

STATE OF MINNESOTA

EIGHTY-FOURTH SESSION — 2005

 THIRTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 11, 2005

The House of Representatives convened at 3:30 p.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by the Reverend Lonnie E. Titus, House Chaplain.

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

The roll was called and the following members were present:

| | | | | | |
|--------------|------------|-------------|------------|--------------|--------------|
| Abeler | Dorman | Hilty | Latz | Otremba | Simon |
| Anderson, B. | Dorn | Holberg | Lenczewski | Ozment | Simpson |
| Anderson, I. | Eastlund | Hoppe | Lesch | Paulsen | Slawik |
| Atkins | Eken | Hornstein | Liebling | Paymar | Smith |
| Beard | Ellison | Hortman | Lieder | Pelowski | Soderstrom |
| Bernardy | Emmer | Hosch | Lillie | Penas | Solberg |
| Bradley | Entenza | Howes | Loeffler | Peppin | Sykora |
| Brod | Erhardt | Huntley | Magnus | Peterson, A. | Thao |
| Buesgens | Erickson | Jaros | Mahoney | Peterson, N. | Thissen |
| Carlson | Finstad | Johnson, J. | Mariani | Peterson, S. | Tingelstad |
| Charron | Fritz | Johnson, R. | Marquart | Poppe | Urdahl |
| Clark | Garofalo | Johnson, S. | McNamara | Powell | Vandever |
| Cornish | Gazelka | Juhnke | Meslow | Rukavina | Wagenius |
| Cox | Goodwin | Kahn | Moe | Ruth | Walker |
| Cybart | Greiling | Kelliher | Mullery | Ruud | Wardlow |
| Davids | Gunther | Klinzing | Murphy | Sailor | Walti |
| Dean | Hackbarth | Knoblach | Nelson, M. | Samuelson | Westerberg |
| DeLaForest | Hamilton | Koenen | Nelson, P. | Scalze | Westrom |
| Demmer | Hansen | Kohls | Newman | Seifert | Wilkin |
| Dempsey | Hausman | Krinkie | Nornes | Sertich | Zellers |
| Dill | Heidgerken | Lanning | Olson | Severson | Spk. Sviggum |
| Dittrich | Hilstrom | Larson | Opatz | Sieben | |

A quorum was present.

Blaine was excused.

Davnie was excused until 4:05 p.m. Abrams was excused until 4:10 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Powell moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Erhardt from the Committee on Transportation to which was referred:

H. F. No. 468, A bill for an act relating to motor vehicles; modifying definition of motorized bicycle; amending Minnesota Statutes 2004, sections 168.011, subdivision 27; 169.01, subdivision 4a; 171.01, subdivision 41.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Public Safety Policy and Finance.

The report was adopted.

Smith from the Committee on Public Safety Policy and Finance to which was referred:

H. F. No. 498, A bill for an act relating to public safety; radio communications; expanding and making permanent the sales and use tax exemption for public safety radio communication system products and services; expanding definition of subsystems; expanding purposes for public safety radio communication systems' revenue bonds; increasing dollar limits and clarifying the kind of subsystem certain revenue bonds may be used for; appropriating money; amending Minnesota Statutes 2004, sections 297A.70, subdivision 8; 403.21, subdivision 8; 403.27, subdivisions 1, 3.

Reported the same back with the following amendments:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2004, section 297A.70, subdivision 8, is amended to read:

Subd. 8. [REGIONWIDE PUBLIC SAFETY RADIO COMMUNICATION SYSTEM; PRODUCTS AND SERVICES.] Products and services including, but not limited to, end user equipment used for construction, ownership, operation, maintenance, and enhancement of the backbone system of the regionwide public safety radio communication system established under sections 403.21 to 403.34, are exempt. For purposes of this subdivision, backbone system is defined in section 403.21, subdivision 9. This subdivision is effective for purchases, sales, storage, use, or consumption ~~occurring before August 1, 2005, in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington~~ for use in the first and second phases of the system, as defined in section 403.21, subdivisions 3 and 10, and that portion of the third phase of the system as defined in section 403.21, subdivision 11, that is located in the southeast district of the State Patrol and the counties of Benton, Sherburne, Stearns, and Wright."

Page 2, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 2004, section 403.27, is amended by adding a subdivision to read:

Subd. 1a. [AUTHORIZATION; THIRD PHASE.] The commissioner of finance, if requested by a vote of at least two-thirds of all of the members of the Statewide Radio Board, may authorize the issuance of revenue bonds or other debt instrument for any of the following purposes:

(1) provide funds for the elements of the third phase of the statewide public safety radio communication system within the southeast district of the State Patrol and the counties of Benton, Sherburne, Stearns, and Wright that the board determines are of regional or statewide benefit and support mutual aid and emergency medical services communication including, but not limited to, costs of master controllers of the backbone;

(2) provide funds for the third phase of the public safety radio communication system within the southeast district of the State Patrol and the counties of Benton, Sherburne, Stearns, and Wright; and

(3) refund bonds issued under this section."

Page 4, line 15, delete "council" and insert "commissioner of finance" and delete "1" and insert "1a"

Page 4, line 16, delete "\$....." and insert "\$9,500,000"

Page 4, line 17, delete "council" and insert "commissioner of finance"

Page 4, line 21, delete "1, paragraph (a), clause (5)" and insert "1a"

Page 4, delete section 5 and insert:

"Sec. 5. Minnesota Statutes 2004, section 403.27, subdivision 4, is amended to read:

Subd. 4. [SECURITY.] The bonds issued under subdivision 1 may be secured by a bond resolution or a trust indenture entered into by the council with a corporate trustee within or outside the state which shall define the fee pledged for the payment and security of the bonds and for payment of all necessary and reasonable debt service expenses until all the bonds referred to in subdivision 1 are fully paid or discharged in accordance with law. The pledge shall be a valid charge on the emergency telephone service fee provided in chapter 403. No mortgage of or security interest in any tangible real or personal property shall be granted to the bondholders or the trustee, but they shall have a valid security interest in the revenues and bond proceeds received by the council and pledged to the payment of the bonds as against the claims of all persons in tort, contract, or otherwise, irrespective of whether the parties have notice and without possession or filing as provided in the Uniform Commercial Code, or any other law, subject however to the rights of the holders of any general obligation bonds issued under section 403.32. In the bond resolution or trust indenture, the council may make covenants as it determines to be reasonable for the protection of the bondholders.

Neither the council, nor any council member, officer, employee, or agent of the council, nor any person executing the bonds shall be liable personally on the bonds by reason of their issuance. The bonds are not payable from, and are not a charge upon, any funds other than the revenues and bond proceeds pledged to their payment. The council is not subject to any liability on the bonds and has no power to obligate itself to pay or to pay the bonds from funds other than the revenues and bond proceeds pledged. No holder of bonds has the right to compel any exercise of the taxing power of the council, except any deficiency tax levy the council covenants to certify under section 403.31, or any other public body, to the payment of principal of or interest on the bonds. No holder of bonds has the right to enforce payment of principal or interest against any property of the council or other public body other than that expressly pledged for the payment of the bonds.

Sec. 6. Minnesota Statutes 2004, section 403.27, is amended by adding a subdivision to read:

Subd. 5. [SECURITY.] The bonds or other debt instrument issued under subdivision 1a may be secured by a bond resolution or a trust indenture entered into by the commissioner of finance with a corporate trustee within or outside the state which shall define the fee pledged for the payment and security of the bonds or other debt instrument and for payment of all necessary and reasonable debt service expenses until all the bonds or other debt

instruments referred to in subdivision 1a are fully paid or discharged in accordance with law. The pledge shall be a valid charge on the emergency telephone service fee provided in this chapter. The bonds or other debt instrument shall have a valid security interest in the revenues and proceeds received by the commissioner of finance and pledged to the payment of the bonds or other debt instrument as against the claims of all persons in tort, contract, or otherwise, irrespective of whether the parties have notice and without possession or filing as provided in the Uniform Commercial Code, or any other law. In the bond resolution or trust indenture, the commissioner of finance may make covenants as may be reasonable for the protection of the bondholders or other creditor.

The bonds or other debt instrument are not payable from, and are not a charge upon, any funds other than the revenues and bond or other debt instrument proceeds pledged to their payment. The state of Minnesota is not subject to any liability on the bonds and the commissioner of finance has no power to obligate the state of Minnesota to pay or to pay the bonds or other debt instruments from funds other than the revenues and debt instrument proceeds pledged. No holder of bonds has the right to compel any exercise of the taxing power of the state of Minnesota, except any deficiency tax levy the commissioner is authorized to certify under section 403.31, or any other public body, to the payment of principal of or interest on the bonds or other debt instrument. No holder of bonds has the right to enforce payment of principal or interest against any property of the state of Minnesota or other public body other than that expressly pledged for the payment of the bonds or other debt instrument.

Sec. 7. Minnesota Statutes 2004, section 403.30, is amended by adding a subdivision to read:

Subd. 3a. [APPROPRIATION TRANSFERS.] The commissioner shall transmit to the commissioner of finance from the approved appropriation of funds provided for in section 403.30, subdivision 1, the amount necessary to meet debt service costs and reserves for bonds or other debt instrument issued by the commissioner of finance pursuant to section 403.27, subdivision 1a.

Sec. 8. [REFUND; APPROPRIATION.]

If taxes have been paid on purchases exempt under section 1, upon application of the city or county, a refund equal to the tax paid on the gross receipts of the exempt items must be paid to the city or county. The city or county must apply for the refunds on a form prescribed by the commissioner of revenue and must include sufficient information to permit the commissioner to verify the tax paid. If the tax was paid by a contractor, subcontractor, or builder, that person must furnish to the city or county a statement including the cost of the exempt items and the taxes paid on the items. Claims for refund must be submitted to the commissioner before January 1, 2006. Interest must be paid on the refund at the rate in Minnesota Statutes, section 270.76, from 90 days after the date the refund claim is filed with the commissioner. The amount necessary to pay the refund required under this section is appropriated for fiscal year 2006 from the general fund to the commissioner of revenue.

Sec. 9. [EFFECTIVE DATE.]

Section 1 is effective for sales and purchases made after November 30, 2003. Sections 2 to 8 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to public safety; radio communications; modifying sales and use tax exemption for public safety radio communication system products and services; expanding definition of subsystems; expanding purposes for public safety radio communication systems' revenue bonds; increasing dollar limits and clarifying the

kind of subsystem certain revenue bonds may be used for; appropriating money; amending Minnesota Statutes 2004, sections 297A.70, subdivision 8; 403.21, subdivision 8; 403.27, subdivisions 3, 4, by adding subdivisions; 403.30, by adding a subdivision."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Capital Investment.

The report was adopted.

Westrom from the Committee on Regulated Industries to which was referred:

H. F. No. 519, A bill for an act relating to crime prevention and public safety; gambling; legalizing the game of Texas hold'em under certain conditions; amending Minnesota Statutes 2004, section 609.761, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 16, strike "and"

Page 1, line 18, before the period, insert "; and"

(4) with respect to any Texas hold'em tournament or contest, the organizer of the tournament or contest must ensure that reasonable accommodations are made for players with physical disabilities. Accommodations to the table and the cards shall include, among other things, the announcement of the cards visible to the entire table and the use of braille cards for players who are blind"

With the recommendation that when so amended the bill pass.

The report was adopted.

Bradley from the Committee on Health Policy and Finance to which was referred:

H. F. No. 932, A bill for an act relating to human services; requiring the commissioner to collect residency information on applicants of certain programs; amending Minnesota Statutes 2004, sections 256.01, by adding a subdivision; 462A.07, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 19, after the semicolon, insert "and"

Page 1, line 20, delete "; and" and insert a period

Page 1, delete line 21

Page 2, delete section 2

Amend the title as follows:

Page 1, line 5, delete "sections" and insert "section" and delete everything after "subdivision" and insert a period

Page 1, delete line 6

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Jobs and Economic Opportunity Policy and Finance.

The report was adopted.

Holberg from the Committee on Transportation Finance to which was referred:

H. F. No. 946, A bill for an act relating to economic development; providing for an international economic development zone; providing tax incentives; requiring a report; appropriating money; amending Minnesota Statutes 2004, sections 272.02, by adding a subdivision; 290.01, subdivisions 19b, 29; 290.06, subdivision 2c, by adding a subdivision; 290.067, subdivision 1; 290.0671, subdivision 1; 290.091, subdivision 2; 290.0921, subdivision 3; 290.0922, subdivisions 2, 3; 297A.68, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 469.

Reported the same back with the following amendments:

Page 18, line 20, delete "(a)"

Page 18, delete lines 32 to 35

Page 23, line 16, delete "shall" and insert "may"

Page 23, line 17, before the period, insert ", except the power to levy property taxes under section 469.053"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Bradley from the Committee on Health Policy and Finance to which was referred:

H. F. No. 952, A bill for an act relating to health; providing for grants related to positive abortion alternatives; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

Reported the same back with the following amendments:

Page 3, after line 30, insert:

"(g) The following data on participants is private data on individuals under section 13.02, subdivision 12: all data collected, received, maintained, or disseminated by the grantee using grant funds awarded by the commissioner under this section."

Page 4, lines 15 and 16, delete "COMMUNITY HEALTH AND FAMILY PROMOTION" and insert "DEPARTMENT OF HEALTH"

Page 4, delete lines 17 and 18

Page 4, line 19, delete everything before "Of" and insert:

"\$2,500,000 is appropriated from the general fund to the commissioner of health in fiscal year 2007 for positive abortion alternatives under Minnesota Statutes, section 145.4231."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Dauids from the Committee on Agriculture and Rural Development to which was referred:

H. F. No. 1075, A bill for an act relating to agriculture; establishing the Fertilizer Research Council; providing for a program of comprehensive research in soil fertility and fertilizer management; establishing a refundable fee on agricultural fertilizers; amending Minnesota Statutes 2004, section 18C.425, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [AGRICULTURAL NUTRIENT TASK FORCE.]

(a) There is created an Agricultural Nutrient Task Force consisting of two members of the senate appointed by the chair of the senate Committee on Agriculture, Veterans and Gaming; two members of the house of representatives appointed by the chair of the house Committee on Agriculture and Rural Development, and at least 15 public members appointed by the commissioner of agriculture. The public members must be broadly representative of the diverse range of persons interested in and knowledgeable about agricultural soil nutrients and must include representatives of agricultural crop growers, fertilizer retailers, soil nutrient consultants, and agricultural soil and nutrient researchers. Public members of the task force must serve without compensation or reimbursement of personal expenses.

(b) The commissioner of agriculture must convene the first meeting of the task force and must provide office support services to the task force as needed. The task force may determine the date, location, and agenda of additional meetings.

(c) The task force must review and make recommendations on at least the following topics and practices:

(1) the need for research, education, and training in the selection and application of fertilizer and soil nutrients in the state;

(2) the imposition of a tonnage fee on all agricultural fertilizer applied in Minnesota and the designated uses of the proceeds from the fee; and

(3) the desirability of amending statutes and rules that apply to the selection, purchase, storage, and application of fertilizer and soil nutrients, including the reasonableness of rules for their on-farm storage.

(d) On behalf of the task force, not later than February 15, 2006, the commissioner of agriculture shall prepare and deliver to the standing agriculture policy committees of the senate and the house of representatives a report and list of recommendations for changes in statutes and rules.

(e) The task force expires June 30, 2006.

Sec. 2. [APPROPRIATION; AGRICULTURAL NUTRIENT TASK FORCE.]

\$...... is appropriated from the general fund to the commissioner of agriculture in fiscal year 2006 for support of the Agricultural Nutrient Task Force. Any of this appropriation that remains unencumbered on July 1, 2006, cancels to the general fund.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment for purposes of making membership appointments to the Agricultural Nutrient Task Force."

Delete the title and insert:

"A bill for an act relating to agriculture; establishing the Agricultural Nutrient Task Force; requiring a report; appropriating money."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Agriculture, Environment and Natural Resources Finance.

The report was adopted.

Bradley from the Committee on Health Policy and Finance to which was referred:

H. F. No. 1143, A bill for an act relating to data privacy; classifying certain investigative and licensing data; amending Minnesota Statutes 2004, sections 13.3805, by adding a subdivision; 13.46, subdivision 4.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Smith from the Committee on Public Safety Policy and Finance to which was referred:

H. F. No. 1266, A bill for an act relating to human services; modifying discharge plans for offenders with serious and persistent mental illness; clarifying eligibility for medical assistance for offenders released for work release; authorizing commissioner of corrections to enter into a purchasing pool for prescription drugs; allocating housing funds for projects that provide employment support; amending Minnesota Statutes 2004, sections 241.01, by adding a subdivision; 244.054; 256B.055, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Health Policy and Finance.

The report was adopted.

Bradley from the Committee on Health Policy and Finance to which was referred:

H. F. No. 1272, A bill for an act relating to professional firms; including marriage and family therapy in the definition of professional services; allowing marriage and family therapists to practice professional services in combination; amending Minnesota Statutes 2004, sections 319B.02, subdivision 19; 319B.40.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Smith from the Committee on Public Safety Policy and Finance to which was referred:

H. F. No. 1298, A bill for an act relating to crime prevention; prohibiting children under the age of 17 from renting or purchasing certain video games; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Page 1, line 14, after "game" insert ", the owner of a retail establishment who rents or sells a restricted video game to a person under the age of 17, and an employee responsible for the rental or sale of a restricted video game to a person under the age of 17" and delete "is" and insert "are" in both places

With the recommendation that the bill be amended and without further recommendation.

The report was adopted.

Tingelstad from the Committee on Governmental Operations and Veterans Affairs to which was referred:

H. F. No. 1368, A bill for an act relating to state government; providing a process for community ownership of the Minnesota Twins; proposing coding for new law as Minnesota Statutes, chapter 4B.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Erhardt from the Committee on Transportation to which was referred:

H. F. No. 1402, A bill for an act relating to traffic regulations; prohibiting operation of cellular telephone in moving motor vehicle by holder of provisional driver's license or instruction permit; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 169.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Public Safety Policy and Finance.

The report was adopted.

Ozment from the Committee on Agriculture, Environment and Natural Resources Finance to which was referred:

H. F. No. 1467, A bill for an act relating to natural resources; creating the Legislative Council on Minnesota Resources; eliminating the Legislative Commission on Minnesota Resources; providing for disposition of certain revenues; appropriating money; amending Minnesota Statutes 2004, sections 116P.02, by adding a subdivision; 116P.03; 116P.04, subdivision 5; 116P.05, subdivision 1; 116P.07; 116P.08, subdivisions 3, 5, 6, 7, by adding subdivisions; 116P.09; 116P.10; 116P.11; 116P.12, subdivision 2; 116P.15, subdivision 2; repealing Minnesota Statutes 2004, sections 116P.02, subdivision 2; 116P.05; 116P.06.

Reported the same back with the following amendments:

Page 1, lines 17 and 18, delete "Legislative Council on Minnesota Resources" and insert "Minnesota Conservation Heritage Council"

Pages 2 and 3, delete section 4 and insert:

"Sec. 4. [116P.061] [MINNESOTA CONSERVATION HERITAGE COUNCIL.]

Subdivision 1. [MEMBERSHIP.] (a) The Minnesota Conservation Heritage Council is created pursuant to section 15.012, paragraph (a), and is governed by a council of 11 members. The terms of members are six years and until their successors have been appointed. Each member shall be appointed by the governor with the advice and consent of the senate. Not more than six members shall belong to the same political party. The governor shall select at least one member from each congressional district.

(b) To be eligible for appointment to the council, a prospective member must: (1) demonstrate expertise and experience in the science, policy, or practice of the protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources; and (2) not be a paid employee of an organization whose primary mission is the protection, conservation, preservation, and enhancement of natural resources. Prior service on multimember boards with grant-making responsibilities or prior experience in the management of a business enterprise is also recommended.

(c) Except as provided in this section, the terms, compensation, and removal of members and filling of vacancies on the council shall be as provided in section 15.0575. A member may be removed from the council upon a supermajority of eight votes in favor of the removal of that member.

Subd. 2. [CHAIR; VICE CHAIR.] The governor shall select a member to serve as chair for a term concurrent with that of the governor. If a vacancy occurs in the position of chair, the governor shall select a new chair to complete the unexpired term. The chair shall be the principal executive officer of the council and shall preside at meetings of the council. The chair shall organize the work of the council and may make assignments to members, appoint committees, and give direction to the staff. The members of the council shall select a vice chair.

Subd. 3. [QUORUM.] Except when otherwise specified, a majority of the council shall constitute a quorum and the act or decision of a majority of members present, if at least a quorum is present, shall be the act or decision of the council. If a vacancy exists on the council, a majority of the remaining members constitutes a quorum. A supermajority of eight members in favor is required for: (1) hiring or removing an executive director for the council, if any; or (2) using funds for debt service on bonds.

Subd. 4. [GIFTS.] The council may accept and use grants of money or property from the United States or other grantors for any purpose pertaining to the activities of the council. Any money or property so received is appropriated and dedicated for the purposes for which it is granted and shall be expended or used solely for such purposes according to federal laws and regulations pertaining thereto, subject to applicable state laws and rules as to

manner of expenditure or use. The council may make subgrants of any money received to other agencies, units of local government, private individuals, private organizations, and private nonprofit corporations. Appropriate funds and accounts shall be maintained by the commissioner of finance to comply with this section. Lands and interests in lands received may be sold or exchanged according to chapter 94."

Page 5, delete lines 6 to 9 and insert:

"(b) For the fiscal biennium beginning July 1, 2007, and each biennium thereafter, the amount of the environment and natural resources trust fund that is available for appropriation under the terms of the Minnesota Constitution, article XI, section 14, shall be appropriated by a law passed by the legislature and signed by the governor to the Department of Natural Resources for expenditures to be made according to the provisions of this paragraph. The council shall submit its recommendations under section 116P.08, subdivision 3, to the governor for approval or disapproval. The governor shall notify the commissioner of natural resources of the council's recommendations that the governor has approved. The commissioner of natural resources shall allocate funds appropriated under this section in accordance with those recommendations of the council that are approved by the governor."

Page 5, line 30, after "house" insert "of representatives"

Page 8, line 13, strike "116P.05" and insert "116P.08" and strike "2,"

Page 8, line 14, strike everything before the period and insert "1a"

Page 9, lines 12 and 13, after "house" insert "of representatives"

Page 12, line 22, delete everything after "the" and insert "Minnesota Conservation Heritage Council"

Page 13, delete line 6 and insert:

"Minnesota Statutes 2004, sections 116P.061; 116P.07; 116P.08; and 116P.09, are repealed effective June 30, 2012,"

Amend the title as follows:

Page 1, line 3, delete everything before the semicolon and insert "Minnesota Conservation Heritage Council"

Page 1, line 8, delete "116P.05,"

Page 1, line 9, delete "subdivision 1;"

Page 1, line 11, after the second semicolon, insert "proposing coding for new law in Minnesota Statutes, chapter 116P;"

Page 1, line 13, before the period, insert "; 116P.061; 116P.07; 116P.08; 116P.09"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 1532, A bill for an act relating to commerce; modifying various requirements for licensees of the Department of Commerce; amending Minnesota Statutes 2004, sections 60K.36, subdivision 2; 60K.37, subdivision 1; 60K.38, subdivision 1; 60K.39, subdivision 3; 82.31, subdivision 5; 82B.02, by adding a subdivision; 82B.10, subdivision 4; 82B.11, subdivision 6; 82B.13, subdivisions 1, 3, 4, 5; 82B.14; 82B.19, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 45; 82B; repealing Minnesota Statutes 2004, section 82B.221; Minnesota Rules, part 2808.2200.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 1551, A bill for an act relating to education; establishing notice requirements for student surveys and similar instruments; proposing coding for new law in Minnesota Statutes, chapter 121A.

Reported the same back with the following amendments:

Page 1, line 13, delete "reveals" and insert "solicits"

Page 2, line 10, delete "revealed" and insert "solicited"

With the recommendation that when so amended the bill pass.

The report was adopted.

Smith from the Committee on Public Safety Policy and Finance to which was referred:

H. F. No. 1555, A bill for an act relating to health; modifying the Minnesota Emergency Health Powers Act; modifying authority of out-of-state license holders; amending Minnesota Statutes 2004, sections 12.03, subdivision 4d, by adding a subdivision; 12.22, subdivision 2a, by adding a subdivision; 12.31, subdivisions 1, 2; 12.32; 12.34, subdivision 1; 12.381; 12.39; 12.42; 13.3806, subdivision 1a; Laws 2002, chapter 402, section 21, as amended; proposing coding for new law in Minnesota Statutes, chapter 12.

Reported the same back with the following amendments:

Page 3, line 15, after the period, insert "If the peacetime emergency occurs on Indian lands, the governor or state director of emergency management shall consult with tribal authorities before the governor makes such a declaration. Nothing in this section shall be construed to limit the governor's authority to act without such consultation when the situation calls for prompt and timely action."

With the recommendation that when so amended the bill pass.

The report was adopted.

Davids from the Committee on Agriculture and Rural Development to which was referred:

H. F. No. 1585, A bill for an act relating to housing; providing certain manufactured home park exclusions; amending Minnesota Statutes 2004, section 327.23, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 327.23, is amended by adding a subdivision to read:

Subd. 2a. [SEASONAL AGRICULTURAL OPERATIONS.] The term "manufactured home park" shall not be construed to include up to four manufactured homes maintained by an individual or a company on premises associated with a seasonal agricultural operation, in an area zoned agricultural, and used exclusively to house individuals or families performing labor as defined in section 3121(g) of the Internal Revenue Code if:

(1) the manufactured homes are equipped with indoor plumbing facilities and the standards for water and sanitation established in Minnesota Rules, parts 4630.0600, subpart 1; 4630.0700; 4630.1200; 4630.3500; and 4715.0310 are met;

(2) the manufactured homes provide at least 80 square feet of indoor living space per inhabitant of each home;

(3) the manufactured homes and their installation comply with Minnesota Statutes, section 327.34, subdivision 1, and Minnesota Rules, chapter 1350;

(4) the individual or company maintaining the manufactured homes, with the assistance and approval of the city or town where the homes are located, develops and posts in conspicuous locations near the homes, a shelter or safe evacuation plan in the event of severe weather conditions, such as tornadoes, high winds, and floods; and

(5) the individual or company maintains the homes in a clean, orderly, and sanitary condition.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Gunther from the Committee on Jobs and Economic Opportunity Policy and Finance to which was referred:

H. F. No. 1640, A bill for an act relating to economic development; modifying provisions relating to job opportunity building zones and biotechnology and health sciences industry zone; amending Minnesota Statutes 2004, sections 272.02, subdivision 64; 289A.56, by adding a subdivision; 297A.68, subdivisions 37, 38; 469.310, subdivision 11, by adding a subdivision; 469.316; 469.317; 469.319, subdivision 1, by adding a subdivision; 469.320, subdivision 3; 469.330, subdivision 11; 469.337; 469.340, subdivision 1; repealing Minnesota Statutes 2004, sections 272.02, subdivision 65; 477A.08.

Reported the same back with the following amendments:

Page 2, after line 25, insert:

"Sec. 3. Minnesota Statutes 2004, section 290.06, is amended by adding a subdivision to read:

Subd. 33. [REGIONAL INVESTMENT CREDIT.] (a) A credit is allowed against the tax imposed by this chapter for investment in a qualified regional angel investment network fund. The credit equals 25 percent of the taxpayer's investment made in the fund, but not to exceed the lesser of:

(1) the liability for tax under this chapter, including the applicable alternative minimum tax; or

(2) the taxpayer's share of the amount of the certificate issued to the fund by the commissioner of employment and economic development under paragraph (c).

The taxpayer must claim the credit in the same tax year in which the investment to the fund is made. The credit is allowed only for investments made to a fund that are made after the fund has been certified by the commissioner of employment and economic development under paragraph (c).

(b) For purposes of this subdivision, a regional angel investment network fund means a pool investment fund that:

(1) is organized as a limited liability company and consists of members who are accredited investors within the meaning of Regulation D of the Securities and Exchange Commission, Code of Federal Regulations, title 17, section 230.501(a); or consists of members that are not accredited investors that make equity investments or investments in notes that pay interest or other fixed amounts or any combination of both;

(2) primarily makes investments in emerging and expanding small business as defined by the Small Business Administration, or cooperative association as defined in chapter 308B, that are located in local communities in Minnesota, outside of the metropolitan area, as defined in section 473.121, subdivision 2, and does not make investments in residential real estate;

(3) has no fewer than five separate investors and no investor owns more than 25 percent of the outstanding ownership interests in the fund. For purposes of determining the number of investors and the ownership interest of an investor under this clause, the ownership interests of an investor include those of:

(i) the investor's spouse, a child, and sibling; and

(ii) a corporation, partnership, or trust in which the investor has a controlling equity interest or in which the investor exercises management control.

(c) Regional angel investment network funds may apply to the commissioner of employment and economic development for certification as a qualifying regional angel investment network fund. The application must be in the form and made under procedures specified by the commissioner of employment and economic development. The commissioner of employment and economic development may certify up to 20 qualifying funds and provide certificates entitling investors in the funds to credits under this subdivision of up to \$500,000 for each fund. The commissioner of employment and economic development must not issue a total amount of certificates for all funds of more than \$10,000,000. In awarding certificates under this paragraph, the commissioner of employment and economic development shall generally award them to qualified applicants in the order in which the applications are received, but shall also seek to certify funds that are broadly dispersed across the entire state outside of the metropolitan area, as defined in section 473.121, subdivision 2.

(d) Each fund must provide each investor a statement indicating the investor's share of the credit amount certified to the fund under paragraph (c) based on the order in which their investment is made to the fund.

(e) If the amount of the credit under this subdivision for any taxable year exceeds the limitation under paragraph (a), clause (1), the excess is a credit carryover to each of the ten succeeding taxable years. The entire amount of the excess unused credit for the taxable year must be carried first to the earliest of the taxable years to which the credit may be carried, and then to each successive year to which the credit may be carried. The amount of the unused credit which may be added under this paragraph may not exceed the taxpayer's liability for tax less the credit for the taxable year.

(f) In awarding certificates under this paragraph, the commissioner of employment and economic development shall award three certificates to a pooled investment fund that invests in qualifying small businesses located in the region of the state that is the focus of the fund and allocates at least 20 percent of its investments to qualified small businesses that meet local community needs. To be a qualifying small business, a business must satisfy the following requirements:

(1) 51 percent of the ownership interests in the business, excluding any equity interest of the fund, must be held by residents of the region; and

(2) the business must pay wages and benefits, measured on a full-time equivalent basis, to 75 percent or more of its employees equal to 175 percent of the federal poverty level for a family of four. The required award of certificates under this paragraph cannot exceed the number of applicants qualifying under this paragraph.

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

Page 2, line 33, after "(b)" insert "For purposes of this subdivision, aircraft that are operated under a Federal Aviation Administration Restricted Airworthiness Certificate according to Code of Federal Regulations, title 14, part 21, section 21.25(b)(3), relating to aerial surveying, and that are based, maintained, and dispatched from a job opportunity building zone, and any aerial camera package, including any camera, computer, and navigation device contained in the package, that is used in the aircraft, qualify as primarily used or consumed in a job opportunity building zone if the imagery acquired from the aerial camera package is returned to the job opportunity building zone for processing.

(c)"

Page 3, line 5, strike "(c)" and insert "(d)"

Page 3, line 8, strike "(d)" and insert "(e)"

Page 3, line 10, delete "(e)" and insert "(f)"

Renumber the sections in sequence

Amend the title as follows:

Page 1, after line 4, insert "providing an income or franchise tax credit for investment in a qualified regional angel investment network fund;"

Page 1, line 6, after the second semicolon, insert "290.06, by adding a subdivision;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 1655, A bill for an act relating to campaign finance; broadening the definition of "corporation"; amending Minnesota Statutes 2004, section 211B.15, subdivision 1.

Reported the same back with the following amendments:

Page 1, after line 20, insert:

"Sec. 2. [211B.153] [CONTRIBUTIONS FROM GOVERNMENT UNITS.]

A candidate or the treasurer of a candidate's principal campaign committee must not accept a contribution from any foreign government or any state or local government unit in this state or in any other state. For purposes of this subdivision, "government unit" means any state agency, board, commission, or department; or any county, statutory or home rule charter city, town, school district, special district, or any local board, commission, district, or authority created pursuant to law or local ordinance. A candidate or treasurer who accepts a contribution prohibited by this section or a government unit that makes a contribution prohibited by this section is subject to a civil penalty not greater than \$40,000."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "prohibiting certain government contributions;"

Page 1, line 4, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 211B"

With the recommendation that when so amended the bill pass.

The report was adopted.

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1714, A bill for an act relating to state government; Department of Administration; requiring the design and construction of memorials to Coya Knutson on the Capitol grounds and in the city of Oklee.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on State Government Finance.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 1717, A bill for an act relating to education; requiring persons under 18 years of age to attend school as a requirement for possessing a driver's permit or license; amending Minnesota Statutes 2004, sections 13.32, subdivisions 1, 3, 8, 9; 120A.22, subdivision 12; 171.04, subdivision 1; 171.05, subdivisions 2, 2b, 3; 260A.03; proposing coding for new law in Minnesota Statutes, chapters 120A; 121A; 171.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 13.32, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section:

(a) "Continuing truant" means a student under section 260A.02, subdivision 3, who is absent without valid excuse from instruction in a school.

(b) "Educational data" means data on individuals maintained by a public educational agency or institution or by a person acting for the agency or institution which relates to a student.

Records of instructional personnel which are in the sole possession of the maker thereof and are not accessible or revealed to any other individual except a substitute teacher, and are destroyed at the end of the school year, shall not be deemed to be government data.

Records of a law enforcement unit of a public educational agency or institution which are maintained apart from education data and are maintained solely for law enforcement purposes, and are not disclosed to individuals other than law enforcement officials of the jurisdiction are not educational data; provided, that education records maintained by the educational agency or institution are not disclosed to the personnel of the law enforcement unit. The University of Minnesota police department is a law enforcement agency for purposes of section 13.82 and other sections of Minnesota Statutes dealing with law enforcement records. Records of organizations providing security services to a public educational agency or institution must be administered consistent with section 13.861.

Records relating to a student who is employed by a public educational agency or institution which are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee, and are not available for use for any other purpose are classified pursuant to section 13.43.

~~(b)~~ (c) "Habitual truant" means a student under section 260C.007, subdivision 19, who is absent without lawful excuse from attendance at school.

(d) "Juvenile justice system" includes criminal justice agencies and the judiciary when involved in juvenile justice activities.

~~(e)~~ (e) "Student" means an individual currently or formerly enrolled or registered, applicants for enrollment or registration at a public educational agency or institution, or individuals who receive shared time educational services from a public agency or institution.

~~(d)~~ (f) "Substitute teacher" means an individual who performs on a temporary basis the duties of the individual who made the record, but does not include an individual who permanently succeeds to the position of the maker of the record.

[EFFECTIVE DATE.] This section is effective July 1, 2005.

Sec. 2. Minnesota Statutes 2004, section 13.32, subdivision 8, is amended to read:

Subd. 8. [ACCESS BY JUVENILE JUSTICE SYSTEM.] (a) Upon request, the following education data shall be disclosed under subdivision 3, clause (i), to the juvenile justice system: a student's full name, home address, telephone number, date of birth; a student's school schedule, daily attendance record, and photographs, if any; and parents' names, home addresses, and telephone numbers.

(b) In addition, the existence of the following data about a student may be disclosed under subdivision 3, clause (i):

(1) use of a controlled substance, alcohol, or tobacco;

(2) assaultive or threatening conduct that could result in dismissal from school under section 121A.45, subdivision 2, clause (b) or (c);

(3) possession or use of weapons or look-alike weapons;

(4) theft; or

(5) vandalism or other damage to property.

Any request for access to data under this paragraph must contain an explanation of why access to the data is necessary to serve the student.

(c) A principal or chief administrative officer of a school who receives a request to disclose information about a student to the juvenile justice system under paragraph (b) shall, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information before disclosing the information. If the student's parent or guardian notifies the principal or chief administrative officer within ten days of receiving the certified notice that the parent or guardian objects to the disclosure, the principal or chief administrative officer must not disclose the information. The principal or chief administrative officer must inform the requesting member of the juvenile justice system of the objection.

(d) A principal or chief administrative officer is not required to create data under this subdivision. Information provided in response to a data request under paragraph (b) shall indicate only whether the data described in paragraph (b) exist. The principal or chief administrative officer is not authorized under paragraph (b) to disclose the actual data or other information contained in the student's education record. A principal or chief administrative officer is not required to provide data that are protected by court order. A principal or chief administrative officer must respond to a data request within 14 days if no objection is received from the parent or guardian.

(e) If the school board does not waive the school attendance requirement for driving privileges, then a principal or chief school administrator may disclose to the juvenile justice system only the student's continuing or habitual truancy status.

(f) Nothing in this subdivision shall limit the disclosure of educational data pursuant to court order.

~~(g)~~ (g) A school district, its agents, and employees who provide data in good faith under this subdivision are not liable for compensatory or exemplary damages or an award of attorney fees in an action under section 13.08, or other law, or for a penalty under section 13.09.

~~(g)~~ (h) Section 13.03, subdivision 4, applies to data that are shared under this subdivision with a government entity. If data are shared with a member of the juvenile justice system who is not a government entity, the person receiving the shared data must treat the data consistent with the requirements of this chapter applicable to a government entity.

~~(h)~~ (i) A member of the juvenile justice system who falsely certifies a request for data under this section is subject to the penalties under section 13.09.

[EFFECTIVE DATE.] This section is effective July 1, 2005.

Sec. 3. Minnesota Statutes 2004, section 120A.22, subdivision 12, is amended to read:

Subd. 12. [LEGITIMATE EXEMPTIONS.] A parent, guardian, or other person having control of a child may apply to a school district to have the child excused from attendance for the whole or any part of the time school is in session during any school year. Application may be made to any member of the board, a truant officer, a principal, or the superintendent. The school district may state in its school attendance policy that it may ask the student's parent or legal guardian to verify in writing the reason for the child's absence from school. The board of the district in which the child resides may approve the application upon the following being demonstrated to the satisfaction of that board:

(1) that the child's bodily or mental condition is such as to prevent attendance at school or application to study for the period required; ~~or,~~ which includes:

(i) child illness, medical, dental, orthodontic, or counseling appointments;

(ii) family emergencies;

(iii) the death or serious illness or funeral of an immediate family member;

(iv) active duty in any military branch of the United States; or

(v) other exemptions included in the district's school attendance policy;

(2) ~~that for the school years 1988-1989 through 1999-2000 the child has already completed the studies ordinarily required in the 10th grade and that for the school years beginning with the 2000-2001 school year the child has already completed the studies ordinarily required to graduate~~ the child has already completed state and district standards required for graduation from high school; or

(3) that it is the wish of the parent, guardian, or other person having control of the child, that the child attend for a period or periods not exceeding in the aggregate three hours in any week, a school for religious instruction conducted and maintained by some church, or association of churches, or any Sunday school association incorporated under the laws of this state, or any auxiliary thereof. This school for religious instruction must be conducted and maintained in a place other than a public school building, and it must not, in whole or in part, be conducted and maintained at public expense. However, a child may be absent from school on such days as the child attends upon instruction according to the ordinances of some church.

[EFFECTIVE DATE.] This section is effective July 1, 2005.

Sec. 4. [120A.23] [SCHOOL ATTENDANCE REQUIREMENT; DRIVING PRIVILEGES.]

A district school board, board of a state approved alternative program (SAAP), or charter school board of directors by majority vote, may waive the school attendance requirement for driving privileges under section 171.056 for the students it enrolls. The board must vote to waive the requirement before September 1 of the initial school year in which the waiver is effective and must immediately transmit an electronic notice to the Department of Public Safety. If a board intends to rescind its waiver and require students to comply with the school attendance requirement under section 171.056 for any subsequent school year, the board must vote before September 1 of the school year in which the waiver is initially rescinded and immediately must transmit an electronic notice to the Department of Public Safety.

[EFFECTIVE DATE.] This section is effective July 1, 2005.

Sec. 5. [121A.655] [SCHOOL ATTENDANCE REQUIREMENT; DRIVING PRIVILEGES.]

Students enrolled in a school district, charter school, or alternative education program that does not waive the school attendance requirement for driving privileges are subject to section 171.056, among other related sections.

[EFFECTIVE DATE.] This section is effective July 1, 2005.

Sec. 6. Minnesota Statutes 2004, section 171.04, subdivision 1, is amended to read:

Subdivision 1. [PERSONS NOT ELIGIBLE.] The department shall not issue a driver's license:

(1) to any person under 18 years unless:

(i) the applicant is 16 or 17 years of age and has a previously issued valid license from another state or country or the applicant has, for the 12 consecutive months preceding application, held a provisional license and during that time has incurred (A) no conviction for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (B) no conviction for a crash-related moving violation, and (C) not more than one conviction for a moving violation that is not crash related. "Moving violation" means a violation of a traffic regulation but does not include a parking violation, vehicle equipment violation, or warning citation;

(ii) the application for a license is approved by (A) either parent when both reside in the same household as the minor applicant or, if otherwise, then (B) the parent or spouse of the parent having custody or, in the event there is no court order for custody, then (C) the parent or spouse of the parent with whom the minor is living or, if subitems (A) to (C) do not apply, then (D) the guardian having custody of the minor or, in the event a person under the age of 18 has no living father, mother, or guardian, or is married or otherwise legally emancipated, then (E) the minor's adult spouse, adult close family member, or adult employer; provided, that the approval required by this item contains a verification of the age of the applicant and the identity of the parent, guardian, adult spouse, adult close family member, or adult employer; ~~and~~

(iii) the applicant presents a certification by the person who approves the application under item (ii), stating that the applicant has driven a motor vehicle accompanied by and under supervision of a licensed driver at least 21 years of age for at least ten hours during the period of provisional licensure; and

(iv) the applicant certifies either (A) the applicant's school attendance under section 171.056 and the district, charter school, or alternative education program in which the applicant is currently enrolled, or (B) that the enrolling district, charter school, or alternative education program board waived the attendance requirement under section 120A.23;

(2) to any person who is 18 years of age or younger, unless the person has applied for, been issued, and possessed the appropriate instruction permit for a minimum of six months, and, with respect to a person under 18 years of age, a provisional license for a minimum of 12 months;

(3) to any person who is 19 years of age or older, unless that person has applied for, been issued, and possessed the appropriate instruction permit for a minimum of three months;

(4) to any person whose license has been suspended during the period of suspension except that a suspended license may be reinstated during the period of suspension upon the licensee furnishing proof of financial responsibility in the same manner as provided in the Minnesota No-Fault Automobile Insurance Act;

(5) to any person whose license has been revoked except upon furnishing proof of financial responsibility in the same manner as provided in the Minnesota No-Fault Automobile Insurance Act and if otherwise qualified;

(6) to any drug-dependent person, as defined in section 254A.02, subdivision 5;

(7) to any person who has been adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation, and has not been restored to capacity, unless the department is satisfied that the person is competent to operate a motor vehicle with safety to persons or property;

(8) to any person who is required by this chapter to take a vision, knowledge, or road examination, unless the person has successfully passed the examination. An applicant who fails four road tests must complete a minimum of six hours of behind-the-wheel instruction with an approved instructor before taking the road test again;

(9) to any person who is required under the Minnesota No-Fault Automobile Insurance Act to deposit proof of financial responsibility and who has not deposited the proof;

(10) to any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by the person would be inimical to public safety or welfare;

(11) to any person when, in the opinion of the commissioner, the person is afflicted with or suffering from a physical or mental disability or disease that will affect the person in a manner as to prevent the person from exercising reasonable and ordinary control over a motor vehicle while operating it upon the highways;

(12) to a person who is unable to read and understand official signs regulating, warning, and directing traffic;

(13) to a child for whom a court has ordered denial of driving privileges under section 260C.201, subdivision 1, or 260B.235, subdivision 5, until the period of denial is completed; or

(14) to any person whose license has been canceled, during the period of cancellation.

[EFFECTIVE DATE.] This section is effective September 1, 2005, and applies to all persons under age 18 possessing or applying for a driver's instruction permit or provisional license on or after that date.

Sec. 7. Minnesota Statutes 2004, section 171.05, subdivision 2, is amended to read:

Subd. 2. **[PERSON LESS THAN 18 YEARS OF AGE.]** (a) Notwithstanding any provision in subdivision 1 to the contrary, the department may issue an instruction permit to an applicant who is 15, 16, or 17 years of age and who:

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

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

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

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

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

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

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

(6) certifies either (i) the applicant's school attendance under section 171.056 and the district, charter school, or alternative education program in which the applicant is currently enrolled, or (ii) that the enrolling district, charter school, or alternative education program board waived the attendance requirement under section 120A.23; and

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

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

[EFFECTIVE DATE.] This section is effective September 1, 2005, and applies to all persons under age 18 possessing or applying for a driver's instruction permit on or after that date.

Sec. 8. Minnesota Statutes 2004, section 171.05, subdivision 2b, is amended to read:

Subd. 2b. [INSTRUCTION PERMIT USE BY PERSON UNDER AGE 18.] (a) This subdivision applies to persons who have applied for and received an instruction permit under subdivision 2.

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

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

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

(e) The permit holder must comply with the school attendance requirement under section 171.056, except when the attendance requirement is waived under section 120A.23. If the permit holder does not attend school as required, the commissioner must cancel the permit under section 171.056.

[EFFECTIVE DATE.] This section is effective September 1, 2005, and applies to all persons under age 18 possessing or applying for a driver's instruction permit on or after that date.

Sec. 9. Minnesota Statutes 2004, section 171.05, subdivision 3, is amended to read:

Subd. 3. [MOTORIZED BICYCLE.] Notwithstanding any provision in subdivision 1 to the contrary, the department, upon application and payment of the fee prescribed in section 171.02, subdivision 3, may issue a motorized bicycle instruction permit to an applicant who is 15 years of age ~~and~~, who has successfully completed the written portion of the examination prescribed by the commissioner, and who certifies either (1) the applicant's school attendance under section 171.056 and the district, charter school, or alternative education program in which the applicant is currently enrolled, or (2) that the enrolling district, charter school, or alternative education program board waived the attendance requirement under section 120A.23. The holder of this instruction permit who has the permit in possession may operate a motorized bicycle within one mile of the holder's residence for the purpose of practicing to take the operator portion of the examination prescribed by the commissioner.

[EFFECTIVE DATE.] This section is effective September 1, 2005, and applies to all persons under age 18 possessing or applying for a motorized bicycle instruction permit on or after that date.

Sec. 10. [171.056] [SCHOOL ATTENDANCE REQUIREMENT FOR DRIVER'S INSTRUCTION PERMIT, MOTORIZED BICYCLE PERMIT, AND PROVISIONAL LICENSE.]

Subdivision 1. [DEFINITIONS.] (a) As used in this section the terms defined in this subdivision have the meanings given them.

(b) "Continuing truant" means a student under section 260A.02, subdivision 3, who is absent without valid excuse from instruction in a school.

(c) "Habitual truant" means a person under section 260C.101, subdivision 19, who is absent without lawful excuse from attendance at school.

(d) "High school diploma" means an official record or document indicating that the student has satisfied the graduation requirements of that school as defined under section 120A.22, subdivision 4.

(e) "Public school" means a public school, state approved alternative program (SAAP), or charter school.

(f) "School board" means a public school district school board, SAAP board, or charter school board of directors.

(g) "School principal" means a principal or chief administrative officer of a public school.

Subd. 2. [ISSUANCE OR RENEWAL OF DRIVER'S INSTRUCTION PERMIT, MOTORIZED BICYCLE PERMIT, OR PROVISIONAL LICENSE.] (a) Notwithstanding any law to the contrary, except when the attendance requirement is waived under section 120A.23, school attendance is a requirement for issuing a new driver's instruction permit, motorized bicycle permit, or provisional license or renewing the permit of a person under age 18. The person meets the school attendance requirement when the person:

(1) has a high school diploma or general education development certificate (GED);

(2) has withdrawn from school under section 120A.22, subdivision 8; or

(3) is enrolled and attending a public school and is not a continuing truant or habitually truant, is enrolled and attending a nonpublic school, or is homeschooled.

(b) A person under age 18 who applies for a motorized bicycle permit, instruction permit, or provisional license must submit information to the Department of Public Safety in the manner and format it prescribes documenting that the person has met the requirements of paragraph (a).

Subd. 3. [EXPUNGEMENT OF RECORD.] Upon receiving the written or electronic request of a student who is age 18 or older, the Department of Public Safety must expunge from the department's motor vehicle records all the student's truancy data related to the department refusing to issue or canceling the student's permit or license under this section.

[EFFECTIVE DATE.] This section is effective September 1, 2005, and applies to all persons under age 18 possessing or applying for a motorized bicycle permit, driver's instruction permit, or provisional license on or after that date.

Sec. 11. Minnesota Statutes 2004, section 260C.007, subdivision 6, is amended to read:

Subd. 6. [CHILD IN NEED OF PROTECTION OR SERVICES.] "Child in need of protection or services" means a child who is in need of protection or services because the child:

(1) is abandoned or without parent, guardian, or custodian;

(2)(i) has been a victim of physical or sexual abuse, (ii) resides with or has resided with a victim of domestic child abuse as defined in subdivision 5, (iii) resides with or would reside with a perpetrator of domestic child abuse or child abuse as defined in subdivision 5, or (iv) is a victim of emotional maltreatment as defined in subdivision 8;

(3) is without necessary food, clothing, shelter, education, or other required care for the child's physical or mental health or morals because the child's parent, guardian, or custodian is unable or unwilling to provide that care;

(4) is without the special care made necessary by a physical, mental, or emotional condition because the child's parent, guardian, or custodian is unable or unwilling to provide that care, including a child in voluntary placement due solely to the child's developmental disability or emotional disturbance;

(5) is medically neglected, which includes, but is not limited to, the withholding of medically indicated treatment from a disabled infant with a life-threatening condition. The term "withholding of medically indicated treatment" means the failure to respond to the infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all conditions, except that the term does not include the failure to provide treatment other than appropriate nutrition, hydration, or medication to an infant when, in the treating physician's or physicians' reasonable medical judgment:

- (i) the infant is chronically and irreversibly comatose;
 - (ii) the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or
 - (iii) the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane;
- (6) is one whose parent, guardian, or other custodian for good cause desires to be relieved of the child's care and custody, including a child in placement according to voluntary release by the parent under section 260C.212, subdivision 8;
- (7) has been placed for adoption or care in violation of law;
- (8) is without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of the child's parent, guardian, or other custodian;
- (9) is one whose behavior, condition, or environment is such as to be injurious or dangerous to the child or others. An injurious or dangerous environment may include, but is not limited to, the exposure of a child to criminal activity in the child's home;
- (10) is experiencing growth delays, which may be referred to as failure to thrive, that have been diagnosed by a physician and are due to parental neglect;
- (11) has engaged in prostitution as defined in section 609.321, subdivision 9;
- (12) has committed a delinquent act or a juvenile petty offense before becoming ten years old;
- (13) is a runaway;
- (14) is a continuing or habitual truant;
- (15) has been found incompetent to proceed or has been found not guilty by reason of mental illness or mental deficiency in connection with a delinquency proceeding, a certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a proceeding involving a juvenile petty offense; or
- (16) has been found by the court to have committed domestic abuse perpetrated by a minor under Laws 1997, chapter 239, article 10, sections 2 to 26, has been ordered excluded from the child's parent's home by an order for protection/minor respondent, and the parent or guardian is either unwilling or unable to provide an alternative safe living arrangement for the child.

[EFFECTIVE DATE.] This section is effective July 1, 2005.

Sec. 12. Minnesota Statutes 2004, section 260C.007, is amended by adding a subdivision to read:

Subd. 8a. [CONTINUING TRUANT.] "Continuing truant" means a student under section 260A.02, subdivision 3, who is absent without valid excuse from instruction in a school.

[EFFECTIVE DATE.] This section is effective July 1, 2005.

Sec. 13. Minnesota Statutes 2004, section 260C.201, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITIONS.] (a) If the court finds that the child is in need of protection or services or neglected and in foster care, it shall enter an order making any of the following dispositions of the case:

(1) place the child under the protective supervision of the responsible social services agency or child-placing agency in the home of a parent of the child under conditions prescribed by the court directed to the correction of the child's need for protection or services:

(i) the court may order the child into the home of a parent who does not otherwise have legal custody of the child, however, an order under this section does not confer legal custody on that parent;

(ii) if the court orders the child into the home of a father who is not adjudicated, he must cooperate with paternity establishment proceedings regarding the child in the appropriate jurisdiction as one of the conditions prescribed by the court for the child to continue in his home;

(iii) the court may order the child into the home of a noncustodial parent with conditions and may also order both the noncustodial and the custodial parent to comply with the requirements of a case plan under subdivision 2; or

(2) transfer legal custody to one of the following:

(i) a child-placing agency; or

(ii) the responsible social services agency. In placing a child whose custody has been transferred under this paragraph, the agencies shall make an individualized determination of how the placement is in the child's best interests using the consideration for relatives and the best interest factors in section 260C.212, subdivision 2, paragraph (b); or

(3) if the child has been adjudicated as a child in need of protection or services because the child is in need of special services or care to treat or ameliorate a physical or mental disability, the court may order the child's parent, guardian, or custodian to provide it. The court may order the child's health plan company to provide mental health services to the child. Section 62Q.535 applies to an order for mental health services directed to the child's health plan company. If the health plan, parent, guardian, or custodian fails or is unable to provide this treatment or care, the court may order it provided. Absent specific written findings by the court that the child's disability is the result of abuse or neglect by the child's parent or guardian, the court shall not transfer legal custody of the child for the purpose of obtaining special treatment or care solely because the parent is unable to provide the treatment or care. If the court's order for mental health treatment is based on a diagnosis made by a treatment professional, the court may order that the diagnosing professional not provide the treatment to the child if it finds that such an order is in the child's best interests; or

(4) if the court believes that the child has sufficient maturity and judgment and that it is in the best interests of the child, the court may order a child 16 years old or older to be allowed to live independently, either alone or with others as approved by the court under supervision the court considers appropriate, if the county board, after consultation with the court, has specifically authorized this dispositional alternative for a child.

(b) If the child was adjudicated in need of protection or services because the child is a runaway, or is a continuing or habitual truant, the court may order any of the following dispositions in addition to or as alternatives to the dispositions authorized under paragraph (a):

(1) counsel the child or the child's parents, guardian, or custodian;

(2) place the child under the supervision of a probation officer or other suitable person in the child's own home under conditions prescribed by the court, including reasonable rules for the child's conduct and the conduct of the parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child; or with the consent of the commissioner of corrections, place the child in a group foster care facility which is under the commissioner's management and supervision;

(3) subject to the court's supervision, transfer legal custody of the child to one of the following:

(i) a reputable person of good moral character. No person may receive custody of two or more unrelated children unless licensed to operate a residential program under sections 245A.01 to 245A.16; or

(ii) a county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;

(4) require the child to pay a fine of up to \$100. The court shall order payment of the fine in a manner that will not impose undue financial hardship upon the child;

(5) require the child to participate in a community service project;

(6) order the child to undergo a chemical dependency evaluation and, if warranted by the evaluation, order participation by the child in a drug awareness program or an inpatient or outpatient chemical dependency treatment program;

(7) if the court believes that it is in the best interests of the child ~~and~~ or of public safety that the child's driver's license or instruction permit be canceled, the court may order the commissioner of public safety to cancel the child's license or permit for any period up to the child's 18th birthday. If the child does not have a driver's license or permit, the court may order a denial of driving privileges for any period up to the child's 18th birthday. If the child is a continuing or habitual truant, the court must cancel the child's driving privileges. The court shall forward an order issued under this clause to the commissioner, who shall cancel the license or permit or deny driving privileges without a hearing for the period specified by the court. At any time before the expiration of the period of cancellation or denial, the court may, for good cause, order the commissioner of public safety to allow the child to apply for a license or permit, and the commissioner shall so authorize;

(8) order that the child's parent or legal guardian deliver the child to school at the beginning of each school day for a period of time specified by the court; or

(9) require the child to perform any other activities or participate in any other treatment programs deemed appropriate by the court.

To the extent practicable, the court shall enter a disposition order the same day it makes a finding that a child is in need of protection or services or neglected and in foster care, but in no event more than 15 days after the finding unless the court finds that the best interests of the child will be served by granting a delay. If the child was under eight years of age at the time the petition was filed, the disposition order must be entered within ten days of the finding and the court may not grant a delay unless good cause is shown and the court finds the best interests of the child will be served by the delay.

(c) If a child who is 14 years of age or older is adjudicated in need of protection or services because the child is a habitual truant and truancy procedures involving the child were previously dealt with by a school attendance review board or county attorney mediation program under section 260A.06 or 260A.07, the court shall order a cancellation or denial of driving privileges under paragraph (b), clause (7), for any period up to the child's 18th birthday.

(d) In the case of a child adjudicated in need of protection or services because the child has committed domestic abuse and been ordered excluded from the child's parent's home, the court shall dismiss jurisdiction if the court, at any time, finds the parent is able or willing to provide an alternative safe living arrangement for the child, as defined in Laws 1997, chapter 239, article 10, section 2.

(e) When a parent has complied with a case plan ordered under subdivision 6 and the child is in the care of the parent, the court may order the responsible social services agency to monitor the parent's continued ability to maintain the child safely in the home under such terms and conditions as the court determines appropriate under the circumstances.

[EFFECTIVE DATE.] This section is effective July 1, 2005."

Delete the title and insert:

"A bill for an act relating to education; requiring persons under 18 years of age to attend school as a requirement for possessing a driver's permit or license; amending Minnesota Statutes 2004, sections 13.32, subdivisions 1, 8; 120A.22, subdivision 12; 171.04, subdivision 1; 171.05, subdivisions 2, 2b, 3; 260C.007, subdivision 6, by adding a subdivision; 260C.201, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 120A; 121A; 171."

With the recommendation that when so amended the bill pass.

The report was adopted.

Erhardt from the Committee on Transportation to which was referred:

H. F. No. 1730, A resolution memorializing the President and Congress to support Amtrak funding.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 1785, A bill for an act relating to elections; clarifying certain terms; changing certain registration procedures and requirements; changing certain election judge duties; providing for delivery of certain ballots; providing for absentee ballot boards in certain counties; changing canary ballots; amending Minnesota Statutes 2004, sections 200.02, subdivisions 7, 23, by adding a subdivision; 201.071, subdivision 1; 201.091, subdivision 5; 203B.01, subdivision 3; 203B.04, subdivisions 1, 4; 203B.07, subdivision 2; 203B.11, subdivision 1; 203B.12, subdivision 2; 203B.20; 203B.21, subdivision 3; 203B.24, subdivision 1; 204B.14, subdivision 2; 204B.16, subdivision 1; 204B.18, subdivision 1; 204B.27, subdivisions 1, 3; 204B.33; 204C.05, subdivision 1a; 204C.28, subdivision 1; 204D.14, subdivision 3; 204D.27, subdivision 5; 205.175, subdivision 2; 205A.09, subdivision 1; 414.01, by adding a subdivision; 447.32, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 204C; 205; 205A; 414.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

Section 1. Minnesota Statutes 2004, section 10A.01, subdivision 5, is amended to read:

Subd. 5. [ASSOCIATED BUSINESS.] "Associated business" means an association, corporation, partnership, limited liability company, limited liability partnership, or other organized legal entity from which the individual receives compensation in excess of \$50, except for actual and reasonable expenses, in any month as a director, officer, owner, member, partner, employer or employee, or whose securities the individual holds worth \$2,500 or more at fair market value.

Sec. 2. Minnesota Statutes 2004, section 10A.01, subdivision 9, is amended to read:

Subd. 9. [CAMPAIGN EXPENDITURE.] "Campaign expenditure" or "expenditure" means a purchase or payment of money or anything of value, or an advance of credit, made or incurred for the purpose of influencing the nomination or election of a candidate or for the purpose of promoting or defeating a ballot question.

"Campaign expenditure" includes payments for attending a state or national convention and payments for funeral gifts or memorials.

An expenditure is considered to be made in the year in which the candidate made the purchase of goods or services or incurred an obligation to pay for goods or services.

An expenditure made for the purpose of defeating a candidate is considered made for the purpose of influencing the nomination or election of that candidate or any opponent of that candidate.

Except as provided in clause (1), "expenditure" includes the dollar value of a donation in kind.

"Expenditure" does not include:

- (1) noncampaign disbursements as defined in subdivision 26;
- (2) services provided without compensation by an individual volunteering personal time on behalf of a candidate, ballot question, political committee, political fund, principal campaign committee, or party unit; or
- (3) the publishing or broadcasting of news items or editorial comments by the news media.

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

Sec. 3. Minnesota Statutes 2004, section 10A.01, is amended by adding a subdivision to read:

Subd. 17c. [IMMEDIATE FAMILY.] "Immediate family" means an individual and the individual's spouse, children, parents, and siblings.

Sec. 4. Minnesota Statutes 2004, section 10A.025, is amended by adding a subdivision to read:

Subd. 1a. [ELECTRONIC FILING.] A report or statement required to be filed under this chapter may be filed electronically. The board shall adopt rules to regulate electronic filing and to ensure that the electronic filing process is secure.

Sec. 5. Minnesota Statutes 2004, section 10A.071, subdivision 3, is amended to read:

Subd. 3. [EXCEPTIONS.] (a) The prohibitions in this section do not apply if the gift is:

(1) a contribution as defined in section 10A.01, subdivision 11;

(2) services to assist an official in the performance of official duties, including but not limited to providing advice, consultation, information, and communication in connection with legislation, and services to constituents;

(3) services of insignificant monetary value;

(4) a plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause;

(5) a trinket or memento ~~of insignificant~~ with an actual market value of \$15 or less;

(6) informational material of unexceptional value; ~~or~~

(7) food or a beverage given at a reception, meal, or meeting away from the recipient's place of work by an organization before whom the recipient appears to make a speech or answer questions as part of a program; or

(8) food or a beverage given at a reception held within the seven-county metropolitan area while the legislature is in session and to which all members of the legislature have been invited, and the cost does not exceed \$5 for each legislator.

(b) The prohibitions in this section do not apply if the gift is given:

(1) because of the recipient's membership in a group, a majority of whose members are not officials, and an equivalent gift is given to the other members of the group; or

(2) by a lobbyist or principal who is a member of the family of the recipient, unless the gift is given on behalf of someone who is not a member of that family.

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

Sec. 6. Minnesota Statutes 2004, section 10A.08, is amended to read:

10A.08 [REPRESENTATION DISCLOSURE.]

A public official who represents a client for a fee before an individual, board, commission, or agency that has rulemaking authority in a hearing conducted under chapter 14, must disclose the official's participation in the action to the board within 14 days after the appearance. The board must send a notice by certified mail to any public official who fails to disclose the participation within 14 days after the appearance. If the public official fails to disclose the participation within ten business days after the notice was sent, the board may impose a late filing fee of \$5 per day, not to exceed \$100, starting on the 11th day after the notice was sent. The board must send an additional notice by certified mail to a public official who fails to disclose the participation within 14 days after the first notice was sent by the board that the public official may be subject to a civil penalty for failure to disclose the participation. A public official who fails to disclose the participation within seven days after the second notice was sent by the board is subject to a civil penalty imposed by the board of up to \$1,000.

Sec. 7. Minnesota Statutes 2004, section 10A.20, subdivision 5, is amended to read:

Subd. 5. [PREELECTION REPORTS.] In a statewide election any loan, contribution, or contributions from any one source totaling \$2,000 or more, or in any judicial district or legislative election totaling more than \$400, received between the last day covered in the last report before an election and the election must be reported to the board in one of the following ways:

- (1) in person within 48 hours after its receipt;
- (2) by telegram or mailgram within 48 hours after its receipt; ~~or~~
- (3) by certified mail sent within 48 hours after its receipt; or
- (4) by electronic means sent within 48 hours after its receipt.

These loans and contributions must also be reported in the next required report.

The 48-hour notice requirement does not apply with respect to a primary in which the statewide or legislative candidate is unopposed.

Sec. 8. Minnesota Statutes 2004, section 10A.27, subdivision 1, is amended to read:

Subdivision 1. [CONTRIBUTION LIMITS.] (a) Except as provided in subdivision 2, a candidate must not permit the candidate's principal campaign committee to accept aggregate contributions made or delivered by any individual, political committee, or political fund in excess of the following:

- (1) to candidates for governor and lieutenant governor running together, \$2,000 in an election year for the office sought and \$500 in other years;
- (2) to a candidate for attorney general, \$1,000 in an election year for the office sought and \$200 in other years;
- (3) to a candidate for the office of secretary of state or state auditor, \$500 in an election year for the office sought and \$100 in other years;
- (4) to a candidate for state senator, \$500 in an election year for the office sought and \$100 in other years; and
- (5) to a candidate for state representative, \$500 in an election year for the office sought and \$100 in the other year.

(b) The following deliveries are not subject to the bundling limitation in this subdivision:

(1) delivery of contributions collected by a member of the candidate's principal campaign committee, such as a block worker or a volunteer who hosts a fund-raising event, to the committee's treasurer; and

(2) a delivery made by an individual on behalf of the individual's spouse.

(c) A lobbyist, political committee, political party unit, or political fund must not make a contribution a candidate is prohibited from accepting.

Sec. 9. Minnesota Statutes 2004, section 10A.28, subdivision 2, is amended to read:

Subd. 2. [EXCEEDING CONTRIBUTION LIMITS.] A lobbyist, political committee, political fund, political party unit, or principal campaign committee that makes a contribution, or a candidate who permits the candidate's principal campaign committee to accept contributions, in excess of the limits imposed by section 10A.27 is subject to a civil penalty of up to four times the amount by which the contribution exceeded the limits.

Sec. 10. Minnesota Statutes 2004, section 10A.31, subdivision 4, is amended to read:

Subd. 4. [APPROPRIATION.] (a) The amounts designated by individuals for the state elections campaign fund, less three percent, are appropriated from the general fund, must be transferred and credited to the appropriate account in the state elections campaign fund, and are annually appropriated for distribution as set forth in subdivisions 5, 5a, 6, and 7. The remaining three percent must be kept in the general fund for administrative costs.

(b) In addition to the amounts in paragraph (a), \$1,500,000 for each general election is appropriated from the general fund for transfer to the general account of the state elections campaign fund.

Of this appropriation, \$65,000 each fiscal year must be set aside to pay assessments made by the Office of Administrative Hearings under section 211B.37 for nonfrivolous complaints. Amounts remaining after all assessments have been paid must be canceled to the general account.

Sec. 11. Minnesota Statutes 2004, section 203B.04, is amended by adding a subdivision to read:

Subd. 6. [ONGOING ABSENTEE STATUS; TERMINATION.] (a) An eligible voter may apply to a county auditor or municipal clerk for status as an ongoing absentee voter who reasonably expects to meet the requirements of section 203B.02, subdivision 1. Each applicant must automatically be provided with an absentee ballot application for each ensuing election other than an election by mail conducted under section 204B.45, and must have the status of ongoing absentee voter indicated on the voter's registration record.

(b) Ongoing absentee voter status ends on:

(1) the voter's written request;

(2) the voter's death;

(3) return of an ongoing absentee ballot as undeliverable;

(4) a change in the voter's status so that the voter is not eligible to vote under section 201.15 or 201.155; or

(5) placement of the voter's registration on inactive status under section 201.171.

Sec. 12. Minnesota Statutes 2004, section 204C.24, subdivision 1, is amended to read:

Subdivision 1. [INFORMATION REQUIREMENTS.] Precinct summary statements shall be submitted by the election judges in every precinct. For ~~state~~ all elections, the election judges shall complete three or more copies of the summary statements, and each copy shall contain the following information for each kind of ballot:

(a) the number of votes each candidate received or the number of yes and no votes on each question, the number of undervotes or partially blank ballots, and the number of overvotes or partially defective ballots with respect to each office or question;

(b) the number of totally blank ballots, the number of totally defective ballots, the number of spoiled ballots, and the number of unused ballots;

(c) the number of individuals who voted at the election in the precinct;

(d) the number of voters registering on election day in that precinct; and

(e) the signatures of the election judges who counted the ballots certifying that all of the ballots cast were properly piled, checked, and counted; and that the numbers entered by the election judges on the summary statements correctly show the number of votes cast for each candidate and for and against each question.

At least two copies of the summary statement must be prepared for elections not held on the same day as the state elections.

Sec. 13. Minnesota Statutes 2004, section 204C.50, subdivision 1, is amended to read:

Subdivision 1. [SELECTION FOR REVIEW; NOTICE.] (a) Postelection review under this section must be conducted only on the election for president, senator or representative in Congress, constitutional offices, and legislative offices.

(b) The Office of the Secretary of State shall, within three days after each state general election beginning in 2006, randomly select 80 precincts for postelection review as defined in this section. The precincts must be selected so that an equal number of precincts are selected in each congressional district of the state. Of the precincts in each congressional district, at least five must have had more than 500 votes cast, and at least two must have had fewer than 500 votes cast. The secretary of state must promptly provide notices of which precincts are chosen to the election administration officials who are responsible for the conduct of elections in those precincts.

~~(b)~~ (c) One week before the state general election beginning in 2006, the secretary of state must post on the office Web site the date, time, and location at which precincts will be randomly chosen for review under this section. The chair of each major political party may appoint a designee to observe the random selection process.

Sec. 14. Minnesota Statutes 2004, section 204D.03, subdivision 1, is amended to read:

Subdivision 1. [STATE PRIMARY.] (a) The state primary shall be held on the first Tuesday after the second Monday in September in each even-numbered year to select the nominees of the major political parties for partisan offices and the nominees for nonpartisan offices to be filled at the state general election, other than presidential electors.

(b) If in any municipality or county there are no partisan or nonpartisan offices for which nominees must be selected at the state primary, no state primary shall be held in the municipality or county. However, no later than 15 days after the close of filings, the municipal clerk or county auditor in such a municipality or county must post a notice in the office, and send a copy of the notice to the secretary of state, stating that no primary will be held in the municipality or county because there are no partisan or nonpartisan offices for which nominees must be selected in the municipality or county.

Sec. 15. Minnesota Statutes 2004, section 206.57, subdivision 5, is amended to read:

Subd. 5. [VOTING SYSTEM FOR DISABLED VOTERS.] In federal and state elections held after December 31, 2005, and in county, municipal, and school district elections held after December 31, 2007, the voting method used in each polling place must include a voting system that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.

Sec. 16. Minnesota Statutes 2004, section 208.03, is amended to read:

208.03 [NOMINATION OF PRESIDENTIAL ELECTORS.]

Presidential electors for the major political parties of this state shall be nominated by delegate conventions called and held under the supervision of the respective state central committees of the parties of this state. On or before primary election day the chair of the major political party shall certify to the secretary of state the names of the persons nominated as presidential electors, the names of eight alternate presidential electors, and the names of the party candidates for president and vice-president.

Sec. 17. Minnesota Statutes 2004, section 208.04, subdivision 1, is amended to read:

Subdivision 1. [FORM OF PRESIDENTIAL BALLOTS.] When presidential electors and alternates are to be voted for, a vote cast for the party candidates for president and vice-president shall be deemed a vote for that party's electors and alternates as filed with the secretary of state. The secretary of state shall certify the names of all duly nominated presidential and vice-presidential candidates to the county auditors of the counties of the state. Each county auditor, subject to the rules of the secretary of state, shall cause the names of the candidates of each major political party and the candidates nominated by petition to be printed in capital letters, set in type of the same size and style as for candidates on the state white ballot, before the party designation. To the left of, and on the same line with the names of the candidates for president and vice-president, near the margin, shall be placed a square or box, in which the voters may indicate their choice by marking an "X."

The form for the presidential ballot and the relative position of the several candidates shall be determined by the rules applicable to other state officers. The state ballot, with the required heading, shall be printed on the same piece of paper and shall be below the presidential ballot with a blank space between one inch in width.

Sec. 18. Minnesota Statutes 2004, section 208.05, is amended to read:

208.05 [STATE CANVASSING BOARD.]

The State Canvassing Board at its meeting on the second Tuesday after each state general election shall open and canvass the returns made to the secretary of state for presidential electors and alternates, prepare a statement of the number of votes cast for the persons receiving votes for these offices, and declare the person or persons receiving the highest number of votes for each office duly elected. When it appears that more than the number of persons to be elected as presidential electors or alternates have the highest and an equal number of votes, the secretary of state, in the presence of the board shall decide by lot which of the persons shall be declared elected. The governor shall transmit to each person declared elected a certificate of election, signed by the governor, sealed with the state seal, and countersigned by the secretary of state.

Sec. 19. Minnesota Statutes 2004, section 208.06, is amended to read:

208.06 [ELECTORS TO MEET AT CAPITOL; FILLING OF VACANCIES.]

The presidential electors and alternate presidential electors, before 12:00 M. on the day before that fixed by Congress for the electors to vote for president and vice-president of the United States, shall notify the governor that they are at the State Capitol and ready at the proper time to fulfill their duties as electors. The governor shall deliver to the electors present a certificate of the names of all the electors. If any elector named therein fails to appear before 9:00 a.m. on the day, and at the place, fixed for voting for president and vice-president of the United States, an alternate, chosen from among the alternates by lot, shall be appointed to act for that elector. If more than eight alternates are necessary, the electors present shall, in the presence of the governor, immediately elect by ballot a person to fill the vacancy. If more than the number of persons required have the highest and an equal number of votes, the governor, in the presence of the electors attending, shall decide by lot which of those persons shall be elected.

Sec. 20. Minnesota Statutes 2004, section 208.07, is amended to read:

208.07 [CERTIFICATE OF ELECTORS.]

Immediately after the vacancies have been filled, the original electors and alternates present shall certify to the governor the names of the persons elected to complete their number, and the governor shall at once cause written notice to be given to each person elected to fill a vacancy. The persons so chosen shall be presidential electors and shall meet and act with the other electors.

Sec. 21. Minnesota Statutes 2004, section 208.08, is amended to read:

208.08 [ELECTORS TO MEET AT STATE CAPITOL.]

The original, alternate, and substituted presidential electors, at 12:00 M., shall meet in the executive chamber at the State Capitol and shall perform all the duties imposed upon them as electors by the Constitution and laws of the United States and this state.

Each elector, as a condition of having been chosen under the name of the party of a presidential and a vice-presidential candidate, is obligated to vote for those candidates. The elector shall speak aloud or affirm in a nonverbal manner the name of the candidate for president and for vice-president for whom the elector is voting and then confirm that vote by written public ballot.

If an elector fails to cast a ballot for the presidential or vice-presidential candidate of the party under whose name the elector was chosen, the elector's vote or abstention is invalidated and an alternate presidential elector, chosen by lot from among the alternates, shall cast a ballot in the name of the elector for the presidential and vice-presidential candidate of the party under whose name the elector was chosen. The invalidation of an elector's vote or abstention on the ballot for president or vice-president does not apply if the presidential candidate under whose party's name the elector was chosen has without condition released the elector or has died or become mentally disabled. The invalidation of an elector's vote or abstention on the ballot for vice-president does not apply if the vice-presidential candidate under whose party's name the elector was chosen has released without condition the elector or has died or become mentally disabled.

Sec. 22. Minnesota Statutes 2004, section 211B.13, subdivision 1, is amended to read:

Subdivision 1. [BRIBERY, ADVANCING MONEY, AND TREATING PROHIBITED.] A person who willfully, directly or indirectly, advances, pays, gives, promises, or lends any money, food, liquor, clothing, entertainment, or other thing of monetary value, or who offers, promises, or endeavors to obtain any money, position, appointment, employment, or other valuable consideration, to or for a person, in order to induce a voter to refrain from voting, or to vote in a particular way, at an election, is guilty of a felony. This section does not prevent a candidate from stating publicly preference for or support of another candidate to be voted for at the same primary or election. Refreshments of food ~~or~~ and nonalcoholic beverages of nominal value consumed on the premises at a private gathering or public meeting or distributed at a public parade are not prohibited under this section.

Sec. 23. Minnesota Statutes 2004, section 471.895, subdivision 3, is amended to read:

Subd. 3. [EXCEPTIONS.] (a) The prohibitions in this section do not apply if the gift is:

(1) a contribution as defined in section 211A.01, subdivision 5;

(2) services to assist an official in the performance of official duties, including but not limited to providing advice, consultation, information, and communication in connection with legislation, and services to constituents;

(3) services of insignificant monetary value;

(4) a plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause;

(5) a trinket or memento ~~of insignificant~~ with an actual market value of \$5 or less;

(6) informational material of unexceptional value; or

(7) food or a beverage given at a reception, meal, or meeting away from the recipient's place of work by an organization before whom the recipient appears to make a speech or answer questions as part of a program.

(b) The prohibitions in this section do not apply if the gift is given:

(1) because of the recipient's membership in a group, a majority of whose members are not local officials, and an equivalent gift is given or offered to the other members of the group;

(2) by an interested person who is a member of the family of the recipient, unless the gift is given on behalf of someone who is not a member of that family; or

(3) by a national or multistate organization of governmental organizations or public officials, if a majority of the dues to the organization are paid from public funds, to attendees at a conference sponsored by that organization, if the gift is food or a beverage given at a reception or meal and an equivalent gift is given or offered to all other attendees.

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

Sec. 24. [REPEALER.]

Minnesota Statutes 2004, section 204C.50, subdivision 7, is repealed.

Minnesota Rules, parts 4501.0300, subparts 1 and 4; 4501.0500, subpart 4; 4501.0600; 4503.0200, subpart 4; 4503.0300, subpart 2; 4503.0400, subpart 2; 4503.0500, subpart 9; and 4503.0800, subpart 1, are repealed.

ARTICLE 2

Section 1. Minnesota Statutes 2004, section 3.02, is amended to read:

3.02 [EVIDENCE OF MEMBERSHIP.]

For all purposes of organization of either house of the legislature, a certificate of election to it, duly executed by the secretary of state, is prima facie evidence of the right to membership of the person named in it. The secretary of state shall issue the certificate of election in duplicate and shall file and retain one copy for the official records of the state and present one copy to each legislator.

Sec. 2. Minnesota Statutes 2004, section 200.02, subdivision 7, is amended to read:

Subd. 7. [MAJOR POLITICAL PARTY.] (a) "Major political party" means a political party that maintains a party organization in the state, political division or precinct in question and that has presented at least one candidate for election to the office of:

(1) governor and lieutenant governor, secretary of state, state auditor, or attorney general at the last preceding state general election for those offices; or

(2) presidential elector or U.S. senator at the last preceding state general election for presidential electors; and

whose candidate received votes in each county in that election and received votes from not less than five percent of the total number of individuals who voted in that election.

(b) "Major political party" also means a political party that maintains a party organization in the state, political subdivision, or precinct in question and whose members present to the secretary of state at any time before the close of filing for the state partisan primary ballot a petition for a place on the state partisan primary ballot, which petition contains signatures of a number of the party members equal to at least five percent of the total number of individuals who voted in the preceding state general election.

(c) A political party whose candidate receives a sufficient number of votes at a state general election described in paragraph (a) becomes a major political party as of January 1 following that election and retains its major party status ~~notwithstanding that~~ for at least two state general elections even if the party fails to present a candidate who receives the number and percentage of votes required under paragraph (a) ~~at the following subsequent~~ election elections.

(d) A major political party whose candidates fail to receive the number and percentage of votes required under paragraph (a) ~~at either each of two consecutive~~ election elections described by paragraph (a) loses major party status as of December 31 following the ~~most recent later of the two consecutive~~ election elections.

Sec. 3. Minnesota Statutes 2004, section 200.02, subdivision 23, is amended to read:

Subd. 23. [MINOR POLITICAL PARTY.] (a) "Minor political party" means a political party that is not a major political party as defined by subdivision 7 and that has adopted a state constitution, designated a state party chair, held a state convention in the last two years, filed with the secretary of state no later than December 31 following the most recent state general election a certification that the party has met the foregoing requirements, and met the requirements of paragraph (b) or (e), as applicable.

(b) To be considered a minor party in all elections statewide, the political party must have presented at least one candidate for election to the office of:

(1) governor and lieutenant governor, secretary of state, state auditor, or attorney general, at the last preceding state general election for those offices; or

(2) presidential elector or U.S. senator at the preceding state general election for presidential electors; and

who received votes in each county that in the aggregate equal at least one percent of the total number of individuals who voted in the election, or its members must have presented to the secretary of state at any time before the close of filing for the state partisan primary ballot a nominating petition in a form prescribed by the secretary of state containing the signatures of party members in a number equal to at least one percent of the total number of individuals who voted in the preceding state general election.

(c) A political party whose candidate receives a sufficient number of votes at a state general election described in paragraph (b) becomes a minor political party as of January 1 following that election and retains its minor party status ~~notwithstanding that~~ for at least two state general elections even if the party fails to present a candidate who receives the number and percentage of votes required under paragraph (b) ~~at the following subsequent~~ election elections.

(d) A minor political party whose candidates fail to receive the number and percentage of votes required under paragraph (b) at ~~either each of two consecutive~~ state general election elections described by paragraph (b) loses minor party status as of December 31 following the ~~most recent~~ later of the two consecutive state general election elections.

(e) To be considered a minor party in an election in a legislative district, the political party must have presented at least one candidate for a legislative office in that district who received votes from at least ten percent of the total number of individuals who voted for that office, or its members must have presented to the secretary of state a nominating petition in a form prescribed by the secretary of state containing the signatures of party members in a number equal to at least ten percent of the total number of individuals who voted in the preceding state general election for that legislative office.

Sec. 4. Minnesota Statutes 2004, section 200.02, is amended by adding a subdivision to read:

Subd. 24. [METROPOLITAN AREA.] "Metropolitan area" means the counties of Ramsey, Hennepin, Anoka, Washington, Dakota, Scott, Carver, Wright, Sherburne, Isanti, and Chisago.

Sec. 5. Minnesota Statutes 2004, section 201.061, subdivision 3, is amended to read:

Subd. 3. [ELECTION DAY REGISTRATION.] An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration application, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

(1) presenting a driver's license or Minnesota identification card issued pursuant to section 171.07;

(2) presenting any document approved by the secretary of state as proper identification;

(3) presenting one of the following:

(i) a current valid student identification card from a postsecondary educational institution in Minnesota, if a list of students from that institution has been prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state; or

(ii) a current student fee statement that contains the student's valid address in the precinct together with a picture identification card; or

(4) having a voter who is registered to vote in the precinct sign an oath in the presence of the election judge vouching that the voter personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day.

For tribal band members ~~living on an Indian reservation~~, an individual may prove residence for purposes of registering by presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, ~~street~~ address, signature, and picture of the individual. ~~The county auditor of each county having territory within the reservation shall maintain a record of the number of election day registrations accepted under this section.~~

A county, school district, or municipality may require that an election judge responsible for election day registration initial each completed registration application.

Sec. 6. Minnesota Statutes 2004, section 201.071, subdivision 1, is amended to read:

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

"I certify that I:

- (1) will be at least 18 years old on election day;
- (2) am a citizen of the United States;
- (3) will have resided in Minnesota for 20 days immediately preceding election day;
- (4) maintain residence at the address given on the registration form;
- (5) am not under court-ordered guardianship of the person where I have not retained the right to vote;
- (6) have not been found by a court to be legally incompetent to vote;
- (7) have not been convicted of a felony without having my civil rights restored; and
- (8) have read and understand the following statement: that giving false information is a felony punishable by not more than five years imprisonment or a fine of not more than \$10,000, or both."

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

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

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

And the instruction:

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

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

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

Sec. 7. Minnesota Statutes 2004, section 201.091, subdivision 5, is amended to read:

Subd. 5. [COPY OF LIST TO REGISTERED VOTER.] The county auditors and the secretary of state shall provide copies of the public information lists in electronic or other media to any voter registered in Minnesota within ten days of receiving a written or electronic request accompanied by payment of the cost of reproduction. The county auditors and the secretary of state shall make a copy of the list available for public inspection without cost. An individual who inspects or acquires a copy of a public information list may not use any information contained in it for purposes unrelated to elections, political activities, or law enforcement.

Sec. 8. Minnesota Statutes 2004, section 203B.01, subdivision 3, is amended to read:

Subd. 3. [MILITARY.] "Military" means the Army, Navy, Air Force, Marine Corps, Coast Guard or Merchant Marine of the United States, and all other uniformed services as defined in United States Code, title 42, section 1973ff-6.

Sec. 9. Minnesota Statutes 2004, section 203B.02, subdivision 1, is amended to read:

Subdivision 1. [~~UNABLE TO GO TO ABSENCE FROM POLLING PLACE.~~] (a) Any eligible voter who ~~reasonably~~ expects to be ~~unable to go to absent from~~ the polling place on election day in the precinct where the individual maintains residence ~~because of absence from the precinct, illness, disability, religious discipline, observance of a religious holiday, or service as an election judge in another precinct~~ may vote ~~by absentee ballot in person at any location where absentee ballots may be cast pursuant to sections 203B.081 and 203B.085, during the 18 days preceding any election. This subdivision does not apply to a special election to fill a vacancy in office pursuant to sections 204D.17 to 204D.27 not held concurrently with a state primary or general election~~ as provided in sections 203B.04 to 203B.15.

(b) Any eligible voter who reasonably expects to be unable to go to the polling place on election day in the precinct where the individual maintains residence because of absence from the precinct, illness, disability, religious discipline, observance of a religious holiday, or service as an election judge in another precinct may vote by absentee ballot as provided in sections 203B.04 to 203B.15.

Sec. 10. Minnesota Statutes 2004, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION PROCEDURES.] Except as otherwise allowed by subdivision 2, an application for absentee ballots for any election may be submitted at any time not less than one day before the day of that election. The county auditor shall prepare absentee ballot application forms in the format provided ~~in the rules of~~ by the secretary of state, notwithstanding rules on absentee ballot forms, and shall furnish them to any person on request. By January 1 of each even-numbered year, the secretary of state shall make the forms to be used available to auditors through electronic means. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

(a) the county auditor of the county where the applicant maintains residence; or

(b) the municipal clerk of the municipality, or school district if applicable, where the applicant maintains residence.

An application shall be approved if it is timely received, signed and dated by the applicant, contains the applicant's name and residence and mailing addresses, and states that the applicant is eligible to vote by absentee ballot for one of the reasons specified in section 203B.02. The application may contain a request for the voter's date of birth, which must not be made available for public inspection. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device. An application mailed or returned in person to the

county auditor or municipal clerk on behalf of a voter by a person other than the voter must be deposited in the mail or returned in person to the county auditor or municipal clerk within ten days after it has been dated by the voter and no later than six days before the election. The absentee ballot applications or a list of persons applying for an absentee ballot may not be made available for public inspection until the close of voting on election day.

An application under this subdivision may contain an application under subdivision 5 to automatically receive an absentee ballot application.

Sec. 11. Minnesota Statutes 2004, section 203B.04, subdivision 4, is amended to read:

Subd. 4. [REGISTRATION AT TIME OF APPLICATION.] An eligible voter who is not registered to vote but who is otherwise eligible to vote by absentee ballot may register by including a completed voter registration card with the absentee ballot. The individual shall present proof of residence as required by section 201.061, subdivision 3, to the individual who witnesses the marking of the absentee ballots. A military voter, as defined in section 203B.01, may register in this manner if voting pursuant to sections 203B.04 to 203B.15, or may register pursuant to sections 203B.16 to 203B.27.

Sec. 12. Minnesota Statutes 2004, section 203B.07, subdivision 2, is amended to read:

Subd. 2. [DESIGN OF ENVELOPES.] The return envelope shall be of sufficient size to conveniently enclose and contain the ballot envelope and a voter registration card folded along its perforations. The return envelope shall be designed to open on the left-hand end and, notwithstanding any rule to the contrary, the design must provide an additional flap that when sealed, conceals the signature, identification, and other information. Election officials may open the flap at any time after receiving the returned ballot to inspect the returned certificate for completeness or to ascertain other information. A certificate of eligibility to vote by absentee ballot shall be printed on the ~~right hand~~ three-fourths of the back of the envelope. The certificate shall contain a statement to be signed and sworn by the voter indicating that the voter meets all of the requirements established by law for voting by absentee ballot. The certificate shall also contain a statement signed by a person who is registered to vote in Minnesota or by a notary public or other individual authorized to administer oaths stating that:

(a) the ballots were displayed to that individual unmarked;

(b) the voter marked the ballots in that individual's presence without showing how they were marked, or, if the voter was physically unable to mark them, that the voter directed another individual to mark them; and

(c) if the voter was not previously registered, the voter has provided proof of residence as required by section 201.061, subdivision 3.

The county auditor or municipal clerk shall affix first class postage to the return envelopes.

Sec. 13. Minnesota Statutes 2004, section 203B.11, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] Each full-time municipal clerk or school district clerk who has authority under section 203B.05 to administer absentee voting laws shall designate election judges to deliver absentee ballots in accordance with this section. The county auditor ~~may~~ must also designate election judges to perform the duties in this section. A ballot may be delivered only to an eligible voter who is a temporary or permanent resident or patient in a health care facility or hospital located in the municipality in which the voter maintains residence. The ballots shall be delivered by two election judges, each of whom is affiliated with a different major political party. When the election judges deliver or return ballots as provided in this section, they shall travel together in the same vehicle.

Both election judges shall be present when an applicant completes the certificate of eligibility and marks the absentee ballots, and may assist an applicant as provided in section 204C.15. The election judges shall deposit the return envelopes containing the marked absentee ballots in a sealed container and return them to the clerk on the same day that they are delivered and marked.

Sec. 14. Minnesota Statutes 2004, section 203B.12, subdivision 2, is amended to read:

Subd. 2. [EXAMINATION OF RETURN ENVELOPES.] Two or more election judges shall examine each return envelope and shall mark it accepted or rejected in the manner provided in this subdivision. If a ballot has been prepared under section 204B.12, subdivision 2a, or 204B.41, the election judges shall not begin removing ballot envelopes from the return envelopes until 8:00 p.m. on election day, either in the polling place or at an absentee ballot board established under section 203B.13.

The election judges shall mark the return envelope "Accepted" and initial or sign the return envelope below the word "Accepted" if the election judges or a majority of them are satisfied that:

(1) the voter's name and address on the return envelope are the same as the information provided on the absentee ballot application;

(2) the voter's signature on the return envelope is the genuine signature of the individual who made the application for ballots and the certificate has been completed as prescribed in the directions for casting an absentee ballot, except that if a person other than the voter applied for the absentee ballot under applicable Minnesota Rules, the signature is not required to match;

(3) the voter is registered and eligible to vote in the precinct or has included a properly completed voter registration application in the return envelope; and

(4) the voter has not already voted at that election, either in person or by absentee ballot.

There is no other reason for rejecting an absentee ballot. In particular, failure to place the envelope within the security envelope before placing it in the outer white envelope is not a reason to reject an absentee ballot.

The return envelope from accepted ballots must be preserved and returned to the county auditor.

If all or a majority of the election judges examining return envelopes find that an absent voter has failed to meet one of the requirements prescribed in clauses (1) to (4), they shall mark the return envelope "Rejected," initial or sign it below the word "Rejected," and return it to the county auditor.

Sec. 15. Minnesota Statutes 2004, section 203B.20, is amended to read:

203B.20 [CHALLENGES.]

Except as provided in this section, the eligibility or residence of a voter whose application for absentee ballots is recorded under section 203B.19 may be challenged in the manner set forth by section 201.195. The county auditor or municipal clerk shall not be required to serve a copy of the petition and notice of hearing on the challenged voter, unless the absentee ballot application was submitted on behalf of a voter by an individual authorized under section 203B.17, subdivision 1, paragraph (a), in which case the county auditor must attempt to notify the individual who submitted the application of the challenge. The county auditor may contact other registered voters to request

information that may resolve any discrepancies appearing in the application. All reasonable doubt shall be resolved in favor of the validity of the application. If the voter's challenge is affirmed, the county auditor shall provide the challenged voter with a copy of the petition and the decision and shall inform the voter of the right to appeal as provided in section 201.195.

Sec. 16. Minnesota Statutes 2004, section 203B.21, subdivision 1, is amended to read:

Subdivision 1. [FORM.] Absentee ballots under sections 203B.16 to 203B.27 shall conform to the requirements of the Minnesota Election Law, except that modifications in the size or form of ballots or envelopes may be made if necessary to satisfy the requirements of the United States postal service, and the design must provide an additional flap that when sealed, conceals the signature, identification, and other information. The flap must be perforated to permit election officials to inspect the returned certificate for completeness or to ascertain other information at any time after receiving the returned ballot without opening the return envelope.

Sec. 17. Minnesota Statutes 2004, section 203B.21, subdivision 3, is amended to read:

Subd. 3. [BACK OF RETURN ENVELOPE.] On the back of the return envelope an affidavit form shall appear with space for:

- (a) The voter's address of present or former residence in Minnesota;
- (b) A statement indicating the category described in section 203B.16 to which the voter belongs;
- (c) A statement that the voter has not cast and will not cast another absentee ballot in the same election or elections;
- (d) A statement that the voter personally marked the ballots without showing them to anyone, or if physically unable to mark them, that the voter directed another individual to mark them; and
- (e) The voter's military identification card number, passport number, or, if the voter does not have a valid passport or identification card, the signature and certification of an individual authorized to administer oaths under federal law or the law of the place where the oath was administered or a commissioned or noncommissioned ~~officer~~ personnel of the military not below the rank of sergeant or its equivalent.

The affidavit shall also contain a signed and dated oath in the form required by section 705 of the Help America Vote Act, Public Law 107-252, which must read:

"I swear or affirm, under penalty of perjury, that:

I am a member of the uniformed services or merchant marine on active duty or an eligible spouse or dependent of such a member; a United States citizen temporarily residing outside the United States; or other United States citizen residing outside the United States; and I am a United States citizen, at least 18 years of age (or will be by the date of the election), and I am eligible to vote in the requested jurisdiction; I have not been convicted of a felony, or other disqualifying offense, or been adjudicated mentally incompetent, or, if so, my voting rights have been reinstated; and I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States except the jurisdiction cited in this voting form. In voting, I have marked and sealed my ballot in private and have not allowed any person to observe the marking of the ballot, except for those authorized to assist voters under state or federal law. I have not been influenced.

My signature and date below indicate when I completed this document.

The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for a conviction for perjury."

Sec. 18. Minnesota Statutes 2004, section 203B.24, subdivision 1, is amended to read:

Subdivision 1. [CHECK OF VOTER ELIGIBILITY; PROPER EXECUTION OF AFFIDAVIT.] Upon receipt of an absentee ballot returned as provided in sections 203B.16 to 203B.27, the election judges shall compare the voter's name with the names appearing on their copy of the application records to insure that the ballot is from a voter eligible to cast an absentee ballot under sections 203B.16 to 203B.27. ~~Any discrepancy or disqualifying fact shall be noted on the envelope by the election judges.~~ The election judges shall mark the return envelope "Accepted" and initial or sign the return envelope below the word "Accepted" if the election judges are satisfied that:

(1) the voter's name on the return envelope appears in substantially the same form as on the application records provided to the election judges by the county auditor;

(2) the voter has signed the federal oath prescribed pursuant to section 705(b)(2) of the Help America Vote Act, Public Law 107-252;

(3) the voter has set forth the voter's military identification number or passport number or, if those numbers do not appear, a person authorized to administer oaths under federal law or the law of the place where the oath was administered or a witness who is military personnel with a rank at or above the rank of sergeant or its equivalent has signed the ballot; and

(4) the voter has not already voted at that election, either in person or by absentee ballot.

An absentee ballot case pursuant to sections 203B.16 to 203B.27 may only be rejected for the lack of one of clauses (1) to (4). In particular, failure to place the envelope within the security envelope before placing it in the outer white envelope is not a reason to reject an absentee ballot.

Election judges must note the reason for rejection on the back of the envelope in the space provided for that purpose.

Failure to return unused ballots shall not invalidate a marked ballot, but a ballot shall not be counted if the affidavit on the return envelope is not properly executed. In all other respects the provisions of the Minnesota Election Law governing deposit and counting of ballots shall apply.

Sec. 19. Minnesota Statutes 2004, section 204B.10, subdivision 6, is amended to read:

Subd. 6. [INELIGIBLE VOTER.] Upon receipt of a certified copy of a final judgment or order of a court of competent jurisdiction that a person who has filed an affidavit of candidacy or who has been nominated by petition:

(1) has been convicted of treason or a felony and the person's civil rights have not been restored;

(2) is under guardianship of the person; or

(3) has been found by a court of law to be legally incompetent;

the filing officer shall notify the person by certified mail at the address shown on the affidavit or petition, and, for offices other than president of the United States, vice-president of the United States, United States senator, and United States representative in Congress, shall not certify the person's name to be placed on the ballot. The actions of a filing officer under this subdivision are subject to judicial review under section 204B.44.

Sec. 20. Minnesota Statutes 2004, section 204B.14, subdivision 2, is amended to read:

Subd. 2. [SEPARATE PRECINCTS; COMBINED POLLING PLACE.] (a) The following shall constitute at least one election precinct:

(1) each city ward; and

(2) each town and each statutory city.

(b) A single, accessible, combined polling place may be established no later than June 1 of any year:

(1) for any city of the third or fourth class, any town, or any city having territory in more than one county, in which all the voters of the city or town shall cast their ballots;

(2) for two contiguous precincts in the same municipality that have a combined total of fewer than 500 registered voters; or

(3) for up to four contiguous municipalities located entirely outside the metropolitan area, as defined by section ~~473.121, subdivision 2~~ 200.02, subdivision 24, that are contained in the same county.

A copy of the ordinance or resolution establishing a combined polling place must be filed with the county auditor within 30 days after approval by the governing body. A polling place combined under clause (3) must be approved by the governing body of each participating municipality. A municipality withdrawing from participation in a combined polling place must do so by filing a resolution of withdrawal with the county auditor no later than May 1 of any year.

The secretary of state shall provide a separate polling place roster for each precinct served by the combined polling place. A single set of election judges may be appointed to serve at a combined polling place. The number of election judges required must be based on the total number of persons voting at the last similar election in all precincts to be voting at the combined polling place. Separate ballot boxes must be provided for the ballots from each precinct. The results of the election must be reported separately for each precinct served by the combined polling place, except in a polling place established under clause (2) where one of the precincts has fewer than ten registered voters, in which case the results of that precinct must be reported in the manner specified by the secretary of state.

Sec. 21. Minnesota Statutes 2004, section 204B.16, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY; LOCATION.] (a) The governing body of each municipality and of each county with precincts in unorganized territory shall designate by ordinance or resolution a polling place for each election precinct. Polling places must be designated and ballots must be distributed so that no one is required to go to more than one polling place to vote in a school district and municipal election held on the same day. The polling place for a precinct in a city or in a school district located in whole or in part in the metropolitan area defined by section ~~473.121~~ 200.02, subdivision 24, shall be located within the boundaries of the precinct or within 3,000 feet of one of those boundaries unless a single polling place is designated for a city pursuant to section 204B.14, subdivision 2, or a school district pursuant to section 205A.11. The polling place for a precinct in unorganized territory may be

located outside the precinct at a place which is convenient to the voters of the precinct. If no suitable place is available within a town or within a school district located outside the metropolitan area defined by section ~~473.121~~ 200.02, subdivision 24, then the polling place for a town or school district may be located outside the town or school district within five miles of one of the boundaries of the town or school district.

(b) Each polling place serving precincts in which, in aggregate, there were more than 100 voters in the most recent similar election, must be to the extent the governing body determines it is practicable, at least 750 square feet, with an additional 60 square feet for each 150 voters in excess of 400 that voted in the most recent similar election.

Sec. 22. Minnesota Statutes 2004, section 204B.16, subdivision 5, is amended to read:

Subd. 5. [ACCESS BY ELDERLY AND ~~HANDICAPPED~~ PERSONS WITH DISABILITIES.] Each polling place shall be accessible to and usable by elderly individuals and ~~physically handicapped~~ individuals with disabilities. A polling place is deemed to be accessible and usable if it complies with the standards in paragraphs (a) to (f).

(a) At least one set of doors must have a minimum width of ~~34~~ 32 inches if the doors must be used to enter or leave the polling place.

(b) Any curb adjacent to the main entrance to a polling place must have curb cuts or temporary ramps. Where the main entrance is not the accessible entrance, any curb adjacent to the accessible entrance must also have curb cuts or temporary ramps.

(c) Where the main entrance is not the accessible entrance, a sign shall be posted at the main entrance giving directions to the accessible entrance.

(d) At least one set of stairs must have a temporary handrail and ramp if stairs must be used to enter or leave the polling place.

(e) No barrier in the polling place may impede the path of ~~the physically handicapped~~ persons with disabilities to the voting booth.

(f) At least one ~~handicapped~~ parking space for persons with disabilities, which may be temporarily so designated by the municipality for the day of the election, must be available near the accessible entrance.

The doorway, handrails, ramps, and handicapped parking provided pursuant to this subdivision must conform to the standards specified in the State Building Code for accessibility by ~~handicapped~~ persons with disabilities.

A governing body shall designate as polling places only those places which meet the standards prescribed in this subdivision unless no available place within a precinct is accessible or can be made accessible.

Sec. 23. Minnesota Statutes 2004, section 204B.18, subdivision 1, is amended to read:

Subdivision 1. [BOOTHES; VOTING STATIONS.] Each polling place must contain ~~a number of~~ at least two voting booths ~~in proportion to the number of individuals eligible to vote in the precinct or self-contained voting stations plus one additional voting booth or self-contained voting station for each 150 voters in excess of 200 registered in the precinct.~~ Each booth or station must be at least six feet high, three feet deep and two feet wide with a shelf at least two feet long and one foot wide placed at a convenient height for writing. The booth or station shall ~~be provided with a door or curtains~~ permit the voter to vote privately and independently. Each ~~accessible~~ polling place must have at least one accessible voting booth or other accessible voting station and beginning with federal and state elections held after December 31, 2005, and county, municipal, and school district elections held after

December 31, 2007, one voting system that conforms to section 301(a)(3)(B) of the Help America Vote Act, Public Law 107-252. All booths or stations must be constructed so that a voter is free from observation while marking ballots. ~~In all other polling places every effort must be made to provide at least one accessible voting booth or other accessible voting station.~~ During the hours of voting, the booths or stations must have instructions, a pencil, and other supplies needed to mark the ballots. ~~If needed,~~ A chair must be provided for elderly ~~and handicapped~~ voters and voters with disabilities to use while voting or waiting to vote. Stable flat writing surfaces must also be made available to voters who are completing election-related forms. All ballot boxes, voting booths, voting stations, and election judges must be in open public view in the polling place.

Sec. 24. Minnesota Statutes 2004, section 204B.22, subdivision 3, is amended to read:

Subd. 3. ~~[MINIMUM NUMBER REQUIRED IN CERTAIN PRECINCTS OF ELECTION JUDGES.]~~ At each ~~state primary or state general~~ election in precincts ~~using an electronic voting system with marking devices and in~~ which more than 400 votes were cast at the last similar election, the minimum number of election judges is three plus one judge to demonstrate the use of the voting machine or device, and the number of additional election judges to be appointed is one for every 200 votes cast in that precinct in the most recent similar general election.

Sec. 25. Minnesota Statutes 2004, section 204B.27, subdivision 1, is amended to read:

Subdivision 1. ~~[BLANK FORMS.]~~ At least ~~25~~ 14 days before every state election the secretary of state shall transmit to each county auditor ~~a sufficient number of blank county abstract forms and other examples of any blank forms to be used as the secretary of state deems necessary for the conduct of the election.~~ County abstract forms may be provided to auditors electronically via the Minnesota State Election Reporting System maintained by the secretary of state, and must be available at least one week prior to the election.

Sec. 26. Minnesota Statutes 2004, section 204B.27, subdivision 3, is amended to read:

Subd. 3. ~~[INSTRUCTION POSTERS.]~~ At least 25 days before every state election, ~~the secretary of state shall prepare and furnish to the county auditor of each county in which paper ballots are used,~~ voter instruction posters printed in large type upon cards or heavy paper. The instruction posters must contain the information needed to enable the voters to cast their ~~paper~~ ballots quickly and correctly and indicate the types of assistance available for elderly and handicapped voters. Two instruction posters shall be furnished for each precinct ~~in which paper ballots are used.~~ The secretary of state shall also provide posters informing voters of eligibility requirements to vote and of identification and proofs accepted for election day registration. Posters furnished by the secretary of state must also include all information required to be posted by the Help America Vote Act, including: instructions on how to vote, including how to cast a vote; instructions for mail-in registrants and first-time voters; general information on voting rights under applicable federal and state laws, and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and general information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

Sec. 27. Minnesota Statutes 2004, section 204B.33, is amended to read:

204B.33 [NOTICE OF FILING.]

(a) Between June 1 and July 1 in each even numbered year, the secretary of state shall notify each county auditor of the offices to be voted for in that county at the next state general election for which candidates file with the secretary of state. The notice shall include the time and place of filing for those offices and for judicial offices shall list the name of the incumbent, if any, currently holding the seat to be voted for. Within ten days after notification by the secretary of state, each county auditor shall notify each municipal clerk in the county of all the offices to be voted for in the county at that election and the time and place for filing for those offices. The county auditors and municipal clerks shall promptly post a copy of that notice in their offices.

(b) At least two weeks before the first day to file an affidavit of candidacy, the county auditor shall publish a notice stating the first and last dates on which affidavits of candidacy may be filed in the county auditor's office and the closing time for filing on the last day for filing. The county auditor shall post a similar notice at least ten days before the first day to file affidavits of candidacy.

Sec. 28. Minnesota Statutes 2004, section 204C.05, subdivision 1a, is amended to read:

Subd. 1a. [ELECTIONS; ORGANIZED TOWN.] The governing body of a town with less than 500 inhabitants according to the most recent federal decennial census, which is located outside the metropolitan area as defined in section ~~473.124~~ 200.02, subdivision ~~2~~ 24, may fix a later time for voting to begin at state primary, special, or general elections, if approved by a vote of the town electors at the annual town meeting. The question of shorter voting hours must be included in the notice of the annual town meeting before the question may be submitted to the electors at the meeting. The later time may not be later than 10:00 a.m. for special, primary, or general elections. The town clerk shall either post or publish notice of the changed hours and notify the county auditor of the change 30 days before the election.

Sec. 29. Minnesota Statutes 2004, section 204C.08, subdivision 1, is amended to read:

Subdivision 1. [DISPLAY OF FLAG; "VOTE HERE" SIGN.] (a) Upon their arrival at the polling place on the day of election, the election judges shall cause the national flag to be displayed on a suitable staff at the entrance to the polling place. The flag shall be displayed continuously during the hours of voting and the election judges shall attest to that fact by signing the flag certification statement on the precinct summary statement. The election judges shall receive no compensation for any time during which they intentionally fail to display the flag as required by this subdivision.

(b) The election judges shall, immediately after displaying the flag pursuant to paragraph (a), post the following:

(1) a "Vote Here" sign conspicuously near the flag, which must be of a size not less than two feet high by four feet wide, with letters printed in red in a font size of no less than 576-point type, against a white background; and

(2) within the building, if the polling place has more than one room, signs indicating by arrows the direction in which to proceed in order to reach the room containing the polling place.

Sec. 30. Minnesota Statutes 2004, section 204C.28, subdivision 1, is amended to read:

Subdivision 1. [COUNTY AUDITOR.] Every county auditor shall remain at the auditor's office to receive delivery of the returns, to permit public inspection of the summary statements, and to tabulate the votes until all have been tabulated and the results made known, or until 24 hours have elapsed since the end of the hours for voting, whichever occurs first. Every county auditor shall keep a book in which, in the presence of the municipal clerk or the election judges who deliver the returns, the auditor shall make a record of all materials delivered, the time of delivery, and the names of the municipal clerk or election judges who made delivery. The county auditor shall file the book and all envelopes containing ballots in a safe and secure place with envelope seals unbroken. Access to the book and ballots shall be strictly controlled. Accountability and a record of access shall be maintained by the county auditor during the period for contesting elections or, if a contest is filed, until the contest has been finally determined. Thereafter, the book shall be retained in the auditor's office for the same period as the ballots as provided in section 204B.40.

The county auditor shall file all envelopes containing ballots in a safe place with seals unbroken. If the envelopes were previously opened by proper authority for examination or recount, the county auditor shall have the envelopes sealed again and signed by the individuals who made the inspection or recount. The envelopes may be opened by the county canvassing board if necessary to procure election returns that the election judges inadvertently may have sealed in the envelopes with the ballots. In that case, the envelopes shall be sealed again and signed in the same manner as otherwise provided in this subdivision.

Sec. 31. Minnesota Statutes 2004, section 204D.14, subdivision 3, is amended to read:

Subd. 3. [UNCONTESTED JUDICIAL OFFICES.] Judicial offices for a specific court for which there is only one candidate filed must appear after all other judicial offices for that same court on the canary ballot.

Sec. 32. Minnesota Statutes 2004, section 204D.27, subdivision 5, is amended to read:

Subd. 5. [CANVASS; SPECIAL PRIMARY; STATE CANVASSING BOARD.] Not later than four days after the returns of the county canvassing boards are certified to the secretary of state, the State Canvassing Board shall complete its canvass of the special primary. The secretary of state shall then promptly certify to the county auditors the names of the nominated individuals, prepare notices of nomination, and notify each nominee of the nomination.

Sec. 33. [205.135] [ELECTION REPORTING SYSTEM; CANDIDATE FILING.]

Subdivision 1. [EVEN-NUMBERED YEAR.] For regularly scheduled municipal elections held in an even-numbered year, the municipal clerk must provide the offices and questions to be voted on in the municipality and the list of candidates for each office to the county auditor for entry into the election reporting system provided by the secretary of state no later than 46 days prior to the election. The county auditor must delegate, at the request of the municipality, the duty to enter the information into the system to the municipal clerk.

Subd. 2. [ODD-NUMBERED YEAR.] For regularly scheduled municipal elections held in an odd-numbered year, the municipal clerk or county auditor must enter the offices and questions to be voted on in the municipality and the list of candidates for each office into the election reporting system no later than 46 days prior to the election.

Sec. 34. Minnesota Statutes 2004, section 205.175, subdivision 2, is amended to read:

Subd. 2. [METROPOLITAN AREA MUNICIPALITIES.] The governing body of a municipality which is located within a metropolitan county ~~as defined by section 473.124~~ included in the definition of metropolitan area in section 200.02, subdivision 24, may designate the time during which the polling places will remain open for voting at the next succeeding and all subsequent municipal elections, provided that the polling places shall open no later than 10:00 a.m. and shall close no earlier than 8:00 p.m. The resolution shall remain in force until it is revoked by the municipal governing body.

Sec. 35. [205.187] [ELECTION REPORTING SYSTEM; PRECINCT VOTES.]

Subdivision 1. [EVEN-NUMBERED YEAR.] For regularly scheduled municipal elections held in an even-numbered year, the county auditor must enter the votes in each precinct for the questions and offices voted on in the municipal election into the election reporting system provided by the secretary of state.

Subd. 2. [ODD-NUMBERED YEAR.] For regularly scheduled municipal elections held in an odd-numbered year, the municipal clerk or county auditor must enter the votes in each precinct for the offices and questions voted on in the municipality into the election reporting system provided by the secretary of state.

Sec. 36. [205A.075] [ELECTION REPORTING SYSTEM; CANDIDATE FILING.]

Subdivision 1. [EVEN-NUMBERED YEAR.] For regularly scheduled school district elections held in an even-numbered year, the school district clerk must provide the offices and questions to be voted on in the school district and the list of candidates for each office to the county auditor for entry into the election reporting system provided by the secretary of state no later than days prior to the election.

Subd. 2. [ODD-NUMBERED YEAR.] For regularly scheduled school district elections held in an odd-numbered year, the school district clerk or county auditor must enter the offices and questions to be voted on in the school district and the list of candidates for each office into the election reporting system provided by the secretary of state no later than days prior to the election.

Sec. 37. [205A.076] [ELECTION REPORTING SYSTEM; PRECINCT VOTES.]

Subdivision 1. [EVEN-NUMBERED YEAR.] For regularly scheduled school district elections held in an even-numbered year, the county auditor must enter the votes in each precinct for the questions and offices voted on in the school district election into the election reporting system provided by the secretary of state.

Subd. 2. [ODD-NUMBERED YEAR.] For regularly scheduled school district elections held in an odd-numbered year, the school district clerk or county auditor must enter the votes in each precinct for the offices and questions voted on in the school district into the election reporting system provided by the secretary of state.

Sec. 38. Minnesota Statutes 2004, section 205A.09, subdivision 1, is amended to read:

Subdivision 1. [METROPOLITAN AREA SCHOOL DISTRICTS.] At a school district election in a school district located in whole or in part within a metropolitan county as defined by section 473.121 included in the definition of metropolitan area in section 200.02, subdivision 24, the school board, by resolution adopted before giving notice of the election, may designate the time during which the polling places will remain open for voting at the next succeeding and all later school district elections. The polling places must open no later than 10:00 a.m. and close no earlier than 8:00 p.m. The resolution shall remain in force until it is revoked by the school board.

Sec. 39. Minnesota Statutes 2004, section 206.56, subdivision 2, is amended to read:

Subd. 2. [AUTOMATIC TABULATING EQUIPMENT.] "Automatic tabulating equipment" includes apparatus machines, resident firmware, and programmable memory units necessary to optically scan, automatically examine, and count votes designated on ballot cards, and data processing machines which can be used for counting ballots and tabulating results.

Sec. 40. Minnesota Statutes 2004, section 206.56, subdivision 3, is amended to read:

Subd. 3. [BALLOT.] "Ballot" includes ~~ballot cards and~~ paper ballots, ballot cards, and the paper ballot marked by an electronic marking device.

Sec. 41. Minnesota Statutes 2004, section 206.56, subdivision 7, is amended to read:

Subd. 7. [COUNTING CENTER.] "Counting center" means a place selected by the governing body of a municipality where ~~an~~ a central count electronic voting system is used for the automatic processing and counting of ballots.

Sec. 42. Minnesota Statutes 2004, section 206.56, subdivision 8, is amended to read:

Subd. 8. [ELECTRONIC VOTING SYSTEM.] "Electronic voting system" means a system in which the voter records votes by means of marking a ballot, which is designed so that votes may be counted by automatic tabulating equipment at a counting center or in the precinct or polling place where the ballot is cast.

An electronic voting system includes automatic tabulating equipment; nonelectronic ballot markers; electronic ballot markers, including electronic ballot display, audio ballot reader, and devices by which the voter will register the voter's voting intent; software used to program automatic tabulators and layout ballots; computer programs used to accumulate precinct results; ballots; secrecy folders; system documentation; and system testing results.

Sec. 43. Minnesota Statutes 2004, section 206.56, subdivision 9, is amended to read:

Subd. 9. [MANUAL MARKING DEVICE.] "Manual marking device" means any approved device for directly marking a ballot by hand with ink, pencil, or other substance which will enable the ballot to be tabulated by means of automatic tabulating equipment.

Sec. 44. Minnesota Statutes 2004, section 206.56, is amended by adding a subdivision to read:

Subd. 9a. [ELECTRONIC BALLOT MARKER.] "Electronic ballot marker" means equipment that is part of an electronic voting system that marks a nonelectronic ballot with votes selected by a voter using an electronic ballot display or audio ballot reader.

Sec. 45. Minnesota Statutes 2004, section 206.56, is amended by adding a subdivision to read:

Subd. 9b. [ASSISTIVE VOTING TECHNOLOGY.] "Assistive voting technology" means touch-activated screen, buttons, keypad, sip-and-puff input device, keyboard, earphones, or any other device used with an electronic ballot marker that assists voters to use an audio or electronic ballot display in order to select votes.

Sec. 46. Minnesota Statutes 2004, section 206.56, is amended by adding a subdivision to read:

Subd. 9c. [ELECTRONIC BALLOT DISPLAY.] "Electronic ballot display" means a graphic representation of a ballot on a computer monitor or screen on which a voter may make vote choices for candidates and questions for the purpose of marking a nonelectronic ballot.

Sec. 47. Minnesota Statutes 2004, section 206.56, is amended by adding a subdivision to read:

Subd. 9d. [AUDIO BALLOT READER.] "Audio ballot reader" means an audio representation of a ballot that can be used with other assistive voting technology to permit a voter to mark votes on a nonelectronic ballot using an electronic ballot marker.

Sec. 48. Minnesota Statutes 2004, section 206.57, subdivision 1, is amended to read:

Subdivision 1. [EXAMINATION AND REPORT BY SECRETARY OF STATE; APPROVAL.] A vendor of an electronic voting system may apply to the secretary of state to examine the system and to report as to its compliance with the requirements of law and as to its accuracy, durability, efficiency, and capacity to register the will of voters. The secretary of state or a designee shall examine the system submitted and file a report on it in the Office of the Secretary of State. Examination is not required of every individual machine or counting device, but only of each type of electronic voting system before its adoption, use, or purchase and before its continued use after significant changes have been made in an approved system. The examination must include the ballot programming; electronic ballot marking, including all assistive technologies intended to be used with the system; vote counting; and vote accumulation functions of each voting system.

If the report of the secretary of state or the secretary's designee concludes that the kind of system examined complies with the requirements of sections 206.55 to 206.90 and can be used safely, the system shall be deemed approved by the secretary of state, and may be adopted and purchased for use at elections in this state. A voting system not approved by the secretary of state may not be used at an election in this state. The secretary of state may adopt permanent rules consistent with sections 206.55 to 206.90 relating to the examination and use of electronic voting systems.

Sec. 49. Minnesota Statutes 2004, section 206.57, is amended by adding a subdivision to read:

Subd. 7. [ELECTION ASSISTANCE COMMISSION STANDARDS.] If, prior to January 1, 2006, the federal Election Assistance Commission has not established standards for an electronic ballot marker or other voting system component that is required to enable a voting system to meet the requirements of subdivision 5, the secretary of state may certify the voting system on an experimental basis pending the completion of federal standards, notwithstanding subdivision 6. Within two years after the Election Assistance Commission issues standards for a voting system component used in a voting system authorized under this subdivision, the secretary of state must review or reexamine the voting system to determine whether the system conforms to federal standards.

Sec. 50. Minnesota Statutes 2004, section 206.58, subdivision 1, is amended to read:

Subdivision 1. [MUNICIPALITIES.] (a) The governing body of a municipality, at a regular meeting or at a special meeting called for the purpose, ~~may~~ must provide for the use of ~~an~~ at least one electronic voting system that conforms to the requirements of section 301(a)(3)(B) of the Help America Vote Act, Public Law 107-252, in one or more precincts each polling place and at all elections ~~in the precincts~~, subject to approval by the county auditor. This paragraph applies to federal and state elections held after December 31, 2005, and to county, municipal, and school district elections held after December 31, 2007.

(b) The governing body shall disseminate information to the public about the use of a new voting system at least 60 days prior to the election and shall provide for instruction of voters with a demonstration voting system in a public place for the six weeks immediately prior to the first election at which the new voting system will be used.

(c) No system may be adopted or used unless it has been approved by the secretary of state pursuant to section 206.57.

Sec. 51. Minnesota Statutes 2004, section 206.61, subdivision 4, is amended to read:

Subd. 4. [ORDER OF CANDIDATES.] On the "State Partisan Primary Ballot" prepared for primary elections, and on the white ballot prepared for the general election, the order of the names of nominees or names of candidates for election shall be the same as required for paper ballots. More than one column or row may be used for the same office or party. Electronic ballot display and audio ballot readers must conform to the candidate order on the optical scan ballot used in the precinct.

Sec. 52. Minnesota Statutes 2004, section 206.61, subdivision 5, is amended to read:

Subd. 5. [ALTERNATION.] The provisions of the election laws requiring the alternation of names of candidates must be observed as far as practicable by changing the order of the names on an electronic voting system in the various precincts so that each name appears on the machines or marking devices used in a municipality substantially an equal number of times in the first, last, and in each intermediate place in the list or group in which they belong. However, the arrangement of candidates' names must be the same on all voting systems used in the same precinct. If the number of names to be alternated exceeds the number of precincts, the election official responsible for providing the ballots, in accordance with subdivision 1, shall determine by lot the alternation of names.

If an electronic ballot marker is used with a paper ballot that is not an optical scan ballot card, the manner of alternation of candidate names on the paper ballot must be as prescribed for optical scan ballots in this subdivision.

Sec. 53. Minnesota Statutes 2004, section 206.64, subdivision 1, is amended to read:

Subdivision 1. [GENERAL PROVISIONS FOR ELECTRONIC SYSTEM VOTING.] Each electronic voting system booth must be placed and protected so that it is accessible to only one voter at a time and is in full view of all the election judges and challengers at the polling place. The election judges shall admit one individual at a time to each booth after determining that the individual is eligible to vote. Voting by electronic voting system must be secret, except for voters who ~~need~~ request assistance. A voter may remain inside the voting booth for ~~three minutes~~ the time reasonably required for the voter to complete the ballot. A voter who refuses to leave the voting booth after a reasonable amount of time, but not less than three minutes, must be removed by the election judges.

Sec. 54. Minnesota Statutes 2004, section 206.80, is amended to read:

206.80 [ELECTRONIC VOTING SYSTEMS.]

An electronic voting system may not be employed unless it:

- (1) permits every voter to vote in secret;
- (2) permits every voter to vote for all candidates and questions for whom or upon which the voter is legally entitled to vote;
- (3) provides for write-in voting when authorized;
- (4) rejects by means of the ~~automatic tabulating equipment~~ electronic voting system, except as provided in section 206.84 with respect to write-in votes, all votes for an office or question when the number of votes cast on it exceeds the number which the voter is entitled to cast;
- (5) permits a voter at a primary election to select secretly the party for which the voter wishes to vote; and
- (6) rejects, by means of the ~~automatic tabulating equipment~~ electronic voting system, all votes cast in a primary election ~~by a voter~~ for offices serving with political party designation when the voter votes for candidates of more than one party.

Sec. 55. Minnesota Statutes 2004, section 206.81, is amended to read:

206.81 [ELECTRONIC VOTING SYSTEMS; EXPERIMENTAL USE.]

- (a) The secretary of state may ~~approve~~ certify an electronic voting system for experimental use at an election prior to its approval for general use.
- ~~(b) The secretary of state must approve one or more direct recording electronic voting systems for experimental use at an election before their approval for general use and may impose restrictions on their use. At least one voting system approved under this paragraph must permit sighted persons to vote and at least one system must permit a blind or visually impaired voter to cast a ballot independently and privately.~~
- ~~(c)~~ Experimental use must be observed by the secretary of state or the secretary's designee and the results observed must be considered at any subsequent proceedings for approval for general use.
- ~~(d)~~ (c) The secretary of state may adopt rules consistent with sections 206.55 to 206.90 relating to experimental use. The extent of experimental use must be determined by the secretary of state.

Sec. 56. Minnesota Statutes 2004, section 206.82, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM.] A program or programs for use in an election conducted by means of an electronic voting system or using an electronic ballot marker shall be prepared at the direction of the county auditor or municipal clerk who is responsible for the conduct of the election and shall be independently verified by a competent person designated by that official. The term "competent person" as used in this section means a person who can demonstrate knowledge as a computer programmer and who is other than and wholly independent of any person operating or employed by the counting center or the corporation or other preparer of the program. A test deck prepared by a competent person shall be used for independent verification of the program; it shall test the maximum digits used in totaling the returns and shall be usable by insertion during the tabulation process as well as prior to tabulation. A test deck must also be prepared using the electronic ballot marker program and must also be used to verify that all valid votes counted by the vote tabulator may be selected using the electronic ballot marker. The secretary of state shall adopt rules further specifying test procedures.

Sec. 57. Minnesota Statutes 2004, section 206.82, subdivision 2, is amended to read:

Subd. 2. [PLAN.] The municipal clerk in a municipality where an electronic voting system is used and the county auditor of a county in which an electronic voting system is used in more than one municipality and the county auditor of a county in which a counting center serving more than one municipality is located shall prepare a plan which indicates acquisition of sufficient facilities, computer time, and professional services and which describes the proposed manner of complying with section 206.80. The plan must be signed, notarized, and submitted to the secretary of state more than 60 days before the first election at which the municipality uses an electronic voting system. Prior to July 1 of each subsequent general election year, the clerk or auditor shall submit to the secretary of state notification of any changes to the plan on file with the secretary of state. The secretary of state shall review each plan for its sufficiency and may request technical assistance from the Department of Administration or other agency which may be operating as the central computer authority. The secretary of state shall notify each reporting authority of the sufficiency or insufficiency of its plan within 20 days of receipt of the plan. The attorney general, upon request of the secretary of state, may seek a district court order requiring an election official to fulfill duties imposed by this subdivision or by rules promulgated pursuant to this section.

Sec. 58. Minnesota Statutes 2004, section 206.83, is amended to read:

206.83 [TESTING OF VOTING SYSTEMS.]

The official in charge of elections shall within 14 days prior to election day have the voting system tested to ascertain that the system will correctly mark ballots using all methods supported by the system, including through assistive technology, and count the votes cast for all candidates and on all questions ~~within 14 days prior to election day~~. Public notice of the time and place of the test must be given at least two days in advance by publication once in official newspapers. The test must be observed by at least two election judges, who are not of the same major political party, and must be open to representatives of the political parties, candidates, the press, and the public. The test must be conducted by (1) processing a preaudited group of ballots punched or marked to record a predetermined number of valid votes for each candidate and on each question, and must include for each office one or more ballot cards which have votes in excess of the number allowed by law in order to test the ability of the voting system tabulator and electronic ballot marker to reject those votes; and (2) processing an additional test deck of ballots marked using the electronic ballot marker to be employed in the precinct, including ballots marked using the electronic ballot display, audio ballot reader, and each of the assistive voting peripheral devices used with the electronic ballot marker. If any error is detected, the cause must be ascertained and corrected and an errorless count must be made before the voting system may be used in the election. After the completion of the test, the programs used and ballot cards must be sealed, retained, and disposed of as provided for paper ballots.

Sec. 59. Minnesota Statutes 2004, section 206.84, subdivision 1, is amended to read:

Subdivision 1. [INSTRUCTION OF JUDGES, VOTERS.] The officials in charge of elections shall determine procedures to instruct election judges and voters in the use of electronic voting system manual marking devices and the electronic ballot marker, including assistive peripheral devices.

Sec. 60. Minnesota Statutes 2004, section 206.84, subdivision 3, is amended to read:

Subd. 3. [BALLOTS.] The ballot information must be in the same order provided for paper ballots, except that the information may be in vertical or horizontal rows, or on a number of separate pages. The secretary of state shall provide by rule for standard ballot formats for electronic voting systems. Electronic ballot displays and audio ballot readers shall be in the order provided for on the optical scan ballot. Electronic ballot displays may employ zooms or other devices as assistive voting technology. Audio ballot readers may employ rewinds or audio cues as assistive voting technology.

Ballot cards may contain special printed marks ~~and holes~~ as required for proper positioning and reading of the ballots by electronic vote counting equipment. Ballot cards must contain an identification of the precinct for which they have been prepared which can be read visually and which can be tabulated by the automatic tabulating equipment.

Sec. 61. Minnesota Statutes 2004, section 206.84, subdivision 6, is amended to read:

Subd. 6. [DUTIES OF OFFICIAL IN CHARGE.] The official in charge of elections in each municipality where an electronic voting system is used shall have the voting systems put in order, set, adjusted, and made ready for voting when delivered to the election precincts. The official shall also provide each precinct with a container for transporting ballot cards to the counting location after the polls close. The container shall be of sturdy material to protect the ballots from all reasonably foreseeable hazards including auto collisions. The election judges shall meet at the polling place at least one hour before the time for opening the polls. Before the polls open the election judges shall compare the ballot cards used with the sample ballots, electronic ballot displays, and audio ballot reader furnished to see that the names, numbers, and letters on both agree and shall certify to that fact on forms provided for the purpose. The certification must be filed with the election returns.

Sec. 62. Minnesota Statutes 2004, section 206.85, subdivision 1, is amended to read:

Subdivision 1. [DUTIES OF RESPONSIBLE OFFICIAL.] The official in charge of elections in a municipality where an electronic voting system is used at a counting center must:

- (a) be present or personally represented throughout the counting center proceedings;
- (b) be responsible for acquiring sufficient facilities and personnel to ensure timely and lawful processing of votes;
- (c) be responsible for the proper training of all personnel participating in counting center proceedings and deputize all personnel who are not otherwise election judges;
- (d) maintain actual control over all proceedings and be responsible for the lawful execution of all proceedings in the counting center whether or not by experts;
- (e) be responsible for assuring the lawful retention and storage of ballots and read-outs; and

(f) arrange for observation by the public and by candidates' representatives of counting center procedures by publishing the exact location of the counting center in a legal newspaper at least once during the week preceding the week of election and in the newspaper of widest circulation once on the day preceding the election, or once the week preceding the election if the newspaper is a weekly.

The official may make arrangements with news reporters which permit prompt reporting of election results but which do not interfere with the timely and lawful completion of counting procedures.

Sec. 63. Minnesota Statutes 2004, section 206.90, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] For the purposes of this section, "optical scan voting system" means an electronic voting system approved for use under sections 206.80 to 206.81 in which the voter records votes by marking with a pencil or other ~~writing instrument~~ device, including an electronic ballot marker, a ballot on which the names of candidates, office titles, party designation in a partisan primary or election, and a statement of any question accompanied by the words "Yes" and "No" are printed.

Sec. 64. Minnesota Statutes 2004, section 206.90, subdivision 4, is amended to read:

Subd. 4. [ABSENTEE VOTING.] An optical scan voting system may be used for absentee voting. ~~The county auditor may supply an appropriate marking instrument to the voter along with the ballot.~~

Sec. 65. Minnesota Statutes 2004, section 206.90, subdivision 5, is amended to read:

Subd. 5. [INSTRUCTION OF JUDGES, VOTERS.] In instructing judges and voters under section 206.84, subdivision 1, officials in charge of election precincts using optical scan voting systems shall include instruction on the proper mark for recording votes on ballot cards marked with a pencil or other writing instrument and the insertion by the voter of the ballot card into automatic tabulating equipment that examines and counts votes as the ballot card is deposited into the ballot box.

Officials shall include instruction on the insertion by the voter of the ballot card into an electronic ballot marker that can examine votes before the ballot card is deposited into the ballot box.

Sec. 66. Minnesota Statutes 2004, section 206.90, subdivision 6, is amended to read:

Subd. 6. [BALLOTS.] In precincts using optical scan voting systems, a single ballot card on which all ballot information is included must be printed in black ink on white colored material except that marks not to be read by the automatic tabulating equipment may be printed in another color ink.

On the front of the ballot must be printed the words "Official Ballot" and the date of the election and lines for the initials of at least two election judges.

When optical scan ballots are used, the offices to be elected must appear in the following order: federal offices; state legislative offices; constitutional offices; proposed constitutional amendments; county offices and questions; municipal offices and questions; school district offices and questions; special district offices and questions; and judicial offices.

On optical scan ballots, the names of candidates and the words "yes" and "no" for ballot questions must be printed as close to their corresponding vote targets as possible.

The line on an optical scan ballot for write-in votes must contain the words "write-in, if any."

If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions to voters must include a statement that reads substantially as follows: "THIS BALLOT CARD CONTAINS A PARTISAN BALLOT AND A NONPARTISAN BALLOT. ON THE PARTISAN BALLOT YOU ARE PERMITTED TO VOTE FOR CANDIDATES OF ONE POLITICAL PARTY ONLY." If a primary ballot contains political party columns on both sides of the ballot, the instructions to voters must include a statement that reads substantially as follows: "ADDITIONAL POLITICAL PARTIES ARE PRINTED ON THE OTHER SIDE OF THIS BALLOT. VOTE FOR ONE POLITICAL PARTY ONLY." At the bottom of each political party column on the primary ballot, the ballot must contain a statement that reads substantially as follows: "CONTINUE VOTING ON THE NONPARTISAN BALLOT." The instructions in section 204D.08, subdivision 4, do not apply to optical scan partisan primary ballots. Electronic ballot displays and audio ballot readers must follow the order of offices and questions on the optical scan or paper ballot used in the same precinct.

Sec. 67. Minnesota Statutes 2004, section 206.90, subdivision 8, is amended to read:

Subd. 8. [DUTIES OF ELECTION OFFICIALS.] The official in charge of elections in each municipality where an optical scan voting system is used shall have the electronic ballot that examines and marks votes on ballot cards and the automatic tabulating equipment that examines and counts votes as ballot cards are deposited into ballot boxes put in order, set, adjusted, and made ready for voting when delivered to the election precincts.

Sec. 68. Minnesota Statutes 2004, section 206.90, subdivision 9, is amended to read:

Subd. 9. [SPOILED BALLOT CARDS.] Automatic tabulating equipment and electronic ballot markers must be capable of examining a ballot card for defects and returning it to the voter before it is counted and deposited into the ballot box and must be programmed to return as a spoiled ballot a ballot card with votes for an office or question which exceed the number which the voter is entitled to cast and at a primary a ballot card with votes for candidates of more than one party.

Sec. 69. Minnesota Statutes 2004, section 211B.01, subdivision 3, is amended to read:

Subd. 3. [CANDIDATE.] "Candidate" means an individual who seeks nomination or election to a ~~federal,~~ statewide, legislative, judicial, or local office including special districts, school districts, towns, home rule charter and statutory cities, and counties, ~~except candidates for president and vice president of the United States.~~

Sec. 70. Minnesota Statutes 2004, section 358.11, is amended to read:

358.11 [OATHS, WHERE FILED.]

Except as otherwise provided by law, the oath required to be taken and subscribed by any person shall be filed as follows:

(1) if that of an officer of the state, whether elective or appointive, executive, legislative, or judicial, with the secretary of state;

(2) if of a county officer, or an officer chosen within or for any county, with the county auditor;

(3) if of a city officer, with the clerk or recorder of the municipality;

(4) if of a town officer, with the town clerk;

(5) if of a school district officer, with the clerk of the district;

(6) if of a person appointed by, or made responsible to, a court in any action or proceeding therein, with the court administrator of such court;

(7) if that of a person appointed by any state, county, or other officer for a special service in connection with official duties, with such officer.

If the person taking such oath be also required to give bond, the oath shall be attached to or endorsed upon such bond and filed therewith, in lieu of other filing.

Sec. 71. Minnesota Statutes 2004, section 414.01, is amended by adding a subdivision to read:

Subd. 18. [ANNEXATIONS NOT PERMITTED AT CERTAIN TIMES.] Notwithstanding the provisions of this chapter, no annexation shall become effective between the opening of filing for a previously scheduled municipal election of the municipality which is annexing the unincorporated land and the issuance of the certificates of election to the candidates elected at that election.

Sec. 72. [414.0305] [MUNICIPAL ANNEXATION.]

Notwithstanding the provisions of this chapter, no annexation by a municipality shall be effective during the period from the opening of filing for any previously scheduled municipal election until after the end of the contest period for that election.

Sec. 73. Minnesota Statutes 2004, section 447.32, subdivision 4, is amended to read:

Subd. 4. [CANDIDATES; BALLOTS; CERTIFYING ELECTION.] A person who wants to be a candidate for the hospital board shall file an affidavit of candidacy for the election either as member at large or as a member representing the city or town where the candidate resides. The affidavit of candidacy must be filed with the city or town clerk not more than ~~ten weeks~~ 70 days nor less than ~~eight weeks~~ 56 days before the first Tuesday after the ~~second~~ first Monday in ~~September~~ November of the year in which the general election is held. The city or town clerk must forward the affidavits of candidacy to the clerk of the hospital district or, for the first election, the clerk of the most populous city or town immediately after the last day of the filing period. A candidate may withdraw from the election by filing an affidavit of withdrawal with the clerk of the district no later than 5:00 p.m. two days after the last day to file affidavits of candidacy.

Voting must be by secret ballot. The clerk shall prepare, at the expense of the district, necessary ballots for the election of officers. Ballots must be printed on tan paper and prepared as provided in the rules of the secretary of state. The ballots must be marked and initialed by at least two judges as official ballots and used exclusively at the election. Any proposition to be voted on may be printed on the ballot provided for the election of officers. The hospital board may also authorize the use of voting systems subject to chapter 206. Enough election judges may be appointed to receive the votes at each polling place. The election judges shall act as clerks of election, count the ballots cast, and submit them to the board for canvass.

After canvassing the election, the board shall issue a certificate of election to the candidate who received the largest number of votes cast for each office. The clerk shall deliver the certificate to the person entitled to it in person or by certified mail. Each person certified shall file an acceptance and oath of office in writing with the clerk within 30 days after the date of delivery or mailing of the certificate. The board may fill any office as provided in subdivision 1 if the person elected fails to qualify within 30 days, but qualification is effective if made before the board acts to fill the vacancy.

Sec. 74. [REPEALER.]

Minnesota Statutes 2004, section 204B.22, subdivision 2, is repealed.

ARTICLE 3

PERIODIC STATE AND LOCAL ELECTION DATES

Section 1. [204D.035] [PERIODIC ELECTION DAY.]

Subdivision 1. [SHORT TITLE.] This section may be referred to as the "Periodic Election Day Act of 2005."

Subd. 2. [ELECTIONS COVERED.] This section applies to all state, county, municipal, school district, and any other political subdivision elections held in the state of Minnesota, and elections on ballot questions, except for (1) elections held to fill a vacancy in office and required by statute to be held sooner than the next day designated in subdivision 3, or (2) elections conducted by mail.

Subd. 3. [ELECTIONS ON DESIGNATED DAYS.] (a) Notwithstanding other law to the contrary, elections subject to subdivision 2 may be held only on the following days:

(1) the fourth Tuesday in January;

(2) the second Tuesday in March;

(3) the third Tuesday in May;

(4) the first Tuesday after the second Monday in September; and

(5) the first Tuesday after the first Monday in November.

(b) The time period in which a special election must be conducted under any other law or charter provision must be extended to conform to the requirements of this subdivision.

Subd. 4. [PRIMARY DATE IF NOT SPECIFIED.] If other law provides for a primary to take place for a particular office but does not specify the date of the primary, the primary may be held on one of the days specified in subdivision 3, paragraph (a), clauses (1) to (4). The general election for the office must be held on the date listed in subdivision 3 that immediately follows the date chosen for the primary.

Subd. 5. [ELECTION TIMES AND POLLING PLACES.] An election held in a jurisdiction on one of the days specified in subdivision 3 must be held during the hours determined under section 204C.05. The governing body of the municipality must set the polling place locations to be used for each precinct in all elections in any calendar year before the start of that calendar year.

Subd. 6. [APPLICABLE LAWS.] Except as otherwise provided by this section, Minnesota election law remains applicable to elections held on any of the days listed in subdivision 3.

Sec. 2. [EFFECTIVE DATE.]

This article is effective January 1, 2006.

ARTICLE 4

CONFORMING AMENDMENTS

Section 1. Minnesota Statutes 2004, section 123B.63, subdivision 3, is amended to read:

Subd. 3. [CAPITAL PROJECT LEVY REFERENDUM.] A district may levy the local tax rate approved by a majority of the electors voting on the question to provide funds for an approved project. The election must take place no more than five years before the estimated date of commencement of the project. The referendum must be held on a date ~~set by the board~~ specified in section 204D.035, subdivision 3. A referendum for a project not receiving a positive review and comment by the commissioner under section 123B.71 must be approved by at least 60 percent of the voters at the election. The referendum may be called by the school board and may be held:

(1) separately, before an election for the issuance of obligations for the project under chapter 475; or

(2) in conjunction with an election for the issuance of obligations for the project under chapter 475; or

(3) notwithstanding section 475.59, as a conjunctive question authorizing both the capital project levy and the issuance of obligations for the project under chapter 475. Any obligations authorized for a project may be issued within five years of the date of the election.

The ballot must provide a general description of the proposed project, state the estimated total cost of the project, state whether the project has received a positive or negative review and comment from the commissioner, state the maximum amount of the capital project levy as a percentage of net tax capacity, state the amount that will be raised by that local tax rate in the first year it is to be levied, and state the maximum number of years that the levy authorization will apply.

The ballot must contain a textual portion with the information required in this section and a question stating substantially the following:

"Shall the capital project levy proposed by the board of School District No. be approved?"

If approved, the amount provided by the approved local tax rate applied to the net tax capacity for the year preceding the year the levy is certified may be certified for the number of years approved.

In the event a conjunctive question proposes to authorize both the capital project levy and the issuance of obligations for the project, appropriate language authorizing the issuance of obligations must also be included in the question.

The district must notify the commissioner of the results of the referendum.

Sec. 2. Minnesota Statutes 2004, section 126C.17, subdivision 11, is amended to read:

Subd. 11. [REFERENDUM DATE.] (a) Except for a referendum held under paragraph (b), any referendum under this section held on a day other than the first Tuesday after the first Monday in November must be conducted by mail in accordance with section 204B.46. Notwithstanding subdivision 9, paragraph (b), to the contrary, in the case of a referendum conducted by mail under this paragraph, the notice required by subdivision 9, paragraph (b), must be prepared and delivered by first-class mail at least 20 days before the referendum.

(b) In addition to the referenda allowed in subdivision 9, clause (a), the commissioner may grant authority to a district to hold a referendum on a different day if the district is in statutory operating debt and has an approved plan or has received an extension from the department to file a plan to eliminate the statutory operating debt. A referendum must be held on a date specified in section 204D.035, subdivision 3.

(c) The commissioner must approve, deny, or modify each district's request for a referendum levy on a different day within 60 days of receiving the request from a district.

Sec. 3. Minnesota Statutes 2004, section 204C.05, is amended by adding a subdivision to read:

Subd. 1c. [ELECTIONS; MUNICIPALITIES AND SCHOOL DISTRICTS.] The governing body of a municipality or school district may, by resolution, designate the hours during which the polling places will remain open for voting at the next succeeding and all later municipal or school district elections that are not held at the same time as the state primary or state general election. All polling places must be open at least between the hours of 10:00 a.m. and 8:00 p.m. The resolution remains in effect until revoked by the governing board or until a petition from voters is filed under this subdivision. If a petition requesting longer voting hours for any election is signed by a number of voters equal to ten percent of the votes cast in the last municipal or school district general election, whichever applies, and filed with the appropriate municipal or school district clerk no later than 30 days before an election, the polling places for that election must open at 7:00 a.m. and close at 8:00 p.m. The municipal or school district clerk must give ten days published and posted notice of the change in hours and notify the appropriate county auditors of the change.

Sec. 4. Minnesota Statutes 2004, section 205.10, subdivision 3, is amended to read:

Subd. 3. [PROHIBITION.] No A special election authorized under subdivision 1 may be held within 40 days after the state general election only on one of the dates specified in section 204D.035, subdivision 3.

Sec. 5. [205.176] [VOTING HOURS.]

In all municipal elections the hours for voting must be determined as provided in section 204C.05.

Sec. 6. Minnesota Statutes 2004, section 205A.05, subdivision 1, is amended to read:

Subdivision 1. [QUESTIONS.] Special elections must be held for a school district on a question on which the voters are authorized by law to pass judgment. The school board may on its own motion call a special election to vote on any matter requiring approval of the voters of a district. Upon petition of 50 or more voters of the school district or five percent of the number of voters voting at the preceding regular school district election, the school board shall by resolution call a special election to vote on any matter requiring approval of the voters of a district. A question is carried only with the majority in its favor required by law. The election officials for a special election are the same as for the most recent school district general election unless changed according to law. Otherwise, special elections must be conducted and the returns made in the manner provided for the school district general election. A special election may not be held during the 30 days before and the 30 days after the state primary, during the 30 days before and the 40 days after the state general election. In addition, a special election may not be held during the 20 days before and the 20 days after any regularly scheduled election of a municipality wholly or partially within the school district. A special election under this subdivision must be held only on one of the dates specified in section 204D.035, subdivision 3. Notwithstanding any other law to the contrary, the time period in which a special election must be conducted under any other law may be extended by the school board to conform with the requirements of this subdivision.

Sec. 7. [205A.095] [HOURS FOR VOTING.]

The hours for voting in school district elections must be determined as provided in section 204C.05.

Sec. 8. Minnesota Statutes 2004, section 373.40, subdivision 2, is amended to read:

Subd. 2. [APPLICATION OF ELECTION REQUIREMENT.] (a) Bonds issued by a county to finance capital improvements under an approved capital improvement plan are not subject to the election requirements of section 375.18 or 475.58. The bonds must be approved by vote of at least three-fifths of the members of the county board. In the case of a metropolitan county, the bonds must be approved by vote of at least two-thirds of the members of the county board.

(b) Before issuance of bonds qualifying under this section, the county must publish a notice of its intention to issue the bonds and the date and time of a hearing to obtain public comment on the matter. The notice must be published in the official newspaper of the county or in a newspaper of general circulation in the county. The notice must be published at least 14, but not more than 28, days before the date of the hearing.

(c) A county may issue the bonds only upon obtaining the approval of a majority of the voters voting on the question of issuing the obligations, if a petition requesting a vote on the issuance is signed by voters equal to five percent of the votes cast in the county in the last general election and is filed with the county auditor within 30 days after the public hearing. The commissioner of revenue shall prepare a suggested form of the question to be presented at the election. The election may be held only on one of the dates specified in section 204D.035, subdivision 3.

Sec. 9. Minnesota Statutes 2004, section 375.20, is amended to read:

375.20 [BALLOT QUESTIONS.]

If the county board may do an act, incur a debt, appropriate money for a purpose, or exercise any other power or authority, only if authorized by a vote of the people, the question may be submitted at a special or general election, by a resolution specifying the matter or question to be voted upon. If the question is to authorize the appropriation of money, creation of a debt, or levy of a tax, it shall state the amount. Notice of the election shall be given as in the case of special elections. If the question submitted is adopted, the board shall pass an appropriate resolution to carry it into effect. In the election the form of the ballot shall be: "In favor of (here state the substance of the resolution to be submitted), Yes No.....," with a square opposite each of the words "yes" and "no," in one of which the voter shall mark an "X" to indicate a choice. The county board may call a special county election upon a question to be held ~~within 60 days~~ on any date specified in section 204D.035, subdivision 3, after a resolution to that effect is adopted by the county board. Upon the adoption of the resolution the county auditor shall post and publish notices of the election, as required by section 204D.22, subdivisions 2 and 3. The election shall be conducted and the returns canvassed in the manner prescribed by sections 204D.20 to 204D.27, so far as practicable.

Sec. 10. Minnesota Statutes 2004, section 458.40, is amended to read:

458.40 [MUST VOTE TO ISSUE BONDS IF CHARTER SAYS SO.]

If a charter adopted under the Minnesota Constitution, article IV, section 36, article XI, section 4, or article XII, section 5, has a provision that requires the question of the issuance of bonds to be submitted to the electors, the provision prevails over sections 458.36 to 458.40. The question must be submitted to voters on one of the dates specified in section 204D.035, subdivision 3, notwithstanding any contrary provision in the charter regarding the date of submission.

Sec. 11. Minnesota Statutes 2004, section 465.82, subdivision 2, is amended to read:

Subd. 2. [CONTENTS OF PLAN.] The plan must state:

- (1) the specific cooperative activities the units will engage in during the first two years of the venture;
- (2) the steps to be taken to effect the merger of the governmental units, with completion no later than four years after the process begins;
- (3) the steps by which a single governing body will be created or, when the entire territory of a unit will be apportioned between or among two or more units contiguous to the unit that is to be apportioned, the steps to be taken by the governing bodies of the remaining units to provide for representation of the residents of the apportioned unit;
- (4) changes in services provided, facilities used, and administrative operations and staffing required to effect the preliminary cooperative activities and the final merger, and a two-, five-, and ten-year projection of expenditures for each unit if it combined and if it remained separate;
- (5) treatment of employees of the merging governmental units, specifically including provisions for reassigning employees, dealing with exclusive representatives, and providing financial incentives to encourage early retirements;
- (6) financial arrangements for the merger, specifically including responsibility for debt service on outstanding obligations of the merging units;
- (7) one- and two-year impact analyses, prepared by the granting state agency at the request of the local government unit, of major state aid revenues received for each unit if it combined and if it remained separate, including an impact analysis, prepared by the Department of Revenue, of any property tax revenue implications associated with tax increment financing districts and fiscal disparities under chapter 276A or 473F resulting from the merger;
- (8) procedures for a referendum to be held on a date specified in section 204D.035, subdivision 3, before the proposed combination to approve combining the local government units, specifically stating whether a majority of those voting in each district proposed for combination or a majority of those voting on the question in the entire area proposed for combination is needed to pass the referendum; and
- (9) a time schedule for implementation.

Notwithstanding clause (3) or any other law to the contrary, all current members of the governing bodies of the local government units that propose to combine under sections 465.81 to 465.86 may serve on the initial governing body of the combined unit until a gradual reduction in membership is achieved by foregoing election of new members when terms expire until the number permitted by other law is reached.

Sec. 12. Minnesota Statutes 2004, section 465.84, is amended to read:

465.84 [REFERENDUM.]

During the first or second year of cooperation, a referendum on the question of combination must be conducted. The referendum must be on a date specified in section 204D.035, subdivision 3, and called by the governing bodies of the units that propose to combine. The referendum must be conducted according to the Minnesota Election Law,

as defined in section 200.01. If the referendum fails, the same question or a modified question may be submitted the following year. If the referendum fails again, the same question may not be submitted. Referendums shall be conducted on the same date in all local government units.

Sec. 13. Minnesota Statutes 2004, section 469.053, subdivision 5, is amended to read:

Subd. 5. [REVERSE REFERENDUM.] A city may increase its levy for port authority purposes under subdivision 4 only as provided in this subdivision. Its city council must first pass a resolution stating the proposed amount of levy increase. The city must then publish the resolution together with a notice of public hearing on the resolution for two successive weeks in its official newspaper or, if none exists, in a newspaper of general circulation in the city. The hearing must be held two to four weeks after the first publication. After the hearing, the city council may decide to take no action or may adopt a resolution authorizing the proposed increase or a lesser increase. A resolution authorizing an increase must be published in the city's official newspaper or, if none exists, in a newspaper of general circulation in the city. The resolution is not effective if a petition requesting a referendum on the resolution is filed with the city clerk within 30 days of publication of the resolution. The petition must be signed by voters equaling five percent of the votes cast in the city in the last general election. The resolution is effective if approved by a majority of those voting on the question. The commissioner of revenue shall prepare a suggested form of referendum question. The referendum must be held at a special or general election ~~before October 1~~ on a date specified in section 204D.035, subdivision 3, of the year for which the levy increase is proposed.

Sec. 14. Minnesota Statutes 2004, section 469.0724, is amended to read:

469.0724 [GENERAL OBLIGATION BONDS.]

The port authority of Cannon Falls or Redwood Falls must not proceed with the sale of general obligation tax supported bonds until the city council by resolution approves the proposed issuance. The resolution must be published in the official newspaper. If, within 30 days after the publication, a petition signed by voters equal in number to ten percent of the number of voters at the last regular city election is filed with the city clerk, the city and port authority must not issue the general obligation tax supported bonds until the proposition has been approved by a majority of the votes cast on the question at a regular or special election held on one of the dates specified in section 204D.035, subdivision 3.

Sec. 15. Minnesota Statutes 2004, section 469.190, subdivision 5, is amended to read:

Subd. 5. [REVERSE REFERENDUM.] If the county board passes a resolution under subdivision 4 to impose the tax, the resolution must be published for two successive weeks in a newspaper of general circulation within the unorganized territory, together with a notice fixing a date for a public hearing on the proposed tax.

The hearing must be held not less than two weeks nor more than four weeks after the first publication of the notice. After the public hearing, the county board may determine to take no further action, or may adopt a resolution authorizing the tax as originally proposed or approving a lesser rate of tax. The resolution must be published in a newspaper of general circulation within the unorganized territory. The voters of the unorganized territory may request a referendum on the proposed tax by filing a petition with the county auditor within 30 days after the resolution is published. The petition must be signed by voters who reside in the unorganized territory. The number of signatures must equal at least five percent of the number of persons voting in the unorganized territory in the last general election. If such a petition is timely filed, the resolution is not effective until it has been submitted to the voters residing in the unorganized territory at a general or special election held on one of the dates specified in section 204D.035, subdivision 3, and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the referendum.

Sec. 16. Minnesota Statutes 2004, section 475.521, subdivision 2, is amended to read:

Subd. 2. [ELECTION REQUIREMENT.] (a) Bonds issued by a city to finance capital improvements under an approved capital improvements plan are not subject to the election requirements of section 475.58. The bonds are subject to the net debt limits under section 475.53. The bonds must be approved by an affirmative vote of three-fifths of the members of a five-member city council. In the case of a city council having more than five members, the bonds must be approved by a vote of at least two-thirds of the city council.

(b) Before the issuance of bonds qualifying under this section, the city must publish a notice of its intention to issue the bonds and the date and time of the hearing to obtain public comment on the matter. The notice must be published in the official newspaper of the city or in a newspaper of general circulation in the city. Additionally, the notice may be posted on the official Web site, if any, of the city. The notice must be published at least 14 but not more than 28 days before the date of the hearing.

(c) A city may issue the bonds only after obtaining the approval of a majority of the voters voting on the question of issuing the obligations, if a petition requesting a vote on the issuance is signed by voters equal to five percent of the votes cast in the city in the last general election and is filed with the city clerk within 30 days after the public hearing. The commissioner of revenue shall prepare a suggested form of the question to be presented at the election. The election must be held on one of the dates specified in section 204D.035, subdivision 3.

Sec. 17. Minnesota Statutes 2004, section 475.58, subdivision 1, is amended to read:

Subdivision 1. [APPROVAL BY ELECTORS; EXCEPTIONS.] Obligations authorized by law or charter may be issued by any municipality upon obtaining the approval of a majority of the electors voting at a special or general election held on one of the dates specified in section 204D.035, subdivision 3, on the question of issuing the obligations, but an election shall not be required to authorize obligations issued:

(1) to pay any unpaid judgment against the municipality;

(2) for refunding obligations;

(3) for an improvement or improvement program, which obligation is payable wholly or partly from the proceeds of special assessments levied upon property specially benefited by the improvement or by an improvement within the improvement program, or of taxes levied upon the increased value of property within a district for the development of which the improvement is undertaken, including obligations which are the general obligations of the municipality, if the municipality is entitled to reimbursement in whole or in part from the proceeds of such special assessments or taxes and not less than 20 percent of the cost of the improvement or the improvement program is to be assessed against benefited property or is to be paid from the proceeds of federal grant funds or a combination thereof, or is estimated to be received from such taxes within the district;

(4) payable wholly from the income of revenue producing conveniences;

(5) under the provisions of a home rule charter which permits the issuance of obligations of the municipality without election;

(6) under the provisions of a law which permits the issuance of obligations of a municipality without an election;

(7) to fund pension or retirement fund liabilities pursuant to section 475.52, subdivision 6;

(8) under a capital improvement plan under section 373.40; and

(9) under sections 469.1813 to 469.1815 (property tax abatement authority bonds), if the proceeds of the bonds are not used for a purpose prohibited under section 469.176, subdivision 4g, paragraph (b).

Sec. 18. Minnesota Statutes 2004, section 475.58, subdivision 1a, is amended to read:

Subd. 1a. [RESUBMISSION LIMITATION.] If the electors do not approve the issuing of obligations at an election required by subdivision 1, the question of authorizing the obligations for the same purpose and in the same amount may not be submitted to the electors ~~within a period of~~ until a special or general election held on a date specified in section 204D.035, subdivision 3, and not sooner than 180 days from the date the election was held. If the question of authorizing the obligations for the same purpose and in the same amount is not approved a second time it may not be submitted to the electors within a period of one year after the second election.

Sec. 19. Minnesota Statutes 2004, section 475.59, is amended to read:

475.59 [MANNER OF SUBMISSION; NOTICE.]

When the governing body of a municipality resolves to issue bonds for any purpose requiring the approval of the electors, it shall provide for submission of the proposition of their issuance at a general or special election held on a date specified in section 204D.035, subdivision 3, or at a town or common school district meeting. Notice of such election or meeting shall be given in the manner required by law and shall state the maximum amount and the purpose of the proposed issue. In any school district, the school board or board of education may, according to its judgment and discretion, submit as a single ballot question or as two or more separate questions in the notice of election and ballots the proposition of their issuance for any one or more of the following, stated conjunctively or in the alternative: acquisition or enlargement of sites, acquisition, betterment, erection, furnishing, equipping of one or more new schoolhouses, remodeling, repairing, improving, adding to, betterment, furnishing, equipping of one or more existing schoolhouses. In any city, town, or county, the governing body may, according to its judgment and discretion, submit as a single ballot question or as two or more separate questions in the notice of election and ballots the proposition of their issuance, stated conjunctively or in the alternative, for the acquisition, construction, or improvement of any facilities at one or more locations.

Sec. 20. [REPEALER.]

Minnesota Statutes 2004, sections 204C.05, subdivisions 1a and 1b; 205.175; and 205A.09, are repealed.

Sec. 21. [EFFECTIVE DATE.]

This article is effective January 1, 2006. Section 17 is effective for obligations authorized at an election held after January 1, 2006."

Delete the title and insert:

"A bill for an act relating to elections; changing certain requirements and provisions; amending Minnesota Statutes 2004, sections 3.02; 10A.01, subdivisions 5, 9, by adding a subdivision; 10A.025, by adding a subdivision; 10A.071, subdivision 3; 10A.08; 10A.20, subdivision 5; 10A.27, subdivision 1; 10A.28, subdivision 2; 10A.31, subdivision 4; 123B.63, subdivision 3; 126C.17, subdivision 11; 200.02, subdivisions 7, 23, by adding a subdivision; 201.061, subdivision 3; 201.071, subdivision 1; 201.091, subdivision 5; 203B.01, subdivision 3; 203B.02, subdivision 1; 203B.04, subdivisions 1, 4, by adding a subdivision; 203B.07, subdivision 2; 203B.11, subdivision 1; 203B.12, subdivision 2; 203B.20; 203B.21, subdivisions 1, 3; 203B.24, subdivision 1; 204B.10, subdivision 6; 204B.14, subdivision 2; 204B.16, subdivisions 1, 5; 204B.18, subdivision 1; 204B.22, subdivision 3;

204B.27, subdivisions 1, 3; 204B.33; 204C.05, subdivision 1a, by adding a subdivision; 204C.08, subdivision 1; 204C.24, subdivision 1; 204C.28, subdivision 1; 204C.50, subdivision 1; 204D.03, subdivision 1; 204D.14, subdivision 3; 204D.27, subdivision 5; 205.10, subdivision 3; 205.175, subdivision 2; 205A.05, subdivision 1; 205A.09, subdivision 1; 206.56, subdivisions 2, 3, 7, 8, 9, by adding subdivisions; 206.57, subdivisions 1, 5, by adding a subdivision; 206.58, subdivision 1; 206.61, subdivisions 4, 5; 206.64, subdivision 1; 206.80; 206.81; 206.82, subdivisions 1, 2; 206.83; 206.84, subdivisions 1, 3, 6; 206.85, subdivision 1; 206.90, subdivisions 1, 4, 5, 6, 8, 9; 208.03; 208.04, subdivision 1; 208.05; 208.06; 208.07; 208.08; 211B.01, subdivision 3; 211B.13, subdivision 1; 358.11; 373.40, subdivision 2; 375.20; 414.01, by adding a subdivision; 447.32, subdivision 4; 458.40; 465.82, subdivision 2; 465.84; 469.053, subdivision 5; 469.0724; 469.190, subdivision 5; 471.895, subdivision 3; 475.521, subdivision 2; 475.58, subdivisions 1, 1a; 475.59; proposing coding for new law in Minnesota Statutes, chapters 204D; 205; 205A; 414; repealing Minnesota Statutes 2004, sections 204B.22, subdivision 2; 204C.05, subdivisions 1a, 1b; 204C.50, subdivision 7; 205.175; 205A.09; Minnesota Rules, parts 4501.0300, subparts 1, 4; 4501.0500, subpart 4; 4501.0600; 4503.0200, subpart 4; 4503.0300, subpart 2; 4503.0400, subpart 2; 4503.0500, subpart 9; 4503.0800, subpart 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 1809, A bill for an act relating to insurance; regulating agency terminations, coverages, fees, forms, disclosures, reports, information security, and premiums; amending Minnesota Statutes 2004, sections 59A.12, subdivision 2; 60A.14, subdivision 1; 60A.171, subdivision 11; 60A.23, subdivision 8; 60A.966; 60A.969; 62A.136; 62A.31, subdivision 1h; 62A.315; 62A.316; 62E.12; 62E.13, subdivision 2; 62L.03, subdivision 3; 62Q.471; 65A.29, subdivision 11; 65B.48, subdivision 3; 72A.20, subdivisions 13, 36; 72A.201, subdivisions 3, 4; 79.211, by adding a subdivision; 79.40; 79.56, subdivisions 1, 3; 79.62, subdivision 3; 79A.03, subdivision 9; 79A.04, subdivisions 2, 10; 79A.06, subdivision 5; 79A.12, subdivision 2; 79A.22, subdivision 11, by adding a subdivision; 176.191, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 60A; 65A; 65B; repealing Minnesota Statutes 2004, sections 61A.072, subdivision 2; 62E.03.

Reported the same back with the following amendments:

Page 11, after line 12, insert:

"Sec. 10. [60D.30] [ELIGIBILITY DETERMINATION.]

Section 302A.521, subdivision 3, applies to a corporation that is a member of an insurance holding company system, except if a determination for advancement is not made under section 302A.521, subdivision 6, clauses (1) to (4), the corporation that is a member of an insurance holding company system may make the determination that a person is entitled to payment or reimbursement of expenses in advance of the final disposition of a proceeding upon receipt of a written affirmation as provided in section 302A.521, subdivision 3."

Page 47, line 29, delete "10, 15, 16, 18, 22, 23, 27, and 33 to 38" and insert "11, 16, 17, 19, 23, 24, 28, and 34 to 39"

Page 47, line 30, delete "19" and insert "20"

Page 47, line 33, delete "21, and 28 to 30" and insert "22, and 29 to 31"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 18, after "60A;" insert "60D;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 1816, A bill for an act relating to human services; extending coverage of certain mental health services; amending Minnesota Statutes 2004, sections 148C.11, subdivision 1; 253B.02, subdivisions 7, 9; 253B.05, subdivision 2; 256.9693; 256B.0624, by adding a subdivision; 260C.141, subdivision 2; 260C.193, subdivision 2; 260C.201, subdivisions 1, 2; 260C.205; 260C.212, subdivision 1; repealing Laws 2001, First Special Session chapter 9, article 9, section 52; Laws 2002, chapter 335, section 4.

Reported the same back with the following amendments:

Page 23, after line 4, insert:

"Sec. 4. Minnesota Statutes 2004, section 609.2231, subdivision 3, is amended to read:

Subd. 3. [CORRECTIONAL EMPLOYEES; PROBATION OFFICERS.] Whoever commits either of the following acts against an employee of a correctional facility as defined in section 241.021, subdivision 1, paragraph (f), ~~or~~ against a probation officer or other qualified person employed in supervising offenders, or an employee or other individual who provides care or treatment at a treatment facility as defined in section 252.025, subdivision 7, or 253B.02, subdivision 18a, while the ~~employee, officer, or~~ person is engaged in the performance of a duty imposed by law, policy, or rule is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$4,000, or both:

- (1) assaults the ~~employee~~ person and inflicts demonstrable bodily harm; or
- (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the ~~employee~~ person.

Sec. 5. [SUPREME COURT TASK FORCE; STUDY REQUIRED.]

Subdivision 1. [ESTABLISHMENT.] The Minnesota Supreme Court is requested to establish a task force to study the use of the court system as an alternative to the administrative process of the Special Review Board for reductions in custody and discharge from commitment of those persons committed as a sexually dangerous person or sexual psychopathic personality under Minnesota Statutes, section 253B.185.

Subd. 2. [MEMBERSHIP.] The task force shall consist of the following:

- (1) a representative from the Minnesota Supreme Court;

- (2) a court administrator;
- (3) a district court judge;
- (4) a county attorney selected by the County Attorney's Association;
- (5) a representative from the Attorney General's Office;
- (6) the ombudsman for mental health and mental retardation;
- (7) a law enforcement representative;
- (8) a county case manager;
- (9) a victim services representative;
- (10) a person experienced in treating sex offenders;
- (11) a defense attorney;
- (12) the commissioner of human services or the commissioner's designee;
- (13) the state-operated services forensic medical director or the medical director's designee;
- (14) the commissioner of corrections or the commissioner's designee;
- (15) a representative from community corrections;
- (16) a member of the Special Review Board; and
- (17) any other persons deemed necessary by the Minnesota Supreme Court.

Subd. 3. [RECOMMENDATIONS.] The task force shall convene no later than August 1, 2005. The task force shall examine current law and practices relating to the reduction in custody and discharge of persons committed as a sexually dangerous person or sexual psychopathic personality. The task force shall examine the laws of other jurisdictions and shall make recommendations regarding reduction in custody and discharge procedures and release criteria. The recommendations may suggest the establishment of a judicial process rather than the Special Review Board to authorize a reduction in custody or discharge.

Subd. 4. [REPORT.] The task force shall report to the chairs of the house Public Safety Policy and Finance Committee and the senate Crime Prevention and Public Safety Committee with recommendations by February 1, 2006."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "changing certain civil commitment provisions; establishing a task force to study disposition of persons committed as sexually dangerous or sexual psychopathic personality; requiring a report;"

Page 1, line 9, before "repealing" insert "609.2231, subdivision 3;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Erhardt from the Committee on Transportation to which was referred:

H. F. No. 1818, A bill for an act relating to transportation; exempting certain unsubsidized providers of public transit service from vehicle registration taxes, motor fuel taxes, and corporate income tax; deleting restriction on use of freeway and expressway shoulders by transit buses; requiring Metropolitan Council to permit providers of transit service to use its bus stops; amending Minnesota Statutes 2004, sections 168.012, subdivision 1; 169.306; 290.01, subdivision 19d; 296A.07, subdivision 4; 296A.08, subdivision 3; 473.411, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Transportation Finance.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 1824, A bill for an act relating to commerce; regulating the powers and duties of, and annual reporting required for, certain financial institutions; regulating safe deposit companies; removing obsolete references to the credit union advisory task force; regulating residential mortgage originators; regulating real estate brokers and salespersons; providing for insurance license renewals; regulating for the voluntary dissolution of fraternal benefit societies; prohibiting the deceptive use of a financial institution name; amending Minnesota Statutes 2004, sections 47.10, subdivision 1; 47.75; 48.10; 48.15, subdivision 4; 48.512, by adding a subdivision; 52.062, subdivision 2; 55.10, subdivision 4; 58.16, subdivision 4; 60A.13, subdivision 5; 64B.30, by adding a subdivision; 82.17, subdivisions 10, 18; 82.36, subdivision 4; 82.41, subdivision 13; 299A.61, subdivision 3; 325F.69, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 58; repealing Minnesota Statutes 2004, section 52.062, subdivision 3; Minnesota Rules, part 2675.2610, subpart 5.

Reported the same back with the following amendments:

Page 17, line 31, delete "47.59" and insert "49.01"

Page 17, line 32, delete "1" and insert "2"

With the recommendation that when so amended the bill pass.

The report was adopted.

Olson from the Committee on Local Government to which was referred:

H. F. No. 1837, A bill for an act relating to local government; authorizing city councils in cities of the first class to establish civil rights or human rights departments; providing enforcement powers for housing discrimination cases.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Civil Law and Elections.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 1845, A bill for an act relating to civil actions; providing a factor for determining the amount of attorney fees awarded in certain actions; proposing coding for new law in Minnesota Statutes, chapter 549.

Reported the same back with the following amendments:

Page 1, line 12, after the comma, insert "including equitable relief."

Page 1, line 17, delete everything after "who" and insert "may be entitled to an"

Page 1, line 18, delete "to a statute that provides for the" and after "fees" insert "under statute"

Page 1, line 22, delete everything after the period

Page 1, delete lines 23 to 25

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 1948, A bill for an act relating to education; prohibiting public school employees from using public funds and resources to pass, elect, or defeat a political candidate or question; proposing coding for new law in Minnesota Statutes, chapter 123B.

Reported the same back with the following amendments:

Page 1, line 15, delete "to pass, elect, or defeat a"

Page 1, line 16, delete "political candidate or question" and insert "to advocate for electing or defeating a candidate, passing or defeating a ballot question, or passing or defeating pending legislation"

Page 1, line 21, delete "about a"

Page 1, delete line 22

Page 1, line 23, delete "political question."

Page 1, line 26, delete the comma and insert a period

Page 2, delete lines 1 to 3

Amend the title as follows:

Page 1, line 3, after "to" insert "advocate to"

Page 1, lines 4 and 5, delete "or question" and insert ", ballot question, or pending legislation"

With the recommendation that when so amended the bill pass.

The report was adopted.

Olson from the Committee on Local Government to which was referred:

H. F. No. 1973, A bill for an act relating to economic development; authorizing metropolitan area counties to form economic development authorities; amending Minnesota Statutes 2004, section 469.1082, subdivision 1.

Reported the same back with the following amendments:

Page 1, after line 20, insert:

"Sec. 2. Minnesota Statutes 2004, section 469.1082, is amended by adding a subdivision to read:

Subd. 8. [SPECIAL LAW AUTHORITIES.] Nothing in this section shall alter or impair the powers and obligations of an authority under the following special laws: Minnesota Statutes, section 383D.41; Laws 1974, chapter 473, as amended; and Laws 1980, chapter 482, as amended."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, before the period, insert ", by adding a subdivision"

With the recommendation that when so amended the bill pass.

The report was adopted.

Tingelstad from the Committee on Governmental Operations and Veterans Affairs to which was referred:

H. F. No. 1988, A bill for an act relating to building plan review; providing an exemption from plan review for certain biotechnology manufacturing firms when plans meet designated specifications; directing the commissioner of labor and industry to study procedures for supervision of installation of biotechnology piping systems; requiring a report to the legislature.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 1, line 20, delete "Sec. 2." and insert "Section 1."

Amend the title as follows:

Page 1, line 2, delete "providing an"

Page 1, delete lines 3 and 4

Page 1, line 5, delete "specifications;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 2006, A bill for an act relating to natural resources; establishing the Shooting Range Protection Act; requiring expedited rulemaking; proposing coding for new law as Minnesota Statutes, chapter 87A.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Smith from the Committee on Public Safety Policy and Finance to which was referred:

H. F. No. 2079, A bill for an act relating to public safety; establishing the fire safety surcharge on fire premiums and assessments; abolishing fire insurance tax; proposing coding for new law in Minnesota Statutes, chapter 299F; repealing Minnesota Statutes 2004, section 297I.05, subdivision 6.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Commerce and Financial Institutions without further recommendation.

The report was adopted.

Erhardt from the Committee on Transportation to which was referred:

H. F. No. 2097, A bill for an act relating to motor vehicles; regulating registration tax refunds; modifying registration procedures; making technical and clarifying changes; amending Minnesota Statutes 2004, sections 168.011, subdivisions 3, 4, 5, 5a, 6, 7, by adding subdivisions; 168.15, subdivision 1; 168.16; 168.31, subdivision 5; repealing Minnesota Statutes 2004, sections 168.011, subdivision 19; 168.15, subdivision 2.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Transportation Finance.

The report was adopted.

Smith from the Committee on Public Safety Policy and Finance to which was referred:

H. F. No. 2116, A bill for an act relating to elections; campaign finance; increasing disclosure requirements; limiting contributions to political committees, political funds, and political party units; releasing a candidate from spending limits in case of certain independent expenditures; limiting independent expenditures by political party units; amending Minnesota Statutes 2004, sections 10A.01, by adding a subdivision; 10A.14, subdivision 1; 10A.20, by adding subdivisions; 10A.25, by adding a subdivision; 10A.28, subdivision 2; 10A.322, subdivisions 2, 4, by adding a subdivision; 290.06, subdivision 23; proposing coding for new law in Minnesota Statutes, chapter 10A.

Reported the same back with the following amendments:

Page 1, line 19, after the first "a" insert "broadcast"

Page 1, line 25, delete "or newspaper"

Page 1, line 26, delete "or newspaper"

Page 3, line 14, delete everything after "EXPENDITURES"

Page 3, line 15, delete "CANDIDATE"

Page 3, line 29, delete everything after the period

Page 3, delete lines 30 to 33

Page 4, line 12, delete everything after the period

Page 4, delete lines 13 to 30

Pages 4 and 5, delete sections 6 and 7 and insert:

"Sec. 6. Minnesota Statutes 2004, section 10A.25, subdivision 2, is amended to read:

Subd. 2. [AMOUNTS.] (a) In a year in which an election is held for an office sought by a candidate, the principal campaign committee of the candidate must not make campaign expenditures nor permit approved expenditures to be made on behalf of the candidate that result in aggregate expenditures in excess of the following:

(1) for governor and lieutenant governor, running together, ~~\$2,188,090~~ \$2,500,000;

(2) for attorney general, ~~\$364,690~~ \$1,250,000;

(3) for secretary of state and state auditor, separately, ~~\$182,350~~ \$625,000;

(4) for state senator, \$54,740;

(5) for state representative, \$28,400.

(b) In addition to the amount in paragraph (a), clause (1), a candidate for endorsement for the office of lieutenant governor at the convention of a political party may make campaign expenditures and approved expenditures of five percent of that amount to seek endorsement.

(c) If a special election cycle occurs during a general election cycle, expenditures by or on behalf of a candidate in the special election do not count as expenditures by or on behalf of the candidate in the general election.

(d) The expenditure limits in this subdivision for an office are increased by ten percent for a candidate who is running for that office for the first time and who has not run previously for any other office whose territory now includes a population that is more than one-third of the population in the territory of the new office."

Pages 5 and 6, delete sections 9 and 10

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "increasing" and insert "changing certain"

Page 1, line 3, delete everything after the semicolon

Page 1, delete lines 4 to 6

Page 1, line 8, after the semicolon, insert "regulating electioneering communications; increasing certain expenditure limits; establishing a work group;"

Page 1, line 10, delete "by adding a" and insert "subdivision 2;"

Page 1, line 11, delete "subdivision; 10A.28, subdivision 2;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Westrom from the Committee on Regulated Industries to which was referred:

H. F. No. 2129, A bill for an act relating to horse racing; providing for electronic wagers; amending Minnesota Statutes 2004, sections 240.13, by adding a subdivision; 240.30, subdivision 8.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 240.30, subdivision 8, is amended to read:

Subd. 8. [LIMITATIONS.] (a) The commission may not approve any plan of operation under subdivision 6 that exceeds any of the following limitations:

(1) the maximum number of tables used for card playing at the card club at any one time, other than tables used for instruction, demonstrations, or tournament play, may not exceed ~~50~~ 90. The table limit exception for tournament play is allowed for only ~~one tournament~~ two tournaments per year that ~~lasts for no longer~~ total no more than 14 ~~21~~ 21 days each;

(2) except as provided in clause (3), no wager may exceed \$60;

(3) for games in which each player is allowed to make only one wager or has a limited opportunity to change that wager, no wager may exceed \$300.

(b) The commission may not approve any plan of operation under subdivision 6 that does not provide for reasonable accommodations for players with disabilities. Accommodations to the table and the cards shall include, among other things, the announcement of the cards visible to the entire table and the use of Braille cards for players who are blind."

Delete the title and insert:

"A bill for an act relating to gambling; modifying certain provisions relating to card clubs; amending Minnesota Statutes 2004, section 240.30, subdivision 8."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 2141, A bill for an act relating to commerce; modifying definition of "wage"; amending Minnesota Statutes 2004, section 177.23, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 177.23, subdivision 4, is amended to read:

Subd. 4. [WAGE.] "Wage" means compensation due to an employee by reason of employment, payable in: (1) legal tender of the United States; (2) check on banks convertible into cash on demand at full face value or; (3) except for instances of written objection to the employer by the employee, direct deposit to the employee's choice of demand deposit account; or (4) an electronic fund transfer to a payroll card account that meets all of the requirements set forth in section 177.255, subject to allowances permitted by rules of the department under section 177.28.

Sec. 2. [177.255] [PAYROLL CARD ACCOUNTS.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them in this subdivision.

(a) "Payroll card" means a card issued to an employee to spend or withdraw funds from the employee's payroll card account.

(b) "Payroll card account" means an account that is established by an employer on behalf of an employee to which electronic fund transfers of the employee's wages are paid by the employer as required by this chapter and for which a payroll card is issued to the employee by the employer. The payroll card account and wages transferred to

the payroll card account must be owned by the employee and be subject to withdrawal and other disposition by the employee to the same extent and in the same manner as if the funds were deposited into the account by the employee.

(c) "Payroll card issuer" means a bank or other entity that issues a payroll card on behalf of the employer.

(d) "Offers a payroll card" includes both direct offers by the employer and employer distribution to employees of material describing a payroll card program prepared by a payroll card issuer.

(e) "Free" means no fee is deducted from the employee's payroll card account or charged to the employee by any entity.

(f) "Fee" means any and all fees, charges, surcharges, or costs deducted from an employee's payroll card account or charged to an employee by any entity.

Subd. 2. [AVAILABILITY OF WAGES.] An employee who chooses to receive wages by electronic fund transfer to a payroll card account shall be able to withdraw from the employee's payroll account by a free transaction the employee's entire net pay, as stated on the employee's earnings statement, on the employee's regular payday.

Subd. 3. [WRITTEN DISCLOSURE.] When offering an employee the option of payment of wages by electronic fund transfer to a payroll card account, an employer shall provide to the employee full written disclosure of all the employee's wage payment options and of the terms and conditions of each option and the employee's and employer's rights, liabilities, and responsibilities under each option. The written disclosure shall include a complete itemized list of all fees and the minimum and maximum dollar amount of each fee that may be deducted from the employee's payroll card account or may be charged to the employee, by any entity, if the employee chooses to be paid by electronic fund transfer to a payroll card account, including but not limited to, automated teller machine fees, foreign automated teller machine fees, card issuance fees, card activation fees, card replacement fees, fees to close the payroll card account or withdraw remaining funds, monthly fees, balance inquiry fees, fees per transaction, fees for excess transactions, point of sale fees, inactivity or dormancy fees, loading fees, fees for statements and transaction histories, and fees related to the provision of customer service. A copy of the written disclosure must be provided to the employee.

Subd. 4. [WRITTEN CONSENT.] The employer may initiate payment by electronic fund transfer to a payroll card account only after the employee has consented in writing to that method of payment, fully and freely without any coercion, intimidation, or fear of reprisal. Consent to payment by electronic fund transfer to a payroll card account shall not be a condition of hire or of employment. The written consent signed by the employee must include the itemized list of all fees and the minimum and maximum amount of each fee that may be deducted from the employee's payroll card account or charged to the employee by any entity. A copy of the signed written consent must be provided to the employee.

Subd. 5. [TRANSACTIONS; STATEMENTS; FEES.] The employer shall provide to the employee at least one free transaction of the employee's choice each pay period and at least one free statement and transaction history each month that includes all deposits, withdrawals, deductions, or charges by any entity from or to the employee's payroll card account. Any fee not fully disclosed to the employee under subdivision 3 or not included in the written consent signed by the employee as required by subdivision 4, shall not be deducted from the employee's payroll card account or charged to the employee by any entity.

Subd. 6. [NO LINK TO CREDIT.] The employer, depository institution, financial institution, or payroll card issuer shall not link the payroll card or payroll card account to any form of credit including, but not limited to, a loan against future pay or a cash advance on future pay.

Subd. 7. [PERSONAL INFORMATION.] An employer is not entitled to any information generated by the employee's possession or use of a payroll card or payroll card account except to process transactions and administer the payroll card and payroll card account. The employer shall also require that the payroll card issuer, depository institution, or financial institution where the payroll card accounts are maintained, agree not to use any information generated by the possession or use of the payroll card or payroll card account for any purpose except to process transactions and administer the payroll card and payroll card account.

Subd. 8. [LANGUAGES OTHER THAN ENGLISH.] Any employer who offers a payroll card to an employee using written materials in a language other than English, shall provide, or require in its contract with the payroll card issuer that all written disclosures be provided, in such other language to the employee, and that consumer services be provided in such other language to the employee.

Subd. 9. [DIRECT DEPOSIT PROTECTIONS.] Notwithstanding any other provision of law to the contrary, any existing statutory protections provided to employees who receive payment of wages by the method of direct deposit into a bank account shall be extended to employees who receive payment of wages by electronic fund transfer into a payroll card account.

Subd. 10. [CHANGE OF WAGE PAYMENT METHOD.] If an employee who is being paid wages by electronic fund transfer to a payroll card account requests, in writing, to be paid wages by legal tender, check, or direct deposit, the employer shall, within 14 days of the employee's request, begin payment by the requested method.

Subd. 11. [VIOLATION; PENALTY.] A violation of this section shall be considered a violation of section 181.79 and shall be penalized accordingly.

[EFFECTIVE DATE.] This act is effective...."

Delete the title and insert:

"A bill for an act relating to commerce; modifying the definition of "wage"; regulating payroll card accounts; amending Minnesota Statutes 2004, section 177.23, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 177."

With the recommendation that when so amended the bill pass.

The report was adopted.

Tingelstad from the Committee on Governmental Operations and Veterans Affairs to which was referred:

H. F. No. 2143, A resolution memorializing the President, Congress, and the United States Postal Service to maintain current levels of service.

Reported the same back with the following amendments:

Page 3, line 19, delete "Secretary of State" and insert "Chairs of the House and Senate Governmental Operations Committees"

Page 3, line 20, delete "is" and insert "are"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 2156, A bill for an act relating to civil law; providing for use of financial planners in preparing a conservator's inventory for the court; providing a certified public accountant's audit to be used in the conservator's annual accounting; amending Minnesota Statutes 2004, sections 524.5-419; 524.5-420.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 524.5-417, is amended to read:

524.5-417 [GENERAL POWERS AND DUTIES OF CONSERVATOR.]

- (a) A conservator shall be subject to the control and direction of the court at all times and in all things.
- (b) The court shall grant to a conservator only those powers necessary to provide for the demonstrated needs of the protected person.
- (c) The court may appoint a conservator if it determines that all the powers and duties listed in this section are needed to provide for the needs of the protected person. The court may also appoint a conservator if it determines that a conservator is necessary to provide for the needs of the protected person through the exercise of some, but not all, of the powers and duties listed in this section. The duties and powers of a conservator include, but are not limited to:
 - (1) the duty to pay the reasonable charges for the support, maintenance, and education of the protected person in a manner suitable to the protected person's station in life and the value of the estate. Nothing herein contained shall release parents from obligations imposed by law for the support, maintenance, and education of their children. The conservator has no duty to pay for these requirements out of personal funds. Wherever possible and appropriate, the conservator should meet these requirements through governmental benefits or services to which the protected person is entitled, rather than from the protected person's estate. Failure to satisfy the needs and requirements of this section shall be grounds for removal, but the conservator shall have no personal or monetary liability;
 - (2) the duty to pay out of the protected person's estate all lawful debts of the protected person and the reasonable charges incurred for the support, maintenance, and education of the protected person's spouse and dependent children and, upon order of the court, pay such sum as the court may fix as reasonable for the support of any person unable to earn a livelihood who is legally entitled to support from the protected person;
 - (3) the duty to possess and manage the estate, collect all debts and claims in favor of the protected person, or, with the approval of the court, compromise them, institute suit on behalf of the protected person and represent the protected person in any court proceedings, and invest all funds not currently needed for the debts and charges named in clauses (1) and (2) and the management of the estate, in accordance with the provisions of sections 48A.07,

subdivision 6, ~~and~~ 501B.151, and 524.5-423, or as otherwise ordered by the court. The standard of a fiduciary shall be applicable to all investments by a conservator. A conservator shall also have the power to purchase certain contracts of insurance as provided in section 50.14, subdivision 14, clause (b);

(4) where a protected person has inherited an undivided interest in real estate, the court, on a showing that it is for the best interest of the protected person, may authorize an exchange or sale of the protected person's interest or a purchase by the protected person of any interest other heirs may have in the real estate, subject to the procedures and notice requirements of section 524.5-418;

(5) the power to approve or withhold approval of any contract, except for necessities, which the protected person may make or wish to make; and

(6) the power to apply on behalf of the protected person for any assistance, services, or benefits available to the protected person through any unit of government.

(d) The conservator shall have the power to revoke, suspend, or terminate all or any part of a durable power of attorney of which the protected person is the principal with the same power the principal would have if the principal were not incapacitated. If a durable power of attorney is in effect, a decision of the conservator takes precedence over that of an attorney-in-fact.

(e) Transaction set aside. If a protected person has made a financial transaction or gift or entered into a contract during the two-year period before establishment of the conservatorship, the conservator may petition for court review of the transaction, gift, or contract. If the court finds that the protected person was incapacitated or subject to duress, coercion, or undue influence when the transaction, gift, or contract was made, the court may declare the transaction, gift, or contract void except as against a bona fide transferee for value and order reimbursement or other appropriate relief. This paragraph does not affect any other right or remedy that may be available to the protected person with respect to the transaction, gift, or contract.

(f) After the filing of the petition, a certificate of the district court certified to that fact may be filed for record with the Minnesota secretary of state in the same manner as provided in section 336.9-501. The certificate shall state that a petition is pending and the name and address of the person for whom a conservator is sought. If a conservator is appointed on the petition, and if the conservatorship order removes or restricts the right of the protected person to transfer property or to contract, then all contracts except for necessities, and all transfers of personal property, tangible or intangible, including, but not limited to, cash or securities transfers at banks, brokerage houses, or other financial institutions, or transfers of cash or securities, made by the protected person after the filing and before the termination of the conservatorship shall be voidable.

Sec. 2. Minnesota Statutes 2004, section 524.5-423, is amended to read:

524.5-423 [SALE, ENCUMBRANCE, OR OTHER TRANSACTION INVOLVING CONFLICT OF INTEREST.]

Any transaction involving the conservatorship estate which is affected by a conflict between the conservator's fiduciary and personal interests is voidable unless the transaction is expressly authorized by the court after notice to interested persons. A transaction affected by a conflict between personal and fiduciary interests includes any sale, encumbrance, or other transaction involving the conservatorship estate entered into by the conservator, the spouse, descendant, agent, or lawyer of a conservator, or corporation or other enterprise in which the conservator has a

beneficial interest. Notwithstanding a conflict between the conservator's fiduciary and personal interests, the court has discretion to allow a transaction of beneficial interest to the conservator, as long as the conservator can prove that this transaction is in the best interest of the protected person.

[EFFECTIVE DATE.] This section is effective July 1, 2005, and shall include all proceedings open or pending on that date."

Delete the title and insert:

"A bill for an act relating to civil law; changing certain powers and duties of conservators; amending Minnesota Statutes 2004, sections 524.5-417; 524.5-423."

With the recommendation that when so amended the bill pass.

The report was adopted.

Tingelstad from the Committee on Governmental Operations and Veterans Affairs to which was referred:

H. F. No. 2212, A bill for an act relating to the Minnesota sesquicentennial; establishing a Sesquicentennial Commission; appropriating money.

Reported the same back with the following amendments:

Page 2, after line 26, insert:

"Subd. 5. [COMMEMORATIVE COIN.] The commission may arrange for design, production, distribution, marketing, and sale of a commemorative coin. Proceeds from sale of the commemorative coin are appropriated to the commission."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Jobs and Economic Opportunity Policy and Finance.

The report was adopted.

Dauids from the Committee on Agriculture and Rural Development to which was referred:

H. F. No. 2249, A bill for an act relating to agriculture; extending the existence of the Organic Advisory Task Force; amending Minnesota Statutes 2004, section 31.94.

Reported the same back with the following amendments:

Page 3, line 14, delete "2011" and insert "2007"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Agriculture, Environment and Natural Resources Finance.

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 2255, A bill for an act relating to vehicle insurance; requiring the commissioner of public safety to discontinue insurance verification sampling program until the commissioner modifies program; declaring charges for violations of sampling program laws to be void; reinstating certain drivers' licenses; requiring report; authorizing resumption of sampling program.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [SUSPENSION OF PROGRAM TO VERIFY INSURANCE COVERAGE THROUGH SAMPLING.]

The commissioner of public safety shall take no action under Minnesota Statutes, section 169.796, subdivision 3, and shall discontinue all activities related to the program to verify insurance coverage through sampling, except as provided in sections 2 to 9.

Sec. 2. [REINSTATEMENT OF SUSPENDED LICENSES.]

The commissioner, without requiring proof of insurance or payment of a reinstatement fee, shall reinstate the driver's license of every vehicle owner whose license is suspended under Minnesota Statutes, section 169.796, subdivision 3, retroactive to the date of the suspension. The commissioner shall promptly refund any such reinstatement fees previously paid.

Sec. 3. [DISMISSAL OF CHARGES.]

All charges, complaints, and citations issued for a violation of Minnesota Statutes, section 169.796, subdivision 3, or a related violation, including driving after a license suspension imposed for failure to comply with the provisions of Minnesota Statutes, section 169.796, subdivision 3, are void and must be dismissed.

Sec. 4. [REMOVAL OF PREVIOUS VIOLATIONS.]

The commissioner shall purge from a person's driving record any notation of a violation of Minnesota Statutes, section 169.796, subdivision 3, and any notation of a related suspension or violation, including driving after a license suspension imposed for failure to comply with the provisions of Minnesota Statutes, section 169.796, subdivision 3. An insurer may not increase a premium for a policy of vehicle insurance on the basis of a violation described in this section by a named insured if the violation occurred before the effective date of this act, and any such increase previously imposed must be rescinded and any related premium increase promptly refunded.

Sec. 5. [REMEDICATION FOR CONVICTIONS.]

(a) A court in which a conviction for an offense referred to in section 3 occurred, must vacate the conviction, on its own motion, without cost to the person convicted, and must immediately notify the person that the conviction has been vacated.

(b) The commissioner of finance, in consultation with the Supreme Court administrator, shall develop and implement a procedure to refund to the licensee any fine paid by the licensee for a conviction vacated under paragraph (a), without requiring that the licensee request the refund. The procedure may require recovery of portions of the fines that have been allocated by law to local government units.

Sec. 6. [REMEDATION BY INSURERS.]

(a) Insurers that issue or renew motor vehicle insurance in this state shall, within 60 days after the effective date of this section, inform the commissioner of commerce as to whether it has canceled, failed to renew, denied an application for coverage, or imposed a surcharge on any motor vehicle insurance due to a suspension or conviction as a result of the law referenced in section 1, provide a list of any such persons, and indicate for each person the remediation the insurer intends to provide.

(b) Remediation under paragraph (a) must compensate the victim by providing refunds and reinstatements of coverage.

(c) Insurers shall provide the remediation without requiring that the person make a request for remediation.

(d) The commissioner of commerce shall enforce this section under its general enforcement powers under Minnesota Statutes, chapter 45.

Sec. 7. [PUBLIC SAFETY FUNDING.]

The commissioner of public safety shall use funds appropriated for purposes of the law referenced in section 1 and not yet spent for that purpose to accomplish the remediation required under this act. The funds that are unspent at the end of the 2005 fiscal year may be carried forward into the next biennium if necessary to complete the remediation.

Sec. 8. [REPORT.]

The commissioner shall report to the chairs of the senate and house of representatives committees with jurisdiction over transportation policy no later than March 15, 2006, concerning the program of sampling to verify insurance coverage. The report must:

(1) identify the measures that the commissioner will implement to ensure that the commissioner's request to furnish insurance information is delivered to the addressee;

(2) describe proposed modifications to the request form and the envelope that will call attention to the urgency of the request and the need for a prompt reply;

(3) propose changes to the program to ensure that a vehicle owner will receive actual notice of the commissioner's intent to suspend the owner's driver's license, and that actual notice will be given with adequate time and opportunity for the owner to respond and avoid the suspension; and

(4) identify any changes in statute necessary to allow the commissioner to implement the recommended changes.

Sec. 9. [TESTING AND RESUMPTION OF SAMPLING PROGRAM.]

On or after June 10, 2006, the commissioner shall implement the sampling program under Minnesota Statutes, section 169.796, subdivision 3, as modified according to the report in section 8. On or after March 22, 2006, the commissioner may request verification of insurance coverage from vehicle owners under Minnesota Statutes, section 169.796, subdivision 3, incorporating the modifications proposed in the report, but the commissioner may not suspend driver's licenses under this subdivision or impose any other penalties before the full resumption of the sampling program on or after June 10, 2006.

Sec. 10. [APPROPRIATION.]

\$..... is appropriated from the general fund to the commissioner of finance for fiscal year 2005 for the purpose of making the refunds of fines required under this act. Any amounts not expended for that purpose in fiscal year 2005 may be carried forward to the following biennium for that purpose if necessary.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 10 are effective the day following final enactment and expire on June 10, 2006."

Delete the title and insert:

"A bill for an act relating to vehicle insurance; requiring the commissioner of public safety to discontinue insurance verification sampling program until the commissioner modifies program; declaring charges for violations of sampling program laws to be void; providing remediation; reinstating certain drivers' licenses; requiring report; authorizing resumption of sampling program; appropriating money."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Transportation Finance.

The report was adopted.

Tingelstad from the Committee on Governmental Operations and Veterans Affairs to which was referred:

H. F. No. 2289, A bill for an act relating to veterans affairs; authorizing the commissioner of veterans affairs to establish a program of outreach to minority veterans; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 197.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on State Government Finance.

The report was adopted.

Bradley from the Committee on Health Policy and Finance to which was referred:

S. F. No. 271, A bill for an act relating to health; modifying access to certified death records; amending Minnesota Statutes 2004, section 144.225, subdivision 7.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

S. F. No. 453, A bill for an act relating to auctioneers; modifying auctioneer license numbering requirements for county auditors; amending Minnesota Statutes 2004, sections 330.01, subdivision 1; 330.08.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 519, 1143, 1272, 1298, 1368, 1532, 1551, 1555, 1585, 1655, 1717, 1730, 1785, 1809, 1816, 1824, 1845, 1948, 1973, 1988, 2006, 2116, 2141 and 2156 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 271 and 453 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Hackbarth introduced:

H. F. No. 2381, A bill for an act relating to natural resources; proposing an amendment to the Minnesota Constitution by adding a section to article XI; dedicating the sales and use tax receipts equal to a sales and use tax of one-eighth of one percent on taxable sales and uses for water resource purposes; creating a clean water fund; establishing a Clean Waters Council; providing appointments; proposing coding for new law in Minnesota Statutes, chapter 103F.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Urdahl and Newman introduced:

H. F. No. 2382, A memorial resolution asking the residents of Minnesota for tolerance of different views on animal agriculture production practices; making 2005 the year the Minnesota feedlot war ended, and a new era beginning for Minnesota livestock farmers characterized by peace, love, harmony, and acceptance of diversity.

The bill was read for the first time and referred to the Committee on Agriculture and Rural Development.

Seifert and Koenen introduced:

H. F. No. 2383, A bill for an act relating to education finance; creating an alternative secondary sparsity calculation; amending Minnesota Statutes, section 126C.10, subdivision 6.

The bill was read for the first time and referred to the Committee on Education Finance.

Demmer, Juhnke, Urdahl, Heidgerken and Peterson, A., introduced:

H. F. No. 2384, A bill for an act relating to education; providing for verification of school bus drivers' licenses by a certain date; amending Minnesota Statutes 2004, section 171.321, subdivision 5.

The bill was read for the first time and referred to the Committee on Transportation.

Davnie and Kelliher introduced:

H. F. No. 2385, A bill for an act relating to taxation; property; establishing a low-income apartment property class; restricting market value of certain low-income apartment property based on actual rent; amending Minnesota Statutes 2004, section 273.13, subdivision 25; proposing coding for new law in Minnesota Statutes, chapter 273.

The bill was read for the first time and referred to the Committee on Taxes.

Davnie and Kelliher introduced:

H. F. No. 2386, A bill for an act relating to taxation; property; establishing a low-income apartment property class; restricting market value based on actual rent; amending Minnesota Statutes 2004, section 273.13, subdivision 25; proposing coding for new law in Minnesota Statutes, chapter 273.

The bill was read for the first time and referred to the Committee on Taxes.

Abeler, Westerberg and Bernardy introduced:

H. F. No. 2387, A bill for an act relating to the city of Ramsey; providing for the creation of a tax increment financing district to provide housing for elderly and disabled persons.

The bill was read for the first time and referred to the Committee on Taxes.

Powell introduced:

H. F. No. 2388, A bill for an act relating to human services; limiting coverage of gender reassignment surgery under state health care programs; amending Minnesota Statutes 2004, sections 256B.0625, subdivision 3a; 256D.03, subdivision 4.

The bill was read for the first time and referred to the Committee on Health Policy and Finance.

Powell introduced:

H. F. No. 2389, A bill for an act relating to health occupations; modifying the Psychology Practice Act; phasing out licensure as a licensed psychological practitioner; amending Minnesota Statutes 2004, sections 148.89, subdivision 5; 148.90, subdivision 1; 148.907, by adding a subdivision; 148.908, subdivision 2, by adding a subdivision; 148.909; 148.916, subdivision 2; 148.925, subdivision 6; 148.941, subdivision 2; 148.96, subdivision 3.

The bill was read for the first time and referred to the Committee on Health Policy and Finance.

Abeler introduced:

H. F. No. 2390, A bill for an act relating to human services; modifying medical assistance coverage of circumcision for newborns; amending Minnesota Statutes 2004, section 256B.0625, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health Policy and Finance.

Atkins introduced:

H. F. No. 2391, A bill for an act relating to professional sports stadium funding; requiring implementation of certain drug testing programs for players in sports facilities receiving state funding.

The bill was read for the first time and referred to the Committee on Health Policy and Finance.

Eken, Moe, Lieder, Koenen, Bernardy, Hornstein and Sailer introduced:

H. F. No. 2392, A bill for an act relating to domestic abuse training; requiring additional training for peace officers, teachers, and school administrators; amending Minnesota Statutes 2004, section 626.8451, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 122A.

The bill was read for the first time and referred to the Committee on Education Policy and Reform.

Kohls, Moe and Brod introduced:

H. F. No. 2393, A bill for an act relating to sales and use tax; allowing exempt occasional sales at flea markets and similar selling events; amending Minnesota Statutes 2004, section 297A.87, subdivisions 2, 3.

The bill was read for the first time and referred to the Committee on Taxes.

Emmer introduced:

H. F. No. 2394, A bill for an act relating to health; making changes in MinnesotaCare eligibility determination procedures and in program eligibility criteria; establishing a MinnesotaCare premium surcharge and enrollee accounts; amending Minnesota Statutes 2004, sections 256L.01, subdivisions 1a, 5; 256L.05, subdivision 2; 256L.06, subdivision 3; 256L.15, subdivision 2, by adding a subdivision; 256L.17, subdivision 3.

The bill was read for the first time and referred to the Committee on Health Policy and Finance.

Mullery introduced:

H. F. No. 2395, A bill for an act relating to taxation; property; reestablishing a low-income apartment property class; amending Minnesota Statutes 2004, section 273.13, subdivision 25; proposing coding for new law in Minnesota Statutes, chapter 273.

The bill was read for the first time and referred to the Committee on Taxes.

Paymar introduced:

H. F. No. 2396, A bill for an act relating to state government; providing a certain preference in state purchasing; amending Minnesota Statutes 2004, section 16C.16, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs.

Simon, Hortman, Dittrich, Poppe, Hosch, Scalze and Hansen introduced:

H. F. No. 2397, A bill for an act relating to education finance; authorizing full-day kindergarten; providing a new state aid for certain costs of full-day kindergarten programs; authorizing a sliding scale fee for full-day kindergarten; appropriating money; amending Minnesota Statutes 2004, sections 123B.35; 123B.36, subdivision 1; 123B.37, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 126C.

The bill was read for the first time and referred to the Committee on Education Policy and Reform.

Dittrich, Hosch, Westerberg, Abeler, Hortman, Moe and Tingelstad introduced:

H. F. No. 2398, A bill for an act relating to education finance; indexing school funding formula equalizing factors to the growth in tax base; amending Minnesota Statutes 2004, sections 123B.53, subdivision 5; 123B.57, subdivision 4; 126C.01, by adding subdivisions; 126C.10, subdivisions 13a, 29, 32; 126C.17, subdivision 6.

The bill was read for the first time and referred to the Committee on Education Finance.

Blaine introduced:

H. F. No. 2399, A bill for an act relating to consumer protection; regulating consumer credit reporting agencies; providing for the inspection of, and disclosures related to, files and information maintained by the credit reporting agency; proposing coding for new law in Minnesota Statutes, chapter 13C.

The bill was read for the first time and referred to the Committee on Commerce and Financial Institutions.

Blaine introduced:

H. F. No. 2400, A bill for an act relating to consumer protection; regulating consumer credit reports; providing free credit reports to victims of identity theft; proposing coding for new law in Minnesota Statutes, chapter 13C.

The bill was read for the first time and referred to the Committee on Commerce and Financial Institutions.

Hilstrom introduced:

H. F. No. 2401, A bill for an act relating to public safety; adopting certain recommendations of the Minnesota Sentencing Guidelines Commission and rejecting others.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Finance.

Mahoney, Kohls and Gunther introduced:

H. F. No. 2402, A bill for an act relating to appropriations; appropriating money for bioscience marketing activities.

The bill was read for the first time and referred to the Committee on Jobs and Economic Opportunity Policy and Finance.

Abeler and Otremba introduced:

H. F. No. 2403, A bill for an act relating to health; appropriating money for the dental health program.

The bill was read for the first time and referred to the Committee on Health Policy and Finance.

Abeler and Otremba introduced:

H. F. No. 2404, A bill for an act relating to health; appropriating money for the suicide prevention program.

The bill was read for the first time and referred to the Committee on Health Policy and Finance.

Nornes introduced:

H. F. No. 2405, A bill for an act relating to human services; increasing the reimbursement rate for a nursing facility in Otter Tail County; amending Minnesota Statutes 2004, section 256B.434, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health Policy and Finance.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 3, A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other public improvements of a capital nature with certain conditions; making adjustments to

previous bond authorizations; establishing new programs and modifying existing programs; authorizing sale of state bonds; appropriating money; amending Minnesota Statutes 2004, sections 16A.671, subdivision 3; 85.019, subdivision 2; 116.182, subdivision 2; 116J.571; 116J.572, subdivision 2; 116J.573, subdivisions 1, 2, 5; 116J.575, subdivision 1; 134.45; 136F.60, by adding a subdivision; 174.52, by adding a subdivision; Laws 1998, chapter 404, section 23, subdivision 17, as amended; Laws 2003, First Special Session chapter 20, article 1, section 11; proposing coding for new law in Minnesota Statutes, chapters 16A; 446A.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONSENT CALENDAR

H. F. No. 2166, A bill for an act relating to human services; extending the termination date for the Traumatic Brain Injury Advisory Committee; amending Minnesota Statutes 2004, section 256B.093, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-------------|------------|--------------|--------------|
| Anderson, B. | Dorn | Holberg | Lenczewski | Ozment | Simpson |
| Anderson, I. | Eastlund | Hoppe | Lesch | Paulsen | Slawik |
| Atkins | Eken | Hornstein | Liebling | Paymar | Smith |
| Beard | Ellison | Hortman | Lieder | Pelowski | Soderstrom |
| Bernardy | Emmer | Hosch | Lillie | Penas | Solberg |
| Bradley | Entenza | Howes | Loeffler | Peppin | Sykora |
| Brod | Erhardt | Huntley | Magnus | Peterson, A. | Thao |
| Buesgens | Erickson | Jaros | Mahoney | Peterson, N. | Thissen |
| Carlson | Finstad | Johnson, J. | Mariani | Peterson, S. | Urdahl |
| Charron | Fritz | Johnson, R. | Marquart | Poppe | Vanderveer |
| Clark | Garofalo | Johnson, S. | McNamara | Powell | Wagenius |
| Cornish | Gazelka | Juhnke | Meslow | Rukavina | Walker |
| Cox | Goodwin | Kahn | Moe | Ruth | Wardlow |
| Cybart | Greiling | Kelliher | Mullery | Ruud | Welti |
| Davids | Gunther | Klinzing | Murphy | Sailer | Westerberg |
| Dean | Hackbarth | Knoblach | Nelson, M. | Samuelson | Westrom |
| DeLaForest | Hamilton | Koenen | Nelson, P. | Scalze | Wilkin |
| Demmer | Hansen | Kohls | Newman | Seifert | Spk. Sviggum |
| Dempsey | Hausman | Krinkie | Nornes | Sertich | |
| Dill | Heidgerken | Lanning | Olson | Severson | |
| Dittrich | Hilstrom | Larson | Opatz | Sieben | |
| Dorman | Hilty | Latz | Otremba | Simon | |

The bill was passed and its title agreed to.

H. F. No. 241, A bill for an act relating to public employment; providing that a public employer may not forbid a police officer or firefighter from wearing an American flag patch or pin on a uniform; proposing coding for new law in Minnesota Statutes, chapter 15.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-------------|------------|--------------|--------------|
| Abeler | Dorman | Hilty | Latz | Otremba | Simon |
| Anderson, B. | Dorn | Holberg | Lenczewski | Ozment | Simpson |
| Anderson, I. | Eastlund | Hoppe | Lesch | Paulsen | Slawik |
| Atkins | Eken | Hornstein | Liebling | Paymar | Smith |
| Beard | Ellison | Hortman | Lieder | Pelowski | Soderstrom |
| Bernardy | Emmer | Hosch | Lillie | Penas | Solberg |
| Bradley | Entenza | Howes | Loeffler | Peppin | Sykora |
| Brod | Erhardt | Huntley | Magnus | Peterson, A. | Thao |
| Buesgens | Erickson | Jaros | Mahoney | Peterson, N. | Thissen |
| Carlson | Finstad | Johnson, J. | Mariani | Peterson, S. | Tingelstad |
| Charron | Fritz | Johnson, R. | Marquart | Poppe | Urdahl |
| Clark | Garofalo | Johnson, S. | McNamara | Powell | Vandever |
| Cornish | Gazelka | Juhnke | Meslow | Rukavina | Wagenius |
| Cox | Goodwin | Kahn | Moe | Ruth | Walker |
| Cybart | Greiling | Kelliher | Mullery | Ruud | Wardlow |
| Davids | Gunther | Klinzing | Murphy | Sailer | Welti |
| Dean | Hackbarth | Knoblach | Nelson, M. | Samuelson | Westerberg |
| DeLaForest | Hamilton | Koenen | Nelson, P. | Scalze | Westrom |
| Demmer | Hansen | Kohls | Newman | Seifert | Wilkin |
| Dempsey | Hausman | Krinkie | Nornes | Sertich | Zellers |
| Dill | Heidgerken | Lanning | Olson | Severson | Spk. Sviggum |
| Dittrich | Hilstrom | Larson | Opatz | Sieben | |

The bill was passed and its title agreed to.

H. F. No. 1189 was reported to the House.

Erhardt moved to amend H. F. No. 1189, the first engrossment, as follows:

Page 2, after line 8, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

The motion prevailed and the amendment was adopted.

H. F. No. 1189, A bill for an act relating to traffic regulations; removing an expiration date on an exception to seasonal weight limits for certain recycling and garbage trucks; amending Minnesota Statutes 2004, section 169.87, subdivision 6.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 12 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-------------|------------|--------------|--------------|
| Abeler | Dittrich | Hilstrom | Latz | Ozment | Simpson |
| Anderson, B. | Dorman | Hilty | Lesch | Paulsen | Slawik |
| Anderson, I. | Dorn | Holberg | Liebling | Pelowski | Smith |
| Atkins | Eastlund | Hoppe | Lillie | Penas | Soderstrom |
| Beard | Eken | Hortman | Loeffler | Peppin | Solberg |
| Bernardy | Ellison | Hosch | Magnus | Peterson, A. | Sykora |
| Bradley | Entenza | Howes | Mahoney | Peterson, N. | Thao |
| Brod | Erhardt | Huntley | Mariani | Peterson, S. | Tingelstad |
| Buesgens | Erickson | Johnson, J. | Marquart | Poppe | Urdahl |
| Carlson | Finstad | Johnson, R. | McNamara | Powell | Walker |
| Charron | Fritz | Johnson, S. | Meslow | Rukavina | Wardlow |
| Clark | Garofalo | Juhnke | Moe | Ruth | Welti |
| Cornish | Gazelka | Kahn | Mullery | Sailer | Westerberg |
| Cox | Goodwin | Kelliher | Murphy | Samuelson | Westrom |
| Cybart | Greiling | Klinzing | Nelson, M. | Scalze | Wilkin |
| Davids | Gunther | Knoblach | Nelson, P. | Seifert | Zellers |
| Dean | Hackbarth | Koenen | Newman | Sertich | Spk. Sviggum |
| Demmer | Hamilton | Kohls | Nornes | Severson | |
| Dempsey | Hansen | Lanning | Opatz | Sieben | |
| Dill | Heidgerken | Larson | Otremba | Simon | |

Those who voted in the negative were:

| | | | | | |
|------------|-----------|------------|--------|---------|------------|
| DeLaForest | Hornstein | Krinkie | Olson | Ruud | Vandev eer |
| Emmer | Jaros | Lenczewski | Paymar | Thissen | Wagenius |

The bill was passed, as amended, and its title agreed to.

CALENDAR FOR THE DAY

Paulsen moved that the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Bradley moved that the name of Hortman be added as an author on H. F. No. 619. The motion prevailed.

Bradley moved that the name of Erickson be added as an author on H. F. No. 775. The motion prevailed.

Cox moved that the name of Nelson, P., be added as an author on H. F. No. 981. The motion prevailed.

Vandever moved that the name of Olson be added as an author on H. F. No. 992. The motion prevailed.

Clark moved that the name of Hortman be added as an author on H. F. No. 1098. The motion prevailed.

Severson moved that the names of Erickson, Soderstrom, Davids and Sykora be added as authors on H. F. No. 1240. The motion prevailed.

Slawik moved that the name of Kelliher be added as an author on H. F. No. 1329. The motion prevailed.

Holberg moved that the name of Greiling be added as an author on H. F. No. 1393. The motion prevailed.

Zellers moved that the name of Moe be added as an author on H. F. No. 1406. The motion prevailed.

Dittrich moved that the name of Poppe be added as an author on H. F. No. 1429. The motion prevailed.

Dittrich moved that the name of Poppe be added as an author on H. F. No. 1432. The motion prevailed.

Scalze moved that the name of Lenczewski be added as an author on H. F. No. 1588. The motion prevailed.

Larson moved that the name of Lenczewski be added as an author on H. F. No. 1591. The motion prevailed.

Lenczewski moved that her name be stricken as an author on H. F. No. 1655. The motion prevailed.

Moe moved that the name of Poppe be added as an author on H. F. No. 1687. The motion prevailed.

Tingelstad moved that the names of Kahn and Greiling be added as authors on H. F. No. 1760. The motion prevailed.

Powell moved that the name of Sailer be added as an author on H. F. No. 1847. The motion prevailed.

Charron moved that the name of Erhardt be added as an author on H. F. No. 2078. The motion prevailed.

Beard moved that the name of Lenczewski be added as an author on H. F. No. 2086. The motion prevailed.

Johnson, R., moved that the name of Lenczewski be added as an author on H. F. No. 2158. The motion prevailed.

Krinkie moved that the name of Loeffler be added as an author on H. F. No. 2178. The motion prevailed.

Welti moved that the name of Sailer be added as an author on H. F. No. 2257. The motion prevailed.

Wagenius moved that the name of Abeler be added as an author on H. F. No. 2346. The motion prevailed.

Sykora moved that the name of Charron be added as an author on H. F. No. 2366. The motion prevailed.

Hausman moved that the name of Latz be added as an author on H. F. No. 2376. The motion prevailed.

Buesgens moved that his name be stricken as chief author and the name of Beard be added as chief author on H. F. No. 899. The motion prevailed.

Dittrich moved that H. F. No. 1434 be recalled from the Committee on Education Policy and Reform and be re-referred to the Committee on Education Finance. The motion prevailed.

Dauids moved that H. F. No. 2075 be recalled from the Committee on Taxes and be re-referred to the Committee on Civil Law and Elections. The motion prevailed.

Paymar moved that H. F. No. 2396 be recalled from the Committee on Governmental Operations and Veterans Affairs and be re-referred to the Committee on State Government Finance. The motion prevailed.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 12:00 noon, Wednesday, April 13, 2005. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Wednesday, April 13, 2005.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives