolution No. 5 be laid on the table. The motion prevailed.

Mr. President:

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

S.F. No. 2437: A bill for an act relating to public safety; recodifying and clarifying the domestic abuse no contact order law; expanding the tampering with a witness crime; increasing the maximum bail for nonfelony domestic assault and domestic abuse order for protection violations; clarifying the requirement that the data communications network include orders for protection and no contact orders; exempting certain domestic abuse or sexual attack programs from data practices requirements; extending area for protection to a reasonable area around residence or dwelling in ex parte orders for protection; modifying crime of stalking; authorizing a pilot project to allow judges to order electronic monitoring for domestic abuse offenders on pretrial release; imposing criminal penalties; amending Minnesota Statutes 2008, sections 299C.46, subdivision 6; 518B.01, subdivision 7; 609.498, subdivision 3, by adding a subdivision; 609.749; 629.471, subdivision 3, by adding a subdivision; 629.72, subdivisions 1, 2a; proposing coding for new law in Minnesota Statutes, chapters 13; 629; repealing Minnesota Statutes 2008, section 518B.01, subdivision 22.

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

Hilstrom, Paymar and Holberg.

Senate File No. 2437 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 19, 2010

Mr. President:

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

S.F. No. 2519: A bill for an act relating to public utilities; requiring disclosure of public utility's travel, entertainment, and related expenses included in rate change request; amending Minnesota Statutes 2008, sections 13.681, by adding a subdivision; 216B.16, by adding a subdivision.

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

Hilstrom, Falk, Hortman, Jackson and Abeler.

Senate File No. 2519 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 19, 2010

Mr. President:

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

S.F. No. 2935: A bill for an act relating to human services; making changes to licensing provisions; modifying background study requirements, disqualifications, and data classification; amending Minnesota Statutes 2008, sections 245A.07, subdivision 2a; 245A.30; 245B.05, subdivision 7; 245C.02, subdivision 18; Minnesota Statutes 2009 Supplement, sections 245A.03, subdivision 2; 245A.04, subdivisions 5, 7; 245A.07, subdivisions 1, 3; 245A.144; 245A.50, subdivision 5; 245C.15, subdivision 2; 245C.20; 245C.22, subdivision 7.

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

Abeler, Lesch and Thao.

Senate File No. 2935 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 19, 2010

Mr. President:

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

S.F. No. 3128: A bill for an act relating to residential construction; providing for lead poisoning prevention; amending the State Building Code; modifying licensing requirements; amending Minnesota Statutes 2008, sections 326B.106, by adding subdivisions; 326B.805, by adding a subdivision.

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

Clark, Davnie and Gunther.

Senate File No. 3128 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 19, 2010

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3591:

H.F. No. 3591: A bill for an act relating to local government; authorizing the city of Minneapolis to adopt an ordinance to define the annual duration of operation of mobile food units; amending Minnesota Statutes 2008, section 157.15, subdivision 9.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Hornstein, Davnie and Kiffmeyer have been appointed as such committee on the part of the House.

House File No. 3591 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 19, 2010

Senator Dibble moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3591, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2639:

H.F. No. 2639: A bill for an act relating to public safety; authorizing wireless telecommunications service providers to provide call locations for emergencies; proposing coding for new law in Minnesota Statutes, chapter 237.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Johnson, Gardner and Hoppe have been appointed as such committee on the part of the House.

House File No. 2639 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 19, 2010

Senator Prettner Solon moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2639, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference

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

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. 2634: A bill for an act relating to public safety; making numerous changes to the controlled substance forfeiture law; expanding the reporting requirements related to forfeiture; requiring model policies on forfeiture; addressing the disposition of forfeiture proceeds; providing for a probable cause determination for certain forfeitures; amending Minnesota Statutes 2008, sections 97A.221, by adding a subdivision; 97A.223, by adding a subdivision; 97A.225, by adding a subdivision; 169A.63, by adding a subdivision; 491A.01, subdivision 3; 609.531, subdivisions 1a, 5, 5a, by adding a subdivision; 609.5311, subdivision 3; 609.5313; 609.5314; 609.5315, subdivisions 5, 6, by adding a subdivision; 609.5318, subdivision 3; 609.762, by adding a subdivision; 609.905, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 84.7741, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 388; 626.

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

Page 1, line 18, after "forfeitures" insert "of property having a value of more than \$250"

Page 1, lines 21 and 25, delete "enforcement officer" and insert "appropriate agency and prosecuting authority" and after "forfeitures" insert "of property having a value of more than \$250"

Page 2, line 3, delete "enforcement officer" and insert "appropriate agency and prosecuting authority" and after "forfeitures" insert "of property having a value of more than \$250"

Page 9, line 24, reinstate the stricken "20" and delete "30"

Page 9, line 31, delete "five" and insert "15"

Page 10, line 25, delete "requested" and insert "required"

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. 2493: A bill for an act relating to crime; including use of scanning device and reencoder to acquire information from payment cards as identity theft; amending Minnesota Statutes 2008, section 609.527, subdivisions 1, 6, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 388.23, subdivision 1.

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. 2880: A bill for an act relating to guardians ad litem; establishing the State Guardian Ad Litem Board; appropriating money; amending Minnesota Statutes 2008, sections 257.69, subdivision 2; 260B.331, subdivision 6; 260C.331, subdivisions 3, 6; 518.165, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 480.

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

Page 1, line 22, strike "general" and insert "special revenue"

Page 2, line 11, strike "general" and insert "special revenue"

Page 3, line 8, strike "general" and insert "special revenue"

Page 5, line 35, strike "general" and insert "special revenue"

Page 6, line 13, after "services" insert "and may authorize program expenditures until the board is established and thereafter"

Page 6, line 22, delete "\$....." and insert "\$12,367,000"

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. 2496: A bill for an act relating to state government; establishing the Task Force for Policy Innovation and Research.

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

Page 1, line 7, delete "14" and insert "15"

Page 1, line 8, delete everything after "senate"

Page 1, line 11, delete everything after "representatives"

Page 1, line 12, delete "committee on finance,"

Page 1, line 20, delete "and"

Page 1, line 22, delete the period and insert "; and"

Page 1, after line 22, insert:

"(7) one member from the office of the president of the University of Minnesota, selected by the president."

Page 1, line 24, delete "August" and insert "July"

Page 2, line 4, delete "serve as the chair and shall"

Page 2, line 5, after the period, insert "The task force shall select a chair from its membership at the first meeting."

Page 2, after line 23, insert:

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

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

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

S.F. No. 3079: A bill for an act relating to education finance; modifying the postsecondary enrollments options program; amending Minnesota Statutes 2008, section 124D.09, subdivision 20.

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

Page 1, after line 4, insert:

"Section 1. Minnesota Statutes 2008, section 124D.09, subdivision 9, is amended to read:

Subd. 9. **Enrollment priority.** A postsecondary institution shall give priority to its postsecondary students when enrolling 11th and 12th grade pupils in its courses. A postsecondary institution may provide information about its programs to a secondary school or to a pupil or parent, ~~but it may not advertise or otherwise recruit or solicit the participation of secondary pupils to enroll in its programs on financial grounds.~~ An institution must not enroll secondary pupils, for postsecondary enrollment options purposes, in remedial, developmental, or other courses that are not college level. Once a pupil has been enrolled in a postsecondary course under this section, the pupil shall not be displaced by another student."

Page 1, line 11, after the period, insert "The revenue billed to a student under this subdivision must be retained by the institution that provided the textbooks or equipment."

Page 1, after line 12, insert:

"Sec. 3. Minnesota Statutes 2008, section 135A.101, subdivision 1, is amended to read:

Subdivision 1. **Requirements for participation.** To participate in the postsecondary enrollment options program, a college or university must abide by the provisions in this section. The institution may provide information about its programs to a secondary school or to a pupil or parent, ~~but may not recruit or solicit participation on financial grounds.~~

Renumber the sections in sequence

Amend the title numbers accordingly

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

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

S.F. No. 560: A bill for an act relating to public safety; authorizing the expungement of criminal records for certain individuals who have received stays of adjudication or diversion; authorizing expungements without petitions in certain cases where charges were dismissed against a person upon prosecutorial approval and with victim notification; requiring persons petitioning for an expungement to provide a copy of the criminal complaint or police report; authorizing the opening of certain expunged records without a court hearing; amending Minnesota Statutes 2008, sections 609A.02, subdivision 3; 609A.03, subdivisions 2, 7; proposing coding for new law in Minnesota

Statutes, chapter 609A.

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

Page 3, after line 35, insert:

"Sec. 5. COSTS ASSOCIATED WITH ACT.

The Department of Public Safety shall absorb any costs incurred as a result of this act within its existing budget."

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. 2682: A bill for an act relating to veterans; authorizing funding for a veterans cemetery in Fillmore County; amending Laws 2009, chapter 93, article 1, section 14, subdivision 3.

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

Delete everything after the enacting clause and insert:

"Section 1. Laws 2009, chapter 93, article 1, section 14, subdivision 3, is amended to read:

Subd. 3. Veterans Cemeteries

1,500,000

Of this amount, up to \$500,000 is to acquire land located in Redwood County ~~and~~, northeastern Minnesota, and Fillmore County for publicly owned veterans cemeteries, to be operated by the commissioner of veterans affairs. The commissioner also must seek donations of land for the cemeteries. The balance of the appropriation is to predesign and design the cemeteries. Federal reimbursement of predesign and design costs for each cemetery must be deposited in the state treasury and credited to a special account and is appropriated to the commissioner ~~for asset preservation of veterans homes statewide, to be spent in accordance with Minnesota Statutes, section 16B.307~~ to predesign and design the remaining cemeteries.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "appropriating money for design and predesign of

veterans cemeteries;"

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. 214: A bill for an act relating to notaries public; modifying fees; regulating commissions and notarial stamps and seals; providing clarifications; providing for the accommodations of physical limitations; amending Minnesota Statutes 2008, sections 357.021, subdivision 2; 358.028; 358.09; 358.15; 358.47; 358.48; 359.01, subdivisions 2, 3; 359.02; 359.03, subdivisions 1, 2, 3, 4; 359.061; 359.12; proposing coding for new law in Minnesota Statutes, chapters 357; 359; repealing Minnesota Statutes 2008, sections 357.17; 359.05.

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

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2009 Supplement, section 357.021, subdivision 2, is amended to read:

Subd. 2. **Fee amounts.** The fees to be charged and collected by the court administrator shall be as follows:

(1) In every civil action or proceeding in said court, including any case arising under the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of \$310, except in marriage dissolution actions the fee is \$340.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of \$310, except in marriage dissolution actions the fee is \$340.

The party requesting a trial by jury shall pay \$100.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 103E, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding, \$14, and \$8 for an uncertified copy.

(3) Issuing a subpoena, \$16 for each name.

(4) Filing a motion or response to a motion in civil, family, excluding child support, and guardianship cases, \$100.

(5) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$55.

(6) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from

another court, \$40.

(7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of judgment, \$5.

(8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name certified to.

(9) Filing and indexing trade name; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians, or optometrists, \$5.

(10) For the filing of each partial, final, or annual account in all trusteeships, \$55.

(11) For the deposit of a will, \$27.

(12) For recording notary commission, \$100, ~~of which, notwithstanding subdivision 1a, paragraph (b), \$80 must be forwarded to the commissioner of management and budget to be deposited in the state treasury and credited to the general fund~~ \$20.

(13) Filing a motion or response to a motion for modification of child support, a fee of \$100.

(14) All other services required by law for which no fee is provided, such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

(15) In addition to any other filing fees under this chapter, a surcharge in the amount of \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption petition filed in district court to fund the fathers' adoption registry under section 259.52.

The fees in clauses (3) and (5) need not be paid by a public authority or the party the public authority represents."

Page 7, delete section 9 and insert:

"Sec. 9. Minnesota Statutes 2009 Supplement, section 359.01, subdivision 3, is amended to read:

Subd. 3. **Fees.** (a) When making application for a commission the applicant must submit, along with the information required by the secretary of state, a nonrefundable fee of ~~\$40~~ \$120, which shall be forwarded by the secretary of state to the commissioner of management and budget to be deposited in the state treasury and credited to the general fund.

(b) Except as otherwise provided in paragraph (a), all fees shall be retained by the secretary of state and are nonreturnable, except for an overpayment of a fee."

Page 9, line 17, delete the comma

Amend the title numbers accordingly

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

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

S.F. No. 2383: A bill for an act relating to marriage; establishing a couples on the brink project; removing a notarization requirement for premarital education statements; redirecting disposition

of a portion of the marriage license fee; appropriating money; amending Minnesota Statutes 2008, section 517.08, subdivision 1c; Minnesota Statutes 2009 Supplement, section 517.08, subdivision 1b; proposing coding for new law in Minnesota Statutes, chapter 256.

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

Delete everything after the enacting clause and insert:

"Section 1. [137.32] MINNESOTA COUPLES ON THE BRINK PROJECT.

Subdivision 1. **Establishment.** Within the limits of available appropriations, the Board of Regents of the University of Minnesota shall develop and implement a Minnesota couples on the brink project, as provided for in this section. The regents may administer the project with federal grants, state appropriations, and in-kind services received for this purpose.

Subd. 2. **Purpose.** The purpose of the project is to develop, evaluate, and disseminate best practices for promoting successful reconciliation between married persons who are considering or have commenced a marriage dissolution proceeding and who choose to pursue reconciliation.

Subd. 3. **Implementation.** The regents shall:

- (1) enter into contracts or manage a grant process for implementation of the project; and
- (2) develop and implement an evaluation component for the project.

Sec. 2. Minnesota Statutes 2009 Supplement, section 517.08, subdivision 1b, is amended to read:

Subd. 1b. Term of license; fee; premarital education. (a) The local registrar shall examine upon oath the parties applying for a license relative to the legality of the contemplated marriage. If one party is unable to appear in person, the party appearing may complete the absent applicant's information. The local registrar shall provide a copy of the marriage application to the party who is unable to appear, who must verify the accuracy of the party's information in a notarized statement. The marriage license must not be released until the verification statement has been received by the local registrar. If at the expiration of a five-day period, on being satisfied that there is no legal impediment to it, including the restriction contained in section 259.13, the local registrar shall issue the license, containing the full names of the parties before and after marriage, and county and state of residence, with the county seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. Except as provided in paragraph (c), the local registrar shall collect from the applicant a fee of ~~\$140~~ \$115 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the local registrar for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A local registrar who knowingly issues or signs a marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

(b) In case of emergency or extraordinary circumstances, a judge of the district court of the county in which the application is made may authorize the license to be issued at any time before expiration of the five-day period required under paragraph (a). A waiver of the five-day waiting period must be in the following form:

STATE OF MINNESOTA, COUNTY OF (insert county name)

APPLICATION FOR WAIVER OF MARRIAGE LICENSE WAITING PERIOD:

..... (legal names of the applicants)

Represent and state as follows:

That on (date of application) the applicants applied to the local registrar of the above-named county for a license to marry.

That it is necessary that the license be issued before the expiration of five days from the date of the application by reason of the following: (insert reason for requesting waiver of waiting period)

.....
.....
.....

WHEREAS, the applicants request that the judge waive the required five-day waiting period and the local registrar be authorized and directed to issue the marriage license immediately.

Date:

.....
.....

(Signatures of applicants)

Acknowledged before me on this day of

.....

NOTARY PUBLIC

COURT ORDER AND AUTHORIZATION:

STATE OF MINNESOTA, COUNTY OF (insert county name)

After reviewing the above application, I am satisfied that an emergency or extraordinary circumstance exists that justifies the issuance of the marriage license before the expiration of five days from the date of the application. IT IS HEREBY ORDERED that the local registrar is authorized and directed to issue the license forthwith.

.....

..... (judge of district court)

..... (date).

(c) The marriage license fee for parties who have completed at least 12 hours of premarital education is \$40. In order to qualify for the reduced license fee, the parties must submit at the time of applying for the marriage license a signed, and dated, ~~and notarized~~ statement from the

person who provided the premarital education on their letterhead confirming that it was received. The premarital education must be provided by a licensed or ordained minister or the minister's designee, a person authorized to solemnize marriages under section 517.18, or a person authorized to practice marriage and family therapy under section 148B.33. The education must include the use of a premarital inventory and the teaching of communication and conflict management skills.

(d) The statement from the person who provided the premarital education under paragraph (b) must be in the following form:

"I, (name of educator), confirm that (names of both parties) received at least 12 hours of premarital education that included the use of a premarital inventory and the teaching of communication and conflict management skills. I am a licensed or ordained minister, a person authorized to solemnize marriages under Minnesota Statutes, section 517.18, or a person licensed to practice marriage and family therapy under Minnesota Statutes, section 148B.33."

The names of the parties in the educator's statement must be identical to the legal names of the parties as they appear in the marriage license application. Notwithstanding section 138.17, the educator's statement must be retained for seven years, after which time it may be destroyed.

(e) If section 259.13 applies to the request for a marriage license, the local registrar shall grant the marriage license without the requested name change. Alternatively, the local registrar may delay the granting of the marriage license until the party with the conviction:

(1) certifies under oath that 30 days have passed since service of the notice for a name change upon the prosecuting authority and, if applicable, the attorney general and no objection has been filed under section 259.13; or

(2) provides a certified copy of the court order granting it. The parties seeking the marriage license shall have the right to choose to have the license granted without the name change or to delay its granting pending further action on the name change request.

Sec. 3. Minnesota Statutes 2008, section 517.08, subdivision 1c, as amended by Laws 2010, chapter 200, article 1, section 17, is amended to read:

Subd. 1c. **Disposition of license fee.** (a) Of the marriage license fee collected pursuant to subdivision 1b, paragraph (a), \$25 must be retained by the county. The local registrar must pay ~~\$85~~ \$90 to the commissioner of management and budget to be deposited as follows:

(1) \$55 in the general fund;

(2) \$3 in the state government special revenue fund to be appropriated to the commissioner of public safety for parenting time centers under section 119A.37;

(3) \$2 in the special revenue fund to be appropriated to the commissioner of health for developing and implementing the MN ENABL program under section 145.9255; ~~and~~

(4) \$25 in the special revenue fund is appropriated to the commissioner of employment and economic development for the displaced homemaker program under section 116L.96; and

(5) \$5 in the special revenue fund, which is appropriated to the Board of Regents of the University of Minnesota for the Minnesota couples on the brink project under section 137.32.

(b) Of the \$40 fee under subdivision 1b, paragraph (b), \$25 must be retained by the county. The local registrar must pay \$15 to the commissioner of management and budget to be deposited as follows:

(1) \$5 as provided in paragraph (a), clauses (2) and (3); and

(2) \$10 in the special revenue fund is appropriated to the commissioner of employment and economic development for the displaced homemaker program under section 116L.96."

Delete the title and insert:

"A bill for an act relating to marriage; establishing a couples on the brink project; removing a notarization requirement for premarital education statements; redirecting disposition of a portion of the marriage license fee; terminating the Minnesota Healthy Marriage and Responsible Fatherhood Initiative; appropriating money; amending Minnesota Statutes 2008, section 517.08, subdivision 1c; Minnesota Statutes 2009 Supplement, section 517.08, subdivision 1b; proposing coding for new law in Minnesota Statutes, chapter 137."

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. 2874: A bill for an act relating to state government; streamlining state government; abolishing the Department of Employment and Economic Development and the Department of Labor and Industry; establishing a task force; requiring establishment of an employee participation committee before agency restructuring; requiring reports; providing for taxpayer accountability; proposing coding for new law in Minnesota Statutes, chapter 16C.

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

Page 3, line 2, delete "TASK FORCE" and insert "REORGANIZATION; PROCESS"

Page 3, line 3, delete "Membership" and insert "Working groups" and before "Within" insert "(a)"

Page 3, delete lines 4 to 6 and insert "the Management Analysis Division of the Department of Management and Budget shall provide a facilitator or facilitators who shall convene each of the following working groups:"

Page 3, lines 7, 11, and 14, before "group" insert "working"

Page 3, line 28, delete "this clause" and insert "clause (3)"

Page 3, line 29, delete "the task force" and insert "a working group"

Page 3, line 31, delete the first "of" and insert "after"

Page 3, after line 31, insert:

"(b) Members of the working groups established in paragraph (a) shall serve as partners in changing the delivery of state services and the performance of state functions. Each working group shall initially meet separately to develop its own recommendations for a governmental structure to perform the functions and provide the services affected by section 5 in furtherance of the

outcomes listed in section 2. A facilitator shall assist each group. Each group must complete its recommendations by October 1, 2010."

Page 3, delete subdivision 2 and insert:

"Subd. 2. **Joint committee.** (a) By September 1, 2010, each working group shall select from its membership representatives to a joint committee, as follows:

(1) two representatives from the working group established by subdivision 1, paragraph (a), clause (1);

(2) three representatives from the working group established by subdivision 1, paragraph (a), clause (2); and

(3) five representatives from the working group established by subdivision 1, paragraph (a), clause (3), who must be private citizens.

(b) The facilitator or facilitators shall convene the first meeting of the joint committee by October 1, 2010. The joint committee shall develop a recommendation for a governmental structure to perform the functions and provide the services affected by section 5 in furtherance of the goals and outcomes listed in sections 1 and 2, including ways to measure and track performances on the outcomes established in section 2. The recommendation must address ways to obtain input from local and regional governmental units in order to achieve the coordinated and cooperative outcomes required by section 2. The speaker of the house and the Subcommittee on Committees of the Committee on Rules and Administration of the senate may provide legislative staff support to the joint committee upon its request. A facilitator provided by the management analysis division shall chair meetings of the joint committee and serve as a nonvoting member. The joint committee shall submit its recommendation for reorganization, including draft legislation, to the governor and the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over state government and economic development policy and finance by January 15, 2011.

(c) The joint committee expires after submission of the report."

Page 4, line 26, after "heads" insert "of the agencies listed in section 5"

Page 4, line 29, delete "task force group" and insert "working groups" and delete "2" and insert "3"

Page 5, line 31, delete everything after the period and insert "The governor's budget proposal must give due consideration to the reorganization recommendations submitted by the joint committee under section 3."

Page 5, delete lines 32 to 33

Page 6, delete lines 1 and 2

Page 6, delete section 7 and insert:

"Sec. 7. **MANAGERIAL POSITION REDUCTIONS.**

In anticipation of the reorganization required by this article, the commissioners of employment and economic development and labor and industry must reduce the number of deputy

commissioners, assistant commissioners, and positions designated as unclassified under authority of Minnesota Statutes, section 43A.08, subdivision 1a. The amount of money saved in fiscal year 2011 due to the position reductions must be at least sufficient to offset any costs of the reorganization in fiscal year 2011. Any additional savings due to the position reductions must be redirected to other purposes within the reorganized agency so that the net cost to the state of the reorganization is zero."

Page 6, line 10, delete "and 6" and insert ", 6, and 7"

Page 6, line 11, delete "Sections 5 and 7 are" and insert "Section 5 is"

Page 6, line 31, delete everything after the comma

Page 6, line 32, delete everything before "shall" and insert "the contracting agency"

Page 6, line 33, delete "proposal" and insert "highest scoring proposal or lowest cost bid"

Page 7, line 1, delete "bid" and insert "response"

Page 7, line 3, delete "commissioner" and insert "contracting agency"

Page 7, line 5, delete "which" and insert "that"

Page 7, lines 12 and 14, delete "department" and insert "agency"

Page 7, line 16, delete "of administration" and after "must" insert "electronically"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, before the first semicolon, insert "operations"

Page 1, line 4, delete "task force" and insert "process to reorganize delivery of their services and performance of their functions"

Amend the title numbers accordingly

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

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

S.F. No. 2725: A bill for an act relating to public safety; establishing a certification process for multijurisdictional gang and drug task forces; prohibiting law enforcement agencies from maintaining criminal gang investigative data systems; classifying data received from law enforcement agencies in other states; delineating uses of data in the comprehensive incident-based reporting system; restricting the acquisition of cell phone tracking devices; amending the forfeiture reporting requirements; amending Minnesota Statutes 2008, sections 13.82, by adding a subdivision; 299A.641; 299C.40, subdivision 2; 609.531, subdivision 1; 609.5315, subdivision 6; 624.714, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 13; 626A; repealing Minnesota Statutes 2008, sections 13.6905, subdivision 14; 299C.091.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 13.82, is amended by adding a subdivision to read:

Subd. 30. **Gang investigative data systems.** A law enforcement agency may maintain a computerized criminal gang investigative data system consisting of data on individuals who are known gang members only if the system consists solely of:

- (1) investigative data of the law enforcement agency that maintains the system; or
- (2) investigative data obtained from other law enforcement agencies on an individual record inquiry basis.

This subdivision does not prohibit the collection, maintenance, or release of data relating to gang membership on an individual record basis.

EFFECTIVE DATE. This section is effective August 1, 2011.

Sec. 2. **[13.823] LAW ENFORCEMENT DATA FROM OTHER STATES.**

Subdivision 1. **Definitions.** For purposes of this section:

(1) "investigative data" means data collected or created by a law enforcement agency in order to prepare a case against a person, whether known or unknown, for the commission of a crime or an act of delinquency; and

(2) "law enforcement agency" means a government agency with a law enforcement function, as described in section 13.82, subdivision 1, or an equivalent agency in another state.

Subd. 2. **Classification of data from other states.** (a) Except as provided in paragraph (b) or (c), when a law enforcement agency in this state receives investigative data from a law enforcement agency in another state, the data are classified in this state in a manner that is the equivalent to the data classification or treatment of the data in the other state that applies at the time a request for access to the data in this state is made.

(b) When investigative data classified under paragraph (a) become part of an active criminal investigation in this state involving an adult, the data are classified as provided in section 13.82.

(c) When investigative data classified under paragraph (a) become part of an active juvenile delinquency investigation in this state involving a child, the data are governed by section 260B.171, subdivision 4 or 5.

Subd. 3. **Sharing authorized.** If a law enforcement agency in this state receives investigative data that are classified as not public under subdivision 2, paragraph (a), the data may be shared with other law enforcement agencies if the data are pertinent and necessary to the receiving agency in initiating, furthering, or completing an investigation.

Subd. 4. **Transaction record.** A law enforcement agency in this state that receives or disseminates data that are classified as not public under subdivision 2, paragraph (a), shall maintain a record of each receipt or dissemination of the data.

Sec. 3. Minnesota Statutes 2008, section 299A.641, is amended to read:

299A.641 GANG AND DRUG VIOLENT CRIME OVERSIGHT COUNCIL.

Subdivision 1. **Oversight council established.** The ~~Gang and Drug~~ Violent Crime Oversight Council is established to provide guidance related to the investigation and prosecution of gang and drug crime. For the purposes of this section, "gang and drug crime" includes violent crimes associated with gang activity.

Subd. 2. **Membership.** The oversight council shall consist of the following individuals or their designees:

(1) the director of the office of special investigations as the representative of the commissioner of corrections;

(2) the superintendent of the Bureau of Criminal Apprehension as the representative of the commissioner of public safety;

(3) the attorney general;

(4) ~~eight two~~ chiefs of police, selected by the Minnesota Chiefs of Police Association, two of which including one who must be selected from cities with populations greater than 200,000 work in the seven-county metropolitan area and one who must work in greater Minnesota;

(5) ~~eight two~~ sheriffs, selected by the Minnesota Sheriffs Association to represent each district, two of which must be selected from counties with populations greater than 500,000, including one who must work in the seven-county metropolitan area and one who must work in greater Minnesota;

(6) the Hennepin County and Ramsey County sheriffs;

(7) the chiefs of police of Minneapolis and St. Paul;

~~(6)~~ (8) the United States attorney for the district of Minnesota;

~~(7)~~ (9) two county attorneys, selected by the Minnesota County Attorneys Association, including one who must work in the seven-county metropolitan area and one who must work in greater Minnesota;

~~(8)~~ a command-level representative of a gang strike force;

~~(9)~~ (10) a representative from a drug task force, selected by the Minnesota State Association of Narcotics Investigators four citizen members appointed by the commissioner of public safety in consultation with representatives from the councils created in sections 3.922, 3.9223, 3.9225, and 3.9226; and

~~(10)~~ a representative from the United States Drug Enforcement Administration;

~~(11)~~ a representative from the United States Bureau of Alcohol, Tobacco, Firearms and Explosives;

~~(12)~~ a representative from the Federal Bureau of Investigation;

~~(13)~~ (11) a tribal peace officer, selected by the Minnesota Tribal Law Enforcement Association;

~~(14)~~ two additional members who may be selected by the oversight council;

~~(15) a senator who serves on the committee having jurisdiction over criminal justice policy, chosen by the Subcommittee on Committees of the senate Committee on Rules and Administration; and~~

~~(16) a representative who serves on the committee having jurisdiction over criminal justice policy, chosen by the speaker of the house.~~

The oversight council ~~may~~ shall adopt procedures to govern its conduct as necessary and ~~may~~ shall select a chair from among its members. ~~The legislative members of the council may not vote on matters before the council. The chair shall serve a two-year term and the appointment of the chair shall alternate between a person who works in greater Minnesota and a person who works in the seven-county metropolitan area.~~

Subd. 3. **Oversight council's duties.** The oversight council shall develop an overall strategy to ameliorate the harm caused to the public by gang and drug crime within the state of Minnesota. ~~This strategy may include the development of protocols and procedures to investigate gang and drug crime and a structure for best addressing these issues in a multijurisdictional manner.~~ Additionally, the oversight council shall:

~~(1)~~ (1) subject to approval by the commissioner of public safety, develop an operating procedures and policies manual to investigate gang and drug crime in a multijurisdictional manner;

~~(4)~~ (2) identify and recommend a candidate or candidates for statewide coordinator to the commissioner of public safety;

~~(2)~~ (3) establish multijurisdictional task forces and strike forces to combat gang and drug crime, to include a metro gang strike force and a gang strike force located in the St. Cloud metropolitan area;

~~(3)~~ (4) assist the Department of Public Safety commissioner of public safety in developing grant eligibility criteria and operating an objective and conflict-free grant review application process that is free from conflicts of interest;

~~(4) make funding recommendations to the commissioner of public safety on grants to support efforts to combat gang and drug crime;~~

~~(5) make recommendations to the commissioner of public safety to terminate grant funding for multijurisdictional entities if an entity no longer operates in accordance with guidelines established under subdivision 3a, or no longer functions in a manner consistent with the best interests of the state or public;~~

~~(5)~~ (6) assist in developing a process to collect and share information to improve the investigation and prosecution of gang and drug offenses;

~~(6)~~ (7) develop and approve an operational budget for the office of the statewide coordinator and the oversight council; and

~~(8) develop policies that prohibit the improper use of personal characteristics such as race, color, national origin, gender, or religion to target individuals for law enforcement action, prosecution, or forfeiture action; and~~

~~(7)~~ (9) subject to approval by the commissioner of public safety, adopt narrowly tailored,

objective criteria and identifying characteristics for use in determining whether individuals are or may be members of gangs involved in criminal activity. The council shall review and update the criteria and characteristics adopted under this clause every two years with the objective of ensuring effectiveness and relevance to the accurate identification of subjects actively involved in criminal gang activity. As part of its review process, the council shall obtain input from members of communities that are impacted by criminal gang activity. Before adopting any changes under this clause, the council must submit its recommendations to the commissioner of public safety for approval.

Subd. 3a. **Duties and authority of commissioner.** (a) By September 1, 2010, the commissioner of public safety shall establish guidelines for the certification of multijurisdictional entities that are established under this section. The guidelines shall require that all multijurisdictional entities:

(1) be subject to the operational command and supervision of one of the participating agencies; and

(2) have adequate staffing and funding to support law enforcement, prosecutorial, and financial operations, including bookkeeping, evidence handling, and inventory recording.

(b) A multijurisdictional entity may not operate unless it meets the guidelines established by, and is annually certified by, the commissioner of public safety. If, at any time, the commissioner revokes an entity's certification, the commissioner may order any or all of the following:

(1) dissolution of the entity, its governing boards, or both;

(2) transfer of responsibilities of the entity, its governing boards, or both, to the commissioner of public safety; and

(3) any other actions deemed necessary by the commissioner.

Notwithstanding any action taken by the commissioner, any outstanding obligations or liabilities of the entity remain with the entity and the parties to the agreement and do not transfer.

(c) Except as provided in section 8, a multijurisdictional entity that is operating on the effective date of this section has six months from the date guidelines are established under paragraph (a) to be certified under this section.

Subd. 4. **Statewide coordinator.** ~~The current gang strike force commander shall serve as a transition coordinator until July 1, 2006, at which time the~~ commissioner of public safety shall appoint a statewide coordinator ~~as recommended by the oversight council.~~ The coordinator serving in the unclassified service shall:

(1) coordinate and monitor all multijurisdictional gang and drug enforcement activities;

(2) facilitate local efforts and ensure statewide coordination with efforts to combat gang and drug crime;

(3) facilitate training for personnel; and

(4) monitor compliance with investigative protocols; and

~~(5) implement an outcome evaluation and data quality control process.~~

Subd. 5. **Participating officers; employment status.** All participating law enforcement officers must be licensed peace officers as defined in section 626.84, subdivision 1, or qualified federal law enforcement officers as defined in section 626.8453. Participating officers remain employees of the same entity that employed them before joining any multijurisdictional entity established under this section. Participating officers are not employees of the state. Participating officers are subject to annual performance reviews conducted by the entity's governing board.

Subd. 6. **Jurisdiction and powers.** Law enforcement officers participating in any multijurisdictional entity established under this section have statewide jurisdiction to conduct criminal investigations and have the same powers of arrest as those possessed by a sheriff.

Subd. 6a. **Evidence handling.** A multijurisdictional entity established under this section shall process all seized cash, physical assets, and evidence through the standard evidence handling procedures established by the participating agencies.

Subd. 7. **Grants authorized.** The commissioner of public safety, ~~upon recommendation of the council,~~ may make grants to state and local units of government to combat gang and drug crime. When awarding grants, the commissioner shall consider awarding grants under this section to fund community-based gang intervention and prevention efforts for youth.

Subd. 8. **Oversight council is permanent.** Notwithstanding section 15.059, this section does not expire.

Subd. 8a. **Governing board; prosecutor's role.** (a) A multijurisdictional entity established under this section shall create a governing board consisting of the chief law enforcement officer, or designee, from each participating agency, a prosecutor from one of the participating agencies, and up to three additional members selected by the governing board. A governing board shall have no less than six members.

(b) The prosecutor on the governing board shall have the following responsibilities:

(1) to oversee training for officers assigned to a multijurisdictional entity in order to increase successful prosecutions;

(2) to advise on the lawful handling and processing of seized property and evidence and forfeited property and money; and

(3) to ensure that seizures and forfeitures are reported in accordance with section 609.5315, subdivision 6.

Subd. 9. **Funding.** Participating agencies may accept lawful grants or contributions from any federal source or legal business or entity.

Subd. 10. **Role of attorney general.** The attorney general or a designee shall generally advise on any matters that the oversight council deems appropriate.

Subd. 11. **Attorney general; community liaison.** (a) The attorney general or a designee shall serve as a liaison between the oversight council and the councils created in sections 3.922, 3.9223, 3.9225, and 3.9226. The attorney general or designee will be responsible for:

(1) informing the councils of the plans, activities, and decisions and hearing their reactions to those plans, activities, and decisions; and

(2) providing the oversight council with the ~~councils'~~ position of the councils on the oversight council's plan, activities, and decisions.

(b) In no event is the oversight council required to disclose the names of individuals identified by it to the councils referenced in this subdivision.

(c) Nothing in this subdivision changes the data classification of any data held by the oversight council.

Subd. 12. **Required ~~report~~ reports.** (a) ~~By March~~ February 1 of each year, the ~~council~~ commissioner of public safety shall ~~report~~ submit the following reports to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding ~~on the activities of the council and any strike or task forces. This annual report shall include:~~

~~(1) a description of the council's goals for the previous year and for the coming year;~~

~~(2)(1) a description of the outcomes the council achieved or did not achieve during the preceding year and a description of the outcomes the council will seek to achieve during the coming year~~ report on the results of audits conducted on data submitted to the criminal gang investigative data system under section 299C.091; and

~~(3) any legislative recommendations the council has including, where necessary, a description of the specific legislation needed to implement the recommendations~~

(2) a report on the activities and goals of the oversight council.

Sec. 4. Minnesota Statutes 2008, section 299C.40, subdivision 2, is amended to read:

Subd. 2. **Purpose.** CIBRS is a statewide system containing data from law enforcement agencies. Data in CIBRS must be made available to law enforcement agencies ~~in order to:~~

(1) prepare a case against a person, whether known or unknown, for the commission of a crime or other offense for which the agency has investigative authority;

(2) serve process in a criminal case;

(3) inform law enforcement officers of possible safety issues before service of process;

(4) enforce no contact orders;

(5) locate missing persons; or

~~for purposes of~~ (6) conduct background investigations required by section 626.87.

Sec. 5. Minnesota Statutes 2008, section 609.531, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For the purpose of sections 609.531 to 609.5318, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a dangerous weapon as defined under section 609.02, subdivision 6, that the actor used or had in possession in furtherance of a crime.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the Bureau of Criminal Apprehension, the Department of Commerce Division of Insurance Fraud Prevention, the Minnesota Division of Driver and Vehicle Services, the Minnesota State Patrol, a county sheriff's department, the Three Rivers Park District park rangers, the Department of Natural Resources Division of Enforcement, the University of Minnesota Police Department, the Department of Corrections Fugitive Apprehension Unit, ~~or~~ a city, metropolitan transit, or airport police department; or a multijurisdictional entity established under section 299A.641 or 299A.681.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter, chapter 152, or chapter 624;

(2) for driver's license or identification card transactions: any violation of section 171.22; and

(3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.282; 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.352; 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.611; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 609.895; 617.246; 617.247; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Sec. 6. [626A.281] ACQUISITION AND USE OF CELLULAR TELEPHONE TRACKING DEVICES.

(a) A local law enforcement agency must not purchase or acquire a device that is used for tracking the location of cellular telephones unless the local government unit with jurisdiction over the agency approves the purchase or acquisition.

(b) A state or local law enforcement agency may track the location of a cellular telephone only in the manner provided under section 626A.28, subdivision 3, paragraph (b), clauses (2) to (4).

EFFECTIVE DATE. This section is effective the day following final enactment. This section does not apply to a device that was purchased or acquired before the effective date.

Sec. 7. APPOINTMENTS AND FIRST MEETING OF COUNCIL.

The new appointments specified in Minnesota Statutes, section 299A.641, subdivision 2, must be completed by September 1, 2010. The superintendent of the Bureau of Criminal Apprehension shall convene the first meeting of the Violent Crime Oversight Council with the new members no

later than October 1, 2010. The council shall select a chair as provided in Minnesota Statutes, section 299A.641, subdivision 2, at the first meeting.

Sec. 8. **WORK GROUP.**

The director of the Information Policy Analysis Division of the Department of Administration shall convene and chair a work group of stakeholders and interested parties to discuss issues and laws pertaining to criminal intelligence databases. In its discussions, the work group shall balance considerations of public safety needs and privacy interests, oversight, minimization of discretion, and regulation of the collection of these data. By February 1, 2011, the work group shall submit an executive summary document to the chairs and ranking minority members of the committees of the senate and house of representatives with jurisdiction over data practices issues. The document must summarize the work group meetings and outline proposed legislative changes to implement recommendations on which there is agreement. The Department of Public Safety shall provide administrative support to the work group.

Sec. 9. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall replace references in statute to the "Gang and Drug Oversight Council" with the "Violent Crime Oversight Council."

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 re-referred

S.F. No. 2620: A bill for an act relating to state and local government; establishing the Commission on Service Innovation.

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

Delete everything after the enacting clause and insert:

"Section 1. **[3.9280] COMMISSION ON SERVICE INNOVATION.**

Subdivision 1. **Establishment.** The Commission on Service Innovation is established to provide the legislature and the Board of Innovation with a strategic plan to reengineer the delivery of state and local government services, including the realignment of service delivery by region and proximity, the use of new technologies, shared facilities, centralized information technologies, and other means of improving efficiency.

Subd. 2. **Membership.** (a) The commission consists of 18 members, appointed as follows:

(1) one representative of the Minnesota Chamber of Commerce;

(2) one representative of the Minnesota Business Partnership;

(3) one representative of the McKnight Foundation;

(4) one representative of the Wilder Foundation;

(5) one representative of the Bush Foundation;

- (6) one representative of the Minnesota Council of Nonprofits;
- (7) one representative of the Minnesota Association of Townships;
- (8) one representative of the Association of Minnesota Counties;
- (9) one representative of the League of Minnesota Cities;
- (10) one representative of the University of Minnesota;
- (11) one representative of the Minnesota State Colleges and Universities;
- (12) one representative of the Minnesota Association of School Administrators;
- (13) two representatives of the American Federation of State, County, and Municipal Employees, including one from council 5 and one from council 65;
- (14) one representative of the Minnesota Association of Professional Employees;
- (15) one representative of the Service Employees International Union;
- (16) one representative of the Minnesota High Tech Association; and
- (17) the state chief information officer.

(b) The appointments required by this section must be completed by June 30, 2010. Appointing authorities shall notify the state chief information officer when making their appointments. The members of the commission shall serve at the pleasure of the appointing authorities.

Subd. 3. **Organization.** (a) Within two weeks after completion of the appointments under subdivision 2, the state chief information officer shall convene the first meeting of the commission. The state chief information officer shall provide meeting space for the commission. The commission shall select co-chairpersons from its appointed membership at the first meeting. Members of the legislature may attend the meetings of the commission and participate as nonvoting members of the commission.

(b) The commission shall provide notice of its meetings to the public and to interested members of the legislature. Meetings of the commission are subject to chapter 13D. The commission shall post all reports required under this section on the Legislative Coordinating Commission Web site.

(c) The commission may solicit and receive private contributions. Money received under this paragraph is deposited in a special revenue account and appropriated to the commission for the purposes of this section. The commission may provide per diem payments to voting members as determined by the commission from the appropriation in this paragraph. No public money may be used to provide payment of per diems or expenses for members of the commission. The commission may hire staff to assist the commission in its work.

(d) The commission shall solicit and coordinate public input. The commission must use its best efforts to maximize public involvement in the work of the commission, including the use of best practices in social media. The commission may retain an expert in the use of social media to assist in public outreach and involvement.

Subd. 4. **Reporting.** (a) Beginning August 1, 2010, the commission shall publish electronic

monthly reports on its progress, including a description of upcoming agenda items.

(b) By January 15 of each year, beginning in 2011, the commission shall report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over state government policy and finance regarding its work under this section and to the Board of Innovation established under section 465.7902, with a strategic plan containing findings and recommendations to improve state and local government delivery of public services. The strategic plan must address:

(1) how to enhance the public involvement and input as the public uses state and local government services and public schools;

(2) how technology can be leveraged to reduce costs and enhance quality;

(3) how service innovation will conserve substantial financial resources;

(4) a transition plan and governance structure that will facilitate high-quality innovation and change in the future;

(5) how to improve public sector employee productivity;

(6) the security of individual data and government programs;

(7) data transparency and accountability;

(8) centralized and shared services; and

(9) data interoperability across jurisdictions.

The strategic plan shall also provide a process to review and modify recommendations at regular intervals in the future based on specific results measured at regular intervals.

The strategic plan shall also include any proposed legislation necessary to implement the commission's recommendations.

Subd. 5. **Expiration.** This section expires June 30, 2012.

Sec. 2. Minnesota Statutes 2008, section 3.971, is amended by adding a subdivision to read:

Subd. 9. **Recommendations to the Board of Innovation.** The legislative auditor may make recommendations to the Board of Innovation established under section 465.7902 that will assist the board in accomplishing its duties.

Sec. 3. **[372A.01] HOME RULE CHARTER FOR CONTIGUOUS COUNTIES.**

Any two or more contiguous counties in the state may propose a county home rule charter commission as provided in this chapter.

The county board of each contiguous county shall adopt a resolution to establish a home rule charter commission for the counties. The resolution must name the contiguous counties proposing to establish the charter commission.

Sec. 4. **[372A.02] CHARTER COMMISSION; NOMINATIONS AND APPOINTMENTS.**

Subdivision 1. **Publication.** Within 30 days after the date of the resolution in section 372A.01,

the county board of each county shall publish the resolution and a notice inviting interested persons to apply to the county board of commissioners for consideration by the county board and the joint legislative delegation for nomination to the charter commission. The resolution and notice must be published at least once a week for two successive weeks in a qualified newspaper of general circulation within each county. If one newspaper is a qualified newspaper of general circulation for more than one county, those counties may publish jointly. The county boards shall furnish copies of the applications to the members of the joint legislative delegation.

Subd. 2. **Nomination.** (a) Within 60 days after the date of the resolution in section 372A.01, the county board of each county shall nominate 15 persons as candidates for appointment to a charter commission to propose a charter to provide for the form of county government for the counties. Three persons who reside in the district must be nominated for each of the county commissioner districts in each county. Immediately following selection of the nominees, the county board of each county shall submit the nominations, together with the county board resolution, to the chief judge of the district court with jurisdiction in the county.

(b) Within 75 days after the date of the resolution in section 372A.01, the joint legislative delegation of each county shall nominate six persons who reside in the county as candidates for appointment to a charter commission to propose a charter to provide for the form of county government for the counties. The six persons must be nominated without regard to county commissioner districts. Immediately following selection of the nominees, the delegation shall submit the nominations to the chief judge of the district court with jurisdiction in the county. For purposes of this section, "joint legislative delegation" means all elected members of the house of representatives and senate whose legislative district includes a portion of a county proposing a home rule charter commission under section 372A.01.

Subd. 3. **Appointment.** Within 30 days after the last submission of nominations, the chief judge shall appoint to the charter commission seven members for each county, one appointee for each county commissioner district in each county, selected from those who were nominated by county commissioner district, and two appointees from each county who were nominated to serve from the county without regard to county commissioner districts. The commission members must be qualified voters in the county from which they are appointed. A person is not disqualified from serving on the charter commission because the person holds an elective or appointive office. The appointing authority shall fill any vacancies. Appointments must be filed with the board of county commissioners of the county in which the appointee resides. An appointee must file an acceptance with the board within ten days after notification of the appointment or be considered to have declined the appointment.

Sec. 5. [372A.03] CHARTER COMMISSION; TERMS; ADMINISTRATION.

Subdivision 1. **Chair; rules.** The charter commission shall meet within 30 days after the initial appointment, elect a chair from among the members, and establish rules, including quorum requirements, for its operation and procedures.

Subd. 2. **Expenses and administration.** The members of the charter commission receive no compensation except reimbursement for expenses actually incurred in the course of their duties. The board of county commissioners of each county may make appropriations to the charter commission to be used to employ research and clerical assistance, for supplies, and to meet expenses considered necessary by the charter commission. The charter commission may request and receive assistance

from any county official. If requested, a personnel director shall assist the charter commission to test and hire employees. If requested, a county attorney shall provide legal services.

Subd. 3. **Terms.** Members of the charter commission hold office until a final report has been made under section 372A.04.

Sec. 6. [372A.04] CHARTER COMMISSION; POWERS AND DUTIES.

Subdivision 1. **Report to county boards.** The charter commission shall deliver to the board of county commissioners of each contiguous county either (1) its report determining that the present form of county government is adequate for the county and that a charter is not necessary or desirable, or (2) a draft of a proposed charter. The report must be signed by a majority of the members of the charter commission.

Subd. 2. **Contents of report.** The proposed charter may provide for any form of government consistent with the Constitution of the state of Minnesota. It may provide for the establishment and administration of all departments of a county government and for the regulation of all local county functions. It may abolish or consolidate any department or agency. It must provide for present functions to be assumed by new elective or appointive officers as provided in the charter and may provide for other powers consistent with other law. It must provide methods of procedure in respect to the operation of the government created and the duties of all officers. It must provide for a home rule charter commission consistent with article XII, section 5, of the Constitution of the state of Minnesota and may provide for alternative methods for amending or abandoning the charter consistent with the Constitution. A county may be authorized to acquire by gift, devise, purchase, or condemnation or sell or lease any property needed for the full discharge of its duties and powers.

Subd. 3. **Public hearings.** The charter commission must hold at least one public hearing on the report in each of the county commissioner districts. Based upon the public hearings, the charter commission may revise the report. The revised report must be signed by a majority of the members of the charter commission, and delivered to the county boards.

Sec. 7. [372A.05] ELECTION; BALLOT.

Subdivision 1. **Procedure; notice.** Upon delivery of the final proposed charter to the board of county commissioners in each county, each board shall submit it to the voters in that county at a general election. The notice of election must contain the complete charter and must be published once a week for two successive weeks in a qualified newspaper of general circulation within each county.

Subd. 2. **Ballot form.** The ballot must at least contain the following question with additional descriptive language, approved by the secretary of state, that the charter commission may include:

"Shall the proposed county charter be adopted?"

Yes

No"

The voter shall place an "X" after one of the last two words to express the voter's choice.

Sec. 8. [372A.06] ADOPTION OF CHARTER.

If a majority of the votes cast in a county on the proposition are in favor of the proposed charter, it must be considered adopted for that county. The charter takes effect two years after the election.

Sec. 9. [372A.07] HOME RULE CHARTER COUNTY POWERS AND DUTIES.

Subdivision 1. **General rule.** Unless specifically provided otherwise in general laws or statutes, the term "county" when used in Minnesota Statutes or any general legislative act includes home rule charter counties organized under this chapter. In addition to powers and duties granted or imposed under its charter, a home rule charter county has all the powers granted a county by law and all of the duties imposed upon it by law. If a charter provision conflicts with a general law, the requirements of the law prevail.

Subd. 2. **County bonds and indebtedness.** All general and special laws authorizing a county to incur indebtedness or issue bonds are subject to the charter if the charter provisions are not in conflict with general laws relating to indebtedness.

Subd. 3. **Personnel exception.** A home rule charter does not apply to personnel matters relating to employees of a county, which continue to be governed by law.

Sec. 10. [465.7901] DEFINITIONS.

Subdivision 1. **Agency.** "Agency" means a department, agency, board, or other instrumentality of state government that has jurisdiction over an administrative rule or law from which a waiver is sought under section 465.7903. If no specific agency has jurisdiction over such a law, "agency" refers to the attorney general.

Subd. 2. **Board.** "Board" means the Board of Innovation established by section 465.7902.

Subd. 3. **Council or Metropolitan Council.** "Council" or "Metropolitan Council" means the Metropolitan Council established by section 473.123.

Subd. 4. **Local government unit.** "Local government unit" means a county, home rule charter or statutory city, school district, town, or special taxing district, except for purposes of sections 465.81 to 465.86.

Subd. 5. **Metropolitan agency.** "Metropolitan agency" has the meaning given in section 473.121, subdivision 5a.

Subd. 6. **Metropolitan area.** "Metropolitan area" has the meaning given in section 473.121, subdivision 2.

Subd. 7. **Scope.** As used in sections 465.7901 to 465.7905 and 465.805 to 465.86, the terms defined in this section have the meanings given them.

Sec. 11. [465.7902] BOARD OF INNOVATION.

Subdivision 1. **Membership.** (a) The Board of Innovation consists of 16 members, appointed as follows:

(1) two members of the senate, appointed by the Subcommittee on Committees of the Senate Committee on Rules and Administration;

(2) two members of the house of representatives, appointed by the speaker of the house;

- (3) the commissioner of management and budget;
- (4) the commissioner of administration;
- (5) the state chief information officer;
- (6) two members with a background in academic research concerning system redesign and delivery, including one member appointed by the chancellor of the Minnesota State Colleges and Universities and one member appointed by the president of the University of Minnesota;
- (7) two members with experience in the leadership of nonprofit organizations, appointed by the Minnesota Council of Nonprofits, including one member from an organization with statewide membership, and one member from a human services organization;
- (8) two members with experience in foundation leadership, including one member from a foundation making statewide grants appointed by the Minnesota Council on Foundations;
- (9) one member with experience as a leader of a for-profit corporation, appointed by the Minnesota Chamber of Commerce; and
- (10) two members appointed by the American Federation of State, County, and Municipal Employees, including one from council 5 and one from council 65.

All members must have experience or interest in the work of system redesign or public sector innovation. The legislative members serve as nonvoting members. A commissioner serving on the board may designate an employee from the commissioner's agency to serve as the commissioner's designee. A person registered as a lobbyist under chapter 10A may not be a member of the board.

(b) A board member may not vote on a determination under sections 465.7903 to 465.7905 if the members of the appointing authority for the member has a direct interest in the determination.

Subd. 2. **Duties of board.** The board shall:

- (1) accept applications from local government units and nonprofit organizations for waivers of administrative rules and temporary, limited exemptions from enforcement of procedural requirements in state law as provided in section 465.7903, and determine whether to approve, modify, or reject the application;
- (2) accept applications for grants to local government units and related organizations proposing to design models or plans for innovative service delivery and management as provided in section 465.7905 and determine whether to approve, modify, or reject the application;
- (3) accept applications from eligible local government units for service-sharing grants as provided in section 465.805, and determine whether to approve, modify, or reject the application;
- (4) make recommendations to the chairs and ranking minority members of the appropriate legislative committees for the authorization of pilot projects for the implementation of innovative service delivery activities that require statutory authorization;
- (5) make recommendations to the chairs and ranking minority members of the appropriate legislative committees regarding the elimination of state mandates that inhibit local government efficiency, innovation, and cooperation by prescribing specific processes for achieving a desired

outcome;

(6) investigate and review the role of unfunded state mandates in intergovernmental relations and assess their impact on state and local government objectives and responsibilities;

(7) make recommendations to the governor and the chairs and ranking minority members of the appropriate legislative committees regarding:

(i) allowing flexibility for local units of government in complying with specific unfunded state mandates for which terms of compliance are unnecessarily rigid or complex;

(ii) reconciling any two or more unfunded state mandates that impose contradictory or inconsistent requirements;

(iii) terminating unfunded state mandates that are duplicative, obsolete, or lacking in practical utility;

(iv) suspending, on a temporary basis, unfunded state mandates that are not vital to public health and safety and that compound the fiscal difficulties of local units of government, including recommendations for initiating the suspensions;

(v) consolidating or simplifying unfunded state mandates or the planning or reporting requirements of the mandates, in order to reduce duplication and facilitate compliance by local units of government with those mandates; and

(vi) establishing common state definitions or standards to be used by local units of government in complying with unfunded state mandates that use different definitions or standards for the same terms or principles;

(8) identify relevant unfunded state mandates;

(9) facilitate proposals for grants made by eligible applicants;

(10) make recommendations on topics to the Legislative Audit Commission for program evaluations that are likely to result in recommendations that will improve the cost-effective delivery of government services; and

(11) review recommendations received from the Commission on Service Innovation.

The duties imposed under clauses (6) to (10) must be performed to the extent possible given existing resources. Each recommendation under clause (7) must, to the extent practicable, identify the specific unfunded state mandates to which the recommendation applies. The commissioners or directors of state agencies responsible for the promulgation or enforcement of the unfunded mandates addressed in clauses (5) to (10) shall assign staff to assist the board in carrying out the board's duties under this section.

Subd. 3. **Additional coordinating functions.** The board may also:

(1) serve as a clearinghouse for existing ideas and information from community leaders;

(2) provide a Web site where interested parties may share information and practices;

(3) receive recommendations from the legislative auditor concerning waivers and other

initiatives within the board's jurisdiction;

(4) conduct research concerning innovation in service delivery and local government efficiency, innovation, and cooperation;

(5) facilitate regional dialogue concerning successful innovation and collaboration; and

(6) use its best efforts to maximize public involvement in its work, including the use of best practices in social media.

Subd. 4. **Staff.** The board shall hire an executive director, who serves as the state's chief innovation officer. The board may hire other staff or consultants as necessary to perform its duties.

Subd. 5. **Terms, compensation, and removal.** The terms, compensation, and removal of members is governed by section 15.0575, unless otherwise provided. The terms of legislative members of the board correspond with the term of the office held by the member at the time of appointment.

Sec. 12. [465.7903] RULE AND LAW WAIVER REQUESTS.

Subdivision 1. **Generally.** (a) Except as provided in paragraph (b), a local government unit or a nonprofit organization may request the Board of Innovation to grant a waiver from one or more administrative rules or a temporary, limited exemption from enforcement of state procedural laws governing delivery of services by the local government unit or nonprofit organization. Two or more local government units may submit a joint application for a waiver or exemption under this section if they propose to cooperate in providing a service or program that is subject to the rule or law. Before a local unit of government may submit an application to the board, the governing body of the local government unit must approve, in concept, the proposed waiver or exemption at a meeting required to be public under chapter 13D. A waiver or exemption granted to a nonprofit organization under this section applies to services provided to all of the organization's clients.

(b) A school district that is granted a variance from rules of the commissioner of education under section 122A.163 need not apply to the board for a waiver of those rules under this section. A school district may not seek a waiver of rules under this section if the commissioner of education has authority to grant a variance to the rules under section 122A.163. This paragraph does not preclude a school district from being included in a cooperative effort with another local government unit under this section.

Subd. 2. **Application.** (a) A local government unit or nonprofit organization requesting a waiver of a rule or exemption from enforcement of a law under this section shall present a written application to the board. The application must include:

(1) identification of the service or program at issue;

(2) identification of the administrative rule or the law imposing a procedural requirement with respect to which the waiver or exemption is sought; and

(3) a description of the improved service outcome sought, including an explanation of the effect of the waiver or exemption in accomplishing that outcome.

(b) A local government unit submitting an application must provide a copy to the exclusive representative certified under section 179A.12 to represent employees who provide the service or

program affected by the requested waiver or exemption.

Subd. 3. **Review process.** (a) Upon receipt of an application, the board shall commence review of the application, as provided in this subdivision. The board shall dismiss an application if it finds that the application proposes a waiver of rules or exemption from enforcement of laws that would result in due process violations, violations of federal law or the state or federal constitution, or the loss of services to people who are entitled to them.

(b) The board shall determine whether a law from which an exemption for enforcement is sought is a procedural law, specifying how a local government unit or nonprofit organization is to achieve an outcome, rather than a substantive law prescribing the outcome or otherwise establishing policy. In making its determination, the board shall consider whether the law specifies such requirements as:

- (1) who must deliver a service;
- (2) where the service must be delivered;
- (3) to whom and in what form reports regarding the service must be made; and
- (4) how long or how often the service must be made available to a given recipient.

(c) If a member of the board also is a commissioner, a commissioner's designee, or the state auditor, or is employed by an agency with jurisdiction over a rule or law affected by an application, the member must not participate in the decision on the particular waiver or exemption.

(d) If the application is submitted by a local government unit or a nonprofit organization in the metropolitan area or the unit or nonprofit organization requests a waiver of a rule or temporary, limited exemptions from enforcement of a procedural law over which the Metropolitan Council or a metropolitan agency has jurisdiction, the board shall also transmit a copy of the application to the council for review and comment. The council shall report its comments to the board within 60 days of the date the application was transmitted to the council. The council may point out any resources or technical assistance it may be able to provide a local government unit or nonprofit organization submitting a request under this section.

(e) Within 15 days after receipt of the application, the board shall transmit a copy of it to the commissioner of each agency having jurisdiction over a rule or law from which a waiver or exemption is sought. The agency may mail a notice that it has received an application for a waiver or exemption to all persons who have registered with the agency under section 14.14, subdivision 1a, identifying the rule or law from which a waiver or exemption is requested. If no agency has jurisdiction over the rule or law, the board shall transmit a copy of the application to the attorney general. The agency shall inform the board of its agreement with or objection to and grounds for objection to the waiver or exemption request within 60 days of the date when the application was transmitted to it. An agency's failure to respond under this paragraph is considered agreement to the waiver or exemption. The board shall decide whether to grant a waiver or exemption at its next regularly scheduled meeting following its receipt of an agency's response or the end of the 60-day response period. If consideration of an application is not concluded at that meeting, the matter may be carried over to the next meeting of the board. Interested persons may submit written comments to the board on the waiver or exemption request up to the time of its vote on the application.

(f) If the exclusive representative of the affected employees of the requesting local government

unit objects to the waiver or exemption request, it may inform the board of the objection to and the grounds for the objection to the waiver or exemption request within 60 days of the receipt of the application.

Subd. 4. **Hearing.** If the agency or the exclusive representative does not agree with the waiver or exemption request, the board shall set a date for a hearing on the application. The hearing must be conducted informally at a meeting of the board. Persons representing the local government unit shall present their request for the waiver or exemption, and a representative from the agency shall explain the agency's objection to the waiver or exemption. Members of the board may request additional information from either party. The board may also request, either before or at the hearing, information or comments from representatives of business, labor, local governments, state agencies, consultants, and members of the public. If necessary, the hearing may be continued at a subsequent board meeting. A waiver or exemption requires a majority vote of the board members. The board may modify the terms of the waiver or exemption request in arriving at the agreement required under subdivision 5.

Subd. 5. **Conditions of agreements.** (a) If the board grants a request for a waiver or exemption, the board and the entity making the request shall enter into an agreement providing for the delivery of the service or program that is the subject of the application. The agreement must specify desired outcomes and the means of measurement by which the board will determine whether the outcomes specified in the agreement have been met. The agreement must specify the duration of the waiver or exemption. The duration of a waiver from an administrative rule may be for no less than two years and no more than four years, subject to renewal if both parties agree. An exemption from enforcement of a law terminates ten days after adjournment of the regular legislative session held during the calendar year following the year when the exemption is granted, unless the legislature has acted to extend or make permanent the exemption.

(b) If the board grants a waiver or exemption, it must report the waiver or exemption to the legislature, including the chairs of the governmental operations and appropriate policy committees in the house of representatives and senate, and the governor within 30 days.

(c) The board may reconsider or renegotiate the agreement if the rule or law affected by the waiver or exemption is amended or repealed during the term of the original agreement. A waiver of a rule under this section has the effect of a variance granted by an agency under section 14.055, subdivision 4. The recipient of an exemption from enforcement of a procedural requirement in state law under this section is exempt from that law for the duration of the exemption. The board may require periodic reports from the recipient, or conduct investigations of the service or program.

Subd. 6. **Enforcement.** If the board finds that the recipient of a waiver or an exemption has failed to comply with the terms of the agreement under subdivision 5, it may rescind the agreement. After an agreement is rescinded, the recipient is subject to the rules and laws covered by the agreement.

Subd. 7. **Access to data.** If the recipient of a waiver or an exemption through a cooperative program under this section gains access to data that is classified as not public, the access to and use of the data for the recipient is governed by the same restrictions on access to and use of the data that apply to the unit that collected, created, received, or maintained the data.

Sec. 13. [465.7904] WAIVERS OF STATE RULES; POLICIES.

Subdivision 1. **Application.** A state agency may apply to the board for a waiver from: (1) an

administrative rule or policy adopted by the commissioner of management and budget that deals with the state personnel system; (2) an administrative rule or policy of the commissioner of administration that deals with the state procurement system; or (3) a policy of the commissioner of management and budget that deals with the state accounting system. Two or more state agencies may submit a joint application. A waiver application must identify the rule or policy at issue, and must describe the improved outcome sought through the waiver.

Subd. 2. **Review process.** (a) The board shall review all applications submitted under this section. The board shall dismiss an application if it finds that the application proposes a waiver that would result in due process violations, violations of federal law or the state or federal constitution, or the loss of services to people who are entitled to them. If a proposed waiver would violate the terms of a collective bargaining agreement effective under chapter 179A, the waiver is not effective without the consent of the exclusive representative that is a party to the agreement. The board may approve a waiver only if the board determines that if the waiver is granted: (1) services can be provided in a more efficient or effective manner; and (2) services related to human resources must be provided in a manner consistent with section 43A.01. In the case of a waiver from a policy of the commissioner of management and budget, the board may approve the waiver only if it determines that services will be provided in a more efficient or effective manner and that state funds will be adequately accounted for and safeguarded in a manner that complies with generally accepted government accounting principles.

(b) Within 15 days of receipt of the application, the board shall send a copy of the application to: (1) the agency whose rule or policy is involved; and (2) all exclusive representatives who represent employees of the agency requesting the waiver. The agency whose rule or policy is involved may mail a copy of the application to all persons who have registered with the agency under section 14.14, subdivision 1a.

(c) The agency whose rule or policy is involved or an exclusive representative shall notify the board of its agreement with or objection to and grounds for objection to the waiver within 60 days of the date when the application was transmitted to the agency or the exclusive representative. An agency's or exclusive representative's failure to respond under this paragraph is considered agreement to the waiver.

(d) If the agency or the exclusive representative objects to the waiver, the board shall schedule a meeting at which the agency requesting the waiver may present its case for the waiver and the objecting party may respond. The board shall decide whether to grant a waiver at its next regularly scheduled meeting following its receipt of an agency's response, or the end of the 60-day response period, whichever occurs first. If consideration of an application is not concluded at the meeting, the matter may be carried over to the next meeting of the board. Interested persons may submit written comments to the board on the waiver request.

(e) If the board grants a request for a waiver, the board and the agency requesting the waiver shall enter into an agreement relating to the outcomes desired as a result of the waiver and the means of measurement to determine whether those outcomes have been achieved with the waiver. The agreement must specify the duration of the waiver, which must be for at least two years and not more than four years. If the board determines that an agency that has received a waiver is failing to comply with the terms of the agreement, the board may rescind the agreement.

Subd. 3. **Board.** For purposes of evaluating waiver requests involving rules or policies of the

commissioner of administration, the commissioner of administration may not participate in the evaluation.

Sec. 14. **[465.7905] SERVICE BUDGET MANAGEMENT MODEL GRANTS.**

Subdivision 1. **Application.** One or more local units of government, an association of local governments, the Metropolitan Council, a local unit of government acting in conjunction with an organization or a state agency, an organization established by two or more local units of government under a joint powers agreement, or a not-for-profit organization may apply to the Board of Innovation for a grant to be used to develop models for innovative service budget management. The application must specify a nonstate funding source for 25 percent of the total cost of the proposal. The application to the board must state what other sources of funding have been considered by the local units of government to implement the project and explain why it is not possible to complete the project without assistance from the board. The board may not award a grant if it determines that the local units of government could complete the project without board assistance or if it determines the applicant has not specified a nonstate funding source for 25 percent of the total cost. A copy of the application must be provided by the units to the exclusive representatives certified under section 179A.12 to represent employees who provide the service or program affected by the application.

Subd. 2. **Proposals.** Proposed models may provide options to local governments, neighborhood or community organizations, other not-for-profit organizations, or individuals to redesign and deliver services. In awarding grants under this section, the board must consider whether the proposal:

- (1) expands consumer choices and opportunities;
- (2) shifts government toward an expanded role as a purchaser, rather than a provider, of services;
- (3) reduces administrative costs through statewide or regional contracting, or related administrative efficiencies;
- (4) reduces administrative costs through the accumulation of multiple related services into a single contract with one provider, or related administrative efficiencies; and
- (5) fosters entrepreneurial leadership in the public sector.

Subd. 3. **Requirements.** A copy of the work product for which the grant was provided must be furnished to the board upon completion, and the board may disseminate it to other local units of government or interested groups. If the board finds that the model was not completed or implemented according to the terms of the grant agreement, it may require the grantee to repay all or a portion of the grant. The board shall award grants on the basis of each qualified applicant's score under the scoring system in section 465.806. The amount of a grant under this section may not exceed \$250,000.

Sec. 15. **[465.805] INNOVATION CHALLENGE GRANTS.**

Two or more local units of government; an association of local governments; a local unit of government acting in conjunction with the Metropolitan Council, an organization, or a state agency; or an organization established by two or more local units of government under a joint powers agreement may apply to the Board of Innovation for a grant to be used to meet the start-up

costs of providing shared services or functions. Agreements solely to make joint purchases are not sufficient to qualify under this section. The application to the board must state what other sources of funding have been considered by the local units of government to implement the project and explain why it is not possible to complete the project without assistance from the board. The board may not award a grant if it determines that the local units of government could complete the project without board assistance. A copy of the application must be provided by the applicants to the exclusive representatives certified under section 179A.12 to represent employees who provide the service or program affected by the application.

The proposal must include plans fully to integrate a service or function provided by two or more local government units. A copy of the work product for which the grant was provided must be furnished to the board upon completion, and the board may disseminate it to other local units of government or interested groups. If the board finds that the grantee has failed to implement the plan according to the terms of the agreement, it may require the grantee to repay all or a portion of the grant. The board shall award grants on the basis of each qualified applicant's score under the scoring system in section 465.806. The amount of a grant under this section may not exceed \$100,000. A grant may be made under this section only if an amount equal to 25 percent of the grant amount is provided by nonstate sources.

Sec. 16. [465.806] SCORING SYSTEM.

In deciding whether to award a grant under section 465.7905 or 465.805, the board shall use the following scoring system:

(1) Up to 15 points must be awarded to reflect the extent to which the application demonstrates creative thinking, careful planning, cooperation, involvement of the clients of the affected service, and commitment to assume risk.

(2) Up to 20 points must be awarded to reflect the extent to which the proposed project is likely to improve the quality of the service and to have benefits for other local governments.

(3) Up to 15 points must be awarded to reflect the extent to which the application's budget provides sufficient detail, maximizes the use of state funds, documents the need for financial assistance, commits to local financial support, and limits expenditures to essential activities.

(4) Up to 20 points must be awarded to reflect the extent to which the application reflects the statutory goal of the grant program.

(5) Up to 15 points must be awarded to reflect the merit of the proposed project and the extent to which it warrants the state's financial participation.

(6) Up to five points must be awarded to reflect the cost to benefit ratio projected for the proposed project.

(7) Up to five points must be awarded to reflect the number of government units participating in the proposal.

(8) Up to five points must be awarded to reflect the minimum length of time the application commits to implementation.

Sec. 17. [465.807] REPAYMENT OF GRANTS.

Subdivision 1. **Repayment procedures.** Without regard to whether a grant recipient offered to repay the grant in its original application, as part of a grant awarded under section 465.7905 or 465.805, the board may require the grant recipient to repay all or part of the grant if the board determines the project funded by the grant resulted in an actual savings for the participating local units of government. The grant agreement must specify how the savings are to be determined and the period of time over which the savings will be used to calculate a repayment requirement. The repayment of grant money under this section must not exceed an amount equal to the total savings achieved through the implementation of the project multiplied by the total amount of the grant divided by the total budget for the project and may not exceed the total amount of the original grant.

Subd. 2. **Bonus points.** In addition to the points awarded to competitive grant applications under section 465.806, the board shall award additional points to any applicant that projects a potential cost savings through the implementation of its project and offers to repay part or all of the grant under the formula in subdivision 1.

Subd. 3. **Use of repayment revenue.** All grant money repaid to the board under this section is appropriated to the board for additional grants authorized by sections 465.7905 and 465.805.

Sec. 18. [465.808] RECEIPTS; APPROPRIATION.

(a) The board may charge a fee for the use of services provided by the board's staff. The receipts from fees charged under this section are deposited in a special revenue account and appropriated to the board for services provided under sections 465.7901 to 465.808.

(b) The board may accept gifts and grants. Money received under this paragraph is deposited in a special revenue account and appropriated to the board for services provided under sections 465.7901 to 465.808.

Sec. 19. REPEALER.

Minnesota Statutes 2008, section 6.80, is repealed.

Sec. 20. EFFECTIVE DATE.

Sections 1 to 19 are effective July 1, 2010, except that duties of the board under Minnesota Statutes, section 465.7902, subdivision 2, clause (3), are effective July 1, 2011."

Amend the title as follows:

Page 1, line 3, before the period, insert "; authorizing contiguous counties to establish a home rule charter commission; reestablishing the Board of Innovation; imposing powers and duties on the board; appropriating money;"

Amend the title numbers accordingly

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2634, 2493, 2880, 3079, 560, 2682, 214, 2383, 2874 and 2725 were read the second

time.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Pogemiller moved that House Concurrent Resolution No. 5 be taken from the table. The motion prevailed.

House Concurrent Resolution No. 5: A House concurrent resolution relating to adjournment for more than three days.

BE IT RESOLVED by the House of Representatives of the State of Minnesota, the Senate concurring:

1. Upon their adjournments on Wednesday, April 21, 2010, the House of Representatives and Senate may each set its next day of meeting for Monday, April 26, 2010. Upon their adjournments on Wednesday, April 28, 2010, the House of Representatives and Senate may each set its next day of meeting for Monday, May 3, 2010.

2. Each house consents to the adjournments of the other house for more than three days.

Senator Pogemiller moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

RECESS

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

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

APPOINTMENTS

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

H.F. No. 3591: Senators Dibble, Higgins and Senjem.

H.F. No. 2634: Senators Olseen, Sheran and Frederickson.

H.F. No. 2639: Senators Prettner Solon, Sheran and Vandever.

H.F. No. 3263: Senators Gimse, Murphy and Carlson.

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

MEMBERS EXCUSED

Senator Doll was excused from the Session of today from 11:00 to 11:40 a.m. Senator Lourey was excused from the Session of today from 11:00 to 11:45 a.m. Senator Parry was excused from the Session of today from 11:00 a.m. to 12:20 p.m. Senator Skogen was excused from the Session

of today from 11:20 to 11:40 a.m. Senator Torres Ray was excused from the Session of today from 2:00 to 2:15 p.m. Senators Johnson, Latz and Olson, M. were excused from the Session of today at 3:30 p.m. Senator Scheid was excused from the Session of today at 3:50 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 11:00 a.m., Tuesday, April 20, 2010. The motion prevailed.

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