

STATE OF MINNESOTA

EIGHTY-FOURTH SESSION — 2006

EIGHTY-NINTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 12, 2006

The House of Representatives convened at 9:00 a.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	Dill	Heidgerken	Larson	Ozment	Slawik
Abrams	Dittrich	Hilstrom	Latz	Paulsen	Smith
Anderson, B.	Dorman	Hilty	Lenczewski	Paymar	Soderstrom
Anderson, I.	Dorn	Holberg	Lesch	Pelowski	Solberg
Atkins	Eastlund	Hoppe	Liebling	Penas	Sykora
Beard	Eken	Hornstein	Lieder	Peppin	Thao
Bernardy	Ellison	Hortman	Lillie	Peterson, A.	Thissen
Blaine	Emmer	Hosch	Loeffler	Peterson, N.	Tingelstad
Bradley	Entenza	Howes	Magnus	Peterson, S.	Urdahl
Brod	Erhardt	Huntley	Mahoney	Poppe	Vandever
Buesgens	Erickson	Jaros	Mariani	Powell	Wagenius
Carlson	Finstad	Johnson, J.	Marquart	Rukavina	Walker
Charron	Fritz	Johnson, R.	McNamara	Ruth	Wardlow
Clark	Garofalo	Johnson, S.	Meslow	Ruud	Walti
Cornish	Gazelka	Juhnke	Moe	Sailer	Westerberg
Cox	Goodwin	Kahn	Mullery	Samuelson	Westrom
Cybart	Greiling	Kelliher	Murphy	Scalze	Wilkin
Davids	Gunther	Klinzing	Nelson, M.	Seifert	Zellers
Davnie	Hackbarth	Knoblach	Nelson, P.	Sertich	Spk. Sviggum
Dean	Hamilton	Koenen	Newman	Severson	
DeLaForest	Hansen	Kohls	Nornes	Sieben	
Demmer	Hausman	Krinkie	Olson	Simon	
Dempsey	Haws	Lanning	Otremba	Simpson	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Sertich 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

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 2564, A bill for an act relating to human services; excluding aid and attendance benefits from the MinnesotaCare definition of income; amending Minnesota Statutes 2005 Supplement, section 256L.01, subdivision 5.

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. 2953, A bill for an act relating to public safety; appropriating money to allow courts to better address alcohol and other drug addicted offenders.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

PUBLIC SAFETY SUPPLEMENTAL APPROPRIATIONS

Section 1. **SUPPLEMENTAL APPROPRIATIONS.**

The appropriations in this act are added to or, if shown in parentheses, subtracted from the appropriations enacted into law by the legislature in 2005, or other specified law, to the named agencies and for the specified programs or activities. The sums shown are appropriated from the general fund, or another named fund, to be available for the fiscal years indicated: 2006 is the fiscal year ending June 30, 2006; 2007 is the fiscal year ending June 30, 2007; and the biennium is fiscal years 2006 and 2007. Supplementary appropriations and reductions to appropriations for the fiscal year ending June 30, 2006, are effective the day following final enactment.

Sec. 2. **SUPREME COURT**

-0-

125,000

In fiscal year 2007, \$125,000 is appropriated from the general fund to the Supreme Court for the first phase of a judicial initiative to more effectively address the increasing numbers of alcohol and other drug (AOD) offenders coming into Minnesota courts, including the increase in methamphetamine offenders. This is a onetime appropriation and is available until June 30, 2007.

Sec. 3. **BOARD OF JUDICIAL STANDARDS**

172,000

-0-

In fiscal year 2006, \$172,000 is appropriated to the Board on Judicial Standards from the general fund for costs of special hearings and an investigation regarding complaints of judicial misconduct. This is a onetime appropriation and is available until June 30, 2007.

Sec. 4. **PUBLIC SAFETY**Subdivision 1. **Total Appropriation**284,0001,100,000

These appropriations are added to appropriations in Laws 2005, chapter 136, article 1, section 9. The amounts that may be spent from this appropriation for each program are specified in subdivisions 2 and 3.

Subd. 2. **Emergency Management**284,00052,000

The fiscal year 2006 appropriation is to provide matching funds for FEMA funds received for natural disaster assistance payments. This appropriation is available on the day after enactment and is available until June 30, 2007. This is a onetime appropriation.

\$52,000 is for grants to municipalities whose bomb squads provide out-of-area assistance to other jurisdictions under Minnesota Statutes, section 299C.063. Of this amount, \$45,000, in equal amounts of \$15,000 per city, is for grants to the cities of Minneapolis, St. Paul, and Bloomington, and \$7,500 is for a grant to the city of Brainerd and Crow Wing County.

Subd. 3. **Criminal Apprehension**-0-1,100,000

\$1,000,000 is to create the Special Crimes Unit. The commissioner shall develop, and use the unit to implement, an illegal immigration enforcement strategy for state and local law enforcement agencies. The unit shall focus its time and resources on felony-level crimes involving the illegal immigrant community and felony-level crimes that target the immigrant community. The base for this activity shall be \$1,187,000 in fiscal year 2008 and fiscal year 2009. The commissioner shall consider assigning members of the unit to (1) serve as a training officer and liaison to local law enforcement; (2) serve on federal immigration and terrorism task forces; (3) investigate crimes involving false identification, fraud, and human trafficking; and (4) work in field offices located in or near communities with large immigrant populations.

\$100,000 is for the enhancement of the predatory offender database to facilitate public notification of noncompliant sex offenders via the Internet. The base for this activity shall be \$116,000 in fiscal year 2008 and fiscal year 2009.

Subd. 4. **Human trafficking task force**-0-75,000

\$75,000 is to implement new Minnesota Statutes, sections 299A.78 to 299A.7955, relating to the human trafficking task force and plan. This is a onetime appropriation.

Subd. 5. Office of justice programs**-0-****80,000**

(a) \$80,000 is for a grant to Ramsey County for implementation of the safe harbor for sexually exploited youth pilot project. The project shall develop a victim services model to address the needs of sexually exploited youth. The project must focus on intervention and prevention methods; training for law enforcement, educators, social services providers, health care workers, advocates, court officials, prosecutors, and public defenders; and programs promoting positive outcomes for victims. The project must include development and implementation of a statewide model protocol for intervention and response methods for professionals, individuals, and agencies that may encounter sexually exploited youth. "Sexually exploited youth" include juvenile runaways, truants, and victims of criminal sexual conduct, prostitution, labor trafficking, sex trafficking, domestic abuse, and assault. This is a onetime appropriation.

(b) By January 15, 2008, Ramsey County shall report to the chairs and ranking minority members of the senate and house divisions having jurisdiction over criminal justice funding and policy on the results of the pilot project.

Subd. 6. Office of justice programs**-0-****82,000**

\$40,000 is to be distributed to Victim Intervention Program, Inc. The appropriation is available for the biennium ending June 30, 2007.

\$42,000 is for the Bureau of Criminal Apprehension to conduct background checks requested by organizations that provide mentoring services. An organization may request a criminal background check on persons volunteering to become a mentor under the organization's supervision. "Mentoring" means a commitment between an adult and youth focused on developing the character and capabilities of the young person and involving regular, personal, or face-to-face meetings. This is a onetime appropriation and is available until June 30, 2007.

Sec. 5. CORRECTIONS**Subdivision 1. Total Appropriations****5,000****4,356,000**

These amounts are added to the appropriations in Laws 2005, chapter 136, article 1, section 13.

Subd. 2. Correctional Institutions**(366,000)****3,364,000**

\$42,000 in fiscal year 2007 is for the bed impact of article 5.

Subd. 3. Community Services371,0001,192,000

\$300,000 in fiscal year 2007 is for a grant to an organization for implementation of a pilot project that focuses on offender reentry programs. The pilot project must develop a comprehensive statewide model for transitioning offenders from incarceration to the community to reduce recidivism rates. The organization must be licensed by the Department of Human Services to provide chemical dependency treatment and aftercare. The grant recipient shall report to the commissioner by June 30, 2007, on the development of the statewide model. The commissioner shall submit a report to the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over public safety by November 1, 2007. The commissioner's report must explain how the grant proceeds were used and evaluate the effectiveness of the pilot project funded by the grant.

\$21,000 is appropriated from the general fund to the commissioner of corrections for a validation and reliability study of the use of the Static-99, Rapid Risk Assessment for Sexual Offense Recidivism and the Minnesota Sex Offender Screening Tool-Revised in predicting the risk of reoffense among Minnesota offenders sentenced to probation. This appropriation is available for the biennium ending June 30, 2007.

The base for community services is increased by \$196,000 beginning in fiscal year 2008 for the addition to the Community Corrections Act of Scott County. The funding shall be distributed according to the community corrections aid formula contained in Minnesota Statutes, section 401.10.

Sec. 6. SECRETARY OF STATE.-0-50,000

This appropriation is to develop and implement an address confidentiality program.

Sec. 7. Laws 2005, chapter 136, article 1, section 10, is amended to read:

**PEACE OFFICER STANDARDS AND TRAINING BOARD
(POST)**

4,154,000

~~4,014,000~~ 4,114,000

EXCESS AMOUNTS TRANSFERRED. This appropriation is from the peace officer training account in the special revenue fund. Any new receipts credited to that account in the first year in excess of \$4,154,000 must be transferred and credited to the general fund. Any new receipts credited to that account in the second year in excess of ~~\$4,014,000~~ \$4,114,000 must be transferred and credited to the general fund.

TECHNOLOGY IMPROVEMENTS. \$140,000 the first year is for technology improvements.

PEACE OFFICER TRAINING REIMBURSEMENT. ~~\$2,909,000 each year~~ \$2,909,000 the first year and \$3,009,000 the second year is for reimbursements to local governments for peace officer training costs.

Sec. 8. Laws 2005, chapter 136, article 1, section 13, subdivision 3, is amended to read:

Subd. 3. Community Services		103,556,000	103,369,000
Summary by Fund			
General Fund	103,456,000	103,269,000	
Special Revenue	100,000	100,000	

SHORT-TERM OFFENDERS. \$1,207,000 each year is for costs associated with the housing and care of short-term offenders. The commissioner may use up to 20 percent of the total amount of the appropriation for inpatient medical care for short-term offenders with less than six months to serve as affected by the changes made to Minnesota Statutes, section 609.105, in 2003. All funds remaining at the end of the fiscal year not expended for inpatient medical care shall be added to and distributed with the housing funds. These funds shall be distributed proportionately based on the total number of days short-term offenders are placed locally, not to exceed \$70 per day. Short-term offenders may be housed in a state correctional facility at the discretion of the commissioner.

The Department of Corrections is exempt from the state contracting process for the purposes of Minnesota Statutes, section 609.105, as amended by Laws 2003, First Special Session chapter 2, article 5, sections 7 to 9.

GPS MONITORING OF SEX OFFENDERS. \$500,000 the first year and \$162,000 the second year are for the acquisition and service of bracelets equipped with tracking devices designed to track and monitor the movement and location of criminal offenders. The commissioner shall use the bracelets to monitor high-risk sex offenders who are on supervised release, conditional release, parole, or probation to help ensure that the offenders do not violate conditions of their release or probation.

END OF CONFINEMENT REVIEWS. \$94,000 each year is for end of confinement reviews.

COMMUNITY SURVEILLANCE AND SUPERVISION. \$1,370,000 each year is to provide housing options to maximize community surveillance and supervision.

INCREASE IN INTENSIVE SUPERVISED RELEASE SERVICES. \$1,800,000 each year is to increase intensive supervised release services.

SEX OFFENDER ASSESSMENT REIMBURSEMENTS. \$350,000 each year is to ~~provide grants to~~ reimburse counties ~~for reimbursements, their designees, or courts~~ for sex offender assessments as required under Minnesota Statutes, section 609.3452, subdivision 1, which is being renumbered as section 609.3457.

SEX OFFENDER TREATMENT AND POLYGRAPHS. \$1,250,000 each year is to provide treatment for sex offenders on community supervision and to pay for polygraph testing.

INCREASED SUPERVISION OF SEX OFFENDERS, DOMESTIC VIOLENCE OFFENDERS, AND OTHER VIOLENT OFFENDERS. \$1,500,000 each year is for the increased supervision of sex offenders and other violent offenders, including those convicted of domestic abuse. These appropriations may not be used to supplant existing state or county probation officer positions.

The commissioner shall distribute \$1,050,000 in grants each year to Community Corrections Act counties and \$450,000 each year to the Department of Corrections Probation and Supervised Release Unit. The commissioner shall distribute the funds to the Community Corrections Act counties according to the formula contained in Minnesota Statutes, section 401.10.

Prior to the distribution of these funds, each Community Corrections Act jurisdiction and the Department of Corrections Probation and Supervised Release Unit shall submit to the commissioner an analysis of need along with a plan to meet their needs and reduce the number of sex offenders and other violent offenders, including domestic abuse offenders, on probation officer caseloads.

COUNTY PROBATION OFFICERS. \$500,000 each year is to increase county probation officer reimbursements.

INTENSIVE SUPERVISION AND AFTERCARE FOR CONTROLLED SUBSTANCES OFFENDERS; REPORT. \$600,000 each year is for intensive supervision and aftercare services for controlled substances offenders released from prison under Minnesota Statutes, section 244.055. These appropriations are not added to the department's base budget. By January 15, 2008, the commissioner shall report to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding on how this appropriation was spent.

REPORT ON ELECTRONIC MONITORING OF SEX

OFFENDERS. By March 1, 2006, the commissioner shall report to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding on implementing an electronic monitoring system for sex offenders who are under community supervision. The report must address the following:

- (1) the advantages and disadvantages in implementing this system, including the impact on public safety;
- (2) the types of sex offenders who should be subject to the monitoring;
- (3) the time period that offenders should be subject to the monitoring;
- (4) the financial costs associated with the monitoring and who should be responsible for these costs; and
- (5) the technology available for the monitoring.

ARTICLE 2**GENERAL CRIMINAL AND SENTENCING PROVISIONS**

Section 1. Minnesota Statutes 2005 Supplement, section 244.10, subdivision 5, is amended to read:

Subd. 5. **Procedures in cases where state intends to seek an aggravated departure.** (a) When the prosecutor provides reasonable notice under subdivision 4, the district court shall allow the state to prove beyond a reasonable doubt to a jury of 12 members the factors in support of the state's request for an aggravated departure from the Sentencing Guidelines or the state's request for an aggravated sentence under any sentencing enhancement statute or the state's request for a mandatory minimum under section 609.11 as provided in paragraph (b) or (c).

(b) The district court shall allow a unitary trial and final argument to a jury regarding both evidence in support of the elements of the offense and evidence in support of aggravating factors when the evidence in support of the aggravating factors:

- (1) would be admissible as part of the trial on the elements of the offense; or
- (2) would not result in unfair prejudice to the defendant.

The existence of each aggravating factor shall be determined by use of a special verdict form.

Upon the request of the prosecutor, the court shall allow bifurcated argument and jury deliberations.

(c) The district court shall bifurcate the proceedings, or impanel a resentencing jury, to allow for the production of evidence, argument, and deliberations on the existence of factors in support of an aggravated departure after the return of a guilty verdict when the evidence in support of an aggravated departure:

- (1) includes evidence that is otherwise inadmissible at a trial on the elements of the offense; and
- (2) would result in unfair prejudice to the defendant.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to sentencing hearings and sentencing departures sought on or after that date.

Sec. 2. Minnesota Statutes 2005 Supplement, section 244.10, subdivision 6, is amended to read:

Subd. 6. **Defendants to present evidence and argument.** In either a unitary or bifurcated trial under subdivision 5, a defendant shall be allowed to present evidence and argument to the jury or factfinder regarding whether facts exist that would justify an aggravated ~~durational~~ departure or an aggravated sentence under any sentencing enhancement statute or a mandatory minimum sentence under section 609.11. A defendant is not allowed to present evidence or argument to the jury or factfinder regarding facts in support of a mitigated departure during the trial, but may present evidence and argument in support of a mitigated departure to the judge as factfinder during a sentencing hearing.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to sentencing hearings and sentencing departures sought on or after that date.

Sec. 3. Minnesota Statutes 2005 Supplement, section 244.10, subdivision 7, is amended to read:

Subd. 7. **Waiver of jury determination.** The defendant may waive the right to a jury determination of whether facts exist that would justify an aggravated sentence. Upon receipt of a waiver of a jury trial on this issue, the district court shall determine beyond a reasonable doubt whether the factors in support of the state's motion for aggravated departure or an aggravated sentence under any sentencing enhancement statute or a mandatory minimum sentence under section 609.11 exist.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to sentencing hearings and sentencing departures sought on or after that date.

Sec. 4. **[340A.706] ALCOHOL WITHOUT LIQUID DEVICES PROHIBITED.**

Subdivision 1. **Definition.** For purposes of this section, an "alcohol without liquid device" is a device, machine, apparatus, or appliance that mixes an alcoholic beverage with pure or diluted oxygen to produce an alcohol vapor that may be inhaled by an individual. An "alcohol without liquid device" does not include an inhaler, nebulizer, atomizer, or other device that is designed and intended specifically for medical purposes to dispense prescribed or over-the-counter medications.

Subd. 2. **Prohibition.** Except as provided in subdivision 3, it is unlawful for any person or business establishment to possess, purchase, sell, offer to sell, or use an alcohol without liquid device.

Subd. 3. **Research exemption.** This section does not apply to a hospital that operates primarily for the purpose of conducting scientific research, a state institution conducting bona fide research, a private college or university conducting bona fide research, or to a pharmaceutical company or biotechnology company conducting bona fide research.

Subd. 4. **Penalty.** Except as provided in subdivision 3, it is unlawful for any person or business establishment to utilize a nebulizer, inhaler, or atomizer or other device as described in subdivision 1, for the purposes of inhaling alcoholic beverages.

EFFECTIVE DATE. This section is effective August 1, 2006 and applies to violations committed on or after that date.

Sec. 5. Minnesota Statutes 2004, section 346.155, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Person" means any natural person, firm, partnership, corporation, or association, however organized.

(c) "Wildlife sanctuary" means a 501(c)(3) nonprofit organization that:

(1) operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced wildlife are provided care for their lifetime;

(2) does not conduct any commercial activity with respect to any animal of which the organization is an owner; and

(3) does not buy, sell, trade, auction, lease, loan, or breed any animal of which the organization is an owner, except as an integral part of the species survival plan of the American Zoo and Aquarium Association.

(d) "Possess" means to own, care for, have custody of, or control.

(e) "Regulated animal" means:

(1) all members of the Felidae family including, but not limited to, lions, tigers, cougars, leopards, cheetahs, ocelots, and servals, but not including domestic cats or cats recognized as a domestic breed, registered as a domestic breed, and shown as a domestic breed by a national or international multibreed cat registry association;

(2) bears; and

(3) all nonhuman primates, including, but not limited to, lemurs, monkeys, chimpanzees, gorillas, orangutans, marmosets, lorises, and tamarins.

Regulated animal includes any hybrid or cross between an animal listed in clause (1), (2), or (3) and a domestic animal and offspring from all subsequent generations of those crosses or hybrids.

(f) "Local animal control authority" means an agency of the state, county, municipality, or other governmental subdivision of the state that is responsible for animal control operations in its jurisdiction.

(g) "Bodily harm," "substantial bodily harm," and "great bodily harm" have the meanings given them in section 609.02.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2004, section 346.155, subdivision 4, is amended to read:

Subd. 4. **Requirements.** (a) A person who possesses a regulated animal must maintain health and ownership records on each animal and must maintain the records for the life of the animal. If possession of the regulated animal is transferred to another person, a copy of the health and ownership records must accompany the animal.

(b) A person who possesses a regulated animal must maintain an ongoing program of veterinary care which includes a veterinary visit to the premises at least annually.

(c) A person who possesses a regulated animal must notify the local animal control authority in writing within ten days of a change in address or location where the regulated animal is kept. The notification of change in address or location form must be prepared by the Minnesota Animal Control Association and approved by the Board of Animal Health.

(d) A person with a United States Department of Agriculture license for regulated animals shall forward a copy of the United States Department of Agriculture inspection report to the local animal control authority within 30 days of receipt of the inspection report.

(e) A person who possesses a regulated animal shall prominently display a sign on the structure where the animal is housed indicating that a dangerous regulated animal is on the premises.

(f) A person who possesses a regulated animal must notify, as soon as practicable, local law enforcement officials of any escape of a regulated animal. The person who possesses the regulated animal is liable for any costs incurred by any person, city, county, or state agency resulting from the escape of a regulated animal unless the escape is due to a criminal act by another person or a natural event.

(g) A person who possesses a regulated animal must maintain a written recovery plan in the event of the escape of a regulated animal. The person must maintain live traps, or other equipment necessary to assist in the recovery of the regulated animal.

(h) ~~If requested by the local animal control authority,~~ A person may not move a regulated animal from its location unless the person notifies the local animal control authority prior to moving the animal. The notification must include the date and the location where the animal is to be moved. This paragraph does not apply to a regulated animal transported to a licensed veterinarian.

(i) If a person who possesses a regulated animal can no longer care for the animal, the person shall take steps to find long-term placement for the regulated animal.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2004, section 346.155, subdivision 5, is amended to read:

Subd. 5. **Seizure.** (a) The local animal control authority, upon issuance of a notice of inspection, must be granted access at reasonable times to sites where the local animal control authority has reason to believe a violation of this chapter is occurring or has occurred.

(b) If a person who possesses a regulated animal is not in compliance with the requirements of this section, the local animal control authority shall take possession of the animal for custody and care, provided that the procedures in this subdivision are followed.

(c) Upon request of a person possessing a regulated animal, the local animal control authority may allow the animal to remain in the physical custody of the owner for 30 days, during which time the owner shall take all necessary actions to come in compliance with this section. During the 30-day period, the local animal control authority may inspect, at any reasonable time, the premises where the animal is kept.

(d) If a person who possesses a regulated animal is not in compliance with this section following the 30-day period described in paragraph (c), the local animal control authority shall seize the animal and place it in a holding facility that is appropriate for the species for up to ten days.

(e) The authority taking custody of an animal under this section shall provide a notice of the seizure by delivering or mailing it to the owner, by posting a copy of it at the place where the animal is taken into custody, or by delivering it to a person residing on the property. The notice must include:

(1) a description of the animal seized; the authority for and purpose of the seizure; the time, place, and circumstances under which the animal was seized; and a contact person and telephone number;

(2) a statement that a person from whom a regulated animal was seized may post security to prevent disposition of the animal and may request a hearing concerning the seizure and that failure to do so within five business days of the date of the notice will result in disposition of the animal;

(3) a statement that actual costs of the care, keeping, and disposal of the regulated animal are the responsibility of the person from whom the animal was seized, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law; and

(4) a form that can be used by a person from whom a regulated animal was seized for requesting a hearing under this subdivision.

~~(e)~~ (f) If a person from whom the regulated animal was seized makes a request within five business days of the seizure, a hearing must be held within five business days of the request to determine the validity of the seizure and disposition of the animal. The judge or hearing officer may authorize the return of the animal to the person from whom the animal was seized if the judge or hearing officer finds:

(1) that the person can and will provide the care required by law for the regulated animal; and

(2) the regulated animal is physically fit.

~~(f)~~ (g) If a judge or hearing officer orders a permanent disposition of the regulated animal, the local animal control authority may take steps to find long-term placement for the animal with a wildlife sanctuary, persons authorized by the Department of Natural Resources, or an appropriate United States Department of Agriculture licensed facility.

~~(g)~~ (h) A person from whom a regulated animal is seized is liable for all actual costs of care, keeping, and disposal of the animal, except to the extent that a court or hearing officer finds that the seizure was not substantially justified by law. The costs must be paid in full or a mutually satisfactory arrangement for payment must be made between the local animal control authority and the person claiming an interest in the animal before return of the animal to the person.

~~(h)~~ (i) A person from whom a regulated animal has been seized under this subdivision may prevent disposition of the animal by posting security in the amount sufficient to provide for the actual costs of care and keeping of the animal. The security must be posted within five business days of the seizure, inclusive of the day of the seizure.

~~(i)~~ (j) If circumstances exist threatening the life of a person or the life of any animal, local law enforcement or the local animal control authority ~~shall~~ may seize a regulated animal without an opportunity for hearing or court order, or destroy the animal.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 8. Minnesota Statutes 2004, section 346.155, is amended by adding a subdivision to read:

Subd. 9a. Confinement and control. A person violates this subdivision who possesses a regulated animal and negligently fails to control the animal or keep it properly confined and as a result the animal causes bodily harm, substantial bodily harm, or great bodily harm to another person.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 9. Minnesota Statutes 2004, section 346.155, subdivision 10, is amended to read:

Subd. 10. Penalty. (a) A person who knowingly violates subdivision 2, 3, paragraph (b) or (c), or 4 is guilty of a misdemeanor.

(b) A person who knowingly violates subdivision 3, paragraph (a), is guilty of a gross misdemeanor.

(c) A person who violates subdivision 9a resulting in bodily harm is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both.

(d) A person who violates subdivision 9a resulting in substantial bodily harm is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(e) A person who violates subdivision 9a resulting in great bodily harm or death 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 \$5,000, or both, unless a greater penalty is provided elsewhere.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 10. Minnesota Statutes 2005 Supplement, section 518B.01, subdivision 22, is amended to read:

Subd. 22. Domestic abuse no contact order. (a) A domestic abuse no contact order is an order issued by a court against a defendant in a criminal proceeding for:

- (1) domestic abuse;
- (2) harassment or stalking charged under section 609.749 and committed against a family or household member;
- (3) violation of an order for protection charged under subdivision 14; or
- (4) violation of a prior domestic abuse no contact order charged under this subdivision.

It includes pretrial orders before final disposition of the case and probationary orders after sentencing.

(b) A person who knows of the existence of a domestic abuse no contact order issued against the person and violates the order is guilty of a misdemeanor.

(c) A person is guilty of a gross misdemeanor who knowingly violates this subdivision during the time period between a previous qualified domestic violence-related offense conviction and the end of the five years following discharge from sentence for that offense.

(d) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated a domestic abuse no contact order, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The person shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 11. Minnesota Statutes 2005 Supplement, section 609.02, subdivision 16, is amended to read:

Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic violence-related offense" includes the following offenses: sections 518B.01, subdivision 14 (violation of domestic abuse order for protection); 518B.01, subdivision 22 (violation of domestic abuse no contact order); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault); 609.2247 (domestic assault by strangulation); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.377 (malicious punishment of a child); 609.713 (terroristic threats); 609.748, subdivision 6 (violation of harassment restraining order); ~~and~~ 609.749 (harassment/stalking); and 609.78, subdivision 2 (interference with an emergency call); and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 12. Minnesota Statutes 2005 Supplement, section 609.1095, subdivision 4, is amended to read:

Subd. 4. **Increased sentence for offender who commits a sixth felony.** Whenever a person is convicted of a felony, and the judge is imposing an executed sentence based on a Sentencing Guidelines presumptive imprisonment sentence, the judge may impose an aggravated durational departure from the presumptive sentence up to the statutory maximum sentence if the factfinder determines that the offender has five or more prior felony convictions ~~and that the present offense is a felony that was committed as part of a pattern of criminal conduct.~~

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 13. Minnesota Statutes 2004, section 609.11, subdivision 7, is amended to read:

Subd. 7. **Prosecutor shall establish.** ~~Whenever reasonable grounds exist to believe that the defendant or an accomplice used a firearm or other dangerous weapon or had in possession a firearm, at the time of commission of an offense listed in subdivision 9, the prosecutor shall, at the time of trial or at the plea of guilty, present on the record all evidence tending to establish that fact unless it is otherwise admitted on the record. The question of whether the defendant or an accomplice, at the time of commission of an offense listed in subdivision 9, used a firearm or other dangerous weapon or had in possession a firearm shall be determined by the court on the record~~ factfinder at the time of a verdict or finding of guilt at trial or the entry of a plea of guilty based upon the record of the trial or the plea of guilty. ~~The court~~ factfinder shall also determine ~~on the record~~ at the time of sentencing whether the defendant has been convicted of a second or subsequent offense in which the defendant or an accomplice, at the time of commission of an offense listed in subdivision 9, used a firearm or other dangerous weapon or had in possession a firearm.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 14. **[609.154] INCREASED PENALTIES FOR CRIMES MOTIVATED BY BIAS.**

Subdivision 1. **Crimes motivated by bias.** Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the court shall sentence a person as provided under subdivision 2, if:

(1) the person is convicted of a crime under chapter 609; and

(2) the factfinder determines that the person committed the crime because of the victim's, property owner's, or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin.

Subd. 2. **Penalties.** (a) If the crime committed is a felony, the statutory maximum for the crime is five years longer than the statutory maximum for the underlying crime.

(b) If the crime committed is a gross misdemeanor, the person 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 \$10,000, or both.

(c) If the crime committed is a misdemeanor, the person is guilty of a gross misdemeanor.

Subd. 3. **Exception.** This section does not apply to any crime if proof of the victim's, property owner's, or another's actual or perceived race, religion, color, disability, sexual orientation, disability as defined in section 363A.03, age, or national origin is required for a conviction for that crime.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 15. Minnesota Statutes 2004, section 609.2231, subdivision 4, is amended to read:

Subd. 4. **Assaults motivated by bias.** (a) Whoever assaults another because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(b) Whoever violates the provisions of paragraph (a) within five years of a previous conviction under paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than ~~one year and a day or~~ two years and to payment of a fine of not more than ~~\$3,000, or both~~ \$10,000.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 16. Minnesota Statutes 2004, section 609.2231, subdivision 6, is amended to read:

Subd. 6. **Public employees with mandated duties.** A person is guilty of a gross misdemeanor who:

(1) assaults an agricultural inspector, occupational safety and health investigator, child protection worker, public health nurse, ~~animal control officer,~~ or probation or parole officer while the employee is engaged in the performance of a duty mandated by law, court order, or ordinance;

(2) knows that the victim is a public employee engaged in the performance of the official public duties of the office; and

(3) inflicts demonstrable bodily harm.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 17. Minnesota Statutes 2004, section 609.2242, subdivision 4, is amended to read:

Subd. 4. **Felony.** Whoever violates the provisions of this section or section 609.224, subdivision 1, ~~against the same victim~~ during the time period between the first of any combination of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency and the end of the five years following discharge from sentence or disposition for that offense is guilty of a felony and may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 18. Minnesota Statutes 2004, section 609.233, subdivision 1, is amended to read:

Subdivision 1. **Crime.** A caregiver or operator who intentionally neglects a vulnerable adult or knowingly permits conditions to exist that result in the abuse or neglect of a vulnerable adult is guilty of ~~a gross misdemeanor criminal neglect and may be sentenced as provided in subdivision 3.~~ For purposes of this section, "abuse" has the meaning given in section 626.5572, subdivision 2, and "neglect" means a failure to provide a vulnerable adult with necessary food, clothing, shelter, health care, or supervision.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 19. Minnesota Statutes 2004, section 609.233, is amended by adding a subdivision to read:

Subd. 3. **Penalties.** (a) Except as provided in paragraph (b), a caregiver or operator who violates subdivision 1 is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(b) A caregiver, who is an individual and has responsibility for the care of a vulnerable adult as a result of a family relationship, may be sentenced as follows:

(1) if a violation of subdivision 1 results in the death of the vulnerable adult, to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both; or

(2) if a violation of subdivision 1 results in substantial bodily harm or the risk of death, to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 20. Minnesota Statutes 2005 Supplement, section 609.282, is amended to read:

609.282 LABOR TRAFFICKING.

Subdivision 1. **Individuals under age 18.** Whoever knowingly engages in the labor trafficking of an individual who is under the age of 18 is guilty of a crime and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both.

Subd. 2. **Other offenses.** Whoever knowingly engages in the labor trafficking of another is guilty of a crime and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

Subd. 3. **Consent or age of victim not a defense.** In a prosecution under this section the consent or age of the victim is not a defense.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 21. Minnesota Statutes 2005 Supplement, section 609.283, is amended to read:

609.283 UNLAWFUL CONDUCT WITH RESPECT TO DOCUMENTS IN FURTHERANCE OF LABOR OR SEX TRAFFICKING.

Subdivision 1. **Crime defined.** Unless the person's conduct constitutes a violation of section 609.282, a person who knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person:

(1) in the course of a violation of section 609.282 or 609.322;

(2) with intent to violate section 609.282 or 609.322; or

(3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, a person's liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a violation of section 609.282 or 609.322;

is guilty of a crime and may be sentenced as provided in subdivision 2.

Subd. 2. **Penalties.** A person who violates subdivision 1 may be sentenced as follows:

(1) if the crime involves a victim under the age of 18, to imprisonment for not more than ten years or to payment of a fine of \$20,000, or both; or

(2) in other cases, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Subd. 3. **Consent or age of victim not a defense.** In a prosecution under this section the consent or age of the victim is not a defense.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 22. Minnesota Statutes 2004, section 609.341, is amended by adding a subdivision to read:

Subd. 23. **Personal body or cosmetic services.** Personal body or cosmetic services means services for hire including but not limited to massage, bodywork, acupuncture, esthetician services, body piercing, or tattooing.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 23. Minnesota Statutes 2004, section 609.344, subdivision 1, is amended to read:

Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the third degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor believes the complainant to be 16 years of age or older. If the actor in such a case is no more than 48 months but more than 24 months older than the complainant, the actor may be sentenced to imprisonment for not more than five years. Consent by the complainant is not a defense;

(c) the actor uses force or coercion to accomplish the penetration;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual penetration, and:

(i) the actor or an accomplice used force or coercion to accomplish the penetration;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual penetration occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists.

Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual penetration occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual penetration by means of deception or false representation that the penetration is for a bona fide medical purpose. Consent by the complainant is not a defense;

(l) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual penetration occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual penetration occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;

(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense; ~~or~~

(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, and the sexual penetration occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense; ~~or~~

(o) the actor performs or is an agent of an entity that performs personal body or cosmetic services, the complainant was a user of one of those services, and nonconsensual sexual penetration occurred during or immediately before or after the actor performed one of those services for complainant.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 24. Minnesota Statutes 2004, section 609.345, subdivision 1, is amended to read:

Subdivision 1. **Crime defined.** A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant. Consent by the complainant to the act is not a defense. In any such case, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor believes the complainant to be 16 years of age or older;

(c) the actor uses force or coercion to accomplish the sexual contact;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual contact occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists. Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual contact occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual contact by means of deception or false representation that the contact is for a bona fide medical purpose. Consent by the complainant is not a defense;

(l) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual contact occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual contact occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;

(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense; ~~or~~

(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, the complainant is not married to the actor, and the sexual contact occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense; or

(o) the actor performs or is an agent of an entity that performs personal body or cosmetic services, the complainant was a user of one of those services, and nonconsensual sexual contact occurred during or immediately before or after the actor performed one of those services for complainant.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 25. Minnesota Statutes 2005 Supplement, section 609.3455, is amended by adding a subdivision to read:

Subd. 3a. **Mandatory sentence for certain engrained offenders.** (a) A court shall commit a person to the commissioner of corrections for a period of time that is not less than double the presumptive sentence under the sentencing guidelines and not more than the statutory maximum, or if the statutory maximum is less than double the presumptive sentence, for a period of time that is equal to the statutory maximum, if:

(1) the court is imposing an executed sentence on a person convicted of committing or attempting to commit a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3453;

(2) the factfinder determines that the offender is a danger to public safety; and

(3) the factfinder determines that the offender's criminal sexual behavior is so engrained that the risk of reoffending is great without intensive psychotherapeutic intervention or other long-term treatment or supervision extending beyond the presumptive term of imprisonment and supervised release.

(b) The factfinder shall base its determination that the offender is a danger to public safety on any of the following factors:

(1) the crime involved an aggravating factor that would justify a durational departure from the presumptive sentence under the sentencing guidelines;

(2) the offender previously committed or attempted to commit a predatory crime or a violation of section 609.224 or 609.2242, including:

(i) an offense committed as a juvenile that would have been a predatory crime or a violation of section 609.224 or 609.2242 if committed by an adult; or

(ii) a violation or attempted violation of a similar law of any other state or the United States; or

(3) the offender planned or prepared for the crime prior to its commission.

(c) As used in this section, "predatory crime" has the meaning given in section 609.341, subdivision 22.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 26. Minnesota Statutes 2005 Supplement, section 609.3455, subdivision 4, is amended to read:

Subd. 4. **Mandatory life sentence; repeat offenders.** (a) Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the court shall sentence a person to imprisonment for life if the person is convicted of violating section 609.342, 609.343, 609.344, 609.345, or 609.3453 and:

(1) the person has two previous sex offense convictions;

(2) the person has a previous sex offense conviction and:

(i) the factfinder determines that the present offense involved an aggravating factor that would provide grounds for an upward durational departure under the sentencing guidelines other than the aggravating factor applicable to repeat criminal sexual conduct convictions;

(ii) the person received an upward durational departure from the sentencing guidelines for the previous sex offense conviction; or

(iii) the person was sentenced under this section or section 609.108 for the previous sex offense conviction; or

(3) the person has two prior sex offense convictions, and the factfinder determines that the prior convictions and present offense involved at least three separate victims, and:

(i) the factfinder determines that the present offense involved an aggravating factor that would provide grounds for an upward durational departure under the sentencing guidelines other than the aggravating factor applicable to repeat criminal sexual conduct convictions;

(ii) the person received an upward durational departure from the sentencing guidelines for one of the prior sex offense convictions; or

(iii) the person was sentenced under this section or section 609.108 for one of the prior sex offense convictions.

(b) Notwithstanding paragraph (a), a court may not sentence a person to imprisonment for life for a violation of section 609.345, unless the person's previous or prior sex offense convictions that are being used as the basis for the sentence are for violations of section 609.342, 609.343, 609.344, or 609.3453, or any similar statute of the United States, this state, or any other state.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 27. Minnesota Statutes 2005 Supplement, section 609.3455, subdivision 8, is amended to read:

Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The provisions of this subdivision relating to conditional release apply to all sex offenders sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3453. Except as provided in this subdivision, conditional release of sex offenders is governed by provisions relating to supervised release. The commissioner of corrections may not dismiss an offender on conditional release from supervision until the offender's conditional release term expires.

(b) The conditions of release may include successful completion of treatment and aftercare in a program approved by the commissioner, satisfaction of the release conditions specified in section 244.05, subdivision 6, and any other conditions the commissioner considers appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person released under this subdivision. The plan may include co-payments from offenders,

third party payers, local agencies, or other funding sources as they are identified. This section does not require the commissioner to accept or retain an offender in a treatment program. Before the offender is placed on conditional release, the commissioner shall notify the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced of the terms of the offender's conditional release. The commissioner also shall make reasonable efforts to notify the victim of the offender's crime of the terms of the offender's conditional release. If the offender fails to meet any condition of release, the commissioner may revoke the offender's conditional release and order that the offender serve all or a part of the remaining portion of the conditional release term in prison.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 28. Minnesota Statutes 2004, section 609.495, is amended by adding a subdivision to read:

Subd. 5. **Venue.** Notwithstanding anything to the contrary in section 627.01, an offense committed under subdivision 1 or 3 may be prosecuted in:

(1) the county where the offense occurred; or

(2) the county where the underlying criminal act occurred.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 29. Minnesota Statutes 2004, section 609.52, subdivision 3, is amended to read:

Subd. 3. **Sentence.** Whoever commits theft may be sentenced as follows:

(1) to imprisonment for not more than 20 years or to payment of a fine of not more than \$100,000, or both, if the property is a firearm, or the value of the property or services stolen is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4), (15), or (16); or

(2) to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the value of the property or services stolen exceeds ~~\$2,500~~ \$5,000, or if the property stolen was an article representing a trade secret, an explosive or incendiary device, or a controlled substance listed in schedule I or II pursuant to section 152.02 with the exception of marijuana; or

(3) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if:

(a) the value of the property or services stolen is more than ~~\$500~~ \$1,000 but not more than ~~\$2,500~~ \$5,000; or

(b) the property stolen was a controlled substance listed in schedule III, IV, or V pursuant to section 152.02; or

(c) the value of the property or services stolen is more than ~~\$250~~ \$500 but not more than ~~\$500~~ \$1,000 and the person has been convicted within the preceding five years for an offense under this section, section 256.98; 268.182; 609.24; 609.245; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state, the United States, or a foreign jurisdiction, in conformity with any of those sections, and the person received a felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow imposition of a felony or gross misdemeanor sentence; or

(d) the value of the property or services stolen is not more than ~~\$500~~ \$1,000, and any of the following circumstances exist:

- (i) the property is taken from the person of another or from a corpse, or grave or coffin containing a corpse; or
- (ii) the property is a record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or office; or
- (iii) the property is taken from a burning, abandoned, or vacant building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle; or
- (iv) the property consists of public funds belonging to the state or to any political subdivision or agency thereof; or
- (v) the property stolen is a motor vehicle; or

(4) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the value of the property or services stolen is more than ~~\$250~~ \$500 but not more than ~~\$500~~ \$1,000; or

(5) in all other cases where the value of the property or services stolen is ~~\$250~~ \$500 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3), (4), and (13), the value of the money or property or services received by the defendant in violation of any one or more of the above provisions within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 30. Minnesota Statutes 2004, section 609.535, subdivision 2a, is amended to read:

Subd. 2a. **Penalties.** (a) A person who is convicted of issuing a dishonored check under subdivision 2 may be sentenced as follows:

(1) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is more than ~~\$500~~ \$1,000;

(2) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is more than ~~\$250~~ \$500 but not more than ~~\$500~~ \$1,000; or

(3) to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is not more than ~~\$250~~ \$500.

(b) In a prosecution under this subdivision, the value of dishonored checks issued by the defendant in violation of this subdivision within any six-month period may be aggregated and the defendant charged accordingly in applying this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the dishonored checks was issued for all of the offenses aggregated under this paragraph.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 31. Minnesota Statutes 2004, section 609.595, subdivision 1, is amended to read:

Subdivision 1. **Criminal damage to property in the first degree.** Whoever intentionally causes damage to physical property of another without the latter's consent may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if:

- (1) the damage to the property caused a reasonably foreseeable risk of bodily harm; or
- (2) the property damaged belongs to a common carrier and the damage impairs the service to the public rendered by the carrier; or
- (3) the damage reduces the value of the property by more than ~~\$500~~ \$1,000 measured by the cost of repair and replacement; or
- (4) the damage reduces the value of the property by more than ~~\$250~~ \$500 measured by the cost of repair and replacement and the defendant has been convicted within the preceding three years of an offense under this subdivision or subdivision 2.

In any prosecution under clause (3), the value of any property damaged by the defendant in violation of that clause within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 32. Minnesota Statutes 2004, section 609.595, subdivision 1a, is amended to read:

Subd. 1a. **Criminal damage to property in the second degree.** (a) Whoever intentionally causes damage described in subdivision 2, paragraph (a), because of the property owner's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin is guilty of a felony and may be sentenced to imprisonment for not more than ~~one year and a day~~ two years or to payment of a fine of not more than ~~\$3,000~~ \$5,000, or both.

(b) In any prosecution under paragraph (a), the value of property damaged by the defendant in violation of that paragraph within any six-month period may be aggregated and the defendant charged accordingly in applying this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 33. Minnesota Statutes 2004, section 609.595, subdivision 2, is amended to read:

Subd. 2. **Criminal damage to property in the third degree.** (a) Except as otherwise provided in subdivision 1a, whoever intentionally causes damage to another person's physical property without the other person's consent may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the damage reduces the value of the property by more than ~~\$250~~ \$500 but not more than ~~\$500~~ \$1,000 as measured by the cost of repair and replacement.

(b) Whoever intentionally causes damage to another person's physical property without the other person's consent because of the property owner's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the damage reduces the value of the property by not more than ~~\$250~~ \$500.

(c) In any prosecution under paragraph (a), the value of property damaged by the defendant in violation of that paragraph within any six-month period may be aggregated and the defendant charged accordingly in applying this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 34. **[609.632] COUNTERFEITING OF CURRENCY.**

Subdivision 1. **Manufacturing; printing.** Whoever, with the intent to defraud, falsely makes, alters, prints, scans, images, or copies any United States postal money order, United States currency, Federal Reserve note, or other obligation or security of the United States so that it purports to be genuine or has different terms or provisions than that of the United States Postal Service or United States Treasury is guilty of counterfeiting and may be sentenced as provided in subdivision 4.

Subd. 2. **Means for false reproduction.** Whoever, with intent to defraud, makes, engraves, possesses, or transfers a plate or instrument, computer, printer, camera, software, paper, cloth, fabric, ink, or other material for the false reproduction of any United States postal money order, United States currency, Federal Reserve note, or other obligation or security of the United States is guilty of counterfeiting and may be sentenced as provided in subdivision 4.

Subd. 3. **Uttering or possessing.** Whoever, with intent to defraud, utters or possesses with intent to utter any counterfeit United States postal money order, United States currency, Federal Reserve note, or other obligation or security of the United States, having reason to know that the money order, currency, note, or obligation or security is forged, counterfeited, falsely made, altered, or printed, is guilty of offering counterfeited currency and may be sentenced as provided in subdivision 4.

Subd. 4. **Penalty.** (a) A person who is convicted of violating subdivision 1 or 2 may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$100,000, or both.

(b) A person who is convicted of violating subdivision 3 may be sentenced as follows:

(1) to imprisonment for not more than 20 years or to payment of a fine of not more than \$100,000, or both, if the counterfeited item is used to obtain or in an attempt to obtain property or services having a value of more than \$35,000, or the aggregate face value of the counterfeited item is more than \$35,000;

(2) to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the counterfeited item is used to obtain or in an attempt to obtain property or services having a value of more than \$2,500, or the aggregate face value of the counterfeited item is more than \$2,500;

(3) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if:

(i) the counterfeited item is used to obtain or in an attempt to obtain property or services having a value of more than \$250, or the aggregate face value of the counterfeited item is more than \$250; or

(ii) the counterfeited item is used to obtain or in an attempt to obtain property or services having a value of no more than \$250, or the aggregate face value of the counterfeited item is no more than \$250, and the person has been convicted within the preceding five years for an offense under this section, section 609.24; 609.245; 609.52; 609.53; 609.582, subdivision 1, 2, or 3; 609.625; 609.63; or 609.821, or a statute from another state or the United States in conformity with any of those sections, and the person received a felony or gross misdemeanor sentence for the offense, or a sentence that was stayed under section 609.135 if the offense to which a plea was entered would allow the imposition of a felony or gross misdemeanor sentence; or

(4) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the counterfeited item is used to obtain or in an attempt to obtain property or services having a value of no more than \$250, or the aggregate face value of the counterfeited item is no more than \$250.

Subd. 5. **Aggregation; venue.** In any prosecution under this section, the value of the counterfeited United States postal money orders, United States currency, Federal Reserve notes, or other obligations or securities of the United States, offered by the defendant in violation of this section within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the counterfeited items was forged, offered, or possessed, for all of the offenses aggregated under this subdivision.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 35. Minnesota Statutes 2004, section 617.246, is amended by adding a subdivision to read:

Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any provision of the sentencing guidelines, when a court commits a person to the custody of the commissioner of corrections for violating this section, the court shall provide that after the person has completed the sentence imposed, the commissioner shall place the person on conditional release for five years. If the person has previously been convicted of a violation of this section, section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United States, this state, or any state, the commissioner shall place the person on conditional release for ten years. The terms of conditional release are governed by section 609.3455, subdivision 8.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 36. Minnesota Statutes 2004, section 617.247, is amended by adding a subdivision to read:

Subd. 9. **Conditional release term.** Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any provision of the sentencing guidelines, when a court commits a person to the custody of the commissioner of corrections for violating this section, the court shall provide that after the person has completed the sentence imposed, the commissioner shall place the person on conditional release for five years. If the person has previously been convicted of a violation of this section, section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United States, this state, or any state, the commissioner shall place the person on conditional release for ten years. The terms of conditional release are governed by section 609.3455, subdivision 8.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 37. Minnesota Statutes 2004, section 626.77, subdivision 3, is amended to read:

Subd. 3. **Definition.** As used in this section, "federal law enforcement officer" means an officer or employee whether employed inside or outside the state of the Federal Bureau of Investigation, the Drug Enforcement Administration, the United States Marshal Service, the Secret Service, the Bureau of Alcohol, Tobacco, and Firearms, ~~or the Immigration and Naturalization Service, the Department of Homeland Security, or the United States Postal Inspection Service, or their successor agencies,~~ who is responsible for the prevention or detection of crimes or for the enforcement of the United States Code and who is authorized to arrest, with or without a warrant, any individual for a violation of the United States Code.

EFFECTIVE DATE. This section is effective August 1, 2006.

Sec. 38. Laws 2005, chapter 136, article 16, section 3, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective the day following final enactment and applies to sentencing hearings, resentencing hearings, and sentencing departures sought on or after that date. ~~This section expires February 1, 2007.~~

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

Sec. 39. Laws 2005, chapter 136, article 16, section 4, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective the day following final enactment and applies to sentencing hearings, resentencing hearings, and sentencing departures sought on or after that date. ~~This section expires February 1, 2007.~~

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

Sec. 40. Laws 2005, chapter 136, article 16, section 5, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective the day following final enactment and applies to sentencing hearings, resentencing hearings, and sentencing departures sought on or after that date. ~~This section expires February 1, 2007.~~

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

Sec. 41. Laws 2005, chapter 136, article 16, section 6, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective the day following final enactment and applies to sentencing hearings, resentencing hearings, and sentencing departures sought on or after that date. ~~This section expires February 1, 2007.~~

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

Sec. 42. **SENTENCING GUIDELINES MODIFICATIONS.**

(a) Except as provided in paragraph (b), the modifications related to sex offenses proposed by the Minnesota Sentencing Guidelines Commission and described in the January 2006 Report to the Legislature, pages 31 to 45, are adopted and take effect on August 1, 2006.

(b) The proposed rankings of Minnesota Statutes, sections 609.344, subdivision 1, clauses (h), (i), and (l); and 609.345, subdivision 1, clauses (h), (i), and (l), are rejected and do not take effect.

(c) The commission is requested to rank violations of:

(1) Minnesota Statutes, section 609.344, subdivision 1, clauses (h), (i), and (l), at severity level C;

(2) Minnesota Statutes, section 609.344, subdivision 1, clause (a), at severity level D;

(3) Minnesota Statutes, section 609.345, subdivision 1, clauses (h), (i), and (l), at severity level E; and

(4) Minnesota Statutes, section 609.345, subdivision 1, clause (a), at severity level F.

(d) If the commission decides to make the changes requested in paragraph (c), it shall ensure that the changes are effective on August 1, 2006, and publish an updated version of the sentencing guidelines that include the changes by that date.

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

Sec. 43. **COLLATERAL CONSEQUENCES COMMITTEE.**

Subdivision 1. **Establishment; duties.** A collateral consequences committee is established to study collateral consequences of adult convictions and juvenile adjudications. The committee shall identify the uses of collateral consequences of convictions and adjudications and recommend any proposed changes to the legislature on collateral consequences.

Subd. 2. **Resources.** The Department of Corrections shall provide technical assistance to the committee on request, with the assistance of the commissioner of public safety and the Sentencing Guidelines Commission.

Subd. 3. **Membership.** The committee consists of:

(1) one representative from each of the following groups:

(i) crime victim advocates, appointed by the commissioner of public safety;

(ii) county attorneys, appointed by the Minnesota County Attorneys Association;

(iii) city attorneys, appointed by the League of Minnesota Cities;

(iv) district court judges, appointed by the Judicial Council;

(v) private criminal defense attorneys, appointed by the Minnesota Association of Criminal Defense Lawyers;

(vi) probation officers, appointed by the Minnesota Association of County Probation Officers; and

(vii) the state public defender or a designee; and

(2) the commissioner of public safety, or a designee, who shall chair the group.

Subd. 4. **Report and recommendations.** The committee shall present the legislature with its report and recommendations no later than January 15, 2007. The report must be presented to the chairs of the senate Crime Prevention and Public Safety Committee and the house Public Safety and Finance Committee.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 44. **REVISOR'S INSTRUCTION.**

When appropriate, the revisor of statutes shall replace statutory references to Minnesota Statutes, section 609.108, with references to section 609.3455, subdivision 3a.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 45. **REPEALER.**

Minnesota Statutes 2004, sections 609.108, subdivision 5; and 609.109, subdivisions 1 and 3, and Minnesota Statutes 2005 Supplement, sections 609.108, subdivisions 1, 3, 4, 6, and 7; and 609.109, subdivisions 2, 4, 5, and 6, are repealed.

EFFECTIVE DATE. This section is effective August 1, 2006 and applies to crimes committed on or after that date.

ARTICLE 3

CONTROLLED SUBSTANCES, DWI, AND DRIVING PROVISIONS

Section 1. Minnesota Statutes 2004, section 152.01, subdivision 18, is amended to read:

Subd. 18. **Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b), "drug paraphernalia" means all equipment, products, and materials of any kind, except those items used in conjunction with permitted uses of controlled substances under this chapter or the Uniform Controlled Substances Act, which are ~~knowingly or intentionally~~ used primarily in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, (3) testing the strength, effectiveness, or purity of a controlled substance, or (4) enhancing the effect of a controlled substance.

(b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or sale of hypodermic needles or syringes in accordance with section 151.40, subdivision 2.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2004, section 152.093, is amended to read:

152.093 MANUFACTURE OR DELIVERY SALE OF DRUG PARAPHERNALIA PROHIBITED.

Subdivision 1. **Sales generally.** (a) It is unlawful for any person ~~knowingly or intentionally to deliver or sell~~ drug paraphernalia ~~or knowingly or intentionally to possess or manufacture drug paraphernalia for delivery, knowing or having reason to know, that the item will be used primarily to:~~

(1) manufacture a controlled substance;

(2) inject, ingest, inhale, or otherwise introduce into the human body a controlled substance;

(3) test the strength, effectiveness, or purity of a controlled substance; or

(4) enhance the effect of a controlled substance.

(b) Any violation of this ~~section~~ subdivision is a misdemeanor.

Subd. 2. **Sales to minor.** Any person 18 years of age or older who violates subdivision 1 by selling drug paraphernalia to a person under 18 years of age who is at least three years younger is guilty of a gross misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 3. **[152.0955] PROHIBITION ON POSSESSION OF CERTAIN ITEMS ASSOCIATED WITH CONTROLLED SUBSTANCE USE.**

Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings given:

(1) "dugout" means a storage device, commonly referred to as a dugout, designed with separate reservoirs for marijuana and a one-hit pipe;

(2) "glass pipe" means any pipe or smoking device that has a reservoir capable of holding controlled substances for ingestion;

(3) "marijuana pipe" means any pipe or smoking device, except for a traditional pipe, that is made of solid material, including ivory, onyx, glass, metal, stone, or any other material, having a reservoir and a direct channel or a channel filtered by a screen, leading to an open end, commonly known as a bowl; and

(4) "one-hit pipe" means any pipe or smoking device that consists of a reservoir on one end, with a direct channel or a channel filtered by a screen that leads to the opposite end, designed as a linear device, and without a separately attached bowl or reservoir.

Subd. 2. **Possession prohibited.** A person who knowingly possesses a dugout, glass pipe, marijuana pipe, or one-hit pipe is guilty of a petty misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2004, section 152.18, subdivision 1, is amended to read:

Subdivision 1. **Deferring prosecution for certain first time drug offenders.** If any person who has not previously participated in or completed a diversion program authorized under section 401.065 or who has not previously been placed on probation without a judgment of guilty and thereafter been discharged from probation under this section is found guilty of a violation of section 152.024, subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, or 4, for possession of a controlled substance, after trial or upon a plea of guilty, and the court determines that the violation does not qualify as a subsequent controlled substance conviction under section 152.01, subdivision 16a, the court may, without entering a judgment of guilty and with the consent of the person, either (1) defer further proceedings and place the person on probation upon such reasonable conditions as it may require and for a period, not to exceed the maximum sentence provided for the violation. ~~The court~~ or (2) state orally on the record or enter a written finding that states reasons why a deferral is inappropriate. If the court grants a

deferral, it may give the person the opportunity to attend and participate in an appropriate program of education regarding the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against the person and discharge the person from probation before the expiration of the maximum period prescribed for the person's probation. If during the period of probation the person does not violate any of the conditions of the probation, then upon expiration of the period the court shall discharge the person and dismiss the proceedings against that person. Discharge and dismissal under this subdivision shall be without court adjudication of guilt, but a not public record of it shall be retained by the Bureau of Criminal Apprehension for the purpose of use by the courts in determining the merits of subsequent proceedings against the person. The not public record may also be opened only upon court order for purposes of a criminal investigation, prosecution, or sentencing. Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall notify the requesting party of the existence of the not public record and the right to seek a court order to open it pursuant to this section. The court shall forward a record of any discharge and dismissal under this subdivision to the bureau which shall make and maintain the not public record of it as provided under this subdivision. The discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime or for any other purpose.

For purposes of this subdivision, "not public" has the meaning given in section 13.02, subdivision 8a.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 5. Minnesota Statutes 2004, section 169.13, is amended to read:

169.13 RECKLESS-OR, CARELESS, OR EXHIBITION DRIVING.

Subdivision 1. **Reckless driving.** (a) Any person who drives any vehicle in such a manner as to indicate either a willful or a wanton disregard for the safety of persons or property is guilty of reckless driving and such reckless driving is a misdemeanor.

(b) A person shall not race any vehicle upon any street or highway of this state. Any person who willfully compares or contests relative speeds by operating one or more vehicles is guilty of racing, which constitutes reckless driving, whether or not the speed contested or compared is in excess of the maximum speed prescribed by law.

Subd. 2. **Careless driving.** Any person who operates or halts any vehicle upon any street or highway carelessly or heedlessly in disregard of the rights of others, or in a manner that endangers or is likely to endanger any property or any person, including the driver or passengers of the vehicle, is guilty of a misdemeanor.

Subd. 2a. **Exhibition driving.** A person who operates any vehicle in such a manner as to start or accelerate with an unnecessary exhibition of speed is guilty of a petty misdemeanor. Prima facie evidence of an unnecessary exhibition of speed is the unreasonable squealing or screeching sounds emitted by the vehicle's tires or the throwing of sand or gravel by the vehicle's tires, or both.

Subd. 3. **Application.** (a) The provisions of this section apply, but are not limited in application, to any person who drives any vehicle in the manner prohibited by this section:

(1) upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water; or

(2) in a parking lot ordinarily used by or available to the public though not as a matter of right, and a driveway connecting ~~such a~~ the parking lot with a street or highway.

(b) This section does not apply to:

(1) an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator;

(2) the emergency operation of any vehicle when avoiding imminent danger; or

(3) any raceway, racing facility, or other public event sanctioned by the appropriate governmental authority.

EFFECTIVE DATE. This section is effective August 1, 2006, for violations committed on or after that date.

Sec. 6. Minnesota Statutes 2004, section 169A.24, subdivision 1, is amended to read:

Subdivision 1. **Degree described.** A person who violates section 169A.20 (driving while impaired) is guilty of first-degree driving while impaired if the person:

(1) commits the violation within ten years of the first of three or more qualified prior impaired driving incidents; ~~or~~

(2) has previously been convicted of a felony under this section; or

(3) within the past ten years, has been convicted of a felony under section 609.21, subdivision 1, clause (2), (3), (4), (5) or (6), or section 609.21, subdivision 3, clause (2), (3), (4), (5) or (6).

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to violations of section 169A.20 occurring on or after that date.

Sec. 7. Minnesota Statutes 2005 Supplement, section 171.05, subdivision 2b, is amended to read:

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

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

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

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

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

EFFECTIVE DATE. This section is effective June 1, 2006, and applies to violations committed on and after that date.

Sec. 8. Minnesota Statutes 2005 Supplement, section 171.055, subdivision 2, is amended to read:

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

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

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

EFFECTIVE DATE. This section is effective June 1, 2006, and applies to violations committed on and after that date.

Sec. 9. Minnesota Statutes 2004, section 253B.02, subdivision 2, is amended to read:

Subd. 2. **Chemically dependent person.** "Chemically dependent person" means any person (a) determined as being incapable of self-management or management of personal affairs by reason of the habitual and excessive use of alcohol, drugs, or other mind-altering substances; and (b) whose recent conduct as a result of habitual and excessive use of alcohol, drugs, or other mind-altering substances poses a substantial likelihood of physical harm to self or others as demonstrated by (i) a recent attempt or threat to physically harm self or others, (ii) evidence of recent serious physical problems, or (iii) a failure to obtain necessary food, clothing, shelter, or medical care. "Chemically dependent person" also means a pregnant woman who has engaged during the pregnancy in habitual or excessive use, for a nonmedical purpose, of any of the following controlled substances or their derivatives: opium, cocaine, heroin, phencyclidine, methamphetamine, or amphetamine.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 10. **REMEDICATION OF HARM CAUSED BY MISDEMEANOR CONVICTIONS FOR MINORS DRIVING WITH MOBILE PHONES.**

Subdivision 1. **Remediation by commissioner.** For infractions that occurred between July 1, 2005, and June 30, 2006, the commissioner of public safety shall expunge from a licensee's driving record a misdemeanor conviction for violating Minnesota Statutes, section 171.05, subdivision 2b, paragraph (d), or 171.055, subdivision 2, paragraph (b). The commissioner is not obligated to expunge petty misdemeanor violations of the statutes referenced in this subdivision.

Subd. 2. **Remediation by courts.** (a) A court in which a person was convicted for a misdemeanor violation of Minnesota Statutes, section 171.05, subdivision 2b, paragraph (d), or 171.055, subdivision 2, paragraph (b), that occurred between July 1, 2005, and June 30, 2006, 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. A court shall not vacate petty misdemeanor violations of the statutes referenced in this subdivision.

(b) The commissioner of finance, in consultation with the Supreme Court administrator, shall develop and implement a procedure to refund defendants for any fine in excess of \$300 for a conviction vacated under paragraph (a), without requiring that the defendant request a refund. The procedure may require recovery of portions of the fines that have been allocated by law to local governmental units.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 11. **REPEALER.**

Minnesota Statutes 2004, section 152.094, is repealed.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes occurring on or after that date.

ARTICLE 4

PUBLIC SAFETY

Section 1. **[4.055] GOVERNOR'S RESIDENCE EMPLOYEES AND GOVERNOR APPOINTEE BACKGROUND CHECKS.**

The governor's office may request a check of:

(1) systems accessible through the criminal justice data communications network, including, but not limited to, criminal history, predatory offender registration, warrants, and driver license record information from the Department of Public Safety;

(2) the statewide supervision system maintained by the Department of Corrections; and

(3) national criminal history information maintained by the Federal Bureau of Investigation;

on candidates for positions within the governor's residence or appointment by the governor. The candidate shall provide the governor's office with a written authorization to conduct the check of these systems. For a check of the national criminal history information, the request must also include a set of fingerprints which shall be sent to the Bureau of Criminal Apprehension. The bureau has the authority to exchange the fingerprints with the FBI to facilitate the national background check. The superintendent may recover fees associated with the background checks from the governor's office.

Sec. 2. Minnesota Statutes 2004, section 13.82, is amended by adding a subdivision to read:

Subd. 29. **Juvenile offender photographs.** Notwithstanding section 260B.171, chapter 609A, or other law to the contrary, photographs or electronically produced images of children adjudicated delinquent under chapter 260B shall not be expunged from law enforcement records or databases.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 3. **[5B.02] DEFINITIONS.**

(a) For purposes of this chapter and unless the context clearly requires otherwise, the definitions in this section have the meanings given them.

(b) "Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under this chapter.

(c) "Domestic violence" means an act as defined in section 518B.01, subdivision 2, paragraph (a), and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

(d) "Program participant" means a person certified as a program participant under section 5B.03.

(e) "Stalking" means acts criminalized under section 609.749 and includes a threat of such acts committed against an individual, regardless of whether these acts or threats have been reported to law enforcement officers.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 4. **[5B.03] ADDRESS CONFIDENTIALITY PROGRAM.**

Subdivision 1. **Application.** An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, as defined in section 524.5-102, may apply to the secretary of state to have an address designated by the secretary of state serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state and if it contains:

(1) a statement under oath or affirmation by the applicant that the applicant has good reason to believe (i) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, or stalking, and (ii) that the applicant fears for his or her safety or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made;

(2) a designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail;

(3) the address where the applicant can be contacted by the secretary of state, and the phone number or numbers where the applicant can be called by the secretary of state;

(4) the new address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, sexual assault, or stalking; and

(5) the signature of the applicant and of any individual or representative of any office designated in writing under section 5B.05 who assisted in the preparation of the application, and the date on which the applicant signed the application.

Subd. 2. **Filing.** Applications must be filed with the Office of the Secretary of State.

Subd. 3. **Certification.** Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

Subd. 4. **False attesting.** A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, is subject to prosecution under section 609.48.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 5. **[5B.04] CERTIFICATION CANCELLATION.**

(a) If the program participant obtains a legal change of identity, the participant loses certification as a program participant.

(b) The secretary of state may cancel a program participant's certification if there is a change in the residential address, unless the program participant provides the secretary of state with at least two days' prior notice in writing of the change of address.

(c) The secretary of state may cancel certification of a program participant if mail forwarded by the secretary to the program participant's address is returned as nondeliverable.

(d) The secretary of state shall cancel certification of a program participant who applies using false information.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 6. **[5B.05] AGENCY USE OF DESIGNATED ADDRESS.**

(a) A program participant may request that state and local agencies use the address designated by the secretary of state as the program participant's address. When creating a new public record, state and local agencies shall accept the address designated by the secretary of state as a program participant's substitute address, unless the secretary of state has determined that:

(1) the agency has a bona fide statutory or administrative requirement for the use of the address which would otherwise be confidential under this chapter; and

(2) the address will be used only for bona fide statutory and administrative purposes.

(b) A program participant may use the address designated by the secretary of state as the program participant's work address.

(c) The Office of the Secretary of State shall forward all first class mail to the appropriate program participants.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 7. **[5B.06] VOTING BY PROGRAM PARTICIPANT; USE OF DESIGNATED ADDRESS BY COUNTY AUDITOR.**

A program participant who is otherwise qualified to vote may register as an ongoing absentee voter. The county auditor shall transmit the absentee ballot to the program participant at the mailing address provided. Neither the name nor the address of a program participant may be included in any list of registered voters available to the public.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 8. **[5B.07] DISCLOSURE OF RECORDS PROHIBITED; EXCEPTIONS.**

The secretary of state may not make any records in a program participant's file available for inspection or copying, other than the address designated by the secretary of state. Records may only be released pursuant to court order.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 9. **[5B.08] ASSISTANCE FOR PROGRAM APPLICANTS.**

The secretary of state shall designate state and local agencies and nonprofit agencies that provide counseling and shelter services to victims of domestic violence, sexual assault, or stalking to assist persons applying to be program participants. Any assistance and counseling rendered by the Office of the Secretary of State or its designees to applicants shall in no way be construed as legal advice.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 10. **[5B.09] ADOPTION OF RULES.**

The secretary of state has good cause to adopt rules pursuant to section 14.388 to facilitate the administration of this chapter by state and local agencies.

Sec. 11. Minnesota Statutes 2004, section 13.87, is amended by adding a subdivision to read:

Subd. 4. **Name and index service; data classification.** (a) For purposes of this section, "name and event index service" means the data held by the Bureau of Criminal Apprehension that link data about an individual that are stored in one or more databases maintained in criminal justice agencies, as defined in section 299C.46, subdivision 2, and in the judiciary.

(b) Data collected, created, or maintained by the name and event index service are classified as private data, pursuant to section 13.02, subdivision 12, and become confidential data, pursuant to section 13.02, subdivision 3, when the data links private or public data about a specific individual to any confidential data about that individual. The data in the name and event index service revert to the private data classification when no confidential data about a specific individual are maintained in the databases. The classification of data in the name and event index service does not change the classification of the data held in the databases linked by the service.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 12. Minnesota Statutes 2004, section 181.973, is amended to read:

181.973 EMPLOYEE PUBLIC SAFETY PEER COUNSELING AND DEBRIEFING.

A person engaged in a public safety peer counseling or a public safety peer debriefing shall not, without the permission of the person being debriefed or counseled, be allowed to disclose any information or opinion which the peer group member or peer counselor has acquired during the debriefing process. However, this does not prohibit a peer counselor from disclosing information the peer counselor reasonably believes indicates that the person may be a danger to self or others, if the information is used only for the purpose of eliminating the danger to the person or others. Any information or opinion disclosed in violation of this paragraph is not admissible as evidence in any personnel or occupational licensing matter involving the person being debriefed or counseled.

For purposes of this paragraph, "public safety peer counseling or debriefing" means a group process oriented debriefing session, or one-to-one contact with a peer counselor, held for peace officers, firefighters, medical emergency persons, dispatchers, or other persons involved with public safety emergency services, that is established by any agency providing public safety emergency services and is designed to help a person who has suffered an occupation-related ~~traumatic event~~ trauma, illness, or stress begin the process of healing and effectively dealing with ~~posttraumatic stress~~ the person's problems or the use of the peer counselor for direction with referrals to better service these occupation-related issues. A "peer counselor" means someone so designated by that agency.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 13. Minnesota Statutes 2005 Supplement, section 243.166, subdivision 1b, is amended to read:

Subd. 1b. **Registration required.** (a) A person shall register under this section if:

(1) the person was charged with or petitioned for a felony violation of or attempt to violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

(i) murder under section 609.185, clause (2);

(ii) kidnapping under section 609.25;

(iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451, subdivision 3; or 609.3453; or

(iv) indecent exposure under section 617.23, subdivision 3;

(2) the person was charged with or petitioned for a violation of, or attempt to violate, or aiding, abetting, or conspiracy to commit false imprisonment in violation of section 609.255, subdivision 2; soliciting a minor to engage in prostitution in violation of section 609.322 or 609.324; soliciting a minor to engage in sexual conduct in violation of section 609.352; using a minor in a sexual performance in violation of section 617.246; or possessing pornographic work involving a minor in violation of section 617.247, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances;

(3) the person was sentenced as a patterned sex offender under section 609.108; or

(4) the person was convicted of or adjudicated delinquent for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to the offenses described in clause (1), (2), or (3).

(b) A person also shall register under this section if:

(1) the person was convicted of or adjudicated delinquent in another state for an offense that would be a violation of a law described in paragraph (a) if committed in this state;

(2) the person enters this state to reside, work, or attend school, or enters this state and remains for 14 days or longer; and

(3) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of or adjudicated delinquent for the offense that triggers registration, unless the person is subject to lifetime registration. If the person is required to register for life under Minnesota law, or the law of any other state in which the person has been convicted or required to register, in which case the person shall register for life regardless of when the person was released from confinement, convicted, or adjudicated delinquent.

(c) A person also shall register under this section if the person was committed pursuant to a court commitment order under section 253B.185 or Minnesota Statutes 1992, section 526.10, or a similar law of another state or the United States, regardless of whether the person was convicted of any offense.

(d) A person also shall register under this section if:

(1) the person was charged with or petitioned for a felony violation or attempt to violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or the United States, or the person was charged with or petitioned for a violation of any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or the United States;

(2) the person was found not guilty by reason of mental illness or mental deficiency after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in states with a guilty but mentally ill verdict; and

(3) the person was committed pursuant to a court commitment order under section 253B.18 or a similar law of another state or the United States.

EFFECTIVE DATE. This section is effective the day following enactment and applies to any offender residing in Minnesota as of that date.

Sec. 14. Minnesota Statutes 2005 Supplement, section 243.166, subdivision 4, is amended to read:

Subd. 4. **Contents of registration.** (a) The registration provided to the corrections agent or law enforcement authority, must consist of a statement in writing signed by the person, giving information required by the bureau, a fingerprint card, and photograph of the person taken at the time of the person's release from incarceration or, if the person was not incarcerated, at the time the person initially registered under this section. The registration information also must include a written consent form signed by the person allowing a treatment facility or residential housing unit or shelter to release information to a law enforcement officer about the person's admission to, or residence in, a treatment facility or residential housing unit or shelter. Registration information on adults and juveniles may be maintained together notwithstanding section 260B.171, subdivision 3.

(b) For persons required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under section 253B.185 or a similar law of another state or the United States, in addition to other information required by this section, the registration provided to the corrections agent or law enforcement authority must include the person's offense history and documentation of treatment received during the person's commitment. This documentation is limited to a statement of how far the person progressed in treatment during commitment.

(c) Within three days of receipt, the corrections agent or law enforcement authority shall forward the registration information to the bureau. The bureau shall ascertain whether the person has registered with the law enforcement authority in the area of the person's primary address, if any, or if the person lacks a primary address, where the person is staying, as required by subdivision 3a. If the person has not registered with the law enforcement authority, the bureau shall send one copy to that authority.

(d) The corrections agent or law enforcement authority may require that a person required to register under this section appear before the agent or authority to be photographed. The agent or authority shall forward the photograph to the bureau.

(1) Except as provided in clause (2), the agent or authority shall require a person required to register under this section who is classified as a level III offender under section 244.052 to appear before the agent or authority at least every six months to be photographed.

(2) The requirements of this paragraph shall not apply during any period where the person to be photographed is: (i) committed to the commissioner of corrections and incarcerated, (ii) incarcerated in a regional jail or county jail, or (iii) committed to the commissioner of human services and receiving treatment in a secure treatment facility.

(e) During the period a person is required to register under this section, the following provisions apply:

(1) Except for persons registering under subdivision 3a, the bureau shall mail a verification form to the person's last reported primary address. This verification form must provide notice to the offender that, if the offender does not return the verification form as required, information about the offender may be made available to the public through electronic, computerized, or other accessible means. For persons who are registered under subdivision 3a, the bureau shall mail an annual verification form to the law enforcement authority where the offender most recently reported. The authority shall provide the verification form to the person at the next weekly meeting and ensure that the person completes and signs the form and returns it to the bureau.

(2) The person shall mail the signed verification form back to the bureau within ten days after receipt of the form, stating on the form the current and last address of the person's residence and the other information required under subdivision 4a.

(3) In addition to the requirements listed in this section, a person who is assigned to risk level II or III under section 244.052, and who is no longer under correctional supervision for a registration offense, or a failure to register offense, but who resides, works, or attends school in Minnesota, shall have an annual in-person contact with a law enforcement authority as provided in this section. If the person resides in Minnesota, the annual in-person contact shall be with the law enforcement authority that has jurisdiction over the person's primary address or, if the person has no address, the location where the person is staying. If the person does not reside in Minnesota but works or attends school in this state, the person shall have an annual in-person contact with the law enforcement authority or authorities with jurisdiction over the person's school or workplace. During the month of the person's birth date, the person shall report to the authority to verify the accuracy of the registration information and to be photographed. Within three days of this contact, the authority shall enter information as required by the bureau into the predatory offender registration database and submit an updated photograph of the person to the bureau's predatory offender registration unit.

(4) If the person fails to mail the completed and signed verification form to the bureau within ten days after receipt of the form, or if the person fails to report to the law enforcement authority during the month of the person's birth date, the person is in violation of this section.

(5) For any person who fails to mail the completed and signed verification form to the bureau within ten days after receipt of the form and who has been determined to be a risk level III offender under section 244.052, the bureau shall immediately investigate and notify local law enforcement authorities to investigate the person's location and to ensure compliance with this section. The bureau also shall immediately give notice of the person's violation of this section to the law enforcement authority having jurisdiction over the person's last registered address or addresses.

For persons required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under section 253B.185 or a similar law of another state or the United States, the bureau shall comply with clause (1) at least four times each year. For persons who, under section 244.052, are assigned to risk level III and who are no longer under correctional supervision for a registration offense or a failure to register offense, the bureau shall comply with clause (1) at least two times each year. For all other persons required to register under this section, the bureau shall comply with clause (1) each year within 30 days of the anniversary date of the person's initial registration.

(f) When sending out a verification form, the bureau shall determine whether the person to whom the verification form is being sent has signed a written consent form as provided for in paragraph (a). If the person has not signed such a consent form, the bureau shall send a written consent form to the person along with the verification form. A person who receives this written consent form shall sign and return it to the bureau at the same time as the verification form.

Sec. 15. Minnesota Statutes 2005 Supplement, section 243.166, subdivision 4b, is amended to read:

Subd. 4b. **Health care facility; notice of status.** (a) For the purposes of this subdivision, "health care facility" means a facility licensed by:

(1) the commissioner of health as a hospital, boarding care home or supervised living facility under sections 144.50 to 144.58, or a nursing home under chapter 144A; or

(2) the commissioner of human services as a residential facility under chapter 245A to provide adult foster care, adult mental health treatment, chemical dependency treatment to adults, or residential services to persons with developmental disabilities.

(b) ~~Upon admittance~~ Prior to admission to a health care facility, a person required to register under this section shall disclose to:

(1) the health care facility employee processing the admission the person's status as a registered predatory offender under this section; and

(2) the person's corrections agent, or if the person does not have an assigned corrections agent, the law enforcement authority with whom the person is currently required to register, that inpatient admission ~~has occurred~~ will occur.

(c) A law enforcement authority or corrections agent who receives notice under paragraph (b) or who knows that a person required to register under this section is planning to be admitted and receive, or has been admitted and is receiving health care at a health care facility shall notify the administrator of the facility and deliver a fact sheet to the administrator containing the following information: (1) name and physical description of the offender; (2) the offender's conviction history, including the dates of conviction; (3) the risk level classification assigned to the offender under section 244.052, if any; and (4) the profile of likely victims.

(d) Except for a hospital licensed under sections 144.50 to 144.58, ~~if a health care facility that receives notice under this subdivision that a predatory offender has been admitted to the facility a fact sheet under paragraph (c) that includes a risk level classification for the offender, and if the facility admits the offender, the facility shall notify other distribute the fact sheet to all residents at the facility of this fact.~~ If the facility determines that notice distribution to a resident is not appropriate given the resident's medical, emotional, or mental status, the facility shall notify distribute the fact sheet to the patient's next of kin or emergency contact.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 16. Minnesota Statutes 2005 Supplement, section 243.166, subdivision 6, is amended to read:

Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section 609.165, subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to register under this section shall continue to comply with this section until ten years have elapsed since the person initially registered in connection with the offense, or until the probation, supervised release, or conditional release period expires, whichever occurs later. For a person required to register under this section who is committed under section 253B.18 or 253B.185, the ten-year registration period does not include the period of commitment.

(b) If a person required to register under this section fails to provide the person's primary address as required by subdivision 3, paragraph (b), fails to comply with the requirements of subdivision 3a, fails to provide information as required by subdivision 4a, or fails to return the verification form referenced in subdivision 4 within ten days, the commissioner of public safety may require the person to continue to register for an additional period of five years. This five-year period is added to the end of the offender's registration period.

(c) If a person required to register under this section is subsequently incarcerated following a conviction for a new offense or following a revocation of probation, supervised release, or conditional release for any offense, the person shall continue to register until ten years have elapsed since the person was last released from incarceration or until the person's probation, supervised release, or conditional release period expires, whichever occurs later.

(d) A person shall continue to comply with this section for the life of that person:

(1) if the person is convicted of or adjudicated delinquent for any offense for which registration is required under subdivision 1b, or any offense from another state or any federal offense similar to the offenses described in subdivision 1b, and the person has a prior conviction or adjudication for an offense for which registration was or would have been required under subdivision 1b, or an offense from another state or a federal offense similar to an offense described in subdivision 1b;

(2) if the person is required to register based upon a conviction or delinquency adjudication for an offense under section 609.185, clause (2), or a similar statute from another state or the United States;

(3) if the person is required to register based upon a conviction for an offense under section 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or (g); or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state or the United States similar to the offenses described in this clause; ~~or~~

(4) if the person is required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under section 253B.185 or a similar law of another state or the United States; or

(5) if a person was required to register for life in any other state in which the person was previously convicted or required to register.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to any offender in Minnesota as of that date.

Sec. 17. Minnesota Statutes 2005 Supplement, section 244.052, subdivision 4, is amended to read:

Subd. 4. **Law enforcement agency; disclosure of information to public.** (a) The law enforcement agency in the area where the predatory offender resides, expects to reside, is employed, or is regularly found, shall disclose to the public any information regarding the offender contained in the report forwarded to the agency under subdivision 3, paragraph (f), that is relevant and necessary to protect the public and to counteract the offender's dangerousness, consistent with the guidelines in paragraph (b). The extent of the information disclosed and the community to whom disclosure is made must relate to the level of danger posed by the offender, to the offender's pattern of offending behavior, and to the need of community members for information to enhance their individual and collective safety.

(b) The law enforcement agency shall employ the following guidelines in determining the scope of disclosure made under this subdivision:

(1) if the offender is assigned to risk level I, the agency may maintain information regarding the offender within the agency and may disclose it to other law enforcement agencies. Additionally, the agency may disclose the information to any victims of or witnesses to the offense committed by the offender. The agency shall disclose the information to victims of the offense committed by the offender who have requested disclosure and to adult members of the offender's immediate household;

(2) if the offender is assigned to risk level II, the agency also may disclose the information to agencies and groups that the offender is likely to encounter for the purpose of securing those institutions and protecting individuals in their care while they are on or near the premises of the institution. These agencies and groups include the staff members of public and private educational institutions, day care establishments, and establishments and organizations that primarily serve individuals likely to be victimized by the offender. The agency also may disclose the information to individuals the agency believes are likely to be victimized by the offender. The agency's belief shall be based on the offender's pattern of offending or victim preference as documented in the information provided by the department of corrections or human services;

(3) if the offender is assigned to risk level III, the agency shall disclose the information to the persons and entities described in clauses (1) and (2) and to other members of the community whom the offender is likely to encounter, unless the law enforcement agency determines that public safety would be compromised by the disclosure or that a more limited disclosure is necessary to protect the identity of the victim.

Notwithstanding the assignment of a predatory offender to risk level II or III, a law enforcement agency may not make the disclosures permitted or required by clause (2) or (3), if: the offender is placed or resides in a residential facility. However, if an offender is placed or resides in a residential facility, the offender and the head of the facility shall designate the offender's likely residence upon release from the facility and the head of the facility shall notify the commissioner of corrections or the commissioner of human services of the offender's likely residence at least 14 days before the offender's scheduled release date. The commissioner shall give this information to the law enforcement agency having jurisdiction over the offender's likely residence. The head of the residential facility also shall notify the commissioner of corrections or human services within 48 hours after finalizing the offender's approved relocation plan to a permanent residence. Within five days after receiving this notification, the appropriate commissioner shall give to the appropriate law enforcement agency all relevant information the commissioner has concerning the offender, including information on the risk factors in the offender's history and the risk level to which the offender was assigned. After receiving this information, the law enforcement agency shall make the disclosures permitted or required by clause (2) or (3), as appropriate.

(c) As used in paragraph (b), clauses (2) and (3), "likely to encounter" means that:

(1) the organizations or community members are in a location or in close proximity to a location where the offender lives or is employed, or which the offender visits or is likely to visit on a regular basis, other than the location of the offender's outpatient treatment program; and

(2) the types of interaction which ordinarily occur at that location and other circumstances indicate that contact with the offender is reasonably certain.

(d) A law enforcement agency or official who discloses information under this subdivision shall make a good faith effort to make the notification within 14 days of receipt of a confirmed address from the Department of Corrections indicating that the offender will be, or has been, released from confinement, or accepted for supervision, or has moved to a new address and will reside at the address indicated. If a change occurs in the release plan, this notification provision does not require an extension of the release date.

(e) A law enforcement agency or official who discloses information under this subdivision shall not disclose the identity or any identifying characteristics of the victims of or witnesses to the offender's offenses.

(f) A law enforcement agency shall continue to disclose information on an offender as required by this subdivision for as long as the offender is required to register under section 243.166. This requirement on a law enforcement agency to continue to disclose information also applies to an offender who lacks a primary address and is registering under section 243.166, subdivision 3a.

(g) A law enforcement agency that is disclosing information on an offender assigned to risk level III to the public under this subdivision shall inform the commissioner of corrections what information is being disclosed and forward this information to the commissioner within two days of the agency's determination. The commissioner shall post this information on the Internet as required in subdivision 4b.

(h) A city council may adopt a policy that addresses when information disclosed under this subdivision must be presented in languages in addition to English. The policy may address when information must be presented orally, in writing, or both in additional languages by the law enforcement agency disclosing the information. The policy may provide for different approaches based on the prevalence of non-English languages in different neighborhoods.

(i) An offender who is the subject of a community notification meeting held pursuant to this section may not attend the meeting.

(j) When a school, day care facility, or other entity or program that primarily educates or serves children receives notice under paragraph (b), clause (3), that a level III predatory offender resides or works in the surrounding community, notice to parents must be made as provided in this paragraph. If the predatory offender identified in the notice is participating in programs offered by the facility that require or allow the person to interact with children other than the person's children, the principal or head of the entity must notify parents with children at the facility of the contents of the notice received pursuant to this section. The immunity provisions of subdivision 7 apply to persons disclosing information under this paragraph.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 18. **[297L.06] SURCHARGES ON FIRE SAFETY PREMIUMS.**

Subdivision 1. **Insurance policies surcharge.** (a) Except as otherwise provided in subdivision 2, each insurer engaged in writing policies of homeowners insurance authorized in section 60A.06, subdivision 1, clause (1)(c), or commercial fire policies shall collect a surcharge equal to 0.75 percent of the gross premiums and assessments, less return premiums, on direct business received by the company, or by its agents for it, for homeowner's insurance policies and commercial fire insurance policies in this state.

(b) The surcharge amount collected under paragraph (a) may not be considered premium for any purpose, including the computation of premium tax or agents' commissions. The surcharge amount must be separately stated on either a billing or policy declaration sent to an insured.

(c) Amounts collected by the commissioner under this section must be deposited in the fire safety account established pursuant to subdivision 3.

Subd. 2. **Exemptions.** (a) This section does not apply to a farmers' mutual fire insurance company or township mutual fire insurance company in Minnesota organized under chapter 67A.

(b) An insurer described in section 297L.05, subdivisions 3 and 4, authorized to transact business in Minnesota shall elect to remit to the Department of Revenue for deposit in the fire safety account either (1) the surcharge amount collected under this section, or (2) a tax of one-half of one percent on the gross fire premiums and assessments, less return premiums, on all direct business received by the insurer or agents of the insurer in Minnesota, in cash or otherwise, during the year.

(c) For purposes of this subdivision, "gross fire premiums and assessments" includes premiums on policies covering fire risks only on automobiles, whether written or under floater form or otherwise.

Subd. 3. Fire safety account, annual transfers, allocation. A special account, to be known as the fire safety account, is created in the state treasury. The account consists of the proceeds under subdivision 1.

EFFECTIVE DATE. This section is effective July 1, 2007, and applies to policies written or renewed after that date.

Sec. 19. Minnesota Statutes 2004, section 297I.30, is amended by adding a subdivision to read:

Subd. 8. Fire insurance surcharge. On or before May 15, August 15, November 15, and February 15 of each year, every insurer required to pay the surcharge under section 297I.06, subdivision 1, shall file a return with the commissioner for the preceding three-month period ending March 31, June 30, September 30, and December 31, setting forth any information the commissioner reasonably requires on forms prescribed by the commissioner.

EFFECTIVE DATE. This section is effective July 1, 2007, and applies to policies written or renewed after that date.

Sec. 20. **[299A.59] NOTICE OF MULTIPLE LAW ENFORCEMENT OPERATIONS CONFLICTS.**

(a) Notwithstanding section 299C.405, the Department of Public Safety may employ a secure subscription service designed to promote and enhance officer safety during tactical operations by and between federal, state, and local law enforcement agencies by notifying law enforcement agencies of conflicts where multiple law enforcement operations may be occurring on the same subject or vehicle or on or near the same location. The notification may include warrant executions, surveillance activities, SWAT activities, undercover operations, and other investigative operations.

(b) Data created, collected, received, maintained, or disseminated by this system is classified as criminal investigative data as defined in section 13.82, subdivision 7.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 21. **[299A.695] PREEMPTION OF LOCAL LAW; ILLEGAL IMMIGRATION.**

Subdivision 1. Immigration status; prohibiting local governmental interference. (a) Notwithstanding any other provision of state or local law, a local governmental unit or official may not prohibit by law, resolution, or ordinance, or in any way restrict any governmental unit, official, or employee from sending to or receiving from United States immigration authorities information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

(b) Notwithstanding any other provision of state or local law, no local governmental unit or local official may prohibit, or in any way restrict, a federal, state, or local governmental employee from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

(1) sending immigration information to, or requesting or receiving the information from, the United States Immigration and Customs Enforcement Agency;

(2) maintaining immigration information; and

(3) exchanging immigration information with any other federal, state, or local governmental unit.

(c) Notwithstanding any other provision of state or local law, no local governmental unit or official may prohibit by law, resolution, or ordinance, or unconditionally restrict a federal, state, or local governmental employee from inquiring about a person's immigration status.

The phrase "unconditionally restrict" must not be interpreted to only apply to investigations where immigration is an element of the crime.

(d) Nothing in this subdivision shall prohibit or limit a local governmental unit from enacting, following, and enforcing an ordinance or policy intended to eliminate racial profiling by the local governmental unit's employees.

Subd. 2. **Local governmental unit.** For purposes of this section, "local governmental unit" means a county, statutory city, home rule charter city, or town.

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

Sec. 22. Minnesota Statutes 2005 Supplement, section 299A.78, is amended to read:

299A.78 STATEWIDE HUMAN TRAFFICKING ASSESSMENT.

Subdivision 1. **Definitions.** For purposes of sections 299A.78 to ~~299A.785~~ 299A.7955, the following definitions apply:

(a) "Commissioner" means the commissioner of the Department of Public Safety.

(b) "Nongovernmental organizations" means nonprofit, nongovernmental organizations that provide legal, social, or other community services.

(c) "Blackmail" has the meaning given in section 609.281, subdivision 2.

(d) "Debt bondage" has the meaning given in section 609.281, subdivision 3.

(e) "Forced labor or services" has the meaning given in section 609.281, subdivision 4.

(f) "Labor trafficking" has the meaning given in section 609.281, subdivision 5.

(g) "Labor trafficking victim" has the meaning given in section 609.281, subdivision 6.

(h) "Sex trafficking" has the meaning given in section 609.321, subdivision 7a.

(i) "Sex trafficking victim" has the meaning given in section 609.321, subdivision 7b.

(j) "Trafficking" includes "labor trafficking" and "sex trafficking."

(k) "Trafficking victim" includes "labor trafficking victim" and "sex trafficking victim."

Subd. 2. **General duties.** The commissioner of public safety, in cooperation with local authorities, shall:

(1) collect, share, and compile trafficking data among government agencies to assess the nature and extent of trafficking in Minnesota; and

(2) analyze collected data to develop a plan to address and prevent human trafficking.

Subd. 3. **Outside services.** As provided for in section 15.061, the commissioner of public safety may contract with professional or technical services in connection with the duties to be performed under ~~section~~ sections 299A.785, 299A.79, and 299A.795. The commissioner may also contract with other outside organizations to assist with the duties to be performed under ~~section~~ sections 299A.785, 299A.79, and 299A.795.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 23. **[299A.79] TRAFFICKING STUDY; ANALYSIS AND USE OF DATA.**

Subdivision 1. **Data analysis.** The commissioner shall analyze the data collected in section 299A.785 to develop a plan to address current trafficking and prevent future trafficking in Minnesota. The commissioner may evaluate various approaches used by other state and local governments to address trafficking. The plan shall include, but not be limited to:

(1) ways to train agencies, organizations, and officials involved in law enforcement, prosecution, and social services;

(2) ways to increase public awareness of trafficking; and

(3) establishing procedures to enable the state government to work with nongovernmental organizations to prevent trafficking.

Subd. 2. **Training plan.** The training plan required in subdivision 1 must include:

(1) methods used in identifying trafficking victims, including preliminary interview techniques and appropriate interrogation methods;

(2) methods for prosecuting traffickers;

(3) methods for protecting the rights of trafficking victims, taking into account the need to consider human rights and special needs of women and children trafficking victims; and

(4) methods for promoting the safety of trafficking victims.

Subd. 3. **Public awareness initiative.** The public awareness initiative required in subdivision 1 must address, at a minimum, the following subjects:

(1) the risks of becoming a trafficking victim;

(2) common recruitment techniques; use of debt bondage, blackmail, forced labor and services, prostitution, and other coercive tactics; and risks of assault, criminal sexual conduct, exposure to sexually transmitted diseases, and psychological harm;

(3) crime victims' rights; and

(4) reporting recruitment activities involved in trafficking.

Subd. 4. **Report to legislature.** The commissioner shall report the plan to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice policy and funding by December 15, 2006.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 24. **[299A.795] TRAFFICKING VICTIM ASSISTANCE.**

The commissioner may review the existing services and facilities to meet trafficking victims' needs and recommend a plan that would coordinate such services including, but not limited to:

(1) medical and mental health services;

(2) housing;

(3) education and job training;

(4) English as a second language;

(5) interpreting services;

(6) legal and immigration services; and

(7) victim compensation.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 25. **[299A.7955] HUMAN TRAFFICKING TASK FORCE.**

Subdivision 1. **Creation and duties.** By September 1, 2006, the commissioner shall appoint a 22-member task force on human trafficking to advise the commissioner on the commissioner's duties in sections 299A.78 to 299A.795. The task force shall also serve as a liaison between the commissioner and agencies and nongovernmental organizations that provide services to trafficking victims. The members shall receive expense reimbursements as specified in section 15.059.

Subd. 2. **Membership.** To the extent possible, the human trafficking task force consists of the following individuals, or their designees, who are knowledgeable in trafficking, crime victims' rights, or violence protection:

(1) a representative of the Minnesota Police Chiefs' Association;

(2) a representative of the Bureau of Criminal Apprehension;

(3) a representative of the Minnesota Sheriffs' Association;

(4) a peace officer who works and resides in the metropolitan area, composed of Hennepin, Ramsey, Anoka, Dakota, Scott, Washington, and Carver Counties;

(5) a peace officer who works and resides in the nonmetropolitan area;

(6) a county attorney who works in Hennepin County;

(7) a county attorney who works in Ramsey County;

(8) a representative of the attorney general;

(9) a representative of the Department of Public Safety's office of justice program;

(10) a representative of the federal Homeland Security Office;

(11) a representative of the Department of Health and Human Services;

(12) the chair or executive director of the Council on Asian-Pacific Minnesotans;

(13) the chair or executive director of the Minnesota Chicano Latino Affairs Council;

(14) a representative of the United States Attorney's Office; and

(15) eight representatives from nongovernmental organizations which may include representatives of:

(i) the Minnesota Coalition for Battered Women;

(ii) the Minnesota Coalition Against Sexual Assault;

(iii) a statewide or local organization that provides civil legal services to women and children;

(iv) a statewide or local organization that provides mental health services to women and children;

(v) a statewide or local human rights and social justice advocacy organization;

(vi) a statewide or local organization that provides services to victims of torture, trauma, or human trafficking;

(vii) a statewide or local organization that serves the needs of immigrants and refugee women and children from diverse ethnic communities; and

(viii) a statewide or local organization that provides legal services to low income immigrants.

Subd. 3. **Officers; meetings.** (a) The task force shall annually elect a chair and vice-chair from among its members, and may elect other officers as necessary. The task force shall meet at least quarterly, or upon the call of its chair. The task force shall meet sufficiently enough to accomplish the tasks identified in this section.

(b) The task force shall seek out and enlist the cooperation and assistance of nongovernmental organizations and academic researchers, especially those specializing in trafficking, representing diverse communities disproportionately affected by trafficking, or focusing on child services and runaway services.

Subd. 4. **Expiration.** Notwithstanding section 15.059, the task force expires June 30, 2011, or once it has implemented and evaluated the programs and policies in sections 299A.78 to 299A.795 to the satisfaction of the commissioner, whichever occurs first.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 26. **[299A.85] REPORTING OF UNIDENTIFIED PERSONS/HUMAN REMAINS.**

Subdivision 1. **Handling of death scene investigations.** (a) The Department of Public Safety shall provide information to local law enforcement agencies about best practices for handling death scene investigations.

(b) The Department of Public Safety shall identify any publications or training opportunities that may be available to local law enforcement agencies or law enforcement officers concerning the handling of death scene investigations.

Subd. 2. **Law enforcement reports.** (a) After performing any death scene investigation considered appropriate under the circumstances, the official with custody of the human remains shall ensure that the human remains are delivered to the appropriate medical examiner.

(b) A person with custody of human remains that are not identified within 24 hours of discovery shall promptly notify the Department of Public Safety of the location of those remains.

(c) A person with custody of remains who cannot determine whether or not the remains found are human shall notify the Department of Public Safety of the existence of possible human remains.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 27. Minnesota Statutes 2004, section 299C.095, subdivision 2, is amended to read:

Subd. 2. **Retention.** (a) Notwithstanding section 138.17, the bureau shall retain juvenile history records for the time periods provided in this subdivision. Notwithstanding contrary provisions of paragraphs (b) to (e), all data in a juvenile history record must be retained for the longest time period applicable to any item in the individual juvenile history record. If, before data are destroyed under this subdivision, the subject of the data is convicted of a felony as an adult, the individual's juvenile history record must be retained for the same time period as an adult criminal history record.

(b) Juvenile history data on a child who was arrested must be destroyed six months after the arrest if the child has not been referred to a diversion program and no petition has been filed against the child by that time.

(c) Juvenile history data on a child against whom a delinquency petition was filed and subsequently dismissed must be destroyed upon receiving notice from the court that the petition was dismissed.

(d) Juvenile history data on a child who was referred to a diversion program or against whom a delinquency petition has been filed and continued for dismissal must be destroyed when the child reaches age 21.

(e) Juvenile history data on a child against whom a delinquency petition was filed and continued without adjudication, or a child who was found to have committed a felony or gross misdemeanor-level offense, must be destroyed when the child reaches age 28. If the adjudication was for an offense which requires registration pursuant to section 243.166 or 243.167, or the offender commits a felony violation as an adult, the bureau shall retain the data for as long as the data would have been retained if the offender had been an adult at the time of the juvenile offense.

(f) The bureau shall retain extended jurisdiction juvenile data on an individual received under section 260B.171, subdivision 2, paragraph (c), for as long as the data would have been retained if the offender had been an adult at the time of the offense.

(g) Data retained on individuals under this subdivision are private data under section 13.02, except that extended jurisdiction juvenile data become public data under section 13.87, subdivision 2, when the juvenile court notifies the bureau that the individual's adult sentence has been executed under section 260B.130, subdivision 5.

(h) A person who receives data on a juvenile under paragraphs (b) to (e) from the bureau shall destroy the data according to the schedule in this subdivision, unless the person has access to the data under other law. The bureau shall include a notice of the destruction schedule with all data it disseminates on juveniles.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 28. Minnesota Statutes 2005 Supplement, section 299C.40, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "CIBRS" means the Comprehensive Incident-Based Reporting System, located in the Department of Public Safety and managed by the Bureau of Criminal Apprehension, Criminal Justice Information Systems Section. A reference in this section to "CIBRS" includes the Bureau of Criminal Apprehension.

(c) "Law enforcement agency" means a Minnesota municipal police department, the Metropolitan Transit Police, the Metropolitan Airports Police, the University of Minnesota Police Department, the Department of Corrections' Fugitive Apprehension Unit, a Minnesota county sheriff's department, the Bureau of Criminal Apprehension, or the Minnesota State Patrol.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 29. Minnesota Statutes 2005 Supplement, section 299C.65, subdivision 2, is amended to read:

Subd. 2. **Task force.** The policy group shall appoint a task force to assist them in their duties. The task force shall monitor, review, and report to the policy group on CriMNet-related projects and provide oversight to ongoing operations as directed by the policy group. The task force shall consist of the following members:

- (1) two sheriffs recommended by the Minnesota Sheriffs Association;
- (2) two police chiefs recommended by the Minnesota Chiefs of Police Association;
- (3) two county attorneys recommended by the Minnesota County Attorneys Association;
- (4) two city attorneys recommended by the Minnesota League of Cities;
- (5) two public defenders appointed by the Board of Public Defense;
- (6) two district judges appointed by the Conference of Chief Judges, one of whom is currently assigned to the juvenile court;
- (7) two community corrections administrators recommended by the Minnesota Association of Counties, one of whom represents a community corrections act county;
- (8) two probation officers;
- (9) four public members, one of whom has been a victim of crime, and two who are representatives of the private business community who have expertise in integrated information systems and who for the purpose of meetings of the full task force may be compensated pursuant to section 15.059;
- (10) two court administrators;
- (11) one member of the house of representatives appointed by the speaker of the house;
- (12) one member of the senate appointed by the majority leader;
- (13) the attorney general or a designee;

(14) two individuals recommended by the Minnesota League of Cities, one of whom works or resides in greater Minnesota and one of whom works or resides in the seven-county metropolitan area;

(15) two individuals recommended by the Minnesota Association of Counties, one of whom works or resides in greater Minnesota and one of whom works or resides in the seven-county metropolitan area;

(16) the director of the Sentencing Guidelines Commission;

(17) one member appointed by the state chief information officer;

~~(17)~~ (18) one member appointed by the commissioner of public safety;

~~(18)~~ (19) one member appointed by the commissioner of corrections;

~~(19)~~ (20) one member appointed by the commissioner of administration; and

~~(20)~~ (21) one member appointed by the chief justice of the Supreme Court.

In making these appointments, the appointing authority shall select members with expertise in integrated data systems or best practices.

The commissioner of public safety may appoint additional, nonvoting members to the task force as necessary from time to time.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 30. Minnesota Statutes 2004, section 299E.01, subdivision 2, is amended to read:

Subd. 2. **Responsibilities.** The division shall be responsible and shall utilize state employees for security and public information services in ~~the Capitol complex of~~ state-owned buildings and state leased to own buildings in the Capitol area, as described in section 15B.02; it shall provide such personnel as are required by the circumstances to insure the orderly conduct of state business and the convenience of the public.

EFFECTIVE DATE. This section is effective July 1, 2007.

Sec. 31. Minnesota Statutes 2004, section 299F.011, subdivision 5, is amended to read:

Subd. 5. **Appeal policy; variance.** Upon application, the state fire marshal may grant variances from the minimum requirements specified in the code if there is substantial compliance with the provisions of the code, the safety of the public and occupants of such building will not be jeopardized, and undue hardship will result to the applicant unless such variance is granted. No appeal to the state fire marshal for a variance from orders issued by a local fire official from the Uniform Fire Code shall be accepted until the applicant has first made application to the local governing body and the local unit has acted on the application. The state fire marshal shall consider ~~the decision~~ any decisions or recommendations of the local governing body. Any person aggrieved by a decision made by the fire marshal under this subdivision may proceed before the fire marshal as with a contested case in accordance with the Administrative Procedure Act.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 32. **[299F.012] FIRE SAFETY ACCOUNT.**

Subdivision 1. **Authorized programs within department.** The Fire Service Advisory Committee shall provide recommendations to the commissioner of public safety on fire service related issues and shall consist of representatives of each of the following organizations: two appointed by the president of the Minnesota State Fire Chiefs Association, two appointed by the president of the Minnesota State Fire Department Association, two appointed by the president of the Minnesota Professional Fire Fighters, two appointed by the president of the League of Minnesota Cities, one appointed by the president of the Minnesota Association of Townships, one appointed by the president of the Insurance Federation of Minnesota, one appointed jointly by the presidents of the Minnesota Chapter of the International Association of Arson Investigators and the Fire Marshals Association of Minnesota, and the commissioner of public safety or the commissioner's designee. The commissioner of public safety must ensure that at least three of the members of the advisory committee work and reside in counties outside of the seven-county metropolitan area. The committee shall provide funding recommendations to the commissioner of public safety from the fire safety fund for the following purposes:

Subd. 2. **Fire service advisory committee.** The Fire Service Advisory Committee shall provide recommendations to the commissioner of public safety on fire service related issues and shall consist of representatives of each of the following organizations: two appointed by the president of the Minnesota State Fire Chiefs Association, two appointed by the president of the Minnesota State Fire Department Association, two appointed by the president of the Minnesota Professional Fire Fighters, two appointed by the president of the League of Minnesota Cities, one appointed by the president of the Minnesota Association of Townships, one appointed by the president of the Insurance Federation of Minnesota, one appointed jointly by the presidents of the Minnesota Chapter of the International Association of Arson Investigators and the Fire Marshals Association of Minnesota, and the commissioner of public safety or the commissioner's designee. The commissioner of public safety must ensure that at least three of the members of the advisory committee work and reside in counties outside of the seven-county metropolitan area. The committee shall provide funding recommendations to the commissioner of public safety from the fire safety fund for the following purposes:

(1) for the Minnesota Board of Firefighter Training and Education;

(2) for programs and staffing for the State Fire Marshal Division; and

(3) for fire-related regional response team programs and any other fire service programs that have the potential for statewide impact.

Subd. 3. **Report; accounting; carryover.** The commissioner of public safety shall, by December 1 of each year, (1) provide an accounting of how the funds in the fire safety account were spent in the preceding fiscal year and (2) report any funds not spent in a fiscal year to the chairs of the committees of the house of representatives and the senate having jurisdiction over public safety finance. Money in the account does not cancel but remains available for expenditures for the programs identified in subdivisions 1 and 2.

EFFECTIVE DATE. This section is effective July 1, 2007, and applies to policies written or renewed after that date.

Sec. 33. **[299F.50] DEFINITIONS.**

Subdivision 1. **Scope.** As used in sections 299F.50 to 299F.52, the terms defined in this section have the meanings given them.

Subd. 2. **Installed.** "Installed" means that an approved carbon monoxide alarm is hard-wired into the electrical wiring, directly plugged into an electrical outlet without a switch, or, if the alarm is battery-powered, attached to the wall of the dwelling.

Subd. 3. **Single and multifamily dwelling.** "Single and multifamily dwelling" means any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants.

Subd. 4. **Dwelling unit.** "Dwelling unit" means an area meant for living or sleeping by human occupants.

Subd. 5. **Approved carbon monoxide alarm.** "Approved carbon monoxide alarm" means a device meant for the purpose of detecting carbon monoxide that is certified by a nationally recognized testing laboratory to conform to the latest Underwriters Laboratories Standards (known as UL2034 standards).

Subd. 6. **Operational.** "Operational" means working and in service.

EFFECTIVE DATE. This section is effective January 1, 2007, for all newly constructed single family and multifamily dwelling units for which building permits were issued on or after January 1, 2007.

Sec. 34. **[299F.51] REQUIREMENTS FOR CARBON MONOXIDE ALARMS.**

Subdivision 1. **Generally.** Every single family dwelling and every dwelling unit in a multifamily dwelling must have an approved and operational carbon monoxide alarm installed within ten feet of each room lawfully used for sleeping purposes.

Subd. 2. **Owner's duties.** The owner of a multifamily dwelling unit which is required to be equipped with one or more approved carbon monoxide alarms must:

(1) provide and install one approved and operational carbon monoxide alarm within ten feet of each room lawfully used for sleeping; and

(2) replace any required carbon monoxide alarm that has been stolen, removed, found missing, or rendered inoperable during a prior occupancy of the dwelling unit and which has not been replaced by the prior occupant prior to the commencement of a new occupancy of a dwelling unit.

Subd. 3. **Occupant's duties.** The occupant of each dwelling unit in a multifamily dwelling in which an approved and operational carbon monoxide alarm has been provided and installed by the owner must:

(1) keep and maintain the device in good repair; and

(2) replace any device that is stolen, removed, missing, or rendered inoperable during the occupancy of the dwelling unit.

Subd. 4. **Battery removal prohibited.** No person shall remove batteries from, or in any way render inoperable, a required carbon monoxide alarm.

Subd. 5. **Exceptions; certain multifamily dwellings.** (a) In lieu of requirements of subdivision 1, multifamily dwellings may have approved and operational carbon monoxide alarms installed between 15 and 25 feet of carbon monoxide producing central fixtures and equipment provided there is a centralized alarm system or other mechanism for responsible parties to hear the alarm at all times.

(b) An owner of a multifamily dwelling that contains minimal or no sources of carbon monoxide may be exempted from the requirements of subdivision 1, provided that such owner certifies to the commissioner of public safety that such multifamily dwelling poses no foreseeable carbon monoxide risk to the health and safety to the dwelling units.

EFFECTIVE DATE. This section is effective January 1, 2007, for all newly constructed single family and multifamily dwelling units for which building permits were issued on or after January 1, 2007.

Sec. 35. **[299F.52] ENFORCEMENT.**

A violation of section 299F.50 or 299F.51 subjects the owner of the single family dwelling, multifamily dwelling, or dwelling unit to the same penalty and enforcement mechanism provided for violations of the Uniform Fire Code provided in section 299F.011, subdivision 6.

EFFECTIVE DATE. This section is effective January 1, 2007, for all newly constructed single family and multifamily dwelling units for which building permits were issued on or after January 1, 2007.

Sec. 36. Minnesota Statutes 2004, section 525.9214, is amended to read:

525.9214 ROUTINE INQUIRY AND REQUIRED REQUEST; SEARCH AND NOTIFICATION.

(a) If, at or near the time of death of a patient, there is no documentation in the medical record that the patient has made or refused to make an anatomical gift, the hospital administrator or a representative designated by the administrator shall discuss with the patient or a relative of the patient the option to make or refuse to make an anatomical gift and may request the making of an anatomical gift pursuant to section 525.9211 or 525.9212. The request must be made with reasonable discretion and sensitivity to the circumstances of the family. A request is not required if the gift is not suitable, based upon accepted medical standards, for a purpose specified in section 525.9215. An entry must be made in the medical record of the patient, stating the name of the individual making the request, and the name, response, and relationship to the patient of the person to whom the request was made.

(b) The following persons shall make a reasonable search for a document of gift or other information identifying the bearer as a donor or as an individual who has refused to make an anatomical gift:

(1) a law enforcement officer, firefighter, paramedic, or other emergency rescuer finding an individual who the searcher believes is dead or near death;

(2) a hospital or emergency care facility, upon the admission or presentation of an individual at or near the time of death, if there is not immediately available any other source of that information; and

(3) a medical examiner or coroner upon receipt of a body.

(c) If a document of gift or evidence of refusal to make an anatomical gift is located by the search required by paragraph (b), clause (1), and the individual or body to whom it relates is taken to a hospital, the hospital must be notified of the contents and the document or other evidence must be sent to the hospital. If a document of gift is located by the search required by paragraph (b), clause (1), and the individual or body to whom it relates is taken to a morgue, the person who discovered the document of gift must notify the person's dispatcher. A dispatcher notified under this section must notify the state's federally designated organ procurement organization and inform the organization of the deceased's name, donor status, and location.

(d) If, at or near the time of death of a patient, a hospital knows that an anatomical gift has been made pursuant to section 525.9212, paragraph (a), or a release and removal of a part has been permitted pursuant to section 525.9213, or that a patient or an individual identified as in transit to the hospital is a donor, the hospital shall notify the donee if one is named and known to the hospital; if not, it shall notify an appropriate procurement organization. The hospital shall cooperate in the implementation of the anatomical gift or release and removal of a part.

(e) A person who fails to discharge the duties imposed by this section is not subject to criminal or civil liability.

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

Sec. 37. Minnesota Statutes 2004, section 611A.0315, is amended to read:

611A.0315 VICTIM NOTIFICATION; DOMESTIC ASSAULT; HARASSMENT.

Subdivision 1. **Notice of decision not to prosecute.** (a) A prosecutor shall make every reasonable effort to notify a victim of domestic assault, a criminal sexual conduct offense, or harassment that the prosecutor has decided to decline prosecution of the case or to dismiss the criminal charges filed against the defendant. Efforts to notify the victim should include, in order of priority: (1) contacting the victim or a person designated by the victim by telephone; and (2) contacting the victim by mail. If a suspect is still in custody, the notification attempt shall be made before the suspect is released from custody.

(b) Whenever a prosecutor dismisses criminal charges against a person accused of domestic assault, a criminal sexual conduct offense, or harassment, a record shall be made of the specific reasons for the dismissal. If the dismissal is due to the unavailability of the witness, the prosecutor shall indicate the specific reason that the witness is unavailable.

(c) Whenever a prosecutor notifies a victim of domestic assault or harassment under this section, the prosecutor shall also inform the victim of the method and benefits of seeking an order for protection under section 518B.01 or a restraining order under section 609.748 and that the victim may seek an order without paying a fee.

Subd. 2. **Definitions.** For the purposes of this section, the following terms have the meanings given them.

(a) "Assault" has the meaning given it in section 609.02, subdivision 10.

(b) "Domestic assault" means an assault committed by the actor against a family or household member.

(c) "Family or household member" has the meaning given it in section 518B.01, subdivision 2.

(d) "Harassment" means a violation of section 609.749.

(e) "Criminal sexual conduct offense" means a violation of sections 609.342 to 609.3453.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 38. Minnesota Statutes 2004, section 624.22, subdivision 8, is amended to read:

Subd. 8. **Suspension, revocation, or refusal to renew certification.** (a) The state fire marshal may suspend, revoke, or refuse to renew certification of an operator if the operator has:

(1) submitted a fraudulent application;

(2) caused or permitted a fire or safety hazard to exist or occur during the storage, transportation, handling, preparation, or use of fireworks;

(3) conducted a display of fireworks without receipt of a permit required by the state or a political subdivision;

(4) conducted a display of fireworks with assistants who were not at least 18 years of age, properly instructed, and continually supervised; or

(5) otherwise failed to comply with any federal or state law or regulation, or the guidelines, relating to fireworks.

(b) Any person aggrieved by a decision made by the state fire marshal under this subdivision may petition the state fire marshal in writing to reconsider the decision. The state fire marshal shall render a decision in writing within 30 days of receipt of the written request for reconsideration. Following reconsideration, the person may appeal the decision to the district court.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 39. **[626.9601] DEFINITIONS.**

Subdivision 1. **Scope of definitions.** For purposes of sections 626.9601 to 626.9615, the following terms have the meanings given them.

Subd. 2. **Bloodborne pathogens.** "Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

Subd. 3. **Law enforcement agency.** "Law enforcement agency" has the meaning given in section 626.84, subdivision 1.

Subd. 4. **Peace officer.** "Peace officer" is an individual employed as a licensed peace officer under section 626.84, subdivision 1.

Subd. 5. **Source individual.** "Source individual" means an individual, living or dead, whose blood, tissue, or potentially infectious body fluids may be a source of bloodborne pathogen exposure to a peace officer.

Subd. 6. **Significant exposure.** "Significant exposure" means contact likely to transmit a bloodborne pathogen, in a manner supported by the most current guidelines and recommendations of the United States Public Health Service at the time an evaluation takes place, that includes:

(1) percutaneous injury, contact of mucous membrane or nonintact skin, or prolonged contact of intact skin; and

(2) contact, in a manner that may transmit a bloodborne pathogen, with blood, tissue, or potentially infectious body fluids.

Subd. 7. **Facility.** "Facility" means a hospital licensed under sections 144.50 to 144.56 or a freestanding emergency medical care facility licensed under Laws 1988, chapter 467, that receives a peace officer for evaluation for significant exposure or a source individual whose bodily fluids contacted a peace officer.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 40. **[626.9602] CONDITIONS FOR APPLICABILITY OF PROCEDURES.**

Subdivision 1. **Request for procedures.** A peace officer or law enforcement agency may request that a facility follow the procedures of sections 626.9601 to 626.9615 when a peace officer may have experienced a significant exposure to a source individual.

Subd. 2. **Conditions.** A facility shall follow the procedures outlined in sections 626.9601 to 626.9615 when all of the following conditions are met:

(1) the facility determines that significant exposure has occurred, following the protocol under section 626.9614;

(2) the licensed physician for the peace officer needs the source individual's bloodborne pathogen test results to begin, continue, modify, or discontinue treatment, in accordance with the most current guidelines of the United States Public Health Service, because of possible exposure to a bloodborne pathogen; and

(3) the peace officer consents to provide a blood sample for testing for a bloodborne pathogen. If the peace officer consents to blood collection, but does not consent at that time to bloodborne pathogen testing, the facility shall preserve the sample for at least 90 days. If the peace officer elects to have the sample tested within 90 days, the testing shall be done as soon as feasible.

Subd. 3. **Locating source individual.** If the source individual is not received by a facility but the facility is providing treatment to the peace officer, the law enforcement agency shall make reasonable efforts to locate the source individual and inform the facility of the source individual's identity and location. The facility shall make a reasonable effort to contact the source individual in order to follow the procedures in sections 626.9601 to 626.9615. The law enforcement agency and facilities may exchange private data about the source individual as necessary to fulfill their responsibilities under this subdivision, notwithstanding any provision of law to the contrary.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 41. **[626.9603] INFORMATION REQUIRED TO BE GIVEN TO INDIVIDUALS.**

Subdivision 1. **Information to source individual.** (a) Before seeking any consent required by the procedures under sections 626.9601 to 626.9615, a facility shall inform the source individual that the source individual's bloodborne pathogen test results, without the individual's name, address, or other uniquely identifying information, shall be reported to the peace officer if requested, and that test results collected under sections 626.9601 to 626.9615 are for medical purposes as set forth in section 626.9609 and may not be used as evidence in any criminal proceedings or civil proceedings, except for procedures under sections 144.4171 to 144.4186.

(b) The facility shall inform the source individual of the insurance protections in section 72A.20, subdivision 29.

(c) The facility shall inform the source individual that the individual may refuse to provide a blood sample and that the source individual's refusal may result in a request for a court order to require the source individual to provide a blood sample.

(d) The facility shall inform the source individual that the facility will advise the peace officer of the confidentiality requirements and penalties before disclosing any test information.

Subd. 2. **Information to peace officer.** (a) Before disclosing any information about the source individual, the facility shall inform the peace officer of the confidentiality requirements of section 626.9611 and that the peace officer may be subject to penalties for unauthorized release of information about the source individual under section 626.9612.

(b) The facility shall inform the peace officer of the insurance protections in section 72A.20, subdivision 29.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 42. **[626.9604] DISCLOSURE OF POSITIVE BLOODBORNE PATHOGEN TEST RESULTS.**

If the conditions of sections 626.9602 and 626.9603 are met, the facility shall ask the source individual and the peace officer if they have ever had a positive test for a bloodborne pathogen. The facility must attempt to get existing test results under this section before taking any steps to obtain a blood sample or to test for bloodborne pathogens. The facility shall disclose the source individual's bloodborne pathogen test results to the peace officer without the source individual's name, address, or other uniquely identifying information.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 43. **[626.9605] CONSENT PROCEDURES; GENERALLY.**

(a) For purposes of sections 626.9601 to 626.9615, whenever the facility is required to seek consent, the facility shall follow its usual procedure for obtaining consent from an individual or an individual's representative consistent with other law applicable to consent.

(b) Consent from a source individual's representative for bloodborne pathogen testing of an existing blood sample obtained from the source individual is not required if the facility has made reasonable efforts to obtain the representative's consent and consent cannot be obtained within 24 hours of a significant exposure.

(c) If testing of the source individual's blood occurs without consent because the source individual is unable to provide consent or has left the facility and cannot be located, and the source individual's representative cannot be located, the facility shall provide the information required in section 626.9603 to the source individual or representative whenever it is possible to do so.

(d) If a source individual dies before an opportunity to consent to blood collection or testing under sections 626.9601 to 626.9615, the facility does not need consent of the deceased person's representative for purposes of sections 626.9601 to 626.9615.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 44. **[626.9606] TESTING OF AVAILABLE BLOOD.**

Subdivision 1. **Procedures with consent.** If the source individual is or was under the care or custody of the facility and a sample of the source individual's blood is available with the consent of the source individual, the facility shall test that blood for bloodborne pathogens with the consent of the source individual, provided the conditions in sections 626.9602 and 626.9603 are met.

Subd. 2. **Procedures without consent.** If the source individual has provided a blood sample with consent but does not consent to bloodborne pathogen testing, the facility shall test for bloodborne pathogens if the peace officer or law enforcement agency requests the test, provided all of the following criteria are met:

(1) the peace officer or law enforcement agency has documented exposure to blood or body fluids during performance of the peace officer's duties;

(2) the facility has determined that a significant exposure has occurred and a licensed physician for the peace officer has documented in the peace officer's medical record that bloodborne pathogen test results are needed for beginning, modifying, continuing, or discontinuing medical treatment for the peace officer under section 626.9614, subdivision 2;

(3) the peace officer provides a blood sample for testing for bloodborne pathogens as soon as feasible;

(4) the facility asks the source individual to consent to a test for bloodborne pathogens and the source individual does not consent;

(5) the facility has provided the source individual with all of the information required by section 626.9603; and

(6) the facility has informed the peace officer of the confidentiality requirements of section 626.9611 and the penalties for unauthorized release of source information under section 626.9612.

Subd. 3. **Follow-up.** The facility shall inform the source individual and the peace officer of their own test results. The facility shall inform the peace officer of the source individual's test results without the source individual's name, address, or other uniquely identifying information.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 45. **[626.9607] BLOOD SAMPLE COLLECTION FOR TESTING.**

Subdivision 1. **Procedures with consent.** (a) If a blood sample is not otherwise available, the facility shall obtain consent from the source individual before collecting a blood sample for testing for bloodborne pathogens. The consent process shall include informing the source individual that the individual may refuse to provide a blood sample and that the source individual's refusal may result in a request for a court order under subdivision 2 to require the source individual to provide a blood sample.

(b) If the source individual consents to provide a blood sample, the facility shall collect a blood sample and test the sample for bloodborne pathogens.

(c) The facility shall inform the peace officer about the source individual's test results without the individual's name, address, or other uniquely identifying information. The facility shall inform the source individual of the test results.

(d) If the source individual refuses to provide a blood sample for testing, the facility shall inform the peace officer of the source individual's refusal.

Subd. 2. **Procedures without consent.** (a) A law enforcement agency or a peace officer may bring a petition for a court order to require a source individual to provide a blood sample for testing for bloodborne pathogens. The petition shall be filed in the district court in the county where the source individual resides or is hospitalized or where the peace officer is being treated. The petitioner is not required to serve the petition on the source individual prior to the hearing. The petition shall include one or more affidavits attesting that:

(1) the facility followed the procedures in sections 626.9601 to 626.9615 and attempted to obtain bloodborne pathogen test results according to those sections;

(2) it has been determined under section 626.9614, subdivision 2, that a significant exposure has occurred to the peace officer; and

(3) a physician with specialty training in infectious diseases, including HIV, has documented that the peace officer has provided a blood sample and consented to testing for bloodborne pathogens and bloodborne pathogen test results are needed for beginning, continuing, modifying, or discontinuing medical treatment for the peace officer.

(b) Facilities shall cooperate with petitioners in providing any necessary affidavits to the extent that facility staff can attest under oath to the facts in the affidavits.

(c) The court must issue an order requiring the source individual to provide a blood sample for bloodborne pathogen testing within 48 hours of receiving the order if the court finds that:

(1) there is probable cause to believe the peace officer has experienced a significant exposure to the source individual;

(2) a licensed physician for the peace officer needs the test results for beginning, continuing, modifying, or discontinuing medical treatment for the peace officer; and

(3) there is a reasonable need for the test results. In assessing reasonable need, the court shall weigh the need for the court-ordered blood collection and test results against the interests of the source individual, including, but not limited to, privacy, health, safety, or economic interests. The court shall also consider whether the involuntary blood collection and testing would serve the public interest.

(d) As part of an order issued under this subdivision, the court must impose appropriate safeguards against unauthorized disclosure that must specify the persons who have access to the test results and the purposes for which the test results may be used.

(e) The court shall schedule the hearing within 24 hours of receiving the petition and may conduct the proceeding in camera unless the court determines that a public hearing is necessary for the proper administration of justice. The source individual need not be present or have received notice of the hearing for the court to proceed. The evidence or testimony in support or opposition to a petition may be made or taken by telephone, facsimile transmission, video equipment, or other electronic communication. The court shall issue its ruling within 24 hours of the conclusion of the hearing.

(f) If the source individual did not make an appearance at the hearing, the petitioner must personally serve the source individual with a copy of the ex parte order along with a copy of the petition and supporting affidavits. A notice of the right to contest the order and the deadline for filing the appeal must accompany service of the order and petition.

(g) If the source individual did not make an appearance at the hearing, the source individual may petition the court for a hearing to contest the court order. The source individual's appeal must be filed within 48 hours of the person receiving the ex parte order. The person may not be compelled to submit to a blood test during the pendency of an appeal. The court must hold a hearing within 24 hours from the date the appeal is filed. The court may vacate its ex parte order if the source individual proves by clear and convincing evidence that the person's bodily fluids did not contact the peace officer. The court must issue a ruling within 24 hours of the conclusion of the hearing.

(h) A source individual who fails or refuses to comply with the terms and conditions of an order issued under this section shall be in contempt of court and subject to confinement under section 588.12 until the person has complied with the order.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 46. **[626.9608] NO DISCRIMINATION.**

A facility shall not base decisions about admission to a facility or the provision of care or treatment on any requirement that the source individual consent to bloodborne pathogen testing under sections 626.9601 to 626.9615.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 47. **[626.9609] USE OF TEST RESULTS.**

Bloodborne pathogen test results of a source individual obtained under sections 626.9601 to 626.9615 are for diagnostic purposes and to determine the need for treatment or medical care specific to a bloodborne pathogen-related illness of a peace officer. The test results may not be used as evidence in any criminal proceedings or civil proceedings, except for procedures under sections 144.4171 to 144.4186.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 48. **[626.9611] TEST INFORMATION CONFIDENTIALITY.**

Subdivision 1. **Private data.** Information concerning test results obtained under sections 626.9601 to 626.9615 is information protected from disclosure without consent under section 144.335 with respect to private facilities and private data as defined in section 13.02, subdivision 12, with respect to public facilities.

Subd. 2. **Consent to release information.** No facility, individual, or employer shall disclose to a peace officer the name, address, or other uniquely identifying information about a source individual without a written release signed by the source individual or the source individual's legally authorized representative. The facility shall not record the name, address, or other uniquely identifying information about the source individual's test results in the peace officer's medical records.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 49. **[626.9612] PENALTY FOR UNAUTHORIZED RELEASE OF INFORMATION.**

Unauthorized release by an individual, facility, or agency of a source individual's name, address, or other uniquely identifying information under sections 626.9601 to 626.9615 is subject to the remedies and penalties under sections 13.08 and 13.09. This section does not preclude private causes of action against an individual, state agency, statewide system, political subdivision, or person responsible for releasing private data or information protected from disclosure.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 50. **[626.9613] RESPONSIBILITY FOR TESTING AND TREATMENT; COSTS.**

(a) The facility shall ensure that tests under sections 626.9601 to 626.9615 are performed if requested by the peace officer or law enforcement agency, provided the conditions set forth in sections 626.9601 to 626.9615 are met.

(b) The law enforcement agency that employs the peace officer who requests testing under sections 626.9601 to 626.9615 must pay or arrange payment for the cost of counseling, testing, and treatment of the peace officer and costs associated with the testing of the source individual.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 51. **[626.9614] PROTOCOLS FOR EXPOSURE TO BLOODBORNE PATHOGENS.**

Subdivision 1. **Law enforcement agency requirements.** The law enforcement agency shall have procedures for a peace officer to notify a facility that the person may have experienced a significant exposure from a source individual. The law enforcement agency shall also have a protocol to locate the source individual if the facility has not received the source individual and the law enforcement agency knows the source individual's identity.

Subd. 2. **Facility protocol requirements.** Every facility shall adopt and follow a postexposure protocol for peace officers who have experienced a significant exposure. The postexposure protocol must adhere to the most current recommendations of the United States Public Health Service and include, at a minimum, the following:

(1) a process for peace officers to report an exposure in a timely fashion;

(2) a process for an infectious disease specialist, or a licensed physician who is knowledgeable about the most current recommendations of the United States Public Health Service in consultation with an infectious disease specialist;

(i) to determine whether a significant exposure to one or more bloodborne pathogens has occurred; and

(ii) to provide, under the direction of a licensed physician, a recommendation or recommendations for follow-up treatment appropriate to the particular bloodborne pathogen or pathogens for which a significant exposure has been determined;

(3) if there has been a significant exposure, a process to determine whether the source individual has a bloodborne pathogen through disclosure of test results, or through blood collection and testing as required by sections 626.9601 to 626.9615;

(4) a process for providing appropriate counseling prior to and following testing for a bloodborne pathogen regarding the likelihood of bloodborne pathogen transmission and follow-up recommendations according to the most current recommendations of the United States Public Health Service, recommendations for testing, and treatment to the peace officer;

(5) a process for providing appropriate counseling under clause (4) to the peace officer and the source individual; and

(6) compliance with applicable state and federal laws relating to data practices, confidentiality, informed consent, and the patient bill of rights.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 52. **[626.9615] PENALTIES AND IMMUNITY.**

Subdivision 1. **Penalties.** Any facility or person who willfully violates the provisions of sections 626.9601 to 626.9615 is guilty of a misdemeanor.

Subd. 2. **Immunity.** A facility, licensed physician, and designated health care personnel are immune from liability in any civil, administrative, or criminal action relating to the disclosure of test results to a peace officer or law enforcement agency and the testing of a blood sample from the source individual for bloodborne pathogens if a good faith effort has been made to comply with sections 626.9601 to 626.9615.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 53. **RICHFIELD DISABLED FIREFIGHTER HEALTH CARE ELIGIBILITY REVIEW.**

Subdivision 1. **Authorization.** An eligible individual specified in subdivision 2 is authorized to have a review of health care coverage eligibility as specified in subdivision 3.

Subd. 2. **Eligibility.** An eligible person is an individual who:

(1) was a member of the Public Employees Retirement Association police and fire plan due to employment as a firefighter with the city of Richfield;

(2) became disabled and was granted a duty-related disability benefit from the Public Employees Retirement Association police and fire plan on November 20, 2002; and

(3) is not receiving employer-paid health care coverage under the program established by Minnesota Statutes, section 299A.465, due to a determination by the city of Richfield that the individual does not satisfy all eligibility requirements for inclusion under that program.

Subd. 3. **Treatment.** Notwithstanding that the disability benefit was granted before the creation of the review panel, and notwithstanding Minnesota Statutes, section 299A.465, subdivision 6, which requires that applications for review by the panel created under that section be submitted to the panel within 90 days of approval of a disability benefit application by the applicable retirement plan, an eligible individual under subdivision 2 may submit an application to the panel within 90 days of the effective date of this section. The panel shall make a determination of whether the firefighter meets the requirements of Minnesota Statutes, section 299A.465, subdivision 1, paragraph (a), clause (2). The panel's final determination is binding on the applicant and the employer, subject to any right of judicial review.

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

Sec. 54. **REPEALER.**

Minnesota Statutes 2004, section 297I.05, subdivision 6, is repealed.

EFFECTIVE DATE. This section is effective July 1, 2007, and applies to policies written or renewed on or after that date.

ARTICLE 5

CORRECTIONS

Section 1. Minnesota Statutes 2004, section 43A.08, subdivision 1, is amended to read:

Subdivision 1. **Unclassified positions.** Unclassified positions are held by employees who are:

(1) chosen by election or appointed to fill an elective office;

(2) heads of agencies required by law to be appointed by the governor or other elective officers, and the executive or administrative heads of departments, bureaus, divisions, and institutions specifically established by law in the unclassified service;

(3) deputy and assistant agency heads and one confidential secretary in the agencies listed in subdivision 1a and in the Office of Strategic and Long-Range Planning;

(4) the confidential secretary to each of the elective officers of this state and, for the secretary of state and state auditor, an additional deputy, clerk, or employee;

(5) intermittent help employed by the commissioner of public safety to assist in the issuance of vehicle licenses;

(6) employees in the offices of the governor and of the lieutenant governor and one confidential employee for the governor in the Office of the Adjutant General;

(7) employees of the Washington, D.C., office of the state of Minnesota;

(8) employees of the legislature and of legislative committees or commissions; provided that employees of the Legislative Audit Commission, except for the legislative auditor, the deputy legislative auditors, and their confidential secretaries, shall be employees in the classified service;

(9) presidents, vice-presidents, deans, other managers and professionals in academic and academic support programs, administrative or service faculty, teachers, research assistants, and student employees eligible under terms of the federal Economic Opportunity Act work study program in the Perpich Center for Arts Education and the Minnesota State Colleges and Universities, but not the custodial, clerical, or maintenance employees, or any professional or managerial employee performing duties in connection with the business administration of these institutions;

(10) officers and enlisted persons in the National Guard;

(11) attorneys, legal assistants, and three confidential employees appointed by the attorney general or employed with the attorney general's authorization;

(12) judges and all employees of the judicial branch, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the Department of Labor and Industry;

(13) members of the State Patrol; provided that selection and appointment of State Patrol troopers must be made in accordance with applicable laws governing the classified service;

(14) ~~chaplains employed by the state;~~

~~(15)~~ examination monitors and intermittent training instructors employed by the Departments of Employee Relations and Commerce and by professional examining boards and intermittent staff employed by the technical colleges for the administration of practical skills tests and for the staging of instructional demonstrations;

~~(16)~~ (15) student workers;

~~(17)~~ (16) executive directors or executive secretaries appointed by and reporting to any policy-making board or commission established by statute;

~~(18)~~ (17) employees unclassified pursuant to other statutory authority;

~~(19)~~ (18) intermittent help employed by the commissioner of agriculture to perform duties relating to pesticides, fertilizer, and seed regulation;

~~(20)~~ (19) the administrators and the deputy administrators at the State Academies for the Deaf and the Blind; and

~~(21)~~ (20) chief executive officers in the Department of Human Services.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 2. **[144.0506] DRUG EDUCATION MATERIALS.**

The commissioner of health may provide materials for use by the commissioner of corrections and sheriffs in educating prison and jail inmates on the health hazards of drug use and manufacture.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 3. Minnesota Statutes 2004, section 144.445, subdivision 1, is amended to read:

Subdivision 1. **Screening of inmates.** (a) All persons detained or confined for 14 consecutive days or more in facilities operated, licensed, or inspected by the Department of Corrections shall be screened for tuberculosis with either a Mantoux test or a chest roentgenogram (x-ray) as consistent with screening and follow-up practices recommended by the United States Public Health Service or the Department of Health, as determined by the commissioner of health. Administration of the Mantoux test or chest roentgenogram (x-ray) must take place on or before the 14th day of detention or confinement.

(b) If an inmate refuses to submit to an annual test as specified in paragraph (a), the commissioner may order the inmate to be tested.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 4. **[241.75] INMATE HEALTH CARE DECISIONS; MEDICAL DIRECTOR, DEPARTMENT OF CORRECTIONS; AGENT.**

Subdivision 1. **Definitions.** The definitions in this subdivision apply to this section.

(a) "Commissioner" means the commissioner of corrections.

(b) "Decision-making capacity" means the ability to understand the significant benefits, risks, and alternatives to proposed health care and to make and communicate a health care decision.

(c) "Health care agent" or "agent" means the Department of Corrections medical director who is a licensed physician employed by the commissioner of corrections to provide services to inmates.

(d) "Health care power of attorney" means an instrument appointing one or more health care agents to make health care decisions for the inmate.

(e) "Health care" means any care, treatment, service, or procedure to maintain, diagnose, or otherwise affect a person's physical or mental condition.

(f) "Health care decision" means the consent, refusal of consent, or withdrawal of consent to health care.

(g) "Next of kin" means an inmate's spouse, parent, adult children, or adult sibling.

(h) "Principal" means the Department of Corrections medical director.

Subd. 2. **Health care agent; decisions.** (a) The commissioner shall appoint the Department of Corrections medical director as the health care agent for inmates incarcerated in correctional facilities in the absence of a documented health care decision maker designated by the offender. If an inmate lacks decision-making capacity as determined by a medical doctor, and the emergency contact person is not available or has not been appointed as a

health care agent under chapter 145C, and next of kin have been contacted but are not available, then the Department of Corrections medical director has the authority as principal to make health care decisions for the inmate.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 5. **[243.30] DRUG EDUCATION.**

At orientation, the commissioner may provide all inmates with educational materials on the hazards of drug use and manufacture. Pursuant to section 144.0506, the commissioner of health shall provide the educational materials necessary for the commissioner to comply with this statute.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 6. Minnesota Statutes 2005 Supplement, section 244.055, subdivision 10, is amended to read:

Subd. 10. **Notice.** Upon receiving an offender's petition for release under subdivision 2, the commissioner shall notify the prosecuting authority responsible for the offender's conviction and the sentencing court. The commissioner shall give the authority and court a reasonable opportunity to comment on the offender's potential release. If the authority or court elects to comment, the comments must specify the reasons for the authority or court's position. This subdivision applies only to offenders sentenced before July 1, 2005.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 7. **[387.115] DRUG EDUCATION.**

At orientation and as often as possible, jail administrators may provide all inmates with educational materials on the hazards of drug use and manufacture. Every jail shall have a process in place that provides for distribution of drug education materials to inmates as often as possible.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 8. Minnesota Statutes 2004, section 609.102, subdivision 2, is amended to read:

Subd. 2. **Imposition of fee.** When a court ~~sentences places~~ a person convicted of a crime, ~~and places the person~~ under the supervision and control of a local correctional agency, that agency may collect a local correctional fee based on the local correctional agency's fee schedule adopted under section 244.18.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 9. Minnesota Statutes 2004, section 631.425, subdivision 3, is amended to read:

Subd. 3. **Continuation of employment.** If the person committed under this section has been regularly employed, the sheriff shall arrange for a continuation of the employment insofar as possible without interruption. If the person is not employed, the court may designate a suitable person or agency to make reasonable efforts to secure some suitable employment for that person. An inmate employed under this section must be paid a fair and reasonable wage for work performed and must work at fair and reasonable hours per day and per week. There must not be a fee or charge for the inmate to participate in any employment under this section if the inmate is paying for the cost of the inmate's maintenance under subdivision 5.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 10. **STUDY; REPORT TO LEGISLATURE.**

(a) The commissioner of corrections shall undertake a validation and reliability study of the use of the Static-99, Rapid Risk Assessment for Sexual Offense Recidivism and the Minnesota Sex Offender Screening Tool-Revised in predicting the risk of reoffense among Minnesota offenders sentenced to probation.

(b) Disclosure to the commissioner of corrections, or the commissioner's designee, of corrections, detention, or court services data held by a responsible authority for use in the probationer recidivism study required under this section is a law enforcement purpose under Minnesota Statutes, sections 13.84 and 13.85.

(c) On or before February 1, 2007, the commissioner of corrections shall report a description of the study results required under this section, to the chairs and ranking minority members of the senate and house committees and divisions with jurisdiction over criminal justice funding and policy.

Sec. 11. **TRANSITION.**

The incumbent of a position that is transferred from the unclassified to the classified service under section 1 is appointed to the newly classified position.

EFFECTIVE DATE. This section is effective July 1, 2006.

ARTICLE 6

COURTS AND PUBLIC DEFENDERS

Section 1. Minnesota Statutes 2004, section 13.84, subdivision 1, is amended to read:

Subdivision 1. **Definition.** As used in this section "court services data" means data that are created, collected, used or maintained by a court services department, parole or probation authority, correctional agency, or by an agent designated by the court to perform studies or other duties and that are on individuals who are or were defendants, parolees or probationers of a ~~municipal, district or county~~ court, participants in diversion programs, petitioners or respondents to a family court, or juveniles adjudicated delinquent and committed, detained prior to a court hearing or hearings, or found to be dependent or neglected and placed under the supervision of the court.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 2. Minnesota Statutes 2004, section 13.84, subdivision 2, is amended to read:

Subd. 2. **General.** Unless the data is summary data or a statute, including sections 609.115 and 257.70, specifically provides a different classification, the following court services data are classified as private pursuant to section 13.02, subdivision 12:

(a) Court services data on individuals gathered at the request of a ~~municipal, district or county~~ court to determine the need for any treatment, rehabilitation, counseling, or any other need of a defendant, parolee, probationer, or participant in a diversion program, and used by the court to assist in assigning an appropriate sentence or other disposition in a case;

(b) Court services data on petitioners or respondents to a family court gathered at the request of the court for purposes of, but not limited to, individual, family, marriage, chemical dependency and marriage dissolution adjustment counseling, including recommendations to the court as to the custody of minor children in marriage dissolution cases;

(c) Court services data on individuals gathered by psychologists in the course of providing the court or its staff with psychological evaluations or in the course of counseling individual clients referred by the court for the purpose of assisting them with personal conflicts or difficulties.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 3. Minnesota Statutes 2004, section 48A.10, subdivision 3, is amended to read:

Subd. 3. **Order.** Upon finding that the applicant is authorized to exercise fiduciary powers, the district court shall enter an order substituting the applicant bank or trust company in every fiduciary capacity held by the affiliated bank or other bank or trust company for which substitution is sought and which joined in the application, except as may be otherwise specified in the application, and except for fiduciary capacities in any account with respect to which a person beneficially interested in the account has filed objection to the substitution and has appeared and been heard in support of the objection. Upon entry of the order, or at a later date as may be specified in the order, the applicant bank or trust company is substituted in every fiduciary capacity to which the order extends. The substitution may be made a matter of record in any county of this state by filing a certified copy of the order of substitution in the office of the court administrator of a district ~~or county~~ court, or by filing a certified copy of the order in the office of the county recorder.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 4. Minnesota Statutes 2004, section 219.97, subdivision 13, is amended to read:

Subd. 13. **Violation of provision for stopping train at crossing.** Upon the complaint of any person, a company operating a railroad violating section 219.93 shall forfeit not less than \$20 nor more than \$100 to be recovered in a civil action before a ~~county or municipal~~ judge of the county in which the violation occurs. One-half of the forfeiture must go to the complainant and one-half to the school district where the violation occurs.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 5. Minnesota Statutes 2004, section 260C.163, subdivision 3, is amended to read:

Subd. 3. **Appointment of counsel.** (a) The child, custodial parent, guardian or custodian has the right to effective assistance of counsel in connection with a proceeding in juvenile court.

(b) Except in proceedings where the sole basis for the petition is habitual truancy, if the child, custodial parent, guardian, or custodian desires counsel but is unable to employ it, the court shall appoint ~~counsel~~ a public defender to represent the child who is ten years of age or older or the ~~parents or custodial parent, guardian, or custodian~~ in any case in which it feels that such an appointment is appropriate. A noncustodial parent is entitled to counsel at public expense under section 260C.331, subdivision 3, only if the court makes written findings that the noncustodial parent should be made a party in the case and the county has an account to pay for representation.

(c) In any proceeding where the sole basis for the petition is habitual truancy, the child, custodial parent, guardian, ~~and~~ custodian, and noncustodial parent do not have the right to appointment of a public defender or other counsel at public expense. However, before any out-of-home placement, including foster care or inpatient treatment, can be ordered, the court must appoint a public defender or other counsel at public expense in accordance with paragraph (b).

(d) Counsel for the child shall not also act as the child's guardian ad litem.

(e) In any proceeding where the subject of a petition for a child in need of protection or services is not represented by an attorney, the court shall determine the child's preferences regarding the proceedings, if the child is of suitable age to express a preference.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 6. Minnesota Statutes 2004, section 346.09, subdivision 1, is amended to read:

Subdivision 1. **Notice; appraisers.** The person distraining shall give notice to the owner of the beast, if known to the distrainer, within 24 hours if the owner resides in the same town, and within 48 hours if the owner resides in another town in the same county, Sundays excepted. The notice shall specify the time when and the place where distrained, the number of beasts, and the place of their detention, and that at a time and place stated therein, which shall not be less than 12 hours after the service of the notice, nor more than three days after the distress, the distrainer will apply to a designated ~~county or municipal~~ judge of the county for the appointment of appraisers to appraise the damages. If the owner is unknown or does not reside in the county, the distraining person shall apply for the appointment of appraisers within 24 hours after the distress without notice. After the application, the judge shall appoint three disinterested residents of the town to appraise the damages.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 7. Minnesota Statutes 2004, section 347.04, is amended to read:

347.04 PUBLIC NUISANCE.

Any dog that habitually worries, chases, or molests teams or persons traveling peaceably on the public road is a public nuisance. Upon complaint in writing to a ~~county or municipal~~ district court judge containing a description of the dog, including the name of the dog and its owner, or stating that the name or names are not known, and alleging that the dog is a public nuisance, the judge shall issue a summons, if the owner is known, commanding the owner to appear before the judge at a specified time, not less than six nor more than ten days from the date of the summons, to answer the complaint. The summons shall be served not less than six days before the day of the hearing in the same manner as other district court summonses.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 8. Minnesota Statutes 2004, section 375A.13, subdivision 1, is amended to read:

Subdivision 1. **Appointment by ~~county~~ district judge.** A county government study commission hereinafter called "the commission" may be established in any county as provided in this section to study the form and structure of county government in the county and other counties both within and outside this state and, if deemed advisable by the commission, recommend to the voters of the county the adoption of any of the optional forms of county government contained in sections 375A.01 to 375A.13. The commission shall be established upon presentation of a petition requesting such action signed by voters equal in number to five percent of the electors voting at the last previous election for the office of governor or a resolution of the board of county commissioners of the county requesting such action. Appointments to the commission shall be made by order filed with the court administrator of the district court of the county and shall be made by the senior ~~county~~ judge having chambers in the county. If there be no judge having chambers in the county, appointments shall be made by the chief judge of the judicial district. The number on the study commission shall be set by the appointing judge but not to exceed 15. A noncommissioner from each commissioner district shall be appointed to a study commission. In addition three members shall be county commissioners and two shall be elected county officials. An appointee who neglects to file with the court administrator within 15 days a written acceptance shall be deemed to have declined the appointment

and the place shall be filled as though the appointee had resigned. Vacancies in the commission shall be filled as in the case of original appointments. The county board, the commission, or the petitioners requesting the appointment of the commission may submit to the appointing judge the names of eligible nominees which the appointing judge may consider in making appointments to the commission.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 9. Minnesota Statutes 2004, section 383B.65, subdivision 2, is amended to read:

Subd. 2. **May relocate Bloomington court.** Notwithstanding the provisions of section 488A.01, subdivision 9, the county of Hennepin may relocate the ~~municipal district~~ court serving the city of Bloomington and thereupon shall provide suitable quarters for the holding of regular terms of court in a southern suburban location within the county as may be designated by a majority of the judges of the court. All functions of the court may be discharged, including both court and jury trials of civil and criminal matters, at the location designated pursuant to this section. Nothing in this section shall be construed to reduce the level of services to the residents of the city of Bloomington.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 10. Minnesota Statutes 2004, section 390.20, is amended to read:

390.20 PERSON CHARGED ARRESTED.

If any person charged by the inquest with having committed the offense is not in custody, the coroner shall have the same power as a ~~county or municipal district court~~ judge to issue process for the person's apprehension. The warrant shall be returnable before any court having jurisdiction in the case and the court shall proceed as in similar cases.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 11. Minnesota Statutes 2004, section 390.33, subdivision 2, is amended to read:

Subd. 2. **Subpoena power.** The judge exercising probate jurisdiction may issue subpoenas for witnesses, returnable immediately or at a time and place the judge directs. The persons served with subpoenas shall be allowed the same fees, the sheriff shall enforce their attendance in the same manner, and they shall be subject to the same penalties as if they had been served with a subpoena in behalf of the state in a criminal case before a ~~county or municipal district court~~ judge.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 12. Minnesota Statutes 2004, section 480.181, subdivision 1, is amended to read:

Subdivision 1. **State employees; compensation.** (a) District court referees, judicial officers, court reporters, law clerks, district administration staff, other than district administration staff in the Second and Fourth Judicial Districts, guardian ad litem program coordinators and staff, staff court interpreters in the Second Judicial District, court psychological services staff in the Fourth Judicial District, and other court employees under paragraph (b), are state employees and are governed by the judicial branch personnel rules adopted by the Supreme Court. The Supreme Court, in consultation with the ~~conference of chief judges~~ Judicial Council, shall establish the salary range of these employees under the judicial branch personnel rules. In establishing the salary ranges, the Supreme Court shall consider differences in the cost of living in different areas of the state.

(b) The court administrator and employees of the court administrator who are in the Fifth, Seventh, Eighth, or Ninth Judicial District are state employees. The court administrator and employees of the court administrator in the remaining judicial districts become state employees as follows:

(1) effective July 1, 2003, for the Second and Fourth Judicial Districts;

(2) effective July 1, 2004, for the First and Third Judicial Districts; and

(3) effective July 1, 2005, for the Sixth and Tenth Judicial Districts.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 13. Minnesota Statutes 2004, section 480.181, subdivision 2, is amended to read:

Subd. 2. **Election to retain insurance and benefits; retirement.** (a) Before a person is transferred to state employment under this section, the person may elect to do either or both of the following:

(1) keep life insurance; hospital, medical, and dental insurance; and vacation and sick leave benefits and accumulated time provided by the county instead of receiving benefits from the state under the judicial branch personnel rules; or

(2) remain a member of the Public Employees Retirement Association or the Minneapolis employees retirement fund instead of joining the Minnesota State Retirement System.

Employees who make an election under clause (1) remain on the county payroll, but the state shall reimburse the county on a quarterly basis for the salary and cost of the benefits provided by the county. The state shall make the employer contribution to the Public Employees Retirement Association or the employer contribution under section 422A.101, subdivision 1a, to the Minneapolis Employees Retirement Fund on behalf of employees who make an election under clause (2).

(b) An employee who makes an election under paragraph (a), clause (1), may revoke the election, once, at any time, but if the employee revokes the election, the employee cannot make another election. An employee who makes an election under paragraph (a), clause (2), may revoke the election at any time within six months after the person becomes a state employee. Once an employee revokes this election, the employee cannot make another election.

(c) The Supreme Court, after consultation with the ~~conference of chief judges~~ Judicial Council, the commissioner of employee relations, and the executive directors of the Public Employees Retirement Association and the Minnesota State Retirement Association, shall adopt procedures for making elections under this section.

(d) The Supreme Court shall notify all affected employees of the options available under this section. The executive directors of the Public Employees Retirement Association and the Minnesota State Retirement System shall provide counseling to affected employees on the effect of making an election to remain a member of the Public Employees Retirement Association.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 14. Minnesota Statutes 2004, section 480.182, is amended to read:

480.182 STATE ASSUMPTION OF CERTAIN COURT COSTS.

~~(a)~~ Notwithstanding any law to the contrary, the state courts will pay for the following court-related programs and costs:

- (1) court interpreter program costs, including the costs of hiring court interpreters;
- (2) guardian ad litem program and personnel costs;
- (3) examination costs, not including hospitalization or treatment costs, for mental commitments and related proceedings under chapter 253B;
- (4) examination costs under rule 20 of the Rules of Criminal Procedure;
- (5) in forma pauperis costs;
- (6) costs for transcripts mandated by statute, except in appeal cases and postconviction cases handled by the Board of Public Defense; ~~and~~
- (7) jury program costs, ~~not including personnel; and~~

~~(b) In counties in a judicial district under section 480.181, subdivision 1, paragraph (b), the state courts shall pay the~~ (8) witness fees and mileage fees specified in sections 253B.23, subdivision 1; 260B.152, subdivision 2; 260C.152, subdivision 2; 260B.331, subdivision 3, clause (a); 260C.331, subdivision 3, clause (a); 357.24; 357.32; 525.012, subdivision 5; and 627.02.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 15. Minnesota Statutes 2004, section 484.01, subdivision 1, is amended to read:

Subdivision 1. **General.** The district courts shall have original jurisdiction in the following cases:

- (1) all civil actions within their respective districts;
- (2) in all cases of crime committed or triable therein;
- (3) in all special proceedings not exclusively cognizable by some other court or tribunal; ~~and~~
- (4) in law and equity for the administration of estates of deceased persons and all guardianship and incompetency proceedings;
- (5) the jurisdiction of a juvenile court as provided in chapter 260;
- (6) proceedings for the management of the property of persons who have disappeared, and actions relating thereto, as provided in chapter 576; and
- (7) in all other cases wherein such jurisdiction is especially conferred upon them by law.

They shall also have appellate jurisdiction in every case in which an appeal thereto is allowed by law from any other court, officer, or body.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 16. Minnesota Statutes 2004, section 484.011, is amended to read:

484.011 JURISDICTION IN SECOND AND FOURTH JUDICIAL DISTRICTS.

~~In the Second and Fourth Judicial Districts~~ The district court shall also be a probate court.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 17. Minnesota Statutes 2004, section 484.012, is amended to read:

484.012 COURT ADMINISTRATOR OF PROBATE COURT, SECOND JUDICIAL DISTRICT.

Notwithstanding section 525.09 the judicial district administrator in the Second Judicial District may appoint a court administrator of the Probate Court for the district subject to the approval of the chief judge and assistant chief judge who shall serve at the pleasure of the judges of the district, and who shall be supervised by the judicial district administrator, ~~and whose salary shall be fixed by the Ramsey County Board of Commissioners.~~

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 18. Minnesota Statutes 2004, section 484.45, is amended to read:

484.45 COURTHOUSE; JAIL; EXPENSES; ST. LOUIS COUNTY.

It is hereby made the duty of the board of county commissioners of the county of St. Louis to furnish and maintain adequate accommodations for the holding of terms of the district court at the city of Hibbing, and the city of Virginia, proper offices for these deputies and a proper place for the confinement and maintenance of the prisoners at the city of Hibbing and the city of Virginia.

The county shall reimburse the ~~court administrator and deputies as herein provided for and the county attorney and assistants and the district judges of the district and the official court reporter~~ for their traveling expenses actually and necessarily incurred in the performance of their respective official duties.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 19. Minnesota Statutes 2004, section 484.54, subdivision 3, is amended to read:

Subd. 3. **Reimbursement filings.** Each judge claiming reimbursement for allowable expenses may file with the supreme court monthly and shall file not later than 90 days after the expenses are incurred, an itemized statement, verified by the judge, of all allowable expenses actually paid by the judge. All statements shall be audited by the Supreme Court and, if approved by the Supreme Court, shall be paid ~~by the commissioner of finance~~ from appropriations for this purpose.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 20. Minnesota Statutes 2004, section 484.545, subdivision 1, is amended to read:

Subdivision 1. **Law clerk appointments.** ~~The Each district judges regularly assigned to hold court in each judicial district except for the Second, Fourth, and Tenth Judicial Districts may by orders filed with the court administrator and county auditor of each county in the district judge may~~ appoint a competent law clerk ~~for every two district court judges of the judicial district. The district judges regularly assigned to hold court in the First and Tenth Judicial Districts may by orders filed with the court administrator and county auditor of each county in the district~~ appoint a competent law clerk for each district court judge of the district.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 21. Minnesota Statutes 2004, section 484.64, subdivision 3, is amended to read:

Subd. 3. **Chambers and supplies.** The Board of County Commissioners of Ramsey County shall provide suitable chambers and courtroom space, ~~clerks, and~~ bailiffs, ~~and other personnel to assist said judge,~~ together with necessary library, supplies, ~~stationery~~ and other expenses necessary ~~thereto~~. The state shall provide referees, court reporters, law clerks, and guardian ad litem program coordinators and staff.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 22. Minnesota Statutes 2004, section 484.65, subdivision 3, is amended to read:

Subd. 3. **Space; personnel; supplies.** The Board of County Commissioners of Hennepin County shall provide suitable chambers and courtroom space, ~~clerks, and~~ bailiffs, ~~and other personnel to assist said judge,~~ together with necessary library, supplies, ~~stationery~~ and other expenses necessary ~~thereto~~. The state shall provide referees, court reporters, law clerks, and guardian ad litem program coordinators and staff.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 23. Minnesota Statutes 2004, section 484.68, subdivision 1, is amended to read:

Subdivision 1. **Appointment.** ~~By November 1, 1977,~~ The chief judge of the judicial district in each judicial district shall appoint a single district administrator, subject to the approval of the Supreme Court, with the advice of the judges of the judicial district.

The district administrator shall serve at the pleasure of a majority of the judges of the judicial district.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 24. Minnesota Statutes 2004, section 484.702, subdivision 5, is amended to read:

Subd. 5. **Rules.** The Supreme Court, ~~in consultation with the conference of chief judges,~~ shall adopt rules to implement the expedited child support hearing process under this section.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 25. **[484.80] LOCATION OF TRIAL RULE.**

If a municipality is located in more than one county or district, the county in which the city hall of the municipality is located determines the county or district in which the municipality shall be deemed located for the purposes of this chapter provided, however, that the municipality by ordinance enacted may designate, for those purposes, some other county or district in which a part of the municipality is located.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 26. **[484.81] PLEADING; PRACTICE; PROCEDURE.**

Subdivision 1. **General.** Pleading, practice, procedure, and forms in civil actions shall be governed by Rules of Civil Procedure which shall be adopted by the Supreme Court.

Subd. 2. **Court rules.** The court may adopt rules governing pleading, practice, procedure, and forms for civil actions which are not inconsistent with the provisions of governing statutes.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 27. **[484.82] MISDEMEANOR OFFENSES.**

A person who receives a misdemeanor citation shall proceed as follows: when a fine is not paid, the person charged must appear before the court at the time specified in the citation. If appearance before a misdemeanor bureau is designated in the citation, the person charged must appear within the time specified in the citation and arrange a date for arraignment in the district court.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 28. **[484.83] REINSTATEMENT OF FORFEITED SUMS.**

A district court judge may order any sums forfeited to be reinstated and the commissioner of finance shall then refund accordingly. The commissioner of finance shall reimburse the court administrator if the court administrator refunds the deposit upon a judge's order and obtains a receipt to be used as a voucher.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 29. **[484.84] FINE DISPOSITION.**

In the event the court takes jurisdiction of a prosecution for the violation of a statute or ordinance by the state or a governmental subdivision other than a home rule charter or statutory city or town within the county court district, all fines, penalties, and forfeitures collected must be paid over to the treasurer of the governmental subdivision which submitted the case for prosecution, except where a different disposition is provided by law. If a different disposition is provided by law, payment must be made to the public official entitled to it.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 30. **[484.85] DISPOSITION OF FINES, FEES, AND OTHER MONEY; ACCOUNTS; RAMSEY COUNTY DISTRICT COURT.**

(a) In the event the Ramsey County District Court takes jurisdiction of a prosecution for the violation of a statute or ordinance by the state or a governmental subdivision other than a city or town in Ramsey County, all fines, penalties, and forfeitures collected shall be paid over to the county treasurer except where a different disposition is

provided by law, and the following fees shall be taxed to the state or governmental subdivision other than a city or town within Ramsey County which would be entitled to payment of the fines, forfeitures, or penalties in any case, and shall be paid to the administrator of the court for disposal of the matter. The administrator shall deduct the fees from any fine collected for the state of Minnesota or a governmental subdivision other than a city or town within Ramsey County and transmit the balance in accordance with the law, and the deduction of the total of the fees each month from the total of all the fines collected is hereby expressly made an appropriation of funds for payment of the fees.

(b) On or before the last day of each month, the county treasurer shall pay over to the treasurer of the city of St. Paul two-thirds of all fines, penalties, and forfeitures collected and to the treasurer of each other municipality or subdivision of government in Ramsey County one-half of all fines or penalties collected during the previous month from those imposed for offenses committed within the treasurer's municipality or subdivision of government in violation of a statute; an ordinance; or a charter provision, rule, or regulation of a city. All other fines and forfeitures and all fees and costs collected by the district court shall be paid to the treasurer of Ramsey County, who shall dispense the same as provided by law.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 31. **[484.86] COURT DIVISIONS.**

Subdivision 1. **Authority.** Subject to the provisions of section 244.19 and rules of the Supreme Court, a court may establish a probate division, a family court division, juvenile division, and a civil and criminal division which shall include a conciliation court, and may establish within the civil and criminal division a traffic and ordinance violations bureau.

Subd. 2. **Establishment.** The court may establish, consistent with Rule 23 of the Rules of Criminal Procedure, misdemeanor violations bureaus at the places it determines.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 32. **[484.87] PLEADING, PRACTICE, PROCEDURE, AND FORMS IN CRIMINAL PROCEEDINGS.**

Subdivision 1. **Right to jury trial.** In any prosecution brought in a district court in which conviction of the defendant for the offense charged could result in imprisonment, the defendant has the right to a jury trial.

Subd. 2. **Prosecuting attorneys in Hennepin and Ramsey Counties.** Except as otherwise provided in this subdivision and section 388.051, subdivision 2, the attorney of the municipality in which the violation is alleged to have occurred has charge of the prosecution of all violations of the state laws, including violations which are gross misdemeanors, and municipal charter provisions, ordinances, rules, and regulations triable in the district court, and shall prepare complaints for the violations. The county attorney has charge of the prosecution of a violation triable in district court and shall prepare a complaint for the violation:

(1) if the county attorney is specifically designated by law as the prosecutor for the particular violation charged; or

(2) if the alleged violation is of state law and is alleged to have occurred in a municipality or other subdivision of government whose population according to the most recent federal decennial census is less than 2,500 and whose governing body, or the town board in the case of a town, has accepted this clause by majority vote, and if the defendant is cited or arrested by a member of the staff of the sheriff of Hennepin County or by a member of the State Patrol.

Clause (2) shall not apply to a municipality or other subdivision of government whose population according to the most recent federal decennial census is 2,500 or more, regardless of whether or not it has previously accepted clause (2).

Subd. 3. **Presumption of innocence; conviction of lowest degree.** In an action or proceeding charging a violation of an ordinance of any subdivision of government in Hennepin County, if such ordinance is the same or substantially the same as a state law, the provisions of section 611.02 shall apply.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 33. **[484.88] COUNTY ATTORNEY AS PROSECUTOR; NOTICE TO COUNTY.**

A municipality or other subdivision of government seeking to use the county attorney for violations enumerated in section 484.87, subdivision 2, shall notify the county board of its intention to use the services of the county attorney at least 60 days prior to the adoption of the board's annual budget each year. A municipality may enter into an agreement with the county board and the county attorney to provide prosecution services for any criminal offense on a case-by-case basis.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 34. **[484.89] ORDER FOR PRISON RELEASE.**

When a person is confined to the Hennepin County Adult Correctional Facility and a fine is remitted or a sentence is stayed or suspended, the person released on parole, or the release of the person secured by payment of the fine in default of which the person was committed, the prisoner shall not be released except upon order of the court. A written transcript of such order signed by the court administrator and under the court's seal shall be furnished to the superintendent of the Hennepin County Adult Correctional Facility. All cost of confinement or imprisonment in any jail or correctional facility shall be paid by the municipality or subdivision of government in Hennepin County in which the violation occurred, except that the county shall pay all costs of confinement or imprisonment incurred as a result of a prosecution of a gross misdemeanor.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 35. **[484.90] FEES PAYABLE TO COURT ADMINISTRATOR.**

Subdivision 1. **Civil fees.** The fees payable to the court administrator for the following services in civil actions are:

In all civil actions within the jurisdiction of the county court, the fees payable to the court administrator shall be the same as in district court. The fee payable for cases heard in conciliation court division is established under section 357.022. The filing fees must be transmitted to the county treasurer who shall transmit them to the commissioner of finance for deposit in the general fund.

The fees payable to the court administrator for the following services in petty misdemeanors or criminal actions are governed by the following provisions:

In the event the court takes jurisdiction of a prosecution for the violation of a statute or ordinance by the state or a governmental subdivision other than a city or town within the county court district; all fines, penalties and forfeitures collected shall be paid over to the treasurer of the governmental subdivision which submitted a case for prosecution except where a different disposition is provided by law, in which case payment shall be made to the public official entitled thereto. The following fees for services in petty misdemeanor or criminal actions shall be

taxed to the state or governmental subdivision which would be entitled to payment of the fines, forfeiture or penalties in any case, and shall be retained by the court administrator for disposing of the matter but in no case shall the fee that is taxed exceed the fine that is imposed. The court administrator shall deduct the fees from any fine collected and transmit the balance in accordance with the law, and the deduction of the total of such fees each month from the total of all such fines collected is hereby expressly made an appropriation of funds for payment of such fees:

(1) In all cases where the defendant pleads guilty at or prior to first appearance and sentence is imposed or the matter is otherwise disposed of without a trial, \$5

(2) Where the defendant pleads guilty after first appearance or prior to trial, \$10

(3) In all other cases where the defendant is found guilty by the court or jury or pleads guilty during trial, \$15

(4) The court shall have the authority to waive the collection of fees in any particular case.

The fees set forth in this subdivision shall not apply to parking violations for which complaints and warrants have not been issued.

Subd. 2. **Miscellaneous fees.** Fees payable to the court administrator for all other services shall be fixed by court rule.

Subd. 3. **Payment in advance.** Except as provided in subdivision 1, fees are payable to the court administrator in advance.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 36. **[484.91] MISDEMEANOR VIOLATIONS BUREAU.**

Subdivision 1. **Establishment.** Misdemeanor violations bureaus shall be established in Minneapolis, a southern suburb location, and at any other northern and western suburban locations dispersed throughout the county as may be designated by a majority of the judges of the court.

Subd. 2. **Supervision.** The court shall supervise and the court administrator shall operate the misdemeanor violations bureaus in accordance with Rule 23 of the Rules of Criminal Procedure. Subject to approval by a majority of the judges, the court administrator shall assign one or more deputy court administrators to discharge and perform the duties of the bureau.

Subd. 3. **Uniform traffic ticket.** The Hennepin County Board may alter by deletion or addition the uniform traffic ticket, provided in section 169.99, in such manner as it deems advisable for use in Hennepin County.

Subd. 4. **Procedure by person receiving misdemeanor citation.** A person who receives a misdemeanor or petty misdemeanor citation shall proceed as follows:

(a) If a fine for the violation may be paid at the bureau without appearance before a judge, the person charged may pay the fine in person or by mail to the bureau within the time specified in the citation. Payment of the fine shall be deemed to be the entry of a plea of guilty to the violation charged and a consent to the imposition of a sentence for the violation in the amount of the fine paid. A receipt shall be issued to evidence the payment and the receipt shall be satisfaction for the violation charged in that citation.

(b) When a fine is not paid, the person charged must appear at a bureau within the time specified in the citation, state whether the person desires to enter a plea of guilty or not guilty, arrange for a date for arraignment in court and appear in court for arraignment on the date set by the bureaus.

Subd. 5. **Supervision.** The court shall supervise and the court administrator shall operate the misdemeanor violations bureaus in accordance with Rule 23 of the Rules of Criminal Procedure. Subject to approval by a majority of the judges, the court administrator shall assign one or more deputy court administrators to discharge and perform the duties of the bureaus.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 37. **[484.92] ADDITIONAL EMPLOYEES.**

Subdivision 1. **Bailiffs.** The sheriff of a county shall furnish to the district court deputies to serve as bailiffs within the county as the court may request. The county board may, with the approval of the chief judge of the district, contract with any municipality, upon terms agreed upon, for the services of police officers of the municipality to act as bailiffs in the county district court.

Nothing contained herein shall be construed to limit the authority of the court to employ probation officers with the powers and duties prescribed in section 244.19.

Subd. 2. **Transcription of court proceedings.** Electronic recording equipment may be used for the purposes of Laws 1971, chapter 951, to record court proceedings in lieu of a court reporter. However, at the request of any party to any proceedings the court may in its discretion require the proceedings to be recorded by a competent court reporter who shall perform such additional duties as the court directs. The salary of a reporter shall be set in accordance with the procedure provided by sections 486.05 and 486.06.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 38. Minnesota Statutes 2005 Supplement, section 485.01, is amended to read:

485.01 APPOINTMENT; BOND; DUTIES.

A clerk of the district court for each county within the judicial district, who shall be known as the court administrator, shall be appointed by a majority of the district court judges in the district. ~~The clerk, before entering upon the duties of office, shall give bond to the state, to be approved by the chief judge of the judicial district, conditioned for the faithful discharge of official duties. The bond, with~~ An oath of office, shall be recorded with the ~~county recorder~~ court administrator. The ~~clerk~~ court administrator shall perform all duties assigned by law and by the rules of the court. The ~~clerk~~ court administrator and all ~~deputy clerks~~ deputies must not practice as attorneys in the court in which they are employed.

The duties, functions, and responsibilities which have been and may be required by law or rule to be performed by the clerk of district court shall be performed by the court administrator.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 39. Minnesota Statutes 2004, section 485.018, subdivision 5, is amended to read:

Subd. 5. **Collection of fees.** The court administrator of district court shall charge and collect all fees as prescribed by law and all such fees collected by the court administrator as court administrator of district court shall be paid to the ~~county treasurer~~ Department of Finance. Except for those portions of forfeited bail paid to victims

pursuant to existing law, the ~~county treasurer~~ court administrator shall forward all revenue from fees and forfeited bail collected under chapters 357, 487, and 574 to the commissioner of finance for deposit in the state treasury and credit to the general fund, unless otherwise provided in chapter 611A or other law, in the manner and at the times prescribed by the commissioner of finance, but not less often than once each month. If the defendant or probationer is located after forfeited bail proceeds have been forwarded to the commissioner of finance, the commissioner of finance shall reimburse the county, on request, for actual costs expended for extradition, transportation, or other costs necessary to return the defendant or probationer to the jurisdiction where the bail was posted, in an amount not more than the amount of forfeited bail. The court administrator of district court shall not retain any additional compensation, per diem or other emolument for services as court administrator of district court, but may receive and retain mileage and expense allowances as prescribed by law.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 40. Minnesota Statutes 2004, section 485.021, is amended to read:

485.021 INVESTMENT OF FUNDS DEPOSITED WITH COURT ADMINISTRATOR.

When money is paid into court pursuant to court order, the court administrator of district court, unless the court order specifies otherwise, may place such moneys with the ~~county treasurer~~ Department of Finance for investment, as provided by law. When such moneys are subsequently released, or otherwise treated, by court order, the same shall be immediately paid over by the county treasurer to the court administrator of district court who shall then fulfill the direction of the court order relative to such moneys.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 41. Minnesota Statutes 2005 Supplement, section 485.03, is amended to read:

485.03 DEPUTIES.

(a) The county board shall determine the number of permanent full time deputies, clerks and other employees in the office of the court administrator of district court and shall fix the compensation for each position. The county board shall also budget for temporary deputies and other employees and shall fix their rates of compensation. This paragraph does not apply to a county in a judicial district under section 480.181, subdivision 1, paragraph (b).

(b) The court administrator shall appoint in writing the deputies and other employees, for whose acts the court administrator shall be responsible, ~~and whom the court administrator may remove at pleasure~~. Before each enters upon official duties, the appointment and oath of each shall be recorded with the ~~county recorder~~ court administrator.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 42. Minnesota Statutes 2005 Supplement, section 485.05, is amended to read:

485.05 DEPUTY COURT ADMINISTRATOR IN ST. LOUIS COUNTY.

In all counties in the state now or hereafter having a population of more than 150,000 and wherein regular terms of the district court are held in three or more places, the court administrator of the district court therein, by an instrument in writing, under the court administrator's hand and seal, and with the approval of the district judge of the judicial district in which said county is situated, or, if there be more than one such district judge, with the approval

of a majority thereof, may appoint deputies for whose acts the court administrator shall be responsible, such deputies to hold office as such until they shall be removed therefrom, which removal shall not be made except with the approval of the district judge or judges. The appointment and oath of every such deputy shall be recorded with the ~~county recorder~~ court administrator.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 43. Minnesota Statutes 2004, section 485.11, is amended to read:

485.11 PRINTED CALENDARS.

The court administrator of the district court in each of the several counties of this state shall provide calendars ~~either printed or otherwise duplicated~~ of the cases to be tried at the general terms thereof ~~at the expense of the counties where such court is held. This section shall not apply to a county where only one term of court is held each year.~~

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 44. Minnesota Statutes 2004, section 488A.03, subdivision 6, is amended to read:

Subd. 6. **Disposition of fines, fees and other money; accounts.** (a) Except as otherwise provided herein and except as otherwise provided by law, the court administrator shall pay ~~to the Hennepin county treasurer~~ all fines and penalties collected by the court administrator, all fees collected by the court administrator for court administrator's services, all sums forfeited to the court as hereinafter provided, and all other money received by the court administrator, to the subdivision of government entitled thereto as follows on or before the 20th day after the last day of the month in which the money was collected. Eighty percent of all fines and penalties collected during the previous month shall be paid to the treasurer of the municipality or subdivision of government where the crime was committed. The remainder of the fines and penalties shall be credited to the general fund of the state. In all cases in which the county attorney had charge of the prosecution, all such fines and penalties shall be credited to the state general fund.

(b) The court administrator shall ~~provide the county treasurer with~~ identify the name of the municipality or other subdivision of government where the offense was committed ~~and the name and official position of the officer who prosecuted the offense for each fine or penalty,~~ and the total amount of fines or penalties collected for each such municipality or other subdivision of government, ~~or for the county, or for the state.~~

~~(c) At the beginning of the first day of any month the amount owing to any municipality or county in the hands of the court administrator shall not exceed \$5,000.~~

~~(d) On or before the last day of each month the county treasurer shall pay over to the treasurer of each municipality or subdivision of government in Hennepin County all fines or penalties collected during the previous month for offenses committed within such municipality or subdivision of government, except that all such fines and penalties attributable to cases in which the county attorney had charge of the prosecution shall be retained by the county treasurer and credited to the county general revenue fund.~~

~~(e)~~ (c) Amounts represented by checks issued by the court administrator or received by the court administrator which have not cleared by the end of the month may be shown on the monthly account as having been paid or received, subject to adjustment on later monthly accounts.

~~(d)~~ (d) The court administrator may receive negotiable instruments in payment of fines, penalties, fees or other obligations as conditional payments, and is not held accountable therefor until collection in cash is made and then only to the extent of the net collection after deduction of the necessary expense of collection.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 45. Minnesota Statutes 2004, section 488A.03, subdivision 11, is amended to read:

Subd. 11. **Fees payable to administrator.** (a) The civil fees payable to the administrator for services are the same in amount as the fees then payable to the District Court of Hennepin County for like services. Library and filing fees are not required of the defendant in an eviction action. The fees payable to the administrator for all other services of the administrator or the court shall be fixed by rules promulgated by a majority of the judges.

(b) Fees are payable to the administrator in advance.

(c) Judgments will be entered only upon written application.

~~(d) The following fees shall be taxed for all charges filed in court where applicable: (a) The state of Minnesota and any governmental subdivision within the jurisdictional area of any district court herein established may present cases for hearing before said district court; (b) In the event the court takes jurisdiction of a prosecution for the violation of a statute or ordinance by the state or a governmental subdivision other than a city or town in Hennepin County, all fines, penalties, and forfeitures collected shall be paid over to the treasurer of the governmental subdivision which submitted charges for prosecution under ordinance violation and to the county treasurer in all other charges except where a different disposition is provided by law, in which case, payment shall be made to the public official entitled thereto. The following fees shall be taxed to the county or to the state or governmental subdivision which would be entitled to payment of the fines, forfeiture or penalties in any case, and shall be paid to the court administrator for disposing of the matter:~~

~~(1) For each charge where the defendant is brought into court and pleads guilty and is sentenced, or the matter is otherwise disposed of without trial \$5.~~

~~(2) In arraignments where the defendant waives a preliminary examination \$10.~~

~~(3) For all other charges where the defendant stands trial or has a preliminary examination by the court \$15.~~

~~(e) This paragraph applies to the distribution of fines paid by defendants without a court appearance in response to a citation. On or before the tenth day after the last day of the month in which the money was collected, the county treasurer shall pay 80 percent of the fines to the treasurer of the municipality or subdivision within the county where the violation was committed. The remainder of the fines shall be credited to the general revenue fund of the county.~~

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 46. Minnesota Statutes 2004, section 517.041, is amended to read:

517.041 POWER TO APPOINT COURT COMMISSIONER; DUTY.

~~The county court of the combined county court district of Benton and Stearns may appoint as court commissioner a person who was formerly employed by that county court district as a court commissioner.~~

The ~~county court of the Third or Fifth Judicial Districts~~ District may appoint as court commissioner for ~~Brown, Dodge, Fillmore and Olmsted Counties~~ respectively a person who was formerly employed by those counties as a court commissioner.

The sole duty of an appointed court commissioner is to solemnize marriages.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 47. Minnesota Statutes 2004, section 518.157, subdivision 2, is amended to read:

Subd. 2. **Minimum standards; plan.** The Minnesota Supreme Court should promulgate minimum standards for the implementation and administration of a parent education program. ~~The chief judge of each judicial district or a designee shall submit a plan to the Minnesota conference of chief judges for their approval that is designed to implement and administer a parent education program in the judicial district. The plan must be consistent with the minimum standards promulgated by the Minnesota Supreme Court.~~

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 48. Minnesota Statutes 2004, section 518B.01, is amended by adding a subdivision to read:

Subd. 19a. **Entry and enforcement of foreign protective orders.** (a) As used in this subdivision, "foreign protective order" means an order for protection entered by a court of another state; and order by an Indian tribe which includes orders entered in child welfare proceedings, or United States territory that would be a protective order entered under this chapter; a temporary or permanent order or protective order to exclude a respondent from a dwelling; or an order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault if it had been entered in Minnesota.

(b) A person for whom a foreign protection order has been issued or the issuing court or tribunal may provide a certified or authenticated copy of a foreign protective order to the court administrator in any county that would have venue if the original action was being commenced in this state or in which the person in whose favor the order was entered may be present, for filing and entering of the same into the state order for prosecution database.

(c) The court administrator shall file and enter foreign protective orders that are not certified or authenticated, if supported by an affidavit of a person with personal knowledge, subject to the penalties for perjury. The person protected by the order may provide this affidavit.

(d) The court administrator shall provide copies of the order as required by this section.

(e) A valid foreign protective order has the same effect and shall be enforced in the same manner as an order for protection issued in this state whether or not filed with a court administrator or otherwise entered in the state order for protection database.

(f) A foreign protective order is presumed valid if it meets all of the following:

(1) the order states the name of the protected individual and the individual against whom enforcement is sought;

(2) the order has not expired;

(3) the order was issued by a court or tribunal that had jurisdiction over the parties and subject matter under the law of the foreign jurisdiction; and

(4) the order was issued in accordance with the respondent's due process rights, either after the respondent was provided with reasonable notice and an opportunity to be heard before the court or tribunal that issued the order, or in the case of an ex parte order, the respondent was granted notice and an opportunity to be heard within a reasonable time after the order was issued.

(g) Proof that a foreign protective order failed to meet all of the factors listed in paragraph (f) is an affirmative defense in any action seeking enforcement of the order.

(h) A peace officer shall treat a foreign protective order as a valid legal document and shall make an arrest for a violation of the foreign protective order in the same manner that a peace officer would make an arrest for a violation of a protective order issued within this state.

(i) The fact that a foreign protective order has not been filed with the court administrator or otherwise entered into the state order for protection database shall not be grounds to refuse to enforce the terms of the order unless it is apparent to the officer that the order is invalid on its face.

(j) A peace officer acting reasonably and in good faith in connection with the enforcement of a foreign protective order is immune from civil and criminal liability in any action arising in connection with the enforcement.

(k) Filing and service costs in connection with foreign protective orders are waived.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 49. Minnesota Statutes 2004, section 546.27, subdivision 2, is amended to read:

Subd. 2. **Board of judicial standards review.** At least annually, the board on judicial standards shall review the compliance of each district, ~~county, or municipal~~ judge with the provisions of subdivision 1. To facilitate this review, the director of the state judicial information system shall notify the executive secretary of the state board on judicial standards when a matter exceeds 90 days without a disposition. The board shall notify the commissioner of finance of each judge not in compliance. If the board finds that a judge has compelling reasons for noncompliance, it may decide not to issue the notice. Upon notification that a judge is not in compliance, the commissioner of finance shall not pay the salary of that judge. The board may cancel a notice of noncompliance upon finding that a judge is in compliance, but in no event shall a judge be paid a salary for the period in which the notification of noncompliance was in effect.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 50. Minnesota Statutes 2004, section 595.02, subdivision 1, is amended to read:

Subdivision 1. **Competency of witnesses.** Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as provided in this subdivision:

(a) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the marriage. This exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other or against a child of either or against a child under the care of either spouse, nor to a criminal action or proceeding in which one is charged with homicide or an attempt to commit homicide and the date of the marriage of the defendant is subsequent to the date of the offense, nor to an action or proceeding for nonsupport, neglect, dependency, or termination of parental rights.

(b) An attorney cannot, without the consent of the attorney's client, be examined as to any communication made by the client to the attorney or the attorney's advice given thereon in the course of professional duty; nor can any employee of the attorney be examined as to the communication or advice, without the client's consent.

(c) A member of the clergy or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to the member of the clergy or other minister in a professional character, in the course of discipline enjoined by the rules or practice of the religious body to which the member of the clergy or other minister belongs; nor shall a member of the clergy or other minister of any religion be examined as to any communication made to the member of the clergy or other minister by any person seeking religious or spiritual advice, aid, or comfort or advice given thereon in the course of the member of the clergy's or other minister's professional character, without the consent of the person.

(d) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent of the patient, be allowed to disclose any information or any opinion based thereon which the professional acquired in attending the patient in a professional capacity, and which was necessary to enable the professional to act in that capacity; after the decease of the patient, in an action to recover insurance benefits, where the insurance has been in existence two years or more, the beneficiaries shall be deemed to be the personal representatives of the deceased person for the purpose of waiving this privilege, and no oral or written waiver of the privilege shall have any binding force or effect except when made upon the trial or examination where the evidence is offered or received.

(e) A public officer shall not be allowed to disclose communications made to the officer in official confidence when the public interest would suffer by the disclosure.

(f) Persons of unsound mind and persons intoxicated at the time of their production for examination are not competent witnesses if they lack capacity to remember or to relate truthfully facts respecting which they are examined.

(g) A registered nurse, psychologist, consulting psychologist, or licensed social worker engaged in a psychological or social assessment or treatment of an individual at the individual's request shall not, without the consent of the professional's client, be allowed to disclose any information or opinion based thereon which the professional has acquired in attending the client in a professional capacity, and which was necessary to enable the professional to act in that capacity. Nothing in this clause exempts licensed social workers from compliance with the provisions of sections 626.556 and 626.557.

(h) An interpreter for a person handicapped in communication shall not, without the consent of the person, be allowed to disclose any communication if the communication would, if the interpreter were not present, be privileged. For purposes of this section, a "person handicapped in communication" means a person who, because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, is unable to understand the proceedings in which the person is required to participate. The presence of an interpreter as an aid to communication does not destroy an otherwise existing privilege.

(i) Licensed chemical dependency counselors shall not disclose information or an opinion based on the information which they acquire from persons consulting them in their professional capacities, and which was necessary to enable them to act in that capacity, except that they may do so:

(1) when informed consent has been obtained in writing, except in those circumstances in which not to do so would violate the law or would result in clear and imminent danger to the client or others;

(2) when the communications reveal the contemplation or ongoing commission of a crime; or

(3) when the consulting person waives the privilege by bringing suit or filing charges against the licensed professional whom that person consulted.

(j) A parent or the parent's minor child may not be examined as to any communication made in confidence by the minor to the minor's parent. A communication is confidential if made out of the presence of persons not members of the child's immediate family living in the same household. This exception may be waived by express consent to disclosure by a parent entitled to claim the privilege or by the child who made the communication or by failure of the child or parent to object when the contents of a communication are demanded. This exception does not apply to a civil action or proceeding by one spouse against the other or by a parent or child against the other, nor to a proceeding to commit either the child or parent to whom the communication was made or to place the person or property or either under the control of another because of an alleged mental or physical condition, nor to a criminal action or proceeding in which the parent is charged with a crime committed against the person or property of the communicating child, the parent's spouse, or a child of either the parent or the parent's spouse, or in which a child is charged with a crime or act of delinquency committed against the person or property of a parent or a child of a parent, nor to an action or proceeding for termination of parental rights, nor any other action or proceeding on a petition alleging child abuse, child neglect, abandonment or nonsupport by a parent.

(k) Sexual assault counselors may not be ~~compelled to testify about~~ allowed to disclose any opinion or information received from or about the victim without the consent of the victim. However, a counselor may be compelled to identify or disclose information in investigations or proceedings related to neglect or termination of parental rights if the court determines good cause exists. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the treatment relationship, and the treatment services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from compliance with the provisions of sections 626.556 and 626.557.

"Sexual assault counselor" for the purpose of this section means a person who has undergone at least 40 hours of crisis counseling training and works under the direction of a supervisor in a crisis center, whose primary purpose is to render advice, counseling, or assistance to victims of sexual assault.

(l) A person cannot be examined as to any communication or document, including worknotes, made or used in the course of or because of mediation pursuant to an agreement to mediate. This does not apply to the parties in the dispute in an application to a court by a party to have a mediated settlement agreement set aside or reformed. A communication or document otherwise not privileged does not become privileged because of this paragraph. This paragraph is not intended to limit the privilege accorded to communication during mediation by the common law.

(m) A child under ten years of age is a competent witness unless the court finds that the child lacks the capacity to remember or to relate truthfully facts respecting which the child is examined. A child describing any act or event may use language appropriate for a child of that age.

(n) A communication assistant for a telecommunications relay system for communication-impaired persons shall not, without the consent of the person making the communication, be allowed to disclose communications made to the communication assistant for the purpose of relaying.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 51. Minnesota Statutes 2004, section 609.101, subdivision 4, is amended to read:

Subd. 4. **Minimum fines; other crimes.** Notwithstanding any other law:

(1) when a court sentences a person convicted of a felony that is not listed in subdivision 2 or 3, it must impose a fine of not less than 30 percent of the maximum fine authorized by law nor more than the maximum fine authorized by law; and

(2) when a court sentences a person convicted of a gross misdemeanor or misdemeanor that is not listed in subdivision 2, it must impose a fine of not less than 30 percent of the maximum fine authorized by law nor more than the maximum fine authorized by law, unless the fine is set at a lower amount on a uniform fine schedule established by the ~~conference of chief judges~~ Judicial Council in consultation with affected state and local agencies. This schedule shall be promulgated not later than September 1 of each year and shall become effective on January 1 of the next year unless the legislature, by law, provides otherwise.

The minimum fine required by this subdivision is in addition to the surcharge or assessment required by section 357.021, subdivision 6, and is in addition to any sentence of imprisonment or restitution imposed or ordered by the court.

The court shall collect the fines mandated in this subdivision and, except for fines for traffic and motor vehicle violations governed by section 169.871 and section 299D.03 and fish and game violations governed by section 97A.065, forward 20 percent of the revenues to the commissioner of finance for deposit in the general fund.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 52. Minnesota Statutes 2004, section 611.14, is amended to read:

611.14 RIGHT TO REPRESENTATION BY PUBLIC DEFENDER.

The following persons who are financially unable to obtain counsel are entitled to be represented by a public defender:

(1) a person charged with a felony, gross misdemeanor, or misdemeanor including a person charged under sections 629.01 to 629.29;

(2) a person appealing from a conviction of a felony or gross misdemeanor, or a person convicted of a felony or gross misdemeanor, who is pursuing a postconviction proceeding and who has not already had a direct appeal of the conviction, but if the person pled guilty and received a presumptive sentence or a downward departure in sentence, and the state public defender reviewed the person's case and determined that there was no basis for an appeal of the conviction or of the sentence, then the state public defender may decline to represent the person in a postconviction remedy case;

(3) a person who is entitled to be represented by counsel under section 609.14, subdivision 2; ~~or~~

(4) a minor ten years of age or older who is entitled to be represented by counsel under section 260B.163, subdivision 4, or 260C.163, subdivision 3; ~~or~~

(5) a custodial parent who is entitled to be represented by counsel under section 260C.163, subdivision 3, or, if there is no custodial parent, the guardian or the custodian of the child, except that in cases governed by the Indian Child Welfare Act, the district public defender may represent both parents regardless of whether they have custody of the child, or the guardian or custodian of the child.

The Board of Public Defense must not provide or pay for public defender services to persons other than those entitled to representation under this section.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 53. Minnesota Statutes 2004, section 611.16, is amended to read:

611.16 REQUEST FOR APPOINTMENT OF PUBLIC DEFENDER.

Any person described in section 611.14 ~~or any other person entitled by law to representation by counsel~~, may at any time request the court in which the matter is pending, or the court in which the conviction occurred, to appoint a public defender to represent the person. In a proceeding defined by clause (2) of section 611.14, application for the appointment of a public defender may also be made to a judge of the Supreme Court.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 54. Minnesota Statutes 2004, section 611.18, is amended to read:

611.18 APPOINTMENT OF PUBLIC DEFENDER.

If it appears to a court that a person requesting the appointment of counsel satisfies the requirements of this chapter, the court shall order the appropriate public defender to represent the person at all further stages of the proceeding through appeal, if any. For a person appealing from a conviction, or a person pursuing a postconviction proceeding and who has not already had a direct appeal of the conviction, according to the standards of sections 611.14 and 611.25, subdivision 1, paragraph (a), clause (2), the state public defender shall be appointed. For a person covered by section 611.14, clause (1), ~~(3), (4), or (5)~~, a district public defender shall be appointed to represent that person. ~~If (a) conflicting interests exist, (b) the district public defender for any other reason is unable to act, or (c) the interests of justice require, the state public defender may be ordered to represent a person. When the state public defender is directed by a court to represent a defendant or other person, the state public defender may assign the representation to any district public defender.~~ If at any stage of the proceedings, including an appeal, the court finds that the defendant is financially unable to pay counsel whom the defendant had retained, the court may appoint the appropriate public defender to represent the defendant, as provided in this section. Prior to any court appearance, a public defender may represent a person accused of violating the law, who appears to be financially unable to obtain counsel, and shall continue to represent the person unless it is subsequently determined that the person is financially able to obtain counsel. The representation may be made available at the discretion of the public defender, upon the request of the person or someone on the person's behalf. Any law enforcement officer may notify the public defender of the arrest of any such person.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 55. Minnesota Statutes 2004, section 611.25, subdivision 1, is amended to read:

Subdivision 1. **Representation.** (a) The state public defender shall represent, without charge:

(1) a defendant or other person appealing from a conviction of a felony or gross misdemeanor;

(2) a person convicted of a felony or gross misdemeanor who is pursuing a postconviction proceeding and who has not already had a direct appeal of the conviction, but if the person pled guilty and received a presumptive sentence or a downward departure in sentence, and the state public defender reviewed the person's case and determined that there was no basis for an appeal of the conviction or of the sentence, then the state public defender may decline to represent the person in a postconviction remedy case; and

(3) a child who is appealing from a delinquency adjudication or from an extended jurisdiction juvenile conviction.

(b) The state public defender may represent, without charge, all other persons pursuing a postconviction remedy under section 590.01, who are financially unable to obtain counsel.

~~(c) The state public defender shall represent any other person, who is financially unable to obtain counsel, when directed to do so by the Supreme Court or the Court of Appeals, except that~~ The state public defender shall not represent a person in any action or proceeding in which a party is seeking a monetary judgment, recovery or award. When requested by a district public defender or appointed counsel, the state public defender may assist the district public defender, appointed counsel, or an organization designated in section 611.216 in the performance of duties, including trial representation in matters involving legal conflicts of interest or other special circumstances, and assistance with legal research and brief preparation. ~~When the state public defender is directed by a court to represent a defendant or other person, the state public defender may assign the representation to any district public defender.~~

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 56. Minnesota Statutes 2004, section 611.26, subdivision 6, is amended to read:

Subd. 6. **Persons defended.** The district public defender shall represent, without charge, a defendant charged with a felony, a gross misdemeanor, or misdemeanor when so directed by the district court. The district public defender shall also represent a minor ten years of age or older in the juvenile court when so directed by the juvenile court. The district public defender must not serve as advisory counsel. The juvenile court may not order the district public defender to represent a minor who is under the age of ten years, to serve as a guardian ad litem, or to represent a guardian ad litem. The district public defender shall represent a custodial parent in the juvenile court under section 260C.163, subdivision 3, or, if there is no custodial parent, the guardian or the custodian of the child, when so directed by the juvenile court, except that in cases governed by the Indian Child Welfare Act, the district public defender may represent both parents regardless of whether they have custody of the child, or the guardian or custodian of the child.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 57. Minnesota Statutes 2004, section 629.74, is amended to read:

629.74 PRETRIAL BAIL EVALUATION.

The local corrections department or its designee shall conduct a pretrial bail evaluation of each defendant arrested and detained for committing a crime of violence as defined in section 624.712, subdivision 5, a gross misdemeanor violation of section 609.224 or 609.2242, or a nonfelony violation of section 518B.01, 609.2231, 609.3451, 609.748, or 609.749. In cases where the defendant requests appointed counsel, the evaluation shall include completion of the financial statement required by section 611.17. The local corrections department shall be reimbursed \$25 by the Department of Corrections for each evaluation performed. ~~The conference of chief judges,~~ Judicial Council in consultation with the Department of Corrections, shall approve the pretrial evaluation form to be used in each county.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 58. Minnesota Statutes 2004, section 641.25, is amended to read:

641.25 DISTRICT JAILS; HOW DESIGNATED.

The commissioner of corrections, with the consent of the county board, may designate any suitable jail in the state as a district jail, to be used for the detention of prisoners from other counties in addition to those of its own. If the jail or its management becomes unfit for that purpose, the commissioner may rescind its designation. Whenever there is no sufficient jail in any county, the examining ~~county or municipal~~ judge, ~~or upon the judge's own motion, or the judge of the district court,~~ upon application of the sheriff, may order any person charged with a criminal offense committed to a sufficient jail in some other county. If there is a district jail in the judicial district, the charged person shall be sent to it, or to any other nearer district jail designated by the judge. The sheriff of the county containing the district jail, on presentation of the order, shall receive, keep in custody, and deliver the charged person up upon the order of the court or a judge.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 59. Laws 2002, chapter 266, section 1, as amended by Laws 2004, chapter 290, section 38, is amended to read:

Section 1. [DOMESTIC FATALITY REVIEW TEAM PILOT PROJECT EXTENSION.]

The fourth judicial district may extend the duration of the pilot project authorized by Laws 1999, chapter 216, article 2, section 27, and Laws 2000, chapter 468, sections 29 to 32, until December 31, ~~2006~~ 2008. If the pilot project is extended, the domestic fatality review team shall submit a report on the project to the legislature by January 15, ~~2007~~ 2009.

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

Sec. 60. **UNCOLLECTED FINES AND PENALTIES TASK FORCE.**

(a) A task force is created to study issues relating to uncollected fines, surcharges, court costs, fees, and penalties owed to the state and to units of local government. The task force consists of:

(1) two members of the house of representatives, one from each caucus, appointed by the speaker;

(2) two senators, one from each caucus, appointed according to the rules of the senate;

(3) one representative of county commissioners, one representative of county sheriffs, one representative each from the departments of public safety and revenue, and four public members, all appointed by the governor; and

(4) one representative of the court administration system, appointed by the chief justice of the Supreme Court.

(b) The task force shall study issues relating to uncollected fines, surcharges, court costs, fees, and penalties owed to the state and units of local government. The task force must recommend changes in law and administrative practices necessary to improve collection. The task force must report its recommendations to the legislature by January 15, 2007. The task force expires when it submits its recommendations.

(c) The Legislative Coordinating Commission and the Department of Administration must provide administrative support to the task force.

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

Sec. 61. REPEALER.

Minnesota Statutes 2004, sections 484.013, subdivision 8; 484.545, subdivisions 2 and 3; 484.55; 484.68, subdivision 7; 484.75; 485.018, subdivisions 2, 6, and 8; 485.12; 487.01; 487.02; 487.03; 487.04; 487.07; 487.10, subdivisions 1 and 4; 487.13; 487.14; 487.15; 487.16; 487.17; 487.18; 487.19; 487.191; 487.20, subdivision 1; 487.21, subdivisions 1, 2, and 4; 487.23, subdivisions 1, 2, 3, 7a, and 7b; 487.24; 487.25, subdivision 6; 487.26, subdivisions 2 and 6; 487.27, subdivision 1; 487.28, subdivision 1; 487.29; 487.31, subdivision 1; 487.32, subdivision 3; 487.33, subdivisions 2 and 6; 487.34; 487.36; 487.37; 487.38; 487.40, subdivisions 1 and 1a; 488A.01, subdivisions 1, 4a, 12, 14, and 15; 488A.021; 488A.025; 488A.03, subdivisions 11a and 11b; 488A.035; 488A.04; 488A.08; 488A.09, subdivisions 1, 2, 3, and 7; 488A.10, subdivisions 6 and 11; 488A.101; 488A.11; 488A.112; 488A.113; 488A.115; 488A.116; 488A.119; 488A.18, subdivisions 1, 4, and 14; 488A.19, subdivisions 1 and 3; 488A.20, subdivisions 1 and 4; 488A.21; 488A.23; 488A.24; 488A.26, subdivisions 1 and 2; 488A.27, subdivision 6; 488A.28; 488A.282; 488A.285; 488A.286; 488A.287; 525.011; 525.012; 525.013; 525.014; 525.015; 525.02; 525.03; 525.051; 525.052; 525.053; 525.06; 525.07; 525.08; 525.081; 525.082; 525.09; 525.091; 525.092; 525.095; 525.101; 525.103; 525.11; 525.111; 525.112; 525.113; 542.14; 549.05; and 625.09, and Minnesota Statutes 2005 Supplement, sections 353.027; and 485.03, are repealed.

EFFECTIVE DATE. This section is effective July 1, 2006.

ARTICLE 7**EMERGENCY COMMUNICATIONS**

Section 1. Minnesota Statutes 2004, section 237.49, is amended to read:

237.49 COMBINED LOCAL ACCESS SURCHARGE.

Each local telephone company shall collect from each subscriber an amount per telephone access line representing the total of the surcharges required under sections 237.52, 237.70, and 403.11. Amounts collected must be remitted to the commissioner of public safety in the manner prescribed in section 403.11. The commissioner of public safety shall divide the amounts received ~~proportional to the individual surcharges~~ and deposit them in the appropriate accounts. The commissioner of public safety may recover from the agencies receiving the surcharges the personnel and administrative costs to collect and distribute the surcharge. A company or the billing agent for a company shall list the surcharges as one amount on a billing statement sent to a subscriber.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 2. Minnesota Statutes 2004, section 403.02, is amended by adding a subdivision to read:

Subd. 19a. **Secondary public safety answering point.** "Secondary public safety answering point" means a communications facility that: (1) is operated on a 24-hour basis, in which a minimum of three public safety answering points (PSAP's) route calls for postdispatch or prearrival instructions, (2) receives calls directly from medical facilities to reduce call volume at the PSAP's, and (3) is able to receive 911 calls routed to it from a PSAP when the PSAP is unable to receive or answer 911 calls.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 3. Minnesota Statutes 2005 Supplement, section 403.025, subdivision 7, is amended to read:

Subd. 7. **Contractual requirements.** (a) The state, ~~together shall contract~~ with the county or other governmental agencies operating public safety answering points, ~~shall contract and~~ with the appropriate wire-line telecommunications service providers or other entities determined by the commissioner to be capable of providing effective and efficient components of the 911 system for the operation, maintenance, enhancement, and expansion of the 911 system.

(b) The state shall contract with the appropriate wireless telecommunications service providers for maintaining, enhancing, and expanding the 911 system.

(c) The contract language or subsequent amendments to the contract must include a description of the services to be furnished to the county or other governmental agencies operating public safety answering points. The contract language or subsequent amendments must include the terms of compensation based on the effective tariff or price list filed with the Public Utilities Commission or the prices agreed to by the parties.

(d) The contract language or subsequent amendments to contracts between the parties must contain a provision for resolving disputes.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 4. Minnesota Statutes 2005 Supplement, section 403.05, subdivision 3, is amended to read:

Subd. 3. **Agreements for service.** Each county ~~and or~~ any other governmental agency shall contract with the state ~~and wire-line telecommunications service providers or other entities determined by the commissioner to be capable of providing effective and efficient components of the 911 system~~ for the recurring and nonrecurring costs associated with operating and maintaining 911 emergency communications systems. If requested by the county or other governmental agency, the county or agency is entitled to be a party to any contract between the state and any wire-line telecommunications service provider or 911 emergency telecommunications service provider providing components of the 911 system within the county.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 5. Minnesota Statutes 2004, section 403.08, subdivision 7, is amended to read:

Subd. 7. **Duties.** Each wireless telecommunications service provider shall cooperate in planning and implementing integration with enhanced 911 systems operating in their service territories to meet Federal Communications Commission-enhanced 911 standards. ~~By August 1, 1997, each 911 emergency telecommunications service provider operating enhanced 911 systems, in cooperation with each involved~~ Each wireless telecommunications service provider, shall annually develop and provide to the commissioner good-faith estimates of installation and recurring expenses to integrate wireless 911 service into the enhanced 911 networks to meet Federal Communications Commission phase one wireless enhanced 911 standards. The commissioner shall coordinate with counties and affected public safety agency representatives in developing a statewide design and plan for implementation.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 6. Minnesota Statutes 2005 Supplement, section 403.11, subdivision 1, is amended to read:

Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each customer of a wireless or wire-line switched or packet-based telecommunications service provider connected to the public switched telephone network that furnishes service capable of originating a 911 emergency telephone call is assessed a fee based upon the number of wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing maintenance and

related improvements for trunking and central office switching equipment for 911 emergency telecommunications service, ~~plus to offset~~ administrative and staffing costs of the commissioner related to managing the 911 emergency telecommunications service program. ~~Recurring charges by a wire-line telecommunications service provider for updating the information required by section 403.07, subdivision 3, must be paid by the commissioner if the wire-line telecommunications service provider is included in an approved 911 plan and the charges are made pursuant to contract. The fee assessed under this section must also be used for the purpose of offsetting, to make distributions provided for in section 403.113, and to offset~~ the costs, including administrative and staffing costs, incurred by the State Patrol Division of the Department of Public Safety in handling 911 emergency calls made from wireless phones.

(b) Money remaining in the 911 emergency telecommunications service account after all other obligations are paid must not cancel and is carried forward to subsequent years and may be appropriated from time to time to the commissioner to provide financial assistance to counties for the improvement of local emergency telecommunications services. The improvements may include providing access to 911 service for telecommunications service subscribers currently without access and upgrading existing 911 service to include automatic number identification, local location identification, automatic location identification, and other improvements specified in revised county 911 plans approved by the commissioner.

(c) The fee may not be less than eight cents nor more than 65 cents a month for each customer access line or other basic access service, including trunk equivalents as designated by the Public Utilities Commission for access charge purposes and including wireless telecommunications services. With the approval of the commissioner of finance, the commissioner of public safety shall establish the amount of the fee within the limits specified and inform the companies and carriers of the amount to be collected. When the revenue bonds authorized under section 403.27, subdivision 1, have been fully paid or defeased, the commissioner shall reduce the fee to reflect that debt service on the bonds is no longer needed. The commissioner shall provide companies and carriers a minimum of 45 days' notice of each fee change. The fee must be the same for all customers.

(d) The fee must be collected by each wireless or wire-line telecommunications service provider subject to the fee. Fees are payable to and must be submitted to the commissioner monthly before the 25th of each month following the month of collection, except that fees may be submitted quarterly if less than \$250 a month is due, or annually if less than \$25 a month is due. Receipts must be deposited in the state treasury and credited to a 911 emergency telecommunications service account in the special revenue fund. The money in the account may only be used for 911 telecommunications services.

(e) This subdivision does not apply to customers of interexchange carriers.

(f) The installation and recurring charges for integrating wireless 911 calls into enhanced 911 systems ~~must be paid~~ are eligible for payment by the commissioner if the 911 service provider is included in the statewide design plan and the charges are made pursuant to contract.

(g) Competitive local exchanges carriers holding certificates of authority from the Public Utilities Commission are eligible to receive payment for recurring 911 services.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 7. Minnesota Statutes 2005 Supplement, section 403.11, subdivision 3, is amended to read:

Subd. 3. **Method of payment.** (a) Any wireless or wire-line telecommunications service provider incurring reimbursable costs under subdivision 1 shall submit an invoice itemizing rate elements by county or service area to the commissioner for 911 services furnished under contract. Any wireless or wire-line telecommunications service provider is eligible to receive payment for 911 services rendered according to the terms and conditions specified in

the contract. ~~Competitive local exchange carriers holding certificates of authority from the Public Utilities Commission are eligible to receive payment for recurring 911 services provided after July 1, 2001.~~ The commissioner shall pay the invoice within 30 days following receipt of the invoice unless the commissioner notifies the service provider that the commissioner disputes the invoice.

(b) The commissioner shall estimate the amount required to reimburse 911 emergency telecommunications service providers and wireless and wire-line telecommunications service providers for the state's obligations under subdivision 1 and the governor shall include the estimated amount in the biennial budget request.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 8. Minnesota Statutes 2005 Supplement, section 403.11, subdivision 3a, is amended to read:

Subd. 3a. **Timely certification invoices.** ~~A certification~~ An invoice for services provided for in the contract with a wireless or wire-line telecommunications service provider must be submitted to the commissioner no later than one year 90 days after commencing a new or additional eligible 911 service. Each applicable contract must provide that, if certified expenses under the contract deviate from estimates in the contract by more than ten percent, the commissioner may reduce the level of service without incurring any termination fees.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 9. Minnesota Statutes 2004, section 403.11, subdivision 3b, is amended to read:

Subd. 3b. **Certification Declaration.** ~~All~~ If the commissioner disputes an invoice in writing, the wireless and wire-line telecommunications service providers shall submit a self-certification form declaration under section 16A.41 signed by an officer of the company to the commissioner with the invoices for payment of an initial or changed service described in the service provider's 911 contract. The self-certification shall sworn declaration must specifically describe and affirm that the 911 service contracted for is being provided and the costs invoiced for the service are true and correct. All certifications are subject to verification and audit. When a wireless or wire-line telecommunications service provider fails to provide a sworn declaration within 90 days of notice by the commissioner that the invoice is disputed, the disputed amount of the invoice must be disallowed.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 10. Minnesota Statutes 2004, section 403.11, subdivision 3c, is amended to read:

Subd. 3c. **Audit.** If the commissioner determines that an audit is necessary to document the certification described invoice and sworn declaration in subdivision 3b, the wireless or wire-line telecommunications service provider must contract with an independent certified public accountant to conduct the audit. The audit must be conducted according to generally accepted accounting principles. The wireless or wire-line telecommunications service provider is responsible for any costs associated with the audit.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 11. Minnesota Statutes 2005 Supplement, section 403.113, subdivision 1, is amended to read:

Subdivision 1. **Fee.** ~~(a) Each customer receiving service from a wireless or wire-line switched or packet-based telecommunications service provider connected to the public telephone network that furnishes service capable of originating a 911 emergency telephone call is assessed a fee~~ A portion of the fee collected under section 403.11 must be used to fund implementation, operation, maintenance, enhancement, and expansion of enhanced 911 service, including acquisition of necessary equipment and the costs of the commissioner to administer the program. The actual fee assessed under section 403.11 and the enhanced 911 service fee must be collected as one amount and may not exceed the amount specified in section 403.11, subdivision 1, paragraph (c).

~~(b) The enhanced 911 service fee must be collected and deposited in the same manner as the fee in section 403.11 and used solely for the purposes of paragraph (a) and subdivision 3.~~

~~(c) The commissioner, in consultation with counties and 911 system users, shall determine the amount of the enhanced 911 service fee. The commissioner shall inform wireless and wire-line telecommunications service providers that provide service capable of originating a 911 emergency telephone call of the total amount of the 911 service fees in the same manner as provided in section 403.11.~~

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 12. Minnesota Statutes 2004, section 403.113, subdivision 3, is amended to read:

Subd. 3. **Local expenditures.** (a) Money distributed under subdivision 2 for enhanced 911 service may be spent on enhanced 911 system costs for the purposes stated in subdivision 1, ~~paragraph (a).~~ In addition, money may be spent to lease, purchase, lease-purchase, or maintain enhanced 911 equipment, including telephone equipment; recording equipment; computer hardware; computer software for database provisioning, addressing, mapping, and any other software necessary for automatic location identification or local location identification; trunk lines; selective routing equipment; the master street address guide; dispatcher public safety answering point equipment proficiency and operational skills; pay for long-distance charges incurred due to transferring 911 calls to other jurisdictions; and the equipment necessary within the public safety answering point for community alert systems and to notify and communicate with the emergency services requested by the 911 caller.

(b) Money distributed for enhanced 911 service may not be spent on:

(1) purchasing or leasing of real estate or cosmetic additions to or remodeling of communications centers;

(2) mobile communications vehicles, fire engines, ambulances, law enforcement vehicles, or other emergency vehicles;

(3) signs, posts, or other markers related to addressing or any costs associated with the installation or maintenance of signs, posts, or markers.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 13. Minnesota Statutes 2004, section 403.21, subdivision 2, is amended to read:

Subd. 2. **Board.** "Board" or "radio board" ~~or "Metropolitan Radio Board"~~ means the Metropolitan Statewide Radio Board or its successor regional radio board.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 14. Minnesota Statutes 2004, section 403.21, subdivision 7, is amended to read:

Subd. 7. **Plan.** "Plan" or "regionwide public safety radio system communication plan" means ~~the~~ a plan adopted by the Metropolitan Radio Board for a regionwide public safety radio communications system. a regional radio board.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 15. Minnesota Statutes 2005 Supplement, section 403.21, subdivision 8, is amended to read:

Subd. 8. **Subsystems.** "Subsystems" or "public safety radio subsystems" means systems identified in the plan or a plan developed under section 403.36 as subsystems interconnected by the system backbone and operated by ~~the Metropolitan Radio Board~~, a regional radio board, or local government units for their own internal operations.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 16. Minnesota Statutes 2004, section 403.21, subdivision 9, is amended to read:

Subd. 9. **System backbone.** "System backbone" or "backbone" means a public safety radio communication system that consists of a shared, trunked, communication, and interoperability infrastructure network, including, but not limited to, radio towers and associated structures and equipment, the elements of which are identified in the regionwide public safety radio communication system plan ~~under section 403.23, subdivision 6,~~ and the statewide radio communication plan under section 403.36.

Sec. 17. Minnesota Statutes 2004, section 403.33, is amended to read:

403.33 LOCAL PLANNING.

Subdivision 1. **County planning process.** (a) No later than two years from May 22, 1995, each metropolitan county shall undertake and complete a planning process for its public safety radio subsystem to ensure participation by representatives of local government units, quasi-public service organizations, and private entities eligible to use the regional public safety radio system and to ensure coordination and planning of the local subsystems. Local governments and other eligible users shall cooperate with the county in its preparation of the subsystem plan to ensure that local needs are met.

(b) The regional radio board for the metropolitan area shall encourage the establishment by each metropolitan county of local public safety radio subsystem committees composed of representatives of local governments and other eligible users for the purposes of:

(1) establishing a plan for coordinated and timely use of the regionwide public safety radio system by the local governments and other eligible users within each metropolitan county; and

(2) assisting and advising the regional radio board for the metropolitan area in its implementation of the regional public safety radio plan by identification of local service needs and objectives.

(c) The regional radio board for the metropolitan area shall also encourage the establishment of joint or multicounty planning for the regionwide public safety radio system and subsystems.

(d) The regional radio board for the metropolitan area may provide local boards with whatever assistance it deems necessary and appropriate.

(e) No metropolitan county or city of the first class shall be required to undertake a technical subsystem design to meet the planning process requirements of this subdivision or subdivision 2.

Subd. 2. **Cities of first class; planning process.** Each city of the first class in the metropolitan counties shall have the option to participate in the county public safety radio subsystem planning process or develop its own plan.

Subd. 3. **Submission of plans to board.** Each metropolitan county and each city of the first class in the metropolitan area which has chosen to develop its own plan shall submit the plan to the regional radio board for the metropolitan area for the board's review and approval.

Subd. 4. **Local government joinder.** Local government units, except for cities of the first class, quasi-public service organizations, and private entities eligible to use the regional public safety radio system cannot join the system until its county plan has been approved by the regional radio board for the metropolitan area.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 18. Minnesota Statutes 2004, section 403.34, is amended to read:

403.34 OPTIONAL LOCAL USE OF REGIONAL STATEWIDE SYSTEM.

Subdivision 1. **Options.** Use of the ~~regional~~ statewide public safety radio system by local governments, quasi-public service organizations, and private entities eligible to use the system shall be optional and no local government or other eligible user of the system shall be required to abandon or modify current public safety radio communication systems or purchase new equipment until the local government or other eligible user elects to join the system. Public safety radio communication service to local governments and other eligible users who do not initially join the system shall not be interrupted. No local government or other eligible users who do not join the system shall be charged a user fee for the use of the system.

Subd. 2. **Requirements to join.** Local governments and other entities eligible to join the ~~regional~~ statewide public safety radio system which elect to join the system must do so in accordance with and meet the requirements of the provisions of the plan adopted by the ~~radio~~ board as provided in section ~~403.23, subdivision 2~~ 403.36.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 19. Minnesota Statutes 2005 Supplement, section 403.36, subdivision 1, is amended to read:

Subdivision 1. **Membership.** (a) The commissioner of public safety shall convene and chair the Statewide Radio Board to develop a project plan for a statewide, shared, trunked public safety radio communication system. The system may be referred to as "Allied Radio Matrix for Emergency Response," or "ARMER."

(b) The board consists of the following members or their designees:

- (1) the commissioner of public safety;
- (2) the commissioner of transportation;
- (3) the state chief information officer;
- (4) the commissioner of natural resources;
- (5) the chief of the Minnesota State Patrol;
- ~~(6) the commissioner of health;~~
- ~~(7) (6)~~ the commissioner of finance;
- (7) the chair of the Metropolitan Council;

(8) two elected city officials, one from the nine-county metropolitan area and one from Greater Minnesota, appointed by the governing body of the League of Minnesota Cities;

(9) two elected county officials, one from the nine-county metropolitan area and one from Greater Minnesota, appointed by the governing body of the Association of Minnesota Counties;

(10) two sheriffs, one from the nine-county metropolitan area and one from Greater Minnesota, appointed by the governing body of the Minnesota Sheriffs' Association;

(11) two chiefs of police, one from the nine-county metropolitan area and one from Greater Minnesota, appointed by the governor after considering recommendations made by the Minnesota Chiefs' of Police Association;

(12) two fire chiefs, one from the nine-county metropolitan area and one from Greater Minnesota, appointed by the governor after considering recommendations made by the Minnesota Fire Chiefs' Association;

(13) two representatives of emergency medical service providers, one from the nine-county metropolitan area and one from Greater Minnesota, appointed by the governor after considering recommendations made by the Minnesota Ambulance Association;

(14) the chair of the ~~Metropolitan~~ regional radio board for the metropolitan area; and

(15) a representative of Greater Minnesota elected by those units of government in phase three and any subsequent phase of development as defined in the statewide, shared radio and communication plan, who have submitted a plan to the Statewide Radio Board and where development has been initiated.

(c) The Statewide Radio Board shall coordinate the appointment of board members representing Greater Minnesota with the appointing authorities and may designate the geographic region or regions from which an appointed board member is selected where necessary to provide representation from throughout the state.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 20. Minnesota Statutes 2004, section 403.36, subdivision 1f, is amended to read:

Subd. 1f. **Advisory groups.** (a) The Statewide Radio Board shall establish one or more advisory groups for the purpose of advising on the plan, design, implementation, and administration of the statewide, shared trunked radio and communication system.

(b) At least one such group must consist of the following members:

(1) ~~the chair of the Metropolitan Radio Board and~~ the chair of each regional radio board or, if no regional radio board has been formed, a representative of each region of development as defined in the statewide, shared, trunked radio and communication plan, once planning and development have been initiated for the region, or a designee;

(2) the chief of the Minnesota State Patrol or a designee;

(3) a representative of the Minnesota State Sheriffs' Association;

(4) a representative of the Minnesota Chiefs of Police Association;

(5) a representative of the Minnesota Fire Chiefs' Association; and

(6) a representative of the Emergency Medical Services Board.

Sec. 21. **REPEALER.**

Minnesota Statutes 2004, section 403.08, subdivision 8; 403.22; 403.23; 403.24; 403.25; 403.26; 403.28; 403.29, subdivisions 1, 2, and 3; 403.30, subdivisions 2 and 4; and 403.35 are repealed.

EFFECTIVE DATE. This section is effective July 1, 2006.

ARTICLE 8

IMMIGRATION; LAW ENFORCEMENT

Section 1. **[299A.69] ILLEGAL IMMIGRATION ENFORCEMENT.**

Subdivision 1. **Memorandums of understanding.** The commissioner of public safety may enter into memorandums of understanding or otherwise coordinate with the United States Department of Justice and the United States Department of Homeland Security to have state law enforcement officers enforce federal immigration laws in the state. State law enforcement officers designated to enforce federal immigration laws must participate in the preassignment training established under subdivision 2.

Subd. 2. **Immigration enforcement training.** The commissioner of public safety, in consultation with representatives of the United States Department of Justice and the United States Department of Homeland Security, shall develop a course to train state law enforcement officers who are assigned to the special crimes unit to enforce federal immigration laws. The course must comply with applicable federal training guidelines and cover immigration law, immigrant questioning, immigrant detention and arrest, civil rights, public complaint procedures, antiracial profiling procedures, and other topics necessary to prepare state law enforcement officers to enforce federal immigration laws.

Subd. 3. **Special crimes unit.** The special crimes unit is established. The commissioner of public safety shall convene and direct the unit. The unit shall be comprised of at least ten law enforcement officers who have completed the course the commissioner develops under subdivision 2. The commissioner shall develop, and use the unit to implement, an illegal immigration enforcement strategy for state and local law enforcement agencies. The unit shall focus its time and resources on identifying and apprehending illegal immigrants who are involved in felony level criminal activity. Upon request from a law enforcement agency, the unit may assist the agency in investigating and apprehending illegal immigrants involved in felony level criminal activity. The commissioner shall consider assigning members of the unit to (1) serve as a training officer and liaison to local law enforcement; (2) serve on federal immigration and terrorism task forces; (3) investigate crimes involving false identification, fraud, and human trafficking; and (4) work in field offices located in or near communities with large immigrant populations.

Sec. 2. Minnesota Statutes 2005 Supplement, section 299C.10, subdivision 1, is amended to read:

Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and community corrections agencies operating secure juvenile detention facilities shall take or cause to be taken immediately finger and thumb prints, photographs, distinctive physical mark identification data, information on any known aliases or street names, citizenship and immigration status, and other identification data requested or required by the superintendent of the bureau, of the following:

(1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross misdemeanor, or targeted misdemeanor;

(2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for, or alleged to have committed felonies or gross misdemeanors as distinguished from those committed by adult offenders;

(3) persons reasonably believed by the arresting officer to be fugitives from justice;

(4) persons in whose possession, when arrested, are found concealed firearms or other dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines, or appliances usable for an unlawful purpose and reasonably believed by the arresting officer to be intended for such purposes;

(5) juveniles referred by a law enforcement agency to a diversion program for a felony or gross misdemeanor offense; and

(6) persons currently involved in the criminal justice process, on probation, on parole, or in custody for the offenses in suspense whom the superintendent of the bureau identifies as being the subject of a court disposition record which cannot be linked to an arrest record, and whose fingerprints are necessary in order to maintain and ensure the accuracy of the bureau's criminal history files, to reduce the number of suspense files, or to comply with the mandates of section 299C.111, relating to the reduction of the number of suspense files. This duty to obtain fingerprints for the offenses in suspense at the request of the bureau shall include the requirement that fingerprints be taken in post-arrest interviews, while making court appearances, while in custody, or while on any form of probation, diversion, or supervised release.

(b) Unless the superintendent of the bureau requires a shorter period, within 24 hours the fingerprint records and other identification data specified under paragraph (a) must be forwarded to the bureau on such forms and in such manner as may be prescribed by the superintendent.

(c) Prosecutors, courts, and probation officers and their agents, employees, and subordinates shall attempt to ensure that the required identification data is taken on a person described in paragraph (a). Law enforcement may take fingerprints of an individual who is presently on probation.

(d) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224 (fifth degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy), 609.748 (harassment or restraining order violation), or 617.23 (indecent exposure).

Sec. 3. Minnesota Statutes 2004, section 299C.10, is amended by adding a subdivision to read:

Subd. 1b. Citizenship data maintenance requirements. The law enforcement officer who collects arrestee information under subdivision 1 shall request from each arrestee primary identification documents to establish the person's citizenship and immigration status. The officer may rely upon a valid Minnesota driver's license or identification card as proof of citizenship and immigration status. If an arrestee's driver's license or identification card is labeled status check or if the officer is unable to verify an arrestee's citizenship or immigration status, the officer must contact federal immigration authorities and request an immigration status check. When transferring identification data to the bureau under section 299C.11, the sheriff or chief of police shall identify each arrestee's citizenship and immigration status. If the person is not a United States citizen, arrestee immigration status must be coded as one of the following:

(1) legal immigrant;

(2) legal visa-holder;

(3) status uncertain; or

(4) illegal alien.

Sec. 4. Minnesota Statutes 2005 Supplement, section 299C.11, subdivision 1, is amended to read:

Subdivision 1. **Identification data other than DNA.** (a) Each sheriff and chief of police shall furnish the bureau, upon such form as the superintendent shall prescribe, with such finger and thumb prints, photographs, distinctive physical mark identification data, information on known aliases and street names, citizenship and immigration status data, and other identification data as may be requested or required by the superintendent of the bureau, which must be taken under the provisions of section 299C.10. In addition, sheriffs and chiefs of police shall furnish this identification data to the bureau for individuals found to have been convicted of a felony, gross misdemeanor, or targeted misdemeanor, within the ten years immediately preceding their arrest. When the bureau learns that an individual who is the subject of a background check has used, or is using, identifying information, including, but not limited to, name and date of birth, other than those listed on the criminal history, the bureau may add the new identifying information to the criminal history when supported by fingerprints.

(b) No petition under chapter 609A is required if the person has not been convicted of any felony or gross misdemeanor, either within or without the state, within the period of ten years immediately preceding the determination of all pending criminal actions or proceedings in favor of the arrested person, and either of the following occurred:

- (1) all charges were dismissed prior to a determination of probable cause; or
- (2) the prosecuting authority declined to file any charges and a grand jury did not return an indictment.

Where these conditions are met, the bureau or agency shall, upon demand, return to the arrested person finger and thumb prints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data, and all copies and duplicates of them.

(c) Except as otherwise provided in paragraph (b), upon the determination of all pending criminal actions or proceedings in favor of the arrested person, and the granting of the petition of the arrested person under chapter 609A, the bureau shall seal finger and thumb prints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data, and all copies and duplicates of them if the arrested person has not been convicted of any felony or gross misdemeanor, either within or without the state, within the period of ten years immediately preceding such determination.

Sec. 5. **[299C.146] CITIZENSHIP AND IMMIGRATION DATA.**

(a) The superintendent of the Bureau of Criminal Apprehension shall maintain both citizenship and immigration status data in the bureau's criminal history database. Each offender file entered or updated on or after July 1, 2007, must have the citizenship data completed and, if the person is not a United States citizen, the immigration status data completed with one of the following designations: legal immigrant, legal visa-holder, status uncertain, or illegal alien.

(b) To the degree feasible, the superintendent shall maintain, update, and correct citizenship and immigration information required under section 299C.10, subdivision 1b, and facilitate appropriate criminal justice access to this data. The special crimes unit established in section 299A.69 shall assist the superintendent in development and maintenance of the citizenship and immigration status data.

(c) The superintendent shall periodically supply the special crimes unit with data statistics concerning the number of crimes committed by individuals with uncertain or illegal alien status as reported to the bureau under section 299C.11, subdivision 1. The special crimes unit may use the "status uncertain" designation as a potential indicator of illegal immigration status during investigations.

(d) The Bureau of Criminal Apprehension is immune from any civil or criminal liability that might otherwise arise under this section, based on the accuracy or completeness of any records it receives from law enforcement agencies, if the bureau acts in good faith.

(e) Data collected under this subdivision is regulated by section 13.87.

ARTICLE 9

FRAUDULENT OR IMPROPER FINANCING STATEMENTS

Section 1. Minnesota Statutes 2004, section 358.41, is amended to read:

358.41 DEFINITIONS.

As used in sections 358.41 to 358.49:

(1) "Notarial act" means any act that a notary public of this state is authorized to perform, and includes taking an acknowledgment, administering an oath or affirmation, taking a verification upon oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument. A notary public may perform a notarial act by electronic means.

(2) "Acknowledgment" means a declaration by a person that the person has executed an instrument or electronic record for the purposes stated therein and, if the instrument or electronic record is executed in a representative capacity, that the person signed the instrument with proper authority and executed it as the act of the person or entity represented and identified therein.

(3) "Verification upon oath or affirmation" means a declaration that a statement is true made by a person upon oath or affirmation.

(4) "In a representative capacity" means:

(i) for and on behalf of a corporation, partnership, trust, or other entity, as an authorized officer, agent, partner, trustee, or other representative;

(ii) as a public officer, personal representative, guardian, or other representative, in the capacity recited in the instrument;

(iii) as an attorney in fact for a principal; or

(iv) in any other capacity as an authorized representative of another.

(5) "Notarial officer" means a notary public or other officer authorized to perform notarial acts.

(6) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(7) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 2. Minnesota Statutes 2004, section 358.42, is amended to read:

358.42 NOTARIAL ACTS.

(a) In taking an acknowledgment, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the acknowledgment is the person whose true signature is on the instrument or electronic record.

(b) In taking a verification upon oath or affirmation, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the verification is the person whose true signature is on the statement verified.

(c) In witnessing or attesting a signature the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the officer and named therein.

(d) In certifying or attesting a copy of a document, electronic record, or other item, the notarial officer must determine that the proffered copy is a full, true, and accurate transcription or reproduction of that which was copied.

(e) In making or noting a protest of a negotiable instrument or electronic record the notarial officer must determine the matters set forth in section 336.3-505.

(f) A notarial officer has satisfactory evidence that a person is the person whose true signature is on a document or electronic record if that person (i) is personally known to the notarial officer, (ii) is identified upon the oath or affirmation of a credible witness personally known to the notarial officer, or (iii) is identified on the basis of identification documents.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 3. Minnesota Statutes 2004, section 358.47, is amended to read:

358.47 CERTIFICATE OF NOTARIAL ACTS.

(a) A notarial act must be evidenced by a certificate physically or electronically signed and dated by a notarial officer in a manner that attributes such signature to the notary public identified on the commission. The certificate must include identification of the jurisdiction in which the notarial act is performed and the title of the office of the notarial officer and may include the official stamp or seal of office, or the notary's electronic seal. If the officer is a notary public, the certificate must also indicate the date of expiration, if any, of the commission of office, but omission of that information may subsequently be corrected. If the officer is a commissioned officer on active duty in the military service of the United States, it must also include the officer's rank.

(b) A certificate of a notarial act is sufficient if it meets the requirements of subsection (a) and it:

(1) is in the short form set forth in section 358.48;

(2) is in a form otherwise prescribed by the law of this state;

(3) is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or

(4) sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.

(c) By executing a certificate of a notarial act, the notarial officer certifies that the officer has made the determinations required by section 358.42.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 4. Minnesota Statutes 2004, section 358.50, is amended to read:

358.50 EFFECT OF ACKNOWLEDGMENT.

An acknowledgment made in a representative capacity for and on behalf of a corporation, partnership, trust, or other entity and certified substantially in the form prescribed in this chapter is prima facie evidence that the instrument or electronic record was executed and delivered with proper authority.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 5. Minnesota Statutes 2004, section 359.01, is amended by adding a subdivision to read:

Subd. 5. **Registration to perform electronic notarizations.** Before performing electronic notarial acts, a notary public shall register the capability to notarize electronically with the secretary of state. Before performing electronic notarial acts after recommissioning, a notary public shall reregister with the secretary of state.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 6. Minnesota Statutes 2004, section 359.03, subdivision 3, is amended to read:

Subd. 3. **Specifications.** The seal of every notary public may be affixed by a stamp that will print a seal which legibly reproduces under photographic methods the seal of the state of Minnesota, the name of the notary, the words "Notary Public," and the words "My commission expires, " with the expiration date shown thereon or may be an electronic form. ~~The A physical~~ seal used to authenticate a paper document shall be a rectangular form of not more than three-fourths of an inch vertically by 2-1/2 inches horizontally, with a serrated or milled edge border, and shall contain the information required by this subdivision.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 7. Minnesota Statutes 2004, section 359.03, is amended by adding a subdivision to read:

Subd. 4. **Electronic seal.** A notary's electronic seal shall contain the notary's name, jurisdiction, and commission expiration date, and shall be logically and securely affixed to or associated with the electronic record being notarized.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 8. Minnesota Statutes 2004, section 359.04, is amended to read:

359.04 POWERS.

Every notary public so appointed, commissioned, and qualified shall have power throughout this state to administer all oaths required or authorized to be administered in this state; to take and certify all depositions to be used in any of the courts of this state; to take and certify all acknowledgments of deeds, mortgages, liens, powers of attorney, and other instruments in writing or electronic records; and to receive, make out, and record notarial protests.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 9. Minnesota Statutes 2004, section 359.05, is amended to read:

359.05 DATE OF EXPIRATION OF COMMISSION AND NAME TO BE ENDORSED.

Every notary public, except in cases provided in section 359.03, subdivision 3, taking an acknowledgment of an instrument, taking a deposition, administering an oath, or making a notarial protest, shall, immediately following the notary's physical or electronic signature to the jurat or certificate of acknowledgment, endorse the date of the expiration of the commission; such endorsement may be legibly written, stamped, ~~or~~ printed upon the instrument, but must be disconnected from the seal, and shall be substantially in the following form: "My commission expires," Except in cases provided in section 359.03, subdivision 3, every notary public, in addition to signing the jurat or certificate of acknowledgment, shall, immediately following the signature and immediately preceding the official description, endorse thereon the notary's name with a typewriter ~~or~~, print the same legibly with a stamp ~~or~~, with pen and ink, or affix by electronic means; provided that the failure so to endorse or print the name shall not invalidate any jurat or certificate of acknowledgment.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 10. Minnesota Statutes 2004, section 359.085, is amended to read:

359.085 STANDARDS OF CONDUCT FOR NOTARIAL ACTS.

Subdivision 1. **Acknowledgments.** In taking an acknowledgment, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the acknowledgment is the person whose true signature is on the instrument or electronic record.

Subd. 2. **Verifications.** In taking a verification upon oath or affirmation, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the verification is the person whose true signature is on the statement verified.

Subd. 3. **Witnessing or attesting signatures.** In witnessing or attesting a signature, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the officer and named in the document or electronic record.

Subd. 4. **Certifying or attesting documents.** In certifying or attesting a copy of a document, electronic record, or other item, the notarial officer must determine that the proffered copy is a full, true, and accurate transcription or reproduction of that which was copied.

Subd. 5. **Making or noting protests of negotiable instruments.** In making or noting a protest of a negotiable instrument or electronic record, the notarial officer must determine the matters set forth in section 336.3-505.

Subd. 6. **Satisfactory evidence.** A notarial officer has satisfactory evidence that a person is the person whose true signature is on a document or electronic record if that person (i) is personally known to the notarial officer, (ii) is identified upon the oath or affirmation of a credible witness personally known to the notarial officer, or (iii) is identified on the basis of identification documents.

Subd. 7. **Prohibited acts.** A notarial officer may not acknowledge, witness or attest to the officer's own signature, or take a verification of the officer's own oath or affirmation.

Subd. 8. **Failure to appear before notary.** A notarial officer may not notarize the physical or electronic signature of any signer who is not in the presence of the notary at the time of notarization.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 11. [545.05] EXPEDITED PROCESS TO REVIEW AND DETERMINE EFFECTIVENESS OF FINANCING STATEMENTS.

Subdivision 1. Definitions. (a) As used in this section, a financing statement or other record is fraudulent or otherwise improper if it is filed without the authorization of the obligor, person named as debtor, or owner of collateral described or indicated in the financing statement or other record, or by consent of an agent, fiduciary, or other representative of that person, or without the consent of the secured party of record in the case of an amendment or termination.

(b) As used in this section, filing office or filing officer refers to the office or officer where a financing statement or other record is appropriately filed or recorded as provided by law, including, but not limited to, the county recorder, the secretary of state, and other related filing officers.

Subd. 2. Motion. An obligor, person named as a debtor, or owner of collateral described or indicated in a financing statement or other record filed under sections 336.9-101 to 336.9-709 (Uniform Commercial Code - Secured Transactions), who has reason to believe that the financing statement or other record is fraudulent or otherwise improper may complete and file at any time a motion for judicial review of the effectiveness of the financing statement or other record. A secured party of record who believes that an amendment or termination of a financing statement or other record is fraudulent or otherwise improper may also file a motion.

Subd. 3. Service and filing. (a) The motion under subdivision 2 must be mailed by certified United States mail to the person who is indicated as the secured party on the allegedly fraudulent or improper record at the address listed on the record or, in the case of a filing by the secured party of record, to the address of the person who filed the amendment or termination in question, as listed on the record. The motion must be accompanied by a copy of the record in question, an affidavit of mailing, the form for responding to the motion under subdivision 6, and a copy of the text of this section.

(b) On the day the motion is mailed, a copy of the materials must be filed with the district court of the county in which the financing statement or other record has been filed or in the county of residence of the moving party. The motion must be supported by the affidavit of the moving party or the moving party's attorney setting forth a concise statement of the facts upon which the claim for relief is based. There is no filing fee for a motion or a response filed under this section.

Subd. 4. Motion form. The motion must be in substantially the following form:

In Re: A Purported Financing Statement in the district court of County, Minnesota, Against [Name of person who filed the financing statement]

MOTION FOR JUDICIAL REVIEW OF A FINANCING STATEMENT FILED UNDER THE UNIFORM COMMERCIAL CODE - SECURED TRANSACTIONS

..... (name of moving party) files this motion requesting a judicial determination of the effectiveness of a financing statement or other record filed under the Uniform Commercial Code - Secured Transactions in the office of the (filing office and location) and in support of the motion provides as follows:

I.

..... (name), the moving party, is the [obligor, person named as a debtor, or owner of collateral described or indicated in] [secured party of record listed in] a financing statement or other record filed under the Uniform Commercial Code.

II.

On (date), in the exercise of the filing officer's official duties as (filing officer's position), the filing officer received and filed or recorded the financing statement or other record, a copy which is attached, that purports to [perfect a security interest against the obligor, person named as debtor, or the owner of collateral described or indicated in the financing statement or other record] or [amend or terminate the financing statement in which the moving party is listed as the secured party of record].

III.

The moving party alleges that the financing statement or other record is fraudulent or otherwise improper and that this court should declare the financing statement or other record ineffective.

IV.

The moving party attests that the assertions in this motion are true and correct.

V.

The moving party does not request the court to make a finding as to any underlying claim of the parties involved and acknowledges that this motion does not seek review of an effective financing statement. The moving party further acknowledges that the moving party may be subject to sanctions if this motion is determined to be frivolous. The moving party may be contacted by the respondent at:

Mailing Address: (required)

Telephone Number:

Facsimile Number: (either facsimile or e-mail contact is required)

E-Mail Address: (either facsimile or e-mail contact is required)

REQUEST FOR RELIEF

The moving party requests the court to review the attached documentation and enter an order finding that the financing statement or other record is ineffective together with other findings as the court deems appropriate.

Respectfully submitted, (Signature and typed name and address).

Subd. 5. **Motion acknowledgment form.** The form for the certificate of acknowledgment must be substantially as follows:

AFFIDAVIT

THE STATE OF MINNESOTA COUNTY OF

BEFORE ME, the undersigned authority, personally appeared, who, being by me duly sworn, deposed as follows:

"My name is I am over 18 years of age, of sound mind, with personal knowledge of the following facts, and fully competent to testify.

I attest that the assertions contained in the accompanying motion are true and correct."

SUBSCRIBED and SWORN TO before me, this day of

NOTARY PUBLIC, State of [state name]

Notary's printed name:

My commission expires:

The motion must be supported by the affidavit of the moving party or the moving party's attorney setting forth a concise statement of the facts upon which the claim for relief is based.

Subd. 6. **Motion affidavit of mailing form.** The moving party shall complete an affidavit of mailing the motion to the court and to the respondent in substantially the following form:

State of Minnesota

County of

....., the moving party, being duly sworn, on oath, deposes and says that on the day of,
....., the moving party mailed the motion to the court and the respondent by placing a true and correct copy of the
motion in an envelope addressed to them as shown by certified United States mail at, Minnesota.

Subscribed and sworn to before me this day of,

Subd. 7. **Response form.** The person listed as [the secured party in] [filing] the record for which the moving party has requested review may respond to the motion and accompanying materials to request an actual hearing within 20 days from the mailing by certified United States mail by the moving party. The form for use by the person listed as [the secured party in] [filing] the record in question to respond to the motion for judicial review must be in substantially the following form:

In Re: A Purported Financing Statement in the district court of County, Minnesota, Against [Name of person who filed the financing statement]

RESPONSE TO MOTION FOR JUDICIAL REVIEW OF A FINANCING STATEMENT FILED UNDER THE
UNIFORM COMMERCIAL CODE - SECURED TRANSACTIONS

..... (name) files this response to a motion requesting a judicial determination of the effectiveness of a financing statement or other record filed under the Uniform Commercial Code - Secured Transactions in the office of the (filing office and location) and in support of the motion provides as follows:

I.

..... (name), the respondent, is the person listed as [the secured party in] [filing] the record for which review has been requested by the moving party.

II.

On (date), in the exercise of the filing officer's official duties as (filing officer's position), the filing officer received and filed or recorded the financing statement or other record, a copy which is attached, that purports to [perfect a security interest against] [amend or terminate a record filed by] the moving party.

III.

Respondent states that the financing statement or other record is not fraudulent or otherwise improper and that this court should not declare the financing statement or other record ineffective.

IV.

Respondent attests that assertions in this response are true and correct.

V.

Respondent does not request the court to make a finding as to any underlying claim of the parties involved. Respondent further acknowledges that respondent may be subject to sanctions if this response is determined to be frivolous.

REQUEST FOR RELIEF

Respondent requests the court to review the attached documentation, to set a hearing for no later than five days after the date of this response or as soon after that as the court shall order and to enter an order finding that the financing statement or other record is not ineffective together with other findings as the court deems appropriate. Respondent may be contacted at:

Mailing Address: (required)

Telephone Number:

Facsimile Number: (either facsimile or e-mail contact is required)

E-Mail Address: (either facsimile or e-mail contact is required)

Respectfully submitted,

(Signature and typed name and address).

Subd. 8. **Response acknowledgment form.** The form for the certificate of acknowledgment must be substantially as follows:

AFFIDAVIT

THE STATE OF MINNESOTA COUNTY OF

BEFORE ME, the undersigned authority, personally appeared, who, being by me duly sworn, deposed as follows:

"My name is I am over 18 years of age, of sound mind, with personal knowledge of the following facts, and fully competent to testify.

I attest that the assertions contained in the accompanying motion are true and correct."

SUBSCRIBED and SWORN TO before me, this day of

NOTARY PUBLIC, State of [state name]

Notary's printed name:

My commission expires:

Subd. 9. **Response affidavit of mailing form.** Respondent shall submit the response by United States mail to both the court and the moving party, and also by either e-mail or facsimile as provided by the moving party. The respondent shall complete an affidavit of mailing the response to the court and to the moving party in substantially the following form:

State of Minnesota

County of

....., being the responding party, being duly sworn, on oath, deposes and says that on the day of,, respondent mailed the response to court and the moving party by placing a true and correct copy of the response in an envelope addressed to them as shown depositing the same with postage prepaid, in the U.S. Mail at, Minnesota.

Subscribed and sworn to before me this day of,

Subd. 10. **Hearing.** (a) If a hearing is timely requested, the court shall hold that hearing within five days after the mailing of the response by the respondent or as soon after that as ordered by the court. After the hearing, the court shall enter appropriate findings of fact and conclusions of law regarding the financing statement or other record filed under the Uniform Commercial Code.

(b) If a hearing request under subdivision 7 is not received by the court by the 20th day following the mailing of the original motion, the court's finding may be made solely on a review of the documentation attached to the motion and without hearing any testimonial evidence. After that review, which must be conducted no later than five days after the 20-day period has expired, the court shall enter appropriate findings of fact and conclusions of law as provided in subdivision 11 regarding the financing statement or other record filed under the Uniform Commercial Code.

(c) A copy of the findings of fact and conclusions of law must be sent to the moving party, the respondent, and the person who filed the financing statement or other record at the address listed in the motion or response of each person within seven days of the date that the findings of fact and conclusions of law are issued by the court.

(d) In all cases, the moving party shall file or record an attested copy of the findings of fact and conclusions of law in the filing office in the appropriate class of records in which the original financing statement or other record was filed or recorded. The filing officer shall not collect a filing fee for filing a court's finding of fact and conclusion of law as provided in this section except as specifically directed by the court in its findings and conclusions.

Subd. 11. **Order form; no hearing.** The findings of fact and conclusion of law for an expedited review where no hearing has been requested must be in substantially the following form:

MISCELLANEOUS DOCKET No.

In Re: A purported Financing Statement in the district court of County, Minnesota, Against
[Name of person who filed financing statement]

Judicial Finding of Fact and Conclusion of Law Regarding a Financing Statement or Other Record Filed Under the
Uniform Commercial Code - Secured Transactions

On the (number) day of (month), (year), in the above entitled and numbered cause, this court reviewed a motion, verified by affidavit, of (name) and the documentation attached. The respondent did not respond within the required 20-day period. No testimony was taken from any party, nor was there any notice of the court's review, the court having made the determination that a decision could be made solely on review of the documentation as provided in Minnesota Statutes, section 545.05.

The court finds as follows (only an item or subitem checked and initialed is a valid court ruling):

[..] The documentation attached to the motion IS filed or recorded with the authorization of the obligor, person named as debtor, or owner of collateral described or indicated in the financing statement or other record, or by consent of an agent, fiduciary, or other representative of that person, or with the authorization of the secured party of record in the case of an amendment or termination.

[..] The documentation attached to the motion IS NOT filed or recorded with the authorization of the obligor, person named as debtor, or owner of collateral described or indicated in the documentation, or by consent of an agent, fiduciary, or other representative of that person, or with the authorization of the secured party of record in the case of an amendment or termination and, IS NOT an effective financing statement or other record under the Uniform Commercial Code - Secured Transactions law of this state.

[..] This court makes no finding as to any underlying claims of the parties involved and expressly limits its findings of fact and conclusions of law to the review of a ministerial act. The filing officer shall remove the subject financing statement or other record so that the record is not reflected in or obtained as a result of any search, standard or otherwise, conducted of those records, but shall retain them and these findings of fact and conclusions of law in the filing office for the duration of the period for which they would have otherwise been filed.

SIGNED ON THIS THE DAY of

..... District Judge

..... District

..... County, Minnesota

Subd. 12. **Hearing determination.** If a determination is made after a hearing, the court may award the prevailing party all costs related to the entire review, including, but not limited to, filing fees, attorney fees, administrative costs, and other costs.

Subd. 13. **Subsequent motion.** If the moving party files a subsequent motion under this section against a person filing a financing statement or other record that is reviewed under this section and found to be filed or recorded with the authorization of the obligor, person named as debtor, or owner of collateral described or indicated

in the financing statement or other record, or by consent of an agent, fiduciary, or other representative of that person, or with the authorization of the secured party of record in the case of an amendment or termination, the court may, in addition to assessing costs, order other equitable relief against the moving party or enter other sanctions against the moving party.

Subd. 14. **Judicial officers.** The chief judge of a district court may order that any or all proceedings under this section be conducted and heard by other judicial officers of that district court.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 12. **[604.18] CIVIL LIABILITY FOR FRAUDULENT OR OTHERWISE IMPROPER FINANCING STATEMENTS.**

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

(1) "financing statement" has the meaning given in section 336.9-102(a) of the Uniform Commercial Code; and

(2) "filing officer" is defined as the Uniform Commercial Code filing officer in each jurisdiction.

Subd. 2. **Liability.** (a) A person shall not knowingly cause to be presented for filing or promote the filing of a financing statement that the person knows:

(1) is forged;

(2) is not:

(i) related to a valid lien or security agreement; or

(ii) filed pursuant to section 336.9-502(d); and

(3) is for an improper purpose or purposes, such as to harass, hinder, defraud, or otherwise interfere with any person.

(b) A person who violates paragraph (a) is liable to each injured person for:

(1) the greater of:

(i) nominal damages up to \$10,000; or

(ii) the actual damages caused by the violation;

(2) court costs;

(3) reasonable attorney fees;

(4) related expenses of bringing the action, including investigative expenses; and

(5) exemplary damages in the amount determined by the court.

Subd. 3. **Cause of action.** (a) The following persons may bring an action to enjoin violation of this section or to recover damages under this section:

(1) the obligor, the person named as the debtor, any person who owns an interest in the collateral described or indicated in the financing statement, or any person harmed by the filing of the financing statement;

(2) the attorney general;

(3) a county attorney;

(4) a city attorney; and

(5) a person who has been damaged as a result of an action taken in reliance on the filed financing statement.

(b) A filing officer may refer a matter to the attorney general or other appropriate person for filing the legal actions under this section.

Subd. 4. **Venue.** An action under this section may be brought in any district court in the county in which the financing statement is presented for filing or in a county where any of the persons named in subdivision 3, paragraph (a), clause (1), reside.

Subd. 5. **Filing fee.** (a) The fee for filing an action under this chapter is \$..... The plaintiff must pay the fee to the clerk of the court in which the action is filed. Except as provided by paragraph (b), the plaintiff may not be assessed any other fee, cost, charge, or expense by the clerk of the court or other public official in connection with the action.

(b) The fee for service of notice of an action under this section charged to the plaintiff may not exceed:

(1) \$..... if the notice is delivered in person; or

(2) the cost of postage if the service is by registered or certified mail.

(c) A plaintiff who is unable to pay the filing fee and fee for service of notice may file with the court an affidavit of inability to pay under the Minnesota Rules of Civil Procedure.

(d) If the fee imposed under paragraph (a) is less than the filing fee the court imposes for filing other similar actions and the plaintiff prevails in the action, the court may order a defendant to pay to the court the differences between the fee paid under paragraph (a) and the filing fee the court imposes for filing other similar actions.

Subd. 6. **Other remedies.** (a) An obligor, person named as a debtor, owner of collateral, or any other person harmed by the filing of a financing statement in violation of subdivision 2, paragraph (a), also may request specific relief, including, but not limited to, terminating the financing statement and removing the debtor named in the financing statement from the index as provided in section 545.05, such that it will not appear in a search under that debtor name.

(b) This law is cumulative of other law under which a person may obtain judicial relief with respect to any filed or recorded document.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 13. **[609.7475] FRAUDULENT OR OTHERWISE IMPROPER FINANCING STATEMENTS.**

Subdivision 1. **Definition.** As used in this section, "record" has the meaning given in section 336.9-102.

Subd. 2. **Crime described.** A person who:

(1) knowingly causes to be presented for filing or promotes the filing of a record that:

(i) is not:

(A) related to a valid lien or security agreement; or

(B) filed pursuant to section 336.9-502(d); or

(ii) contains a forged signature or is based upon a document containing a forged signature; or

(2) presents for filing or causes to be presented for filing a record with the intent that it be used to harass or defraud any other person;

is guilty of a crime and may be sentenced as provided in subdivision 3.

Subd. 3. **Penalties.** (a) Except as provided in paragraph (b), a person who violates subdivision 2 is guilty of a gross misdemeanor.

(b) A person who violates subdivision 2 is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person:

(1) commits the offense with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or

(2) commits the offense after having been previously convicted of a violation of this section.

Subd. 4. **Venue.** A violation of this section may be prosecuted in either the county of residence of the individual listed as debtor or the county in which the filing is made.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

ARTICLE 10

FRAUDULENT IDENTITY DOCUMENTS

Section 1. Minnesota Statutes 2005 Supplement, section 609.527, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given them in this subdivision.

(b) "Direct victim" means any person or entity described in section 611A.01, paragraph (b), whose identity has been transferred, used, or possessed in violation of this section.

(c) "False pretense" means any false, fictitious, misleading, or fraudulent information or pretense or pretext depicting or including or deceptively similar to the name, logo, Web site address, e-mail address, postal address, telephone number, or any other identifying information of a for-profit or not-for-profit business or organization or of a government agency, to which the user has no legitimate claim of right.

(d) "Identification document" means any document or card issued to an individual by a government agency or by the authority of a government agency containing the name of a person and a description of the person or the person's photograph, or both, including any of the following: a passport, visa, birth certificate, military identification card, Social Security card, driver's license, or an identification card.

(e) "Identity" means any name, number, or data transmission that may be used, alone or in conjunction with any other information, to identify a specific individual or entity, including any of the following:

(1) a name, Social Security number, date of birth, official government-issued driver's license or identification number, government passport number, or employer or taxpayer identification number;

(2) unique electronic identification number, address, account number, or routing code; or

(3) telecommunication identification information or access device.

~~(e)~~ (f) "Indirect victim" means any person or entity described in section 611A.01, paragraph (b), other than a direct victim.

~~(f)~~ (g) "Loss" means value obtained, as defined in section 609.52, subdivision 1, clause (3), and expenses incurred by a direct or indirect victim as a result of a violation of this section.

~~(g)~~ (h) "Unlawful activity" means:

(1) any felony violation of the laws of this state or any felony violation of a similar law of another state or the United States; and

(2) any nonfelony violation of the laws of this state involving theft, theft by swindle, forgery, fraud, or giving false information to a public official, or any nonfelony violation of a similar law of another state or the United States.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2004, section 609.527, is amended by adding a subdivision to read:

Subd. 5b. Fraudulent identification cards; crime. (a) A person who (1) knowingly possesses, displays, or uses any false, fictitious, fraudulent, or altered identification document, or (2) displays or represents as one's own an identification document not issued to that person, is guilty of a misdemeanor.

(b) A person convicted of a second or subsequent violation of paragraph (a) is guilty of a gross misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2004, section 609.652, subdivision 1, is amended to read:

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

(1) "driver's license or identification card" means a driver's license or identification card issued by the Driver and Vehicle Services Division of the Department of Public Safety or receipts issued by its authorized agents or those of any state as defined in section 171.01 that issues licenses recognized in this state for the operation of a motor vehicle or that issues identification cards recognized in this state for the purpose of indicating a person's legal name and age; "identification document" has the meaning given it in section 609.527, subdivision 1, paragraph (d);

(2) ~~"fraudulent driver's license or identification card" means a document purporting to be a driver's license or identification card, but that is not authentic; and "fraudulent identification document" means a document purporting to be an identification document, but that is not authentic; and~~

(3) "sell" means to sell, barter, deliver, exchange, distribute, or dispose of to another.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2004, section 609.652, subdivision 2, is amended to read:

Subd. 2. **Criminal acts.** (a) A person who does any of the following for consideration and with intent to manufacture, sell, issue, publish, or pass more than one fraudulent ~~driver's license or~~ identification card document or to cause or permit any of the items listed in clauses (1) to (5) to be used in forging or making more than one false or counterfeit ~~driver's license or~~ identification card document is guilty of a crime:

(1) has in control, custody, or possession any plate, block, press, stone, digital image, computer software program, encoding equipment, computer optical scanning equipment, or digital photo printer, or other implement, or any part of such an item, designed to assist in making a fraudulent ~~driver's license or~~ identification card document;

(2) engraves, makes, or amends, or begins to engrave, make, or amend, any plate, block, press, stone, or other implement for the purpose of producing a fraudulent ~~driver's license or~~ identification card document;

(3) uses a photocopier, digital camera, photographic image, or computer software to generate a fraudulent ~~driver's license or~~ identification card document;

(4) has in control, custody, or possession or makes or provides paper or other material adapted and designed for the making of a fraudulent ~~driver's license or~~ identification card document; or

(5) prints, photographs, or in any manner makes or executes an engraved photograph, print, or impression purporting to be a ~~driver's license or an~~ identification card document.

(b) Notwithstanding section 171.22, a person who manufactures or possesses more than one fraudulent ~~driver's license or~~ identification card document with intent to sell is guilty of a crime.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2004, section 609.652, subdivision 3, is amended to read:

Subd. 3. **Penalties.** (a) A person who commits any act described in subdivision 2 is guilty of a ~~gross misdemeanor or~~ felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of ~~not more than \$10,000, or both.~~ A person convicted of a second or subsequent offense of this subdivision may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than ~~\$10,000~~ \$20,000, or both.

(b) If the crime committed in subdivision 2 involves more than three identities, the statutory maximum for the crime is five years longer than the statutory maximum for the underlying crime.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

ARTICLE 11
COMPUTER CRIMES

Section 1. Minnesota Statutes 2004, section 609.87, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** For purposes of sections 609.87 to ~~609.89~~, 609.891 and ~~section 609.891~~ 609.8912 to 609.8913, the terms defined in this section have the meanings given them.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2004, section 609.87, subdivision 11, is amended to read:

Subd. 11. **Computer security system.** "Computer security system" means a software program or computer device that:

(1) is intended to protect the confidentiality and secrecy of data and information stored in or accessible through the computer system; ~~and~~

(2) ~~displays a conspicuous warning to a user that the user is entering a secure system or requires a person seeking access to knowingly respond by use of an authorized code to the program or device in order to gain access.~~

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2004, section 609.87, is amended by adding a subdivision to read:

Subd. 13. **Encryption.** "Encryption" means any protective or disruptive measure, including but not limited to, cryptography, enciphering, or encoding that:

(1) causes or makes any data, information, image, program, signal, or sound unintelligible or unusable; or

(2) prevents, impedes, delays, or disrupts access to any data, information, image, program, signal, or sound.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2004, section 609.87, is amended by adding a subdivision to read:

Subd. 14. **Personal data.** "Personal data" means any computer property or computer program which contains records of the employment, salary, credit, or other financial or personal information relating to another person.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2004, section 609.891, subdivision 1, is amended to read:

Subdivision 1. **Crime.** A person is guilty of unauthorized computer access if the person intentionally and without ~~authority~~ authorization attempts to or does penetrate a computer security system.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2004, section 609.891, subdivision 3, is amended to read:

Subd. 3. **Gross misdemeanor.** (a) A person who violates subdivision 1 in a manner that creates a risk to public health and safety is guilty of a gross misdemeanor and may be sentenced to imprisonment for a term of not more than one year or to payment of a fine of not more than \$3,000, or both.

(b) A person who violates subdivision 1 in a manner that compromises the security of data that are protected under section 609.52, subdivision 2, clause (8), or are not public data as defined in section 13.02, subdivision 8a, is guilty of a gross misdemeanor and may be sentenced under paragraph (a).

(c) A person who violates subdivision 1 and gains access to personal data is guilty of a gross misdemeanor and may be sentenced under paragraph (a).

(d) A person who is convicted of a second or subsequent misdemeanor violation of subdivision 1 within five years is guilty of a gross misdemeanor and may be sentenced under paragraph (a).

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 7. **[609.8912] CRIMINAL USE OF ENCRYPTION.**

Subdivision 1. **Crime.** Whoever intentionally uses or attempts to use encryption to do any of the following is guilty of criminal use of encryption and may be sentenced as provided in subdivision 2:

(1) to commit, further, or facilitate conduct constituting a crime;

(2) to conceal the commission of any crime;

(3) to conceal or protect the identity of a person who has committed any crime; or

(4) to prevent, impede, delay, or disrupt the normal operation or use of another's computer, computer program, or computer system.

Subd. 2. **Penalties.** (a) A person who violates subdivision 1 may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if:

(1) the crime referenced in subdivision 1, clause (1), (2), or (3), is a felony; or

(2) the person has two or more prior convictions for an offense under this section, section 609.88, 609.89, 609.891, or 609.8913, or similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories.

(b) A person who violates subdivision 1, under circumstances not described in paragraph (a), is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

Sec. 8. **[609.8913] FACILITATING ACCESS TO A COMPUTER SECURITY SYSTEM.**

A person is guilty of a gross misdemeanor if the person knows or has reason to know that by facilitating access to a computer security system the person is aiding another who intends to commit a crime and in fact commits a crime. For purposes of this section, "facilitating access" includes the intentional disclosure of a computer password, identifying code, personal information number, or other confidential information about a computer security system which provides a person with the means or opportunity for the commission of a crime.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes committed on or after that date.

ARTICLE 12

IMMIGRATION EMPLOYMENT VIOLATIONS

Section 1. **[181.981] EMPLOYER VIOLATION OF FEDERAL IMMIGRATION LAW.**

Subdivision 1. **Sanctions against a licensed entity.** A state agency that licenses a Minnesota employer may impose a fine or penalty authorized under the licensing law if the employer has been found to have knowingly hired an illegal immigrant for employment in Minnesota. In taking action against the employer under this section, the agency shall use the existing laws and procedures that govern the agency's authority to take action against the employer. The commissioner of the Department of Labor and Industry shall coordinate the enforcement of this section by state agencies. The penalty under this section is as follows:

- (1) for a first occurrence, \$250 to \$2,000;
- (2) for a second occurrence, \$2,000 to \$3,000; and
- (3) for a third or subsequent occurrence, \$3,000 to \$5,000.

Subd. 2. **Violations established.** This section applies to cases in which an employer has been found to have knowingly hired an illegal immigrant for employment in Minnesota pursuant to:

- (1) a final order or fine issued by the United States Immigration and Customs Enforcement Office;
- (2) a final order following a hearing conducted by the Office of the Chief Administrative Hearing Officer, Executive Office for Immigration Review, United States Department of Justice; or
- (3) a criminal conviction or settlement.

Subd. 3. **Definitions.** For purposes of this section, the following definitions apply.

- (a) "Employer" means any person having one or more employees in Minnesota.
- (b) "License" includes a certification, registration, permit, or other authorization required for a business or employer to operate in Minnesota.
- (c) "Person" includes any individual, limited liability company, corporation, partnership, incorporated or unincorporated association, sole proprietorship, joint stock company, or any other legal or commercial entity.

(d) "State agency" means the state, and any office, officer, department, division, bureau, board, commissioner, authority, district, or agency of the state, including the University of Minnesota and the Minnesota State Colleges and Universities system.

Subd. 4. **Exception.** The commissioner may not fine an employer who is actively cooperating with and using the United States Immigration and Customs Enforcement Agency to screen workers."

Adjust amounts accordingly

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

The report was adopted.

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 3093, A bill for an act relating to unemployment insurance; making various policy, housekeeping, and style changes to the Minnesota Unemployment Insurance Law; incorporating certain administrative rules into Minnesota Statutes; modifying fraud penalties; amending Minnesota Statutes 2004, sections 268.001; 268.03, subdivision 2; 268.035, subdivisions 1, 4, 10, 11, 12, 15, 17, 21a, 23, 23a, 24, 29, 30, by adding a subdivision; 268.042, subdivisions 3, 4; 268.044, subdivisions 1a, 4; 268.047, subdivisions 1, 2, 3, 5; 268.051, subdivisions 1a, 2, 3, 5, 8, 9; 268.052, subdivisions 1, 3, 4, 5; 268.0525; 268.053, subdivisions 2, 3; 268.057, subdivisions 1, 2, 3, 4, 5, 6, 10; 268.058; 268.059; 268.0625, subdivisions 4, 5; 268.063; 268.064; 268.065, subdivisions 1, 3; 268.066; 268.067; 268.0675; 268.068; 268.069, subdivisions 2, 3; 268.07, subdivisions 1, 2, 3a; 268.084; 268.085, subdivisions 3a, 4, 6, 7, 9, 11, 13, 13a, 13b, 16; 268.086, subdivisions 1, 5, 6, 7, 8, 9; 268.087; 268.095, subdivisions 2, 3, 5, 6, 6a; 268.101, as amended; 268.103, subdivision 1; 268.115; 268.125, subdivisions 3, 4, 5; 268.131, subdivision 1; 268.135; 268.145, subdivisions 2, 3; 268.155; 268.18, subdivisions 4, 5, 6; 268.182, subdivision 1; 268.186; 268.188; 268.19, subdivisions 1a, 2; 268.192; 268.194, subdivisions 1, 2, 3, 4, 5, 6; 268.196, subdivisions 1, 3; 268.20; 268.21; 268.22; 268.23; Minnesota Statutes 2005 Supplement, sections 268.03, subdivision 1; 268.035, subdivisions 9, 13, 14, 20, 26; 268.042, subdivision 1; 268.043; 268.0435; 268.044, subdivisions 1, 2, 3; 268.045, subdivision 1; 268.046; 268.051, subdivisions 1, 4, 4a, 6, 7; 268.052, subdivision 2; 268.053, subdivision 1; 268.057, subdivision 7; 268.069, subdivision 1; 268.07, subdivision 3b; 268.085, subdivisions 1, 2, 3, 5, 8, 12, 13c; 268.086, subdivisions 2, 3; 268.095, subdivisions 1, 4, 7, 10, 11; 268.103, subdivision 2; 268.105, subdivisions 1, 2, 3, 3a, 4, 5, 6, 7, by adding a subdivision; 268.145, subdivision 1; 268.18, subdivisions 1, 2, 2b; 268.182, subdivision 2; 268.184, subdivisions 1, 1a; 268.19, subdivision 1; Laws 2003, First Special Session chapter 3, article 1, section 9; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 2004, sections 268.0511; 268.085, subdivision 10; 268.103, subdivision 4; Minnesota Rules, parts 3315.0210; 3315.0220; 3315.0515; 3315.0520; 3315.0525; 3315.0530; 3315.0540; 3315.0550; 3315.0910; 3315.1005; 3315.1315, subpart 4; 3315.2010; 3315.2810.

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

The report was adopted.

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 3380, A bill for an act relating to local government; authorizing political subdivisions to establish accounts to pay for postemployment benefits owed to officers and employees; proposing coding for new law in Minnesota Statutes, chapter 353.

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

The report was adopted.

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 3390, A bill for an act relating to employee relations; changing eligibility criteria for the salary differential program for state employees ordered to active military service; amending Minnesota Statutes 2005 Supplement, section 43A.183.

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

The report was adopted.

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

H. F. No. 3761, A bill for an act relating to transportation; amending the allocation of revenue from a tax on sale of motor vehicles; amending Minnesota Statutes 2004, section 297B.09, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

TRANSPORTATION FINANCE

Section 1. **APPROPRIATIONS**

The sums shown in the column under "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the state agencies or officials indicated, to be spent for the purposes indicated, for fiscal year 2007. These appropriations are in addition to those in Laws 2005, First Special Session chapter 6.

SUMMARY

<u>TRANSPORTATION</u>	<u>\$121,978,000</u>
<u>ADMINISTRATION</u>	<u>10,161,000</u>
<u>FINANCE</u>	<u>41,000</u>
<u>TOTAL</u>	<u>\$132,180,000</u>

Summary by Fund

<u>Trunk Highway Bond Proceeds Account</u>	<u>\$43,430,000</u>
<u>Trunk Highway Fund</u>	<u>88,000,000</u>
<u>General Fund</u>	<u>750,000</u>
<u>TOTAL</u>	<u>\$132,180,000</u>

APPROPRIATIONSSec. 2. **TRANSPORTATION**

Subdivision 1. To the commissioner of transportation for the purposes specified in this section: 121,978,000

Summary by Fund

<u>Trunk Highway Bond Proceeds Account</u>	<u>33,228,000</u>
<u>Trunk Highway Fund</u>	<u>88,000,000</u>
<u>General Fund</u>	<u>750,000</u>

Subd. 2. **Infrastructure investment support** 5,000,000

This appropriation is from the trunk highway fund for program delivery related to projects identified in the federal High Priority Projects Program, and is added to appropriations in Laws 2005, First Special Session chapter 6, article 1, section 2. This is a onetime appropriation.

Subd. 3. **State road construction** 83,000,000

This appropriation is from the trunk highway fund, and is added to appropriations in Laws 2005, First Special Session chapter 6, article 1, section 2, for the actual construction, reconstruction, and improvement of trunk highways, including design-build contracts and consultant usage to support these activities. This includes the cost of actual payments to landowners for lands acquired for highway rights-of-way, payments to lessees, interest subsidies, and relocation expenses. Of this amount, \$50,000,000 may only be used for projects identified in the federal High Priority Projects Program. This is a onetime appropriation.

Subd. 4. **Town road sign replacement program** 750,000

This appropriation is from the general fund to implement the town road sign replacement program established in Laws 2005, First Special Session chapter 6, article 3, section 89. For the purpose of

APPROPRIATIONS

this appropriation, implementation includes the purchase and installation of new signs. This appropriation may be used to satisfy any local matching requirement for the receipt of federal funds. Designated funds not allocated by July 1, 2008, cancel and revert to the general fund.

Subd. 5. Mankato headquarters18,228,000

This appropriation is from the bond proceeds account in the trunk highway fund to design, construct, furnish, and equip a new district headquarters facility in Mankato.

Subd. 6. Trunk highway program delivery15,000,000

This appropriation is from the bond proceeds account in the trunk highway fund for program delivery and for the cost of actual payments to landowners for lands acquired for highway rights-of-way, payments to lessees, interest subsidies, and relocation expenses.

Sec. 3. ADMINISTRATIONExterior renovation of transportation building10,161,000

This appropriation is to the commissioner of administration from the bond proceeds account in the trunk highway fund to renovate the exterior of the Department of Transportation Building at 395 John Ireland Boulevard in St. Paul.

Sec. 4. FINANCEBond sale expenses41,000

This appropriation is to the commissioner of finance from the bond proceeds account in the trunk highway fund for bond sale expenses under Minnesota Statutes, section 16A.641, subdivision 8.

Sec. 5. BOND SALE AUTHORIZATION.

To provide the money appropriated in this article from the bond proceeds account in the trunk highway fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$43,430,000 in the manner, on the terms, and with the effect prescribed by Minnesota Statutes, sections 167.50 to 167.52, and by the Minnesota Constitution, article XIV, section 11, at the times and in the amounts requested by the commissioner of transportation. The proceeds of the bonds, except accrued interest and any premium received on the sale of the bonds, must be credited to the bond proceeds account in the trunk highway fund.

Sec. 6. Minnesota Statutes 2004, section 16A.88, is amended to read:

16A.88 TRANSIT FUNDS FUND.

Subdivision 1. **Greater Minnesota transit fund account.** The greater Minnesota transit ~~fund~~ account is established within the ~~state treasury transit fund~~. Money in the ~~fund~~ account is annually appropriated to the commissioner of transportation for assistance to transit systems outside the metropolitan area under section 174.24. ~~Beginning in fiscal year 2003,~~ The commissioner may use up to \$400,000 each year for administration of the transit program. The commissioner shall use the ~~fund~~ account for transit operations as provided in section 174.24 and related program administration.

Subd. 2. **Metropolitan area transit fund account.** The metropolitan area transit ~~fund~~ account is established within the ~~state treasury transit fund~~. All money in the ~~fund~~ account is annually appropriated to the Metropolitan Council for the funding of transit systems within the metropolitan area under sections 473.384, 473.387, 473.388, and 473.405 to 473.449.

~~Subd. 3. **Metropolitan area transit appropriation account.** The metropolitan area transit appropriation account is established within the general fund. Money in the account is to be used for the funding of transit systems in the metropolitan area, subject to legislative appropriation.~~

Subd. 4. **Transit fund.** A transit fund is established within the state treasury. The fund receives money distributed under section 297B.09, and other money as specified by law. Money in the fund must be allocated to the greater Minnesota transit account under subdivision 1 and the metropolitan area transit account under subdivision 2, and must be used for transit purposes.

EFFECTIVE DATE. This section is effective upon adoption of the constitutional amendment proposed in Laws 2005, chapter 88, article 3, section 9, by the people at the 2006 general election.

Sec. 7. Minnesota Statutes 2005 Supplement, section 297A.815, is amended by adding a subdivision to read:

Subd. 3. **Deposit of revenues.** Notwithstanding any law to the contrary, money collected and received under this section must be deposited in the same manner and in the same proportions as provided for revenues collected under chapter 297B.

EFFECTIVE DATE. This section is effective beginning with revenues collected and remitted on and after July 1, 2006.

Sec. 8. Minnesota Statutes 2004, section 297A.94, is amended to read:

297A.94 DEPOSIT OF REVENUES.

(a) Except as provided in this section, the commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed by this chapter in the state treasury and credit them to the general fund.

(b) The commissioner shall deposit taxes in the Minnesota agricultural and economic account in the special revenue fund if:

(1) the taxes are derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project; and

(2) the purchase was made on or after the date on which a conditional commitment was made for a loan guaranty for the project under section 41A.04, subdivision 3.

The commissioner of finance shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account must be reduced by any refunds and by the costs incurred by the Department of Revenue to administer and enforce the assessment and collection of the taxes.

(c) The commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

(1) first to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and

(2) after the requirements of clause (1) have been met, the balance to the general fund.

(d) The commissioner shall deposit the revenues, including interest and penalties, collected under section 297A.64, subdivision 5, in the state treasury and credit them to the general fund. By July 15 of each year the commissioner shall transfer to the highway user tax distribution fund an amount equal to the excess fees collected under section 297A.64, subdivision 5, for the previous calendar year.

(e) For fiscal year 2001, 97 percent; for fiscal years 2002 and 2003, 87 percent; and for fiscal year 2004 and thereafter, 72.43 percent of the revenues, including interest and penalties, transmitted to the commissioner under section 297A.65, must be deposited by the commissioner in the state treasury as follows:

(1) 50 percent of the receipts must be deposited in the heritage enhancement account in the game and fish fund, and may be spent only on activities that improve, enhance, or protect fish and wildlife resources, including conservation, restoration, and enhancement of land, water, and other natural resources of the state;

(2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only for state parks and trails;

(3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only on metropolitan park and trail grants;

(4) three percent of the receipts must be deposited in the natural resources fund, and may be spent only on local trail grants; and

(5) two percent of the receipts must be deposited in the natural resources fund, and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

(f) The revenue dedicated under paragraph (e) may not be used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes. Land acquired with money deposited in the game and fish fund under paragraph (e) must be open to public hunting and fishing during the open season, except that in aquatic management areas or on lands where angling easements have been acquired, fishing may be prohibited during certain times of the year and hunting may be prohibited. At least 87 percent of the money deposited in the game and fish fund for improvement, enhancement, or protection of fish and wildlife resources under paragraph (e) must be allocated for field operations.

(g) The revenues, including interest and penalties, collected under section 297A.815 must be deposited by the commissioner as provided for in that section.

EFFECTIVE DATE. This section is effective beginning with revenues collected and remitted on and after July 1, 2006.

Sec. 9. Laws 2005, chapter 88, article 3, section 10, is amended to read:

Sec. 10. **SUBMISSION TO VOTERS.**

The constitutional amendment proposed in section ~~42~~ 9 must be presented to the people at the 2006 general election. The question submitted must be:

~~"Shall the Minnesota Constitution be amended to dedicate revenue from a tax on the sale of new and used motor vehicles over a five year period, so that after June 30, 2011, all of the revenue is dedicated at least 40 percent for public transit assistance and not more than 60 percent for highway purposes?"~~ "Shall the Minnesota Constitution be amended so that after June 30, 2011, all of the revenues from the existing tax on the sale of new and used motor vehicles are dedicated to highways and public transit?"

Yes

No"

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

Sec. 10. **BALLOT PLACEMENT.**

The secretary of state shall place as the first question on the ballot at the 2006 general election the constitutional amendment proposed in Laws 2005, chapter 88, article 3, section 10, as amended by this act.

Sec. 11. **EFFECTIVE DATE.**

Except as specifically provided otherwise, this article is effective July 1, 2006.

ARTICLE 2

TRUNK HIGHWAY BONDING

Section 1. **APPROPRIATIONS**

The sums shown in the column under "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the state agencies or officials indicated, to be spent for the purposes indicated.

APPROPRIATIONS

Sec. 2. **TRANSPORTATION**

Subdivision 1. To the commissioner of transportation for the purposes specified in this section:

2,485,000,000

Subd. 2. **Trunk highway program delivery**

35,000,000

This appropriation is from the bond proceeds account in the trunk highway fund for program delivery and for the cost of actual payments to landowners for lands acquired for highway rights-of-way, payments to lessees, interest subsidies, and relocation expenses.

APPROPRIATIONSSubd. 3. **Trunk highway construction**2,450,000,000

This appropriation is from the bond proceeds account in the trunk highway fund for the actual construction, reconstruction, and improvement of trunk highways. This includes the cost of actual payments to landowners for lands acquired for highway rights-of-way, payments to lessees, interest subsidies, and relocation expenses. The commissioner of transportation may use up to \$375,000,000 of this appropriation for program delivery.

Sec. 3. **FINANCE****Bond sale expenses**2,485,000

This appropriation is to the commissioner of finance from the bond proceeds account in the trunk highway fund for bond sale expenses under Minnesota Statutes, section 16A.641, subdivision 8, and section 167.50, subdivision 4.

Sec. 4. **[167.515] MOTOR VEHICLE SALES TAX COLLECTION ACCOUNT.**

The commissioner of finance shall maintain in the trunk highway fund a separate account designated as the Minnesota motor vehicle sales tax collection account. Money in the account consists of proceeds allocated to the account from the motor vehicles sales tax under section 297B.09. Money from the account may be spent for debt service incurred pursuant to section 2, subdivisions 2 and 3.

Sec. 5. Minnesota Statutes 2004, section 297B.09, subdivision 1, is amended to read:

Subdivision 1. **Deposit of revenues.** (a) Money collected and received under this chapter must be deposited as provided in this subdivision.

(b) ~~From July 1, 2002, to June 30, 2003, 32 percent of the money collected and received must be deposited in the highway user tax distribution fund, 20.5 percent must be deposited in the metropolitan area transit fund under section 16A.88, and 1.25 percent must be deposited in the greater Minnesota transit fund under section 16A.88. The remaining money must be deposited in the general fund.~~

(c) ~~From July 1, 2003, to June 30, 2007, 30 percent of the money collected and received must be deposited in the highway user tax distribution fund, 21.5 percent must be deposited in the metropolitan area transit fund account under section 16A.88, 1.43 percent must be deposited in the greater Minnesota transit fund account under section 16A.88, 0.65 percent must be deposited in the county state-aid highway fund, and 0.17 percent must be deposited in the municipal state-aid street fund. The remaining money must be deposited in the general fund.~~

~~(d) On and after (c) From July 1, 2007, 32 to June 30, 2008, 38.25 percent of the money collected and received must be deposited in the highway user tax distribution fund, 20.5 percent must be deposited in the metropolitan area transit fund under section 16A.88, and 1.25 percent must be deposited in the greater Minnesota transit fund under section 16A.88. The remaining money must be deposited in the general fund. Of the amount from this paragraph deposited in the trunk highway fund, 16.5 percent must be deposited in the motor vehicle sales tax collection account established in section 167.515.~~

(d) From July 1, 2008, to June 30, 2009, 44.25 percent must be deposited in the highway user tax distribution fund, and 29.5 percent must be deposited in the transit fund. The remaining money must be deposited in the general fund. Of the amount from this paragraph deposited in the trunk highway fund, 27.5 percent must be deposited in the motor vehicle sales tax collection account established in section 167.515.

(e) From July 1, 2009, to June 30, 2010, 50.25 percent must be deposited in the highway user tax distribution fund, and 33.5 percent must be deposited in the transit fund. The remaining money must be deposited in the general fund. Of the amount from this paragraph deposited in the trunk highway fund, 36.5 percent must be deposited in the motor vehicle sales tax collection account established in section 167.515.

(f) From July 1, 2010, to June 30, 2011, 56.25 percent must be deposited in the highway user tax distribution fund, and 37.5 percent must be deposited in the transit fund. The remaining money must be deposited in the general fund. Of the amount from this paragraph deposited in the trunk highway fund, 43 percent must be deposited in the motor vehicle sales tax collection account established in section 167.515.

(g) On and after July 1, 2011, 60 percent must be deposited in the highway user tax distribution fund, and 40 percent must be deposited in the transit fund. Of the amount from this paragraph deposited in the trunk highway fund, 46.7 percent must be deposited in the motor vehicle sales tax collection account established in section 167.515.

Sec. 6. **BOND SALE AUTHORIZATION.**

To provide the money appropriated in this article from the bond proceeds account in the trunk highway fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$2,487,485,000 in the manner, on the terms, and with the effect prescribed by Minnesota Statutes, sections 167.50 to 167.52, and by the Minnesota Constitution, article XIV, section 11, at the times and in the amounts requested by the commissioner of transportation. The proceeds of the bonds, except accrued interest and any premium received on the sale of the bonds, must be credited to the bond proceeds account in the trunk highway fund.

Sec. 7. **EFFECTIVE DATE.**

This article is effective upon adoption of the constitutional amendment proposed in Laws 2005, chapter 88, article 3, section 9, by the people at the 2006 general election.

ARTICLE 3

TRANSPORTATION POLICY

Section 1. Minnesota Statutes 2004, section 161.082, subdivision 2a, is amended to read:

Subd. 2a. **Town bridges and culverts; town road account.** (a) Money in the town bridge account must be expended on town road bridge structures that are ten feet or more in length and on town road culverts that replace existing town road bridges. In addition, if the present bridge structure is less than ten feet in length but a hydrological survey indicates that the replacement bridge structure or culvert must be ten feet or more in length, then the bridge or culvert is eligible for replacement funds.

(b) In addition, if a culvert that replaces a deficient bridge is in a county comprehensive water plan approved by the Board of Water and Soil Resources and the Department of Natural Resources, the costs of the culvert and roadway grading other than surfacing are eligible for replacement funds up to the cost of constructing a replacement bridge.

(c) The expenditures on a bridge structure or culvert may be paid from the county turnback account and may be for 100 percent of the cost of the replacement structure or culvert or for 100 percent of the cost of rehabilitating the existing structure.

(d) The town bridge account may be used to pay the costs to abandon an existing bridge that is deficient and in need of replacement, but where no replacement will be made. It may also be used to pay the costs to construct a road or street to facilitate the abandonment of an existing bridge determined by the commissioner to be deficient, if the commissioner determines that construction of the road or street is more cost efficient than replacing the existing bridge.

(e) When bridge approach construction work exceeds \$10,000 in costs, or when the county engineer determines that the cost of the replacement culverts alone will not exceed \$20,000, or engineering costs exceed \$10,000, the town shall be eligible for financial assistance from the town bridge account. Financial assistance shall be requested by resolution of the county board and shall be limited to:

(1) 100 percent of the cost of the bridge approach work that is in excess of \$10,000;

(2) 100 percent of the cost of the replacement culverts when the cost does not exceed \$20,000 and the town board agrees to be responsible for all the other costs, which may include costs for structural removal, installation, and permitting. The replacement structure design and costs shall be approved and certified by the county engineer, but need not be subsequently approved by the Department of Transportation; or

(3) 100 percent of all related engineering costs that exceed \$10,000, or in the case of towns with a net tax capacity of less than ~~\$200,000~~ \$300,000, 100 percent of the engineering costs.

(f) Money in the town road account must be distributed as provided in section 162.081.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 2. Minnesota Statutes 2005 Supplement, section 168A.20, subdivision 5, is amended to read:

Subd. 5. **Satisfaction of automobile lien seven years old; release.** ~~(a) A security interest perfected under this chapter expires may be canceled seven years from the perfection date for a passenger automobile, as defined in section 168.011, subdivision 7, upon the request of the owner of the passenger automobile, if the owner has paid the lien in full and is unable to locate the lienholder to obtain a lien release. At a minimum, the owner must send a letter to the lienholder by certified mail, return receipt requested, requesting a lien release. If the owner is unable to obtain a lien release by sending a letter by certified mail, then the owner must present to the department or its agent the returned letter as evidence of the attempted contact. This subdivision applies only to vehicle owners who are individuals.~~

~~(b) A lien holder may notify the department in writing or in a format approved by the department during the sixth year of the lien, no later than 90 days in advance of the seven-year anniversary, if the lien will not be satisfied during this registration period and the lien must be extended up to seven additional years as requested by the lien holder.~~

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

Sec. 3. Minnesota Statutes 2004, section 168B.06, subdivision 1, is amended to read:

Subdivision 1. **Contents; notice given within five days.** When an impounded vehicle is taken into custody, the unit of government or impound lot operator taking it into custody shall give notice to the registered vehicle owner and any lienholders of the taking within five days. The notice shall:

(a) (1) set forth the date and place of the taking, the year, make, model and serial number of the impounded motor vehicle if such information can be reasonably obtained and the place where the vehicle is being held;

(b) (2) inform the registered vehicle owner and any lienholders of their right to reclaim the vehicle under section 168B.07; ~~and;~~

(c) (3) state that failure of the owner or lienholders to exercise their right to reclaim the vehicle ~~and contents~~ within the appropriate time allowed under section 168B.051, subdivision 1, 1a, or 2, shall be deemed a waiver by them of all right, title, and interest in the vehicle and remaining contents and a consent to the transfer of title to and disposal or sale of the vehicle and remaining contents pursuant to section 168B.08; and

(4) state: "You, the registered owner, have the right to pick up your contents from your vehicle, whether or not you give up the right to reclaim your vehicle."

Sec. 4. Minnesota Statutes 2004, section 168B.07, is amended by adding a subdivision to read:

Subd. 3. **Retrieval of contents.** A unit of government or impound lot operator may establish a reasonable procedure for retrieval of vehicle contents. At any time before the expiration of the waiting periods provided in section 168B.051, subdivision 1, 1a, or 2, the owner of an impounded vehicle has the right to retrieve, without charge, any and all contents. For the purposes of this subdivision, "contents" means all personal belongings and does not include any permanently affixed mechanical or nonmechanical: (i) automobile parts; (ii) automobile body parts; or (iii) automobile accessories, including audio or video players.

Sec. 5. Minnesota Statutes 2004, section 169.829, subdivision 2, is amended to read:

Subd. 2. **Tow truck.** Sections 169.822 to 169.828 do not apply to a tow truck or towing vehicle when towing a disabled or damaged vehicle damaged in such manner that the towed vehicle cannot be towed from the rear and, when the movement is temporary urgent, and when the movement is for the purpose of taking removing the disabled vehicle from the roadway to a place of safekeeping or to a place of repair.

Sec. 6. Minnesota Statutes 2004, section 169.86, is amended by adding a subdivision to read:

Subd. 8. **Tow truck.** A tow truck or towing vehicle, when towing a disabled or damaged vehicle to a place of repair or to a place of safekeeping, may exceed the length and weight limitations of this chapter, subject to a \$300 annual permit fee and such conditions as the commissioner may prescribe.

Sec. 7. Minnesota Statutes 2004, section 222.50, subdivision 6, is amended to read:

Subd. 6. **Grants.** (a) The commissioner may approve grants from the rail service improvement account for payment of up to 50 40 percent of the nonfederal share of the cost of any rail line project under the federal rail service continuation program, on a rail line owned by a private railroad, and up to 60 percent of the cost of any rail line project on a rail line owned by a political subdivision. At least 20 percent of the cost of any rail line project is the direct responsibility of the grantee and may not be paid from other state or federal sources. The remaining portion of the cost of a rail line project receiving a grant under this subdivision may be financed as provided under subdivision 7.

(b) No more than 50 percent of the annual expenditures from the rail service improvement account may be in the form of grants made under this subdivision.

Sec. 8. Minnesota Statutes 2004, section 222.50, subdivision 7, is amended to read:

Subd. 7. **Expenditures.** (a) The commissioner may expend money from the rail service improvement account for the following purposes:

(1) to make transfers as provided under section 222.57 or to pay interest adjustments on loans guaranteed under the state rail user and rail carrier loan guarantee program;

(2) to pay a portion of the costs of capital improvement projects designed to improve rail service including construction or improvement of short segments of rail line such as side track, team track and connections between existing lines, and construction and improvement of loading, unloading, storage and transfer facilities of a rail user;

(3) to acquire, maintain, manage and dispose of railroad right-of-way pursuant to the state rail bank program;

(4) to provide for aerial photography survey of proposed and abandoned railroad tracks for the purpose of recording and reestablishing by analytical triangulation the existing alignment of the in-place track;

(5) to pay a portion of the costs of acquiring or rehabilitating a rail line by a regional railroad authority established pursuant to chapter 398A;

(6) to pay the state matching portion of federal grants for rail-highway grade crossing improvement projects.

(b) All money derived by the commissioner from the disposition of railroad right-of-way or of any other property acquired pursuant to sections 222.46 to 222.62 shall be deposited in the rail service improvement account.

Sec. 9. Minnesota Statutes 2004, section 296A.18, subdivision 4, is amended to read:

Subd. 4. **All-terrain vehicle.** Approximately ~~0.15~~ 0.27 of one percent of all gasoline received in or produced or brought into this state, except gasoline used for aviation purposes, is being used for the operation of all-terrain vehicles in this state, and of the total revenue derived from the imposition of the gasoline fuel tax, ~~0.15~~ 0.27 of one percent is the amount of tax on fuel used in all-terrain vehicles operated in this state.

Sec. 10. Minnesota Statutes 2004, section 473.384, subdivision 1, is amended to read:

Subdivision 1. **Contracts required.** The council shall make contracts with eligible recipients for financial assistance to transit service within the metropolitan area. The council may not give financial assistance to another transit provider without first having executed a contract. A provider of transit service may receive financial assistance from the council through a subcontract if the subcontractor meets the eligibility requirements of subdivision 2 and has been approved by the council, and the primary contractor is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, as amended from time to time.

The provisions of this section do not apply to contracts made under sections 473.386 and 473.388.

Sec. 11. Minnesota Statutes 2004, section 473.384, subdivision 2, is amended to read:

Subd. 2. **Eligibility.** To be eligible to receive financial assistance by contract or subcontract under this section a recipient must be:

(a) a county, statutory or home rule charter city or town or combination thereof, or public authority organized and existing pursuant to chapter 398A, providing financial assistance to or providing or operating public transit; or

(b) a private provider of public transit.

Sec. 12. **TRUNK HIGHWAY 60 CONSTRUCTION.**

Notwithstanding Minnesota Statutes, section 161.261, or any other law, the commissioner of transportation may enter into an agreement with an adjoining state to construct a connector highway with a length not to exceed four miles, and to erect detour signs at appropriate locations, for the construction of marked Trunk Highway 60 to include the Bigelow Bypass.

Sec. 13. **STUDY OF TRANSPORTATION LONG-RANGE SOLUTIONS.**

(a) The commissioner of transportation shall conduct a study to evaluate the current and long-range needs of the state's transportation system, and investigate possible strategies to meet these needs.

(b) The study must include, but is not limited to:

(1) evaluation of the current needs of the state's highway systems and bridges;

(2) analysis and quantification of the needs for the next 20 years of the state's highway systems and bridges;

(3) comparison of estimates of revenues raised by current transportation funding sources, with long-term needs of the state's transportation system;

(4) identification of options for maintenance and improvement of the state's transportation system with specific reference to factors such as changes in vehicle fuel economy, availability of alternative modes of transportation, and the nation's attempts to decrease dependence on foreign oil;

(5) analysis of alternative pricing options utilized in other states, and their potential for use, public acceptance, alleviation of congestion, and revenue generation in this state; and

(6) identification of options for road pricing or other alternative financing mechanisms, and estimates of implementation costs, user costs, and revenue.

(c) The commissioner shall report the results of the study to the legislature no later than January 12, 2007.

Sec. 14. **EFFECTIVE DATE.**

This article is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to transportation; authorizing sale of trunk highway bonds for capital improvements related to transportation; establishing transit fund and accounts; providing for treatment and allocation of tax proceeds related to motor vehicles; modifying proposed amendment to Minnesota Constitution and its proposed ballot question; modifying provisions relating to the town bridge account, old automobile liens, tow truck operators,

impounded vehicles, the rail service improvement account, the tax attributable to fuel used by all-terrain vehicles, transit service contracts, and a connector highway agreement; requiring a study; appropriating money; amending Minnesota Statutes 2004, sections 16A.88; 161.082, subdivision 2a; 168B.06, subdivision 1; 168B.07, by adding a subdivision; 169.829, subdivision 2; 169.86, by adding a subdivision; 222.50, subdivisions 6, 7; 296A.18, subdivision 4; 297A.94; 297B.09, subdivision 1; 473.384, subdivisions 1, 2; Minnesota Statutes 2005 Supplement, sections 168A.20, subdivision 5; 297A.815, by adding a subdivision; Laws 2005, chapter 88, article 3, section 10; proposing coding for new law in Minnesota Statutes, chapter 167."

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

The report was adopted.

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

H. F. No. 3805, A bill for an act relating to highways; designating the Shawn Silvera Memorial Highway; amending Minnesota Statutes 2004, section 161.14, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 19, delete "at" and insert "as close as practicable to"

Page 1, line 21, delete "in each direction on" and insert "on southbound"

Page 2, line 1, delete "in each direction on" and insert "on northbound"

Page 2, line 3, delete "and"

Page 2, delete lines 4 to 5 and insert:

"(3) one sign on northbound marked Interstate Highway 35 between the point where it divides into marked Interstate Highways 35E and 35W and marked Trunk Highway 97; and

(4) one sign on southbound marked Interstate Highway 35 south of its intersection with marked Trunk Highway 97."

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

The report was adopted.

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 3995, A bill for an act relating to claims against the state; providing for settlement of various claims; appropriating money.

Reported the same back with the following amendments:

Page 2, after line 22, insert:

"Sec. 2. **DEPARTMENT OF PUBLIC SAFETY.**

\$530 is appropriated from the general fund to the commissioner of public safety, to be available until June 30, 2007, as full and final payment of the claim of Kevin L. Vraa of Embarrass, Minnesota, for excessive driver's license reinstatement fees."

Page 2, line 24, delete "Section 1 is" and insert "Sections 1 and 2 are"

Renumber the sections in sequence

With the recommendation that when so amended the bill pass.

The report was adopted.

Sykora from the Committee on Education Finance to which was referred:

H. F. No. 4040, A bill for an act relating to education finance; extending the funding for certain early literacy activities conducted by ServeMinnesota; appropriating money; amending Laws 2005, First Special Session chapter 5, article 2, section 84, subdivision 16.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

GENERAL EDUCATION

Section 1. Minnesota Statutes 2004, section 120A.20, subdivision 1, is amended to read:

Subdivision 1. **Age limitations; pupils.** (a) All schools supported in whole or in part by state funds are public schools. Admission to a public school is free to any person who: (1) resides within the district that operates the school, ~~who~~; (2) is under 21 years of age; or who meets the requirements of paragraph (c); and ~~who~~ (3) satisfies the minimum age requirements imposed by this section. Notwithstanding the provisions of any law to the contrary, the conduct of all students under 21 years of age attending a public secondary school is governed by a single set of reasonable rules and regulations promulgated by the school board.

~~No~~ (b) A person shall not be admitted to any a public school (1) as a kindergarten pupil, unless the pupil is at least five years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences; or (2) as a 1st grade student, unless the pupil is at least six years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences or has completed kindergarten; except that any school board may establish a policy for admission of selected pupils at an earlier age.

(c) A pupil who becomes age 21 after enrollment is eligible for continued free public school enrollment until at least one of the following occurs: (1) the first September 1 after the pupil's 21st birthday; (2) the pupil's completion of the graduation requirements; (3) the pupil's withdrawal with no subsequent enrollment within 21 calendar days; or (4) the end of the school year.

Sec. 2. Minnesota Statutes 2005 Supplement, section 122A.415, subdivision 1, is amended to read:

Subdivision 1. **Revenue amount.** (a) A school district, intermediate school district, school site, or charter school that meets the conditions of section 122A.414 and submits an application approved by the commissioner is eligible for alternative teacher compensation revenue.

(b) For school district and intermediate school district applications, the commissioner must consider only those applications to participate that are submitted jointly by a district and the exclusive representative of the teachers. The application must contain an alternative teacher professional pay system agreement that:

(1) implements an alternative teacher professional pay system consistent with section 122A.414; and

(2) is negotiated and adopted according to the Public Employment Labor Relations Act under chapter 179A, except that notwithstanding section 179A.20, subdivision 3, a district may enter into a contract for a term of two or four years.

Alternative teacher compensation revenue for a qualifying school district or site in which the school board and the exclusive representative of the teachers agree to place teachers in the district or at the site on the alternative teacher professional pay system equals \$260 times the ratio of the formula allowance for the current fiscal year to the formula allowance for fiscal year 2007 times the number of pupils enrolled at the district or site on October 1 of the previous fiscal year. Alternative teacher compensation revenue for a qualifying intermediate school district must be calculated under section 126C.10, subdivision 34, paragraphs (a) and (b).

(c) For a newly combined or consolidated district, the revenue shall be computed using the sum of pupils enrolled on October 1 of the previous year in the districts entering into the combination or consolidation. The commissioner may adjust the revenue computed for a site using prior year data to reflect changes attributable to school closings, school openings, or grade level reconfigurations between the prior year and the current year.

(d) The revenue is available only to school districts, intermediate school districts, school sites, and charter schools that fully implement an alternative teacher professional pay system by October 1 of the current school year.

(e) The revenue must be maintained in a reserve account within the general fund.

Sec. 3. Minnesota Statutes 2005 Supplement, section 122A.415, subdivision 3, is amended to read:

Subd. 3. **Revenue timing.** (a) Districts, intermediate school districts, school sites, or charter schools with approved applications must receive alternative compensation revenue for each school year that the district, intermediate school district, school site, or charter school implements an alternative teacher professional pay system under this subdivision and section 122A.414. For fiscal year 2007 and later, a qualifying district, intermediate school district, school site, or charter school that received alternative teacher compensation aid for the previous fiscal year must receive at least an amount of alternative teacher compensation revenue equal to the lesser of the amount it received for the previous fiscal year or the amount it qualifies for under subdivision 1 for the current fiscal year if the district, intermediate school district, school site, or charter school submits a timely application and the commissioner determines that the district, intermediate school district, school site, or charter school continues to implement an alternative teacher professional pay system, consistent with its application under this section.

(b) The commissioner shall approve applications that comply with subdivision 1, and section 122A.414, subdivisions 2, paragraph (b), and 2a, if the applicant is a charter school, in the order in which they are received, select applicants that qualify for this program, notify school districts, intermediate school districts, school sites, and charter schools about the program, develop and disseminate application materials, and carry out other activities needed to implement this section.

(c) For applications approved under this section before August 1 of the fiscal year for which the aid is paid, the portion of the state total basic alternative teacher compensation aid entitlement allocated to charter schools must not exceed \$522,000 for fiscal year 2006 and \$3,374,000 for fiscal year 2007. For fiscal year 2008 and later, the portion of the state total basic alternative teacher compensation aid entitlement allocated to charter schools must not exceed the product of \$3,374,000 times the ratio of the state total charter school enrollment for the previous fiscal year to the state total charter school enrollment for ~~the second previous year~~ fiscal year 2006 times the ratio of the formula allowance for the current fiscal year to the formula allowance for fiscal year 2007. Additional basic alternative teacher compensation aid may be approved for charter schools after August 1, not to exceed the charter school limit for the following fiscal year, if the basic alternative teacher compensation aid entitlement for school districts and intermediate school districts based on applications approved by August 1 does not expend the remaining amount under the limit.

Sec. 4. Minnesota Statutes 2004, section 123A.06, subdivision 2, is amended to read:

Subd. 2. **People to be served.** A center shall provide programs for secondary pupils and adults. A center may also provide programs and services for elementary and secondary pupils who are not attending the center to assist them in being successful in school. A center shall use research-based best practices for serving limited English proficient students and their parents. An individual education plan team may identify a center as an appropriate placement to the extent a center can provide the student with the appropriate special education services described in the student's plan. Pupils eligible to be served are those ~~age five to adults 22 and older~~ who qualify under the graduation incentives program in section 124D.68, subdivision 2, those enrolled under section 124D.02, subdivision 2, or those pupils who are eligible to receive special education services under sections 125A.03 to 125A.24, and 125A.65.

Sec. 5. Minnesota Statutes 2005 Supplement, section 123B.76, subdivision 3, is amended to read:

Subd. 3. **Expenditures by building.** (a) For the purposes of this section, "building" means education site as defined in section 123B.04, subdivision 1.

(b) Each district shall maintain separate accounts to identify general fund expenditures for each building. All expenditures for regular instruction, secondary vocational instruction, and school administration must be reported to the department separately for each building. All expenditures for special education instruction, instructional support services, and pupil support services provided within a specific building must be reported to the department separately for each building. Salary expenditures reported by building must reflect actual salaries for staff at the building and must not be based on districtwide averages. All other general fund expenditures may be reported by building or on a districtwide basis.

(c) The department must annually report information showing school district general fund expenditures per pupil by program category for each building and estimated school district general fund revenue generated by pupils attending each building on its Web site. For purposes of this report:

- (1) expenditures not reported by building shall be allocated among buildings on a uniform per pupil basis;
- (2) basic skills revenue shall be allocated according to section 126C.10, subdivision 4;
- (3) secondary sparsity revenue and elementary sparsity revenue shall be allocated according to section 126C.10, subdivisions 7 and 8;
- (4) alternative teacher compensation revenue shall be allocated according to section 122A.415, subdivision 1;
- (5) other general education revenue shall be allocated on a uniform per pupil unit basis;

~~(5)~~ (6) first grade preparedness aid shall be allocated according to section 124D.081;

~~(6)~~ (7) state and federal special education aid and Title I aid shall be allocated in proportion to district expenditures for these programs by building; and

~~(7)~~ (8) other general fund revenues shall be allocated on a uniform per pupil basis, except that the department may allocate other revenues attributable to specific buildings directly to those buildings.

Sec. 6. Minnesota Statutes 2004, section 124D.02, subdivision 2, is amended to read:

Subd. 2. **Secondary school programs.** The board may permit a person who is over the age of 21 or who has graduated from high school to enroll ~~as a part-time student~~ in a class or program at a secondary school if there is space available. In determining if there is space available, ~~full-time~~ public school students, eligible for free enrollment under section 120A.20, subdivision 1, and shared-time students shall be given priority over students seeking enrollment under this subdivision, and students returning to complete a regular course of study shall be given priority over ~~part-time~~ other students seeking enrollment pursuant to this subdivision. The following are not prerequisites for enrollment:

(1) residency in the school district;

(2) United States citizenship; or

(3) for a person over the age of 21, a high school diploma or equivalency certificate. A person may enroll in a class or program even if that person attends evening school, an adult or continuing education, or a postsecondary educational program or institution.

Sec. 7. Minnesota Statutes 2004, section 124D.02, subdivision 4, is amended to read:

Subd. 4. **~~Part-time Student fee allowed.~~** Notwithstanding the provisions of sections 120A.20 and 123B.37, a board may charge a ~~part-time~~ student enrolled under subdivision 2 a reasonable fee for a class or program.

Sec. 8. Minnesota Statutes 2005 Supplement, section 124D.68, subdivision 2, is amended to read:

Subd. 2. **Eligible pupils.** ~~The following pupils are~~ A pupil under the age of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c), is eligible to participate in the graduation incentives program, if the pupil:

~~(a) any pupil under the age of 21 who:~~

(1) performs substantially below the performance level for pupils of the same age in a locally determined achievement test;

(2) is at least one year behind in satisfactorily completing coursework or obtaining credits for graduation;

(3) is pregnant or is a parent;

(4) has been assessed as chemically dependent;

(5) has been excluded or expelled according to sections 121A.40 to 121A.56;

(6) has been referred by a school district for enrollment in an eligible program or a program pursuant to section 124D.69;

(7) is a victim of physical or sexual abuse;

(8) has experienced mental health problems;

(9) has experienced homelessness sometime within six months before requesting a transfer to an eligible program;

(10) speaks English as a second language or has limited English proficiency; or

(11) has withdrawn from school or has been chronically truant; ~~or,~~

~~(b) any person who is at least 21 years of age and who:~~

~~(1) has received fewer than 14 years of public or nonpublic education, beginning at age 5;~~

~~(2) has not completed the requirements for a high school diploma; and~~

~~(3) at the time of application, (i) is eligible for unemployment benefits or has exhausted the benefits, (ii) is eligible for, or is receiving income maintenance and support services, as defined in section 116L.19, subdivision 5, or (iii) is eligible for services under the displaced homemaker program or any programs under the federal Jobs Training Partnership Act or its successor.~~

Sec. 9. Minnesota Statutes 2004, section 124D.68, subdivision 3, is amended to read:

Subd. 3. **Eligible programs.** (a) A pupil who is eligible according to subdivision 2 may enroll in area learning centers under sections 123A.05 to 123A.08.

(b) A pupil who is eligible according to subdivision 2 and who is between the ages of 16 and 21 may enroll in postsecondary courses under section 124D.09.

(c) A pupil who is eligible under subdivision 2, may enroll in any public elementary or secondary education program. ~~However, a person who is eligible according to subdivision 2, clause (b), may enroll only if the school board has adopted a resolution approving the enrollment.~~

(d) A pupil who is eligible under subdivision 2, may enroll in any nonpublic, nonsectarian school that has contracted with the serving school district to provide educational services.

(e) A pupil who is between the ages of 16 and 21 may enroll in any adult basic education programs approved under section 124D.52 and operated under the community education program contained in section 124D.19.

Sec. 10. Minnesota Statutes 2004, section 125A.65, subdivision 3, is amended to read:

Subd. 3. **Educational program; tuition.** (a) When it is determined pursuant to section 125A.69, subdivision 1 or 2, that the child is entitled to attend either school, the board of the Minnesota State Academies must provide the appropriate educational program for the child.

(b) For fiscal year 2006, the board of the Minnesota State Academies must make a tuition charge to the child's district of residence for the cost of providing the program. The amount of tuition charged must not exceed the sum of (1) the general education revenue formula allowance times the pupil unit weighting factor pursuant to section 126C.05 for that child, for the amount of time the child is in the program, plus (2) if the child was enrolled at the Minnesota State Academies on October 1 of the previous fiscal year, the compensatory education revenue attributable to that child under section 126C.10, subdivision 3. The district of the child's residence must pay the tuition and may claim general education aid for the child. Tuition received by the board of the Minnesota State Academies, except for tuition for compensatory education revenue under this paragraph and tuition received under subdivision 4, must be deposited in the state treasury as provided in subdivision 8.

(c) For fiscal year 2007 and later, the district of the child's residence shall claim general education revenue for the child, except as provided in this paragraph. Notwithstanding section 127A.47, subdivision 1, an amount equal to the general education revenue formula allowance times the pupil unit weighting factor pursuant to section 126C.05 for that child for the amount of time the child is in the program, as adjusted according to subdivision 8, paragraph (d), must be paid to the Minnesota State Academies. Notwithstanding section 126C.15, subdivision 2, paragraph (d), the compensatory education revenue under section 126C.10, subdivision 3, attributable to children enrolled at the Minnesota State Academies on October 1 of the previous fiscal year must be paid to the Minnesota State Academies. General education aid paid to the Minnesota State Academies under this paragraph must be credited to their general operation account. Other general education aid attributable to the child must be paid to the district of the child's residence.

Sec. 11. Minnesota Statutes 2004, section 125A.65, subdivision 4, is amended to read:

Subd. 4. **Unreimbursed costs.** (a) For fiscal year 2006, in addition to the tuition charge allowed in subdivision 3, the academies may charge the child's district of residence for the academy's unreimbursed cost of providing an instructional aide assigned to that child, after deducting the special education aid under section 125A.76, attributable to the child, if that aide is required by the child's individual education plan. Tuition received under this paragraph must be used by the academies to provide the required service.

(b) For fiscal year 2007 and later, the special education aid paid to the academies shall be increased by the academy's unreimbursed cost of providing an instructional aide assigned to a child, after deducting the special education aid under section 125A.76 attributable to the child, if that aide is required by the child's individual education plan. Aid received under this paragraph must be used by the academies to provide the required service.

(c) For fiscal year 2007 and later, the special education aid paid to the district of the child's residence shall be reduced by the amount paid to the academies for district residents under paragraph (b).

(d) Notwithstanding section 127A.45, subdivision 3, beginning in fiscal year 2008, the commissioner shall make an estimated final adjustment payment to the Minnesota State Academies for general education aid and special education aid for the prior fiscal year by August 15.

Sec. 12. Minnesota Statutes 2004, section 125A.65, subdivision 6, is amended to read:

Subd. 6. **Tuition reduction.** Notwithstanding the provisions of subdivisions 3 and 5, the board of the Minnesota State Academies may agree to make a tuition charge, or receive an aid adjustment, as applicable, for less than the amount specified in subdivision 3 for pupils attending the applicable school who are residents of the district where the institution is located and who do not board at the institution, if that district agrees to make a tuition charge to the board of the Minnesota State Academies for less than the amount specified in subdivision 5 for providing appropriate educational programs to pupils attending the applicable school.

Sec. 13. Minnesota Statutes 2004, section 125A.65, subdivision 8, is amended to read:

Subd. 8. **Student count; tuition.** (a) On May 1, 1996, and each year thereafter, the board of the Minnesota State Academies shall count the actual number of Minnesota resident special education eligible students enrolled and receiving education services at the Minnesota State Academy for the Deaf and the Minnesota State Academy for the Blind.

(b) For fiscal year 2006, the board of the Minnesota State Academies shall deposit in the state treasury an amount equal to all tuition received for the basic revenue according to subdivision 3, less the amount calculated in paragraph ~~(b)~~ (c).

~~(b)~~ (c) For fiscal year 2006, the Minnesota State Academies shall credit to their general operation account an amount equal to the tuition received which represents tuition earned for the total number of students over 175 based on:

- (1) the total number of enrolled students on May 1 less 175; times
- (2) the ratio of the number of students in that grade category to the total number of students on May 1; times
- (3) the general education revenue formula allowance; times
- (4) the pupil unit weighting factor pursuant to section 126C.05.

(d) For fiscal year 2007 and later, the Minnesota State Academies shall report to the department the number of students by grade level counted according to paragraph (a). The amount paid to the Minnesota State Academies under subdivision 3, paragraph (c), must be reduced by an amount equal to:

- (1) the ratio of 175 to the total number of students on May 1; times
- (2) the total basic revenue determined according to subdivision 3, paragraph (c).

Sec. 14. Minnesota Statutes 2004, section 125A.65, subdivision 10, is amended to read:

Subd. 10. **Annual appropriation.** There is annually appropriated to the department for the Minnesota State Academies the tuition or aid payment amounts received and credited to the general operation account of the academies under this section. A balance in an appropriation under this paragraph does not cancel but is available in successive fiscal years.

Sec. 15. Minnesota Statutes 2004, section 125A.69, subdivision 3, is amended to read:

Subd. 3. **Out-of-state admissions.** An applicant from another state who can benefit from attending either academy may be admitted to the academy if the admission does not prevent an eligible Minnesota resident from being admitted. The board of the Minnesota State Academies must obtain reimbursement from the other state for the costs of the out-of-state admission. The state board may enter into an agreement with the appropriate authority in the other state for the reimbursement. Money received from another state must be deposited in the general special revenue fund and credited to the general operating account of the academies. The money is appropriated to the academies.

EFFECTIVE DATE. This section is effective retroactively from fiscal year 2001.

Sec. 16. Minnesota Statutes 2004, section 126C.05, subdivision 1, is amended to read:

Subdivision 1. **Pupil unit.** Pupil units for each Minnesota resident pupil under the age of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c), in average daily membership enrolled in the district of residence, in another district under sections 123A.05 to 123A.08, 124D.03, 124D.06, 124D.07, 124D.08, or 124D.68; in a charter school under section 124D.10; or for whom the resident district pays tuition under section 123A.18, 123A.22, 123A.30, 123A.32, 123A.44, 123A.488, 123B.88, subdivision 4, 124D.04, 124D.05, 125A.03 to 125A.24, 125A.51, or 125A.65, shall be counted according to this subdivision.

(a) A prekindergarten pupil with a disability who is enrolled in a program approved by the commissioner and has an individual education plan is counted as the ratio of the number of hours of assessment and education service to 825 times 1.25 with a minimum average daily membership of 0.28, but not more than 1.25 pupil units.

(b) A prekindergarten pupil who is assessed but determined not to be handicapped is counted as the ratio of the number of hours of assessment service to 825 times 1.25.

(c) A kindergarten pupil with a disability who is enrolled in a program approved by the commissioner is counted as the ratio of the number of hours of assessment and education services required in the fiscal year by the pupil's individual education program plan to 875, but not more than one.

(d) A kindergarten pupil who is not included in paragraph (c) is counted as .557 of a pupil unit for fiscal year 2000 and thereafter.

(e) A pupil who is in any of grades 1 to 3 is counted as 1.115 pupil units for fiscal year 2000 and thereafter.

(f) A pupil who is any of grades 4 to 6 is counted as 1.06 pupil units for fiscal year 1995 and thereafter.

(g) A pupil who is in any of grades 7 to 12 is counted as 1.3 pupil units.

(h) A pupil who is in the postsecondary enrollment options program is counted as 1.3 pupil units.

Sec. 17. Minnesota Statutes 2004, section 126C.10, subdivision 6, is amended to read:

Subd. 6. **Definitions.** The definitions in this subdivision apply only to subdivisions 7 and 8.

(a) "High school" means a public secondary school, except a charter school under section 124D.10, that has pupils enrolled in at least the 10th, 11th, and 12th grades. If there is no secondary high school in the district ~~that has pupils enrolled in at least the 10th, 11th, and 12th grades,~~ and the school is at least 19 miles from the next nearest school, the commissioner must designate one school in the district as a high school for the purposes of this section.

(b) "Secondary average daily membership" means, for a district that has only one high school, the average daily membership of pupils served in grades 7 through 12. For a district that has more than one high school, "secondary average daily membership" for each high school means the product of the average daily membership of pupils served in grades 7 through 12 in the high school, times the ratio of six to the number of grades in the high school.

(c) "Attendance area" means the total surface area of the district, in square miles, divided by the number of high schools in the district. For a district that does not operate a high school and is less than 19 miles from the nearest operating high school, the attendance area equals zero.

(d) "Isolation index" for a high school means the square root of 55 percent of the attendance area plus the distance in miles, according to the usually traveled routes, between the high school and the nearest high school. For a district in which there is located land defined in section 84A.01, 84A.20, or 84A.31, the distance in miles is the sum of:

- (1) the square root of one-half of the attendance area; and
- (2) the distance from the border of the district to the nearest high school.

(e) "Qualifying high school" means a high school that has an isolation index greater than 23 and that has secondary average daily membership of less than 400.

(f) "Qualifying elementary school" means ~~an~~ a public elementary school, except a charter school under section 124D.10, that is located 19 miles or more from the nearest elementary school or from the nearest elementary school within the district and, in either case, has an elementary average daily membership of an average of 20 or fewer per grade.

(g) "Elementary average daily membership" means, for a district that has only one elementary school, the average daily membership of pupils served in kindergarten through grade 6. For a district that has more than one elementary school, "average daily membership" for each school means the average daily membership of pupils served in kindergarten through grade 6 multiplied by the ratio of seven to the number of grades in the elementary school.

Sec. 18. Minnesota Statutes 2005 Supplement, section 126C.10, subdivision 13a, is amended to read:

Subd. 13a. **Operating capital levy.** To obtain operating capital revenue ~~for fiscal year 2007 and later~~, a district may levy an amount not more than the product of its operating capital revenue for the fiscal year times the lesser of one or the ratio of its adjusted net tax capacity per adjusted marginal cost pupil unit to the operating capital equalizing factor. The operating capital equalizing factor equals \$22,222 for fiscal year 2006, ~~and~~ \$10,700 for fiscal year 2007, ~~and~~ \$35,000 for fiscal year 2008 and later.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2008.

Sec. 19. Minnesota Statutes 2004, section 126C.10, subdivision 29, is amended to read:

Subd. 29. **Equity levy.** To obtain equity revenue ~~for fiscal year 2005 and later~~, a district may levy an amount not more than the product of its equity revenue under subdivision 24, excluding the revenue computed under paragraphs (f) and (g) of that subdivision for the fiscal year times the lesser of one or the ratio of its referendum market value per resident marginal cost pupil unit to \$476,000.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2008.

Sec. 20. Minnesota Statutes 2005 Supplement, section 126C.10, subdivision 34, is amended to read:

Subd. 34. **Basic alternative teacher compensation aid.** (a) For fiscal year 2006, the basic alternative teacher compensation aid for a school district or an intermediate school district with a plan approved under section 122A.414, subdivision 2b, equals the alternative teacher compensation revenue under section 122A.415, subdivision 1. The basic alternative teacher compensation aid for a charter school with an approved plan under section 122A.414, subdivision 2b, equals \$260 times the number of pupils enrolled in the school on October 1 of the previous school year, or on October 1 of the current fiscal year for a charter school in the first year of operation.

(b) For fiscal year 2007 ~~and later~~, the basic alternative teacher compensation aid for a school district with a plan approved under section 122A.414, subdivision 2b, equals 73.1 percent of the alternative teacher compensation revenue under section 122A.415, subdivision 1. The basic alternative teacher compensation aid for an intermediate school district or charter school with a plan approved under section 122A.414, subdivisions 2a and 2b, if the recipient is a charter school, equals \$260 times the number of pupils enrolled in the school on October 1 of the previous fiscal year, or on October 1 of the current fiscal year for a charter school in the first year of operation, times the ratio of the sum of the alternative teacher compensation aid and alternative teacher compensation levy for all participating school districts to the maximum alternative teacher compensation revenue for those districts under section 122A.415, subdivision 1.

(c) For fiscal year 2008 and later, the basic alternative teacher compensation aid for a school district with a plan approved under section 122A.414, subdivision 2b, equals the alternative teacher compensation revenue under section 122A.415, subdivision 1, minus \$70 times the number of pupils enrolled at participating sites on October 1 of the previous fiscal year. The basic alternative teacher compensation aid for an intermediate school district or charter school with a plan approved under section 122A.414, subdivisions 2a and 2b, if the recipient is a charter school, equals \$260 times the ratio of the formula allowance for the current fiscal year to the formula allowance for fiscal year 2007 times the number of pupils enrolled in the school on October 1 of the previous fiscal year, or on October 1 of the current fiscal year for a charter school in the first year of operation, times the ratio of the sum of the alternative teacher compensation aid and alternative teacher compensation levy for all participating school districts to the maximum alternative teacher compensation revenue for those districts under section 122A.415, subdivision 1.

(d) Notwithstanding paragraphs (a) ~~and~~ (b), and (c) and section 122A.415, subdivision 1, the state total basic alternative teacher compensation aid entitlement must not exceed \$19,329,000 for fiscal year 2006 ~~and~~ \$75,636,000 for fiscal year 2007 ~~and later~~, and for fiscal year 2008 and later, \$75,636,000 times the ratio of the formula allowance for the current fiscal year to the formula allowance for fiscal year 2007. The commissioner must limit the amount of alternative teacher compensation aid approved under ~~section~~ sections 122A.415 and 122A.416 so as not to exceed these limits.

Sec. 21. Minnesota Statutes 2005 Supplement, section 126C.17, subdivision 9, is amended to read:

Subd. 9. **Referendum revenue.** (a) The revenue authorized by section 126C.10, subdivision 1, may be increased in the amount approved by the voters of the district at a referendum called for the purpose. The referendum may be called by the board or shall be called by the board upon written petition of qualified voters of the district. The referendum must be conducted one or two calendar years before the increased levy authority, if approved, first becomes payable. Only one election to approve an increase may be held in a calendar year. Unless the referendum is conducted by mail under paragraph (g), the referendum must be held on the first Tuesday after the first Monday in November. The ballot must state the maximum amount of the increased revenue per resident marginal cost pupil unit. The ballot may state a schedule, determined by the board, of increased revenue per resident marginal cost pupil unit that differs from year to year over the number of years for which the increased revenue is authorized or may state that the amount shall increase annually by the rate of inflation. For this purpose, the rate of inflation shall be the annual inflationary increase calculated under subdivision 2, paragraph (b). The ballot may state that existing referendum levy authority is expiring. In this case, the ballot may also compare the proposed levy authority to the existing expiring levy authority, and express the proposed increase as the amount, if any, over the expiring referendum levy authority. The ballot must designate the specific number of years, not to exceed ten, for which the referendum authorization applies. The ballot, including a ballot on the question to revoke or reduce the increased revenue amount under paragraph (c), must abbreviate the term "per resident marginal cost pupil unit" as "per pupil." The notice required under section 275.60 may be modified to read, in cases of renewing existing levies:

"BY VOTING "YES" ON THIS BALLOT QUESTION, YOU MAY BE VOTING FOR A PROPERTY TAX INCREASE."

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

"Shall the increase in the revenue proposed by (petition to) the board of, School District No. .., be approved?"

If approved, an amount equal to the approved revenue per resident marginal cost pupil unit times the resident marginal cost pupil units for the school year beginning in the year after the levy is certified shall be authorized for certification for the number of years approved, if applicable, or until revoked or reduced by the voters of the district at a subsequent referendum.

(b) The board must prepare and deliver by first class mail at least 15 days but no more than 30 days before the day of the referendum to each taxpayer a notice of the referendum and the proposed revenue increase. The board need not mail more than one notice to any taxpayer. For the purpose of giving mailed notice under this subdivision, owners must be those shown to be owners on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer. Every property owner whose name does not appear on the records of the county auditor or the county treasurer is deemed to have waived this mailed notice unless the owner has requested in writing that the county auditor or county treasurer, as the case may be, include the name on the records for this purpose. The notice must project the anticipated amount of tax increase in annual dollars for typical residential homesteads, agricultural homesteads, apartments, and commercial-industrial property within the school district.

The notice for a referendum may state that an existing referendum levy is expiring and project the anticipated amount of increase over the existing referendum levy in the first year, if any, in annual dollars for typical residential homesteads, agricultural homesteads, apartments, and commercial-industrial property within the district.

The notice must include the following statement: "Passage of this referendum will result in an increase in your property taxes." However, in cases of renewing existing levies, the notice may include the following statement: "Passage of this referendum may result in an increase in your property taxes."

(c) A referendum on the question of revoking or reducing the increased revenue amount authorized pursuant to paragraph (a) may be called by the board and shall be called by the board upon the written petition of qualified voters of the district. A referendum to revoke or reduce the revenue amount must state the amount per resident marginal cost pupil unit by which the authority is to be reduced. Revenue authority approved by the voters of the district pursuant to paragraph (a) must be available to the school district at least once before it is subject to a referendum on its revocation or reduction for subsequent years. Only one revocation or reduction referendum may be held to revoke or reduce referendum revenue for any specific year and for years thereafter.

(d) A petition authorized by paragraph (a) or (c) is effective if signed by a number of qualified voters in excess of 15 percent of the registered voters of the district on the day the petition is filed with the board. A referendum invoked by petition must be held on the date specified in paragraph (a).

(e) The approval of 50 percent plus one of those voting on the question is required to pass a referendum authorized by this subdivision.

(f) At least 15 days before the day of the referendum, the district must submit a copy of the notice required under paragraph (b) to the commissioner and to the county auditor of each county in which the district is located. Within 15 days after the results of the referendum have been certified by the board, or in the case of a recount, the certification of the results of the recount by the canvassing board, the district must notify the commissioner of the results of the referendum.

EFFECTIVE DATE. This section is effective for referenda conducted on or after July 1, 2006.

Sec. 22. Minnesota Statutes 2005 Supplement, section 126C.43, subdivision 2, is amended to read:

Subd. 2. **Payment to unemployment insurance program trust fund by state and political subdivisions.** (a) A district may levy the amount necessary ~~(+)~~ (1) to pay the district's obligations under section 268.052, subdivision 1, and ~~(+)~~ (2) to pay for job placement services offered to employees who may become eligible for benefits pursuant to section 268.085 for the fiscal year the levy is certified.

(b) Districts with a balance remaining in their reserve for reemployment as of June 30, 2003, may not expend the reserved funds for future reemployment expenditures. Each year, a levy reduction must be made to return these funds to taxpayers. The amount of the levy reduction must be equal to the lesser of (1) the remaining reserved balance for reemployment or (2) the amount of the district's current levy under paragraph (a).

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

Sec. 23. Minnesota Statutes 2004, section 126C.44, is amended to read:

126C.44 SAFE SCHOOLS LEVY.

(a) Each district may make a levy on all taxable property located within the district for the purposes specified in this section. The maximum amount which may be levied for all costs under this section shall be equal to \$27 multiplied by the district's adjusted marginal cost pupil units for the school year. The proceeds of the levy must be used for directly funding the following purposes or for reimbursing the cities and counties who contract with the district for the following purposes: (1) to pay the costs incurred for the salaries, benefits, and transportation costs of peace officers and sheriffs for liaison in services in the district's schools; (2) to pay the costs for a drug abuse prevention program as defined in section 609.101, subdivision 3, paragraph (e), in the elementary schools; (3) to pay the costs for a gang resistance education training curriculum in the district's schools; (4) to pay the costs for security in the district's schools and on school property; ~~or~~ (5) to pay the costs for other crime prevention, drug abuse, student and staff safety, and violence prevention measures taken by the school district; or (6) to pay the costs of school counselors, school psychologists, school nurses, chemical dependency counselors, or school social workers. For expenditures under clause (1), the district must initially attempt to contract for services to be provided by peace officers or sheriffs with the police department of each city or the sheriff's department of the county within the district containing the school receiving the services. If a local police department or a county sheriff's department does not wish to provide the necessary services, the district may contract for these services with any other police or sheriff's department located entirely or partially within the school district's boundaries. ~~The levy authorized under this section is not included in determining the school district's levy limitations.~~

(b) A school district that is a member of an intermediate school district may include in its authority under this section the costs associated with safe schools activities authorized under paragraph (a) for intermediate school district programs. This authority must not exceed \$8 times the adjusted marginal cost pupil units of the member districts. This authority is in addition to any other authority authorized under this section. Revenue raised under this paragraph must be transferred to the intermediate school district. By September 15 of each year, each intermediate school district must report to the commissioner of education in the form and manner prescribed by the commissioner on the transfer of safe schools revenue from its member school districts and the expenditures made with that revenue during the previous year.

EFFECTIVE DATE. This section is effective for taxes payable in 2007.

Sec. 24. Laws 2005, First Special Session chapter 5, article 1, section 54, subdivision 2, is amended to read:

Subd. 2. **General education aid.** For general education aid under Minnesota Statutes, section 126C.13, subdivision 4:

\$5,136,578,000	<u>5,819,153,000</u>	2006
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\$5,390,196,000	<u>5,472,265,000</u>	2007
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The 2006 appropriation includes ~~\$784,978,000~~ \$787,978,000 for 2005 and ~~\$4,351,600,000~~ \$5,031,175,000 for 2006.

The 2007 appropriation includes ~~\$817,588,000~~ \$513,848,000 for 2006 and ~~\$4,572,608,000~~ \$4,958,417,000 for 2007.

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

Sec. 25. **EXEMPTION FROM OPERATING REFERENDUM CAP; CHOKIO-ALBERTA.**

Notwithstanding Minnesota Statutes, section 126C.17, subdivision 2, Independent School District No. 771, Chokio-Alberta, is exempt from the referendum allowance limit for fiscal years 2006 and later.

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

Sec. 26. **EARLY LEVY RECOGNITION; WILLOW RIVER.**

Notwithstanding Minnesota Statutes, sections 123B.75 and 127A.441, if Independent School District No. 577, Willow River, successfully approves an operating referendum in September 2006, the district may recognize up to 50 percent of the operating referendum levy approved at that election as revenue for the fiscal year in which it is certified. This early recognition applies only to referendum authority approved in September 2006.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2007 and later.

Sec. 27. **APPROPRIATION.**

Subdivision 1. **Department of Education.** The sums indicated in this section are appropriated from the general fund to the Department of Education for the fiscal years designated.

Subd. 2. **Rocori school district.** For a grant to Independent School District No. 750, Rocori. The grant is for a continuation of district activities that were developed in concert with the district's federal School Emergency Response to Violence, or Project SERV, grant:

<u>\$50,000</u>	<u>2007</u>
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The grant may be used to continue the district's recovery efforts and uses include: an assessment of educational adequacy; an organizational analysis; a strategic planning overview; a district assessment survey; continued recovery support; staff development initiatives; and any other activities developed in response to the federal Project SERV grant.

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

Sec. 28. **REPEALER.**

Minnesota Statutes 2004, section 120A.20, subdivision 3, is repealed.

ARTICLE 2

EDUCATION EXCELLENCE

Section 1. Minnesota Statutes 2004, section 120A.22, subdivision 3, is amended to read:

Subd. 3. **Parent defined; residency determined.** (a) In this section and sections 120A.24 and 120A.26, "parent" means a parent, guardian, or other person having legal custody of a child.

(b) In sections 125A.03 to 125A.24 and 125A.65, "parent" means a parent, guardian, or other person having legal custody of a child under age 18. For an unmarried pupil age 18 or over, "parent" means the pupil unless a guardian or conservator has been appointed, in which case it means the guardian or conservator.

(c) For purposes of sections 125A.03 to 125A.24 and 125A.65, the school district of residence for an unmarried pupil age 18 or over who is a parent under paragraph (b) and who is placed in a center for care and treatment, shall be the school district in which the pupil's biological or adoptive parent or designated guardian resides.

(d) For a married pupil age 18 or over, the school district of residence is the school district in which the married pupil resides.

(e) If a district suspects that a student does not meet the residency requirements of the school district in which the student is attending school, the student may be removed from the school only after the district sends the student's parents written notice of the district's suspicion, including the facts upon which the suspicion is based, and an opportunity to provide documentary evidence of residency in person to the superintendent or designee, or, at the option of the parents, by sending the documentary evidence to the superintendent or a designee, who will then make a determination as to the residency status of the student.

Sec. 2. Minnesota Statutes 2004, section 120B.023, is amended to read:

120B.023 BENCHMARKS.

Subdivision 1. **Benchmarks implement, supplement statewide academic standards.** (a) The commissioner must supplement required state academic standards with grade-level benchmarks. High school benchmarks may cover more than one grade. The benchmarks must implement statewide academic standards by specifying the academic knowledge and skills that schools must offer and students must achieve to satisfactorily complete a state standard. The commissioner must publish benchmarks ~~are published~~ to inform and guide parents, teachers, school districts, and other interested persons and ~~for~~ to use in developing tests consistent with the benchmarks.

(b) The commissioner shall publish benchmarks in the State Register and transmit the benchmarks in any other manner that makes them accessible to the general public. The commissioner may charge a reasonable fee for publications.

(c) Once established, the commissioner may change the benchmarks only with specific legislative authorization and after completing a review under ~~paragraph (d) subdivision 2.~~

(d) The commissioner must develop and implement a system for reviewing ~~on a four-year cycle~~ each of the required academic standards and related benchmarks and elective standards ~~beginning in the 2006-2007 school year~~ on a periodic cycle, consistent with subdivision 2.

(e) The benchmarks are not subject to chapter 14 and section 14.386 does not apply.

Subd. 2. **Revisions and reviews required.** (a) The education commissioner must revise and appropriately embed technology design and information literacy standards into the state's academic standards and graduation requirements and implement a six-year review cycle for state academic standards and related benchmarks, consistent with this subdivision. During each review cycle, the commissioner also must examine the alignment of each required academic standard and related benchmark with the knowledge and skills students need for college readiness and advanced work in the particular subject area.

(b) The commissioner in the 2006-2007 school year must revise and align the state's academic standards and high school graduation requirements in mathematics to require that students satisfactorily complete the revised mathematics standards, beginning in the 2010-2011 school year. Under the revised standards:

(1) students must satisfactorily complete an algebra I credit by the end of eighth grade; and

(2) students scheduled to graduate in the 2014-2015 school year or later must satisfactorily complete an algebra II credit or its equivalent.

The commissioner also must ensure that the statewide mathematics assessments administered to students in grades 3 through 8 and 11 beginning in the 2010-2011 school year are aligned with the state academic standards in mathematics. The statewide 11th grade math test administered to students under clause (2) beginning in the 2013-2014 school year must include algebra II test items that are aligned with corresponding state academic standards in mathematics. The commissioner must implement a six-year review cycle for the academic standards and related benchmarks in mathematics beginning in the 2015-2016 school year.

(c) The commissioner in the 2007-2008 school year must revise and align the state's academic standards and high school graduation requirements in the arts to require that students satisfactorily complete the revised arts standards beginning in the 2010-2011 school year. The commissioner must implement a six-year review cycle for the academic standards and related benchmarks in arts beginning in the 2016-2017 school year.

(d) The commissioner in the 2008-2009 school year must revise and align the state's academic standards and high school graduation requirements in science to require that students satisfactorily complete the revised science standards, beginning in the 2011-2012 school year. Under the revised standards, students scheduled to graduate in the 2014-2015 school year or later must satisfactorily complete a chemistry or physics credit. The commissioner must implement a six-year review cycle for the academic standards and related benchmarks in science beginning in the 2017-2018 school year.

(e) The commissioner in the 2009-2010 school year must revise and align the state's academic standards and high school graduation requirements in language arts to require that students satisfactorily complete the revised language arts standards beginning in the 2012-2013 school year. The commissioner must implement a six-year review cycle for the academic standards and related benchmarks in language arts beginning in the 2018-2019 school year.

(f) The commissioner in the 2010-2011 school year must revise and align the state's academic standards and high school graduation requirements in social studies to require that students satisfactorily complete the revised social studies standards beginning in the 2013-2014 school year. The commissioner must implement a six-year review cycle for the academic standards and related benchmarks in social studies beginning in the 2019-2020 school year.

(g) School districts and charter schools must revise and align local academic standards and high school graduation requirements in health, physical education, world languages, and career and technical education to require students to complete the revised standards beginning in a school year determined by the school district or charter school. School districts and charter schools must formally establish a periodic review cycle for the academic standards and related benchmarks in health, physical education, world languages, and career and technical education.

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

Sec. 3. Minnesota Statutes 2004, section 120B.024, is amended to read:

120B.024 GRADUATION REQUIREMENTS; COURSE CREDITS; STUDENT TRANSFERS.

(a) Students beginning 9th grade in the 2004-2005 school year and later must successfully complete the following high school level course credits for graduation:

(1) four credits of language arts;

(2) three credits of mathematics, encompassing at least algebra, geometry, statistics, and probability sufficient to satisfy the academic standard and beginning in the 2010-2011 school year for students scheduled to graduate in the 2014-2015 school year or later, one algebra II credit or its equivalent;

(3) three credits of science, including at least one credit in biology and for the 2011-2012 school year and later, one credit in chemistry or physics;

(4) three and one-half credits of social studies, encompassing at least United States history, geography, government and citizenship, world history, and economics or three credits of social studies encompassing at least United States history, geography, government and citizenship, and world history, and one-half credit of economics taught in a school's social studies, agriculture education, or business department;

(5) one credit in the arts; and

(6) a minimum of seven elective course credits.

A course credit is equivalent to a student successfully completing an academic year of study or a student mastering the applicable subject matter, as determined by the local school district.

(b) An agriculture science course may fulfill a science credit requirement under this section.

(c) A district, area learning center, and charter school must establish processes by which to transfer as completed:

(1) those course credit requirements that other school sites within the district or other public schools verify on transcripts as completed; and

(2) the work that educational institutions outside the state accept for completing the equivalent of course credit requirements and verify on transcripts as completed.

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

Sec. 4. Minnesota Statutes 2005 Supplement, section 120B.131, subdivision 2, is amended to read:

Subd. 2. **Reimbursement for examination fees.** The state may reimburse college-level examination program (CLEP) fees for a Minnesota public high school student who has successfully completed one or more college-level courses in high school ~~and earned a satisfactory score on one or more CLEP examinations~~ in the following subjects: composition and literature, mathematics and science, social sciences and history, foreign languages, and business and humanities. The state may reimburse each ~~successful~~ student for up to six examination fees. The commissioner shall establish application procedures and a process and schedule for fee reimbursements. The commissioner must give priority to reimburse the CLEP examination fees of students of low-income families.

Sec. 5. **[120B.132] RAISED ACADEMIC ACHIEVEMENT; ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE PROGRAMS.**

Subdivision 1. Establishment; eligibility. A program is established to raise kindergarten through grade 12 academic achievement through increased student participation in advanced placement and international baccalaureate programs, consistent with section 120B.13. Schools and charter schools eligible to participate under this section:

(a) must have a three-year plan approved by the local school board to establish a new international baccalaureate program leading to international baccalaureate authorization, or expand an existing program that leads to international baccalaureate authorization, or expand an existing authorized international baccalaureate program; or

(b) must have a three-year plan approved by the local school board to create a new or expand an existing program to implement the college board advanced placement courses and exams or preadvanced placement initiate; and

(c) also must propose to further raise students' academic achievement by:

(1) increasing the availability of and all students' access to advanced placement or international baccalaureate courses or programs;

(2) expanding the breadth of advanced placement or international baccalaureate courses or programs that are available to students;

(3) increasing the number and the diversity of the students who participate in advanced placement or international baccalaureate courses or programs and succeed;

(4) providing low-income and other disadvantaged students with increased access to advanced placement or international baccalaureate courses or programs; or

(5) increasing the number of high school students, including low-income and other disadvantaged students, who receive college credit by successfully completing advanced placement or international baccalaureate courses or programs and achieving satisfactory scores on related exams.

Subd. 2. **Application and review process; funding priority.** (a) Charter schools and school districts in which eligible schools under subdivision 1 are located may apply to the commissioner, in the form and manner the commissioner determines, for competitive funding to further raise students' academic achievement. The application must detail the specific efforts the applicant intends to undertake in further raising students' academic achievement, consistent with subdivision 1, and a proposed budget detailing the district or charter school's current and proposed expenditures for advanced placement, preadvanced placement, and international baccalaureate courses and programs. The proposed budget must demonstrate that the applicant's efforts will supplement but not supplant any

expenditures for advanced placement, preadvanced placement, and international baccalaureate courses and programs the applicant currently makes available to students. Expenditures for administration must not exceed five percent of the proposed budget. The commissioner may require an applicant to provide additional information.

(b) When reviewing applications, the commissioner must determine whether the applicant satisfied all the requirements in this subdivision and subdivision 1. The commissioner may give funding priority to an otherwise qualified applicant that demonstrates:

(1) a focus on developing or expanding advanced placement or international baccalaureate courses or programs or increasing students' participation in, access to, or success with the courses or programs, including the participation, access, or success of low-income and other disadvantaged students;

(2) a compelling need for access to advanced placement or international baccalaureate courses or programs;

(3) an effective ability to actively involve local business and community organizations in student activities that are integral to advanced placement or international baccalaureate courses or programs;

(4) access to additional public or nonpublic funds or in-kind contributions that are available for advanced placement or international baccalaureate courses or programs; or

(5) an intent to implement activities that target low-income and other disadvantaged students.

Subd. 3. **Funding; permissible funding uses.** (a) The commissioner shall award grants to applicant school districts and charter schools that meet the requirements of subdivisions 1 and 2. The commissioner must award grants on an equitable geographical basis to the extent feasible and consistent with this section. Grant awards must not exceed the lesser of: (1) \$85 times the number of pupils enrolled at the participating sites on October 1 of the previous fiscal year, or (2) the approved supplemental expenditures based on the budget submitted under subdivision 2. For charter schools in their first year of operation, the maximum grant award must be calculated using the number of pupils enrolled on October 1 of the current fiscal year. The commissioner may adjust the maximum grant award computed using prior year data for changes in enrollment attributable to school closings, school openings, grade level reconfigurations, or school district reorganizations between the prior fiscal year and the current fiscal year.

(b) School districts and charter schools that submit an application and receive funding under this section must use the funding, consistent with the application, to:

(1) provide teacher training and instruction to more effectively serve students, including low-income and other disadvantaged students, who participate in advanced placement or international baccalaureate courses or programs;

(2) further develop advanced placement or international baccalaureate courses or programs;

(3) improve the transition between grade levels to better prepare students, including low-income and other disadvantaged students, for succeeding in advanced placement or international baccalaureate courses or programs;

(4) purchase books and supplies;

(5) pay course or program fees;

(6) increase students' participation in and success with advanced placement or international baccalaureate courses or programs;

(7) expand students' access to advanced placement or international baccalaureate courses or programs through online learning;

(8) hire appropriately licensed personnel to teach additional advanced placement or international baccalaureate courses or programs; or

(9) engage in other activity directly related to expanding students' access to, participation in, and success with advanced placement or international baccalaureate courses or programs, including low-income and other disadvantaged students.

Subd. 4. **Annual reports.** (a) Each school district and charter school that receives a grant under this section annually must collect demographic and other student data to demonstrate and measure the extent to which the district or charter school raised students' academic achievement under this program and must report the data to the commissioner in the form and manner the commissioner determines. The commissioner annually by February 15 must make summary data about this program available to the education policy and finance committees of the legislature.

(b) Each school district and charter school that receives a grant under this section annually must report to the commissioner, consistent with the Uniform Financial Accounting and Reporting Standards, its actual expenditures for advanced placement, preadvanced placement, and international baccalaureate courses and programs. The report must demonstrate that the school district or charter school has maintained its effort from other sources for advanced placement, preadvanced placement, and international baccalaureate courses and programs compared with the previous fiscal year, and the district or charter school has expended all grant funds, consistent with its approved budget.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to the 2006-2007 school year.

Sec. 6. Minnesota Statutes 2004, section 120B.36, subdivision 1, is amended to read:

Subdivision 1. **School performance report cards.** (a) The commissioner shall use objective criteria based on levels of student performance to identify four to six designations applicable to high and low performing public schools. The objective criteria shall include at least student academic performance, school safety, and staff characteristics, with a value-added growth component added by the 2006-2007 school year.

(b) The commissioner shall develop, annually update, and post on the department Web site school performance report cards. A school's designation must be clearly stated on each school performance report card. The performance report cards must indicate both the cut scores and the corresponding percentages of items students must answer correctly at each set performance level adopted for the statewide tests the commissioner uses to determine school designations under this section.

(c) The commissioner must make available the first school designations and school performance report cards by November 2003, and during the beginning of each school year thereafter.

(d) A school or district may appeal in writing a designation under this section to the commissioner within 30 days of receiving the designation. The commissioner's decision to uphold or deny an appeal is final.

(e) School performance report cards are nonpublic data under section 13.02, subdivision 9, until not later than ten days after the appeal procedure described in paragraph (d) concludes. The department shall annually post school performance report cards to its public Web site no later than September 1.

EFFECTIVE DATE. This section is effective for the 2006-2007 school year.

Sec. 7. Minnesota Statutes 2004, section 121A.035, is amended to read:

121A.035 CRISIS MANAGEMENT POLICY.

Subdivision 1. **Model policy.** ~~By December 1, 1999,~~ The commissioner shall maintain and make available to school boards and charter schools a model crisis management policy that includes, among other items, school lock-down and tornado drills, consistent with subdivision 2, and school fire drills under section 299F.30.

Subd. 2. **School district and charter school policy.** ~~By July 1, 2000,~~ A school board and a charter school must adopt a district crisis management policy to address potential violent crisis situations in the district or charter school. The policy must be developed in consultation cooperatively with administrators, teachers, employees, students, parents, community members, law enforcement agencies, other emergency management officials, county attorney offices, social service agencies, emergency medical responders, and any other appropriate individuals or organizations. The policy must include at least five school lock-down drills, five school fire drills consistent with section 299F.30, and one tornado drill.

EFFECTIVE DATE. This section is effective for the 2006-2007 school year and later.

Sec. 8. **[121A.037] SCHOOL SAFETY DRILLS.**

Private schools and educational institutions not subject to section 121A.035 must have at least five school lock-down drills, five school fire drills consistent with section 299F.30, and one tornado drill.

EFFECTIVE DATE. This section is effective for the 2006-2007 school year.

Sec. 9. Minnesota Statutes 2005 Supplement, section 121A.53, subdivision 1, is amended to read:

Subdivision 1. **Exclusions and expulsions.** The school board must report through the department electronic reporting system each exclusion or expulsion, or other removal for greater than 15 consecutive days taken in lieu of an exclusion or expulsion within 30 days of the effective date of the action to the commissioner of education. This report must include a statement of alternative educational services given the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion. The report must also include the student's age, grade, gender, race, and special education status.

Sec. 10. Minnesota Statutes 2004, section 122A.18, subdivision 2, is amended to read:

Subd. 2. **Teacher and support personnel qualifications.** (a) The Board of Teaching must issue licenses under its jurisdiction to persons the board finds to be qualified and competent for their respective positions.

(b) The board must require a person to successfully complete an examination of skills in reading, writing, and mathematics before being granted an initial teaching license to provide direct instruction to pupils in prekindergarten, elementary, secondary, or special education programs. The board must require colleges and universities offering a board approved teacher preparation program to provide remedial assistance that includes a formal diagnostic component to persons enrolled in their institution who did not achieve a qualifying score on the skills examination, including those for whom English is a second language. The colleges and universities must provide assistance in the specific academic areas of deficiency in which the person did not achieve a qualifying score. School districts must provide similar, appropriate, and timely remedial assistance that includes a formal diagnostic component and mentoring to those persons employed by the district who completed their teacher education program outside the state of Minnesota, received a one-year license to teach in Minnesota and did not achieve a qualifying score on the skills examination, including those persons for whom English is a second language. The Board of Teaching shall report annually to the education committees of the legislature on the total

number of teacher candidates during the most recent school year taking the skills examination, the number who achieve a qualifying score on the examination, the number who do not achieve a qualifying score on the examination, the distribution of all candidates' scores, the number of candidates who have taken the examination at least once before, and the number of candidates who have taken the examination at least once before and achieve a qualifying score.

(c) A person who has completed an approved teacher preparation program and obtained a one-year license to teach, but has not successfully completed the skills examination, may renew the one-year license for two additional one-year periods. Each renewal of the one-year license is contingent upon the licensee:

(1) providing evidence of participating in an approved remedial assistance program provided by a school district or postsecondary institution that includes a formal diagnostic component in the specific areas in which the licensee did not obtain qualifying scores; and

(2) attempting to successfully complete the skills examination during the period of each one-year license.

(d) The Board of Teaching must grant continuing licenses only to those persons who have met board criteria for granting a continuing license, which includes successfully completing the skills examination in reading, writing, and mathematics.

(e) All colleges and universities approved by the board of teaching to prepare persons for teacher licensure must include in their teacher preparation programs a common core of teaching knowledge and skills to be acquired by all persons recommended for teacher licensure. This common core shall meet the standards developed by the interstate new teacher assessment and support consortium in its 1992 "model standards for beginning teacher licensing and development;" and must include technology design and information literacy standards that are consistent with recommendations from the department's educator licensing and teacher quality division. The board must develop and implement a system for reviewing on a seven-year cycle all standards of effective practice for teachers beginning in the 2007-2008 school year. Amendments to standards adopted under this paragraph are covered by chapter 14. The board of teaching shall report annually to the education committees of the legislature on the performance of teacher candidates on common core assessments of knowledge and skills under this paragraph during the most recent school year.

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

Sec. 11. Minnesota Statutes 2004, section 122A.40, subdivision 13, is amended to read:

Subd. 13. **Immediate discharge.** (a) Except as otherwise provided in paragraph (b), a board may discharge a continuing-contract teacher, effective immediately, upon any of the following grounds:

(1) immoral conduct, insubordination, or conviction of a felony;

(2) conduct unbecoming a teacher which requires the immediate removal of the teacher from classroom or other duties;

(3) failure without justifiable cause to teach without first securing the written release of the school board;

(4) gross inefficiency which the teacher has failed to correct after reasonable written notice;

(5) willful neglect of duty; or

(6) continuing physical or mental disability subsequent to a 12 months leave of absence and inability to qualify for reinstatement in accordance with subdivision 12.

For purposes of this paragraph, conduct unbecoming a teacher includes an unfair discriminatory practice described in section 363A.13.

Prior to discharging a teacher under this paragraph, the board must notify the teacher in writing and state its ground for the proposed discharge in reasonable detail. Within ten days after receipt of this notification the teacher may make a written request for a hearing before the board and it shall be granted before final action is taken. The board may, ~~however,~~ suspend a teacher with pay pending the conclusion of ~~such the~~ hearing and determination of the issues raised in the hearing after charges have been filed which constitute ground for discharge. If a teacher has been charged with a felony and the underlying conduct that is the subject of the felony charge is a ground for a proposed immediate discharge, the suspension pending the conclusion of the hearing and determination of the issues may be without pay. If a hearing under this paragraph is held, the board must reimburse the teacher for any salary or compensation withheld if the final decision of the board or the arbitrator does not result in a penalty on or suspension, termination, or discharge of the teacher.

(b) A board must discharge a continuing-contract teacher, effective immediately, upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for child abuse or sexual abuse.

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

Sec. 12. Minnesota Statutes 2005 Supplement, section 122A.628, is amended to read:

122A.628 SCHOOLS MENTORING SCHOOLS REGIONAL SITES.

Subdivision 1. **Program.** The commissioner of education shall select up to four school districts, or partnerships of school districts, for the purpose of assisting other school districts in the region with the development of thorough and effective teacher mentoring programs. The commissioner shall use geographic balance and proven teacher induction programs as criteria when selecting the sites. One site must include the Brainerd teacher support system, which has been cited by the Minnesota Board of Teaching as a model program and was one of only six programs in the nation to be recognized for the 2004 NEA-Saturn/UAW partnership award. The sites shall be known as schools mentoring schools regional sites.

The sites shall provide high quality mentoring assistance programs and services to other nearby school districts for the development of effective systems of support for new teachers. The sites shall offer coaching/mentor training, in-class observation training, and ~~train-the-teacher~~ train-the-trainer opportunities for teams of participating teachers. The sites shall use their recognized experience and methods to equip schools to work with their own new and beginning teachers. The commissioner shall review and report annually to the legislature on the operation of each training center.

Subd. 2. **Revenue.** A school district that is selected to participate in the schools mentoring schools program under this section is eligible for a schools mentoring schools grant or may utilize its professional compensation revenue under section 122A.4142, subdivision 4, to pay regional training sites for staff development and training services.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 13. **[123A.47] ELECTION TO DETACH LAND FOR A NEW SCHOOL DISTRICT.**

Subdivision 1. Detachment ballot question; school board general election. The school board of an independent school district may, (1) on its own motion and consistent with the hearing requirements under section 123A.46, subdivision 6, or (2) upon a petition signed by at least 50 electors of the district or ten percent of the votes cast in the most recent school board general election, whichever number is larger, and consistent with the requirements for the content of a petition and the process for identifying eligible voters under section 123A.46, subdivision 4, place on the ballot at the next school district general election the following question: whether, as of the date when a new board can be elected and qualified under subdivision 2, to detach from the school district a clearly and accurately described land area located within the boundaries of the district and, consequently, to classify that detached area as a new independent school district for which the education commissioner must assign an identification number. The school board must hold a timely formal hearing on the question before the next school district general election. If the voters approve detaching the described land area and, consequently, classifying that detached area as a new independent school district for which the education commissioner must assign an identification number, then the detachment must be accomplished according to this section.

Subd. 2. School board elections. (a) The county auditor of the county that contains the greatest land area for the newly constituted school district and the county auditor of the county that contains the greatest land area for the newly reconstituted school district must determine a date, not less than 30 nor more than 60 days after the voters approve the detachment ballot question under subdivision 1, to hold a special election in the district for the purpose of electing a board of six members for terms of four years and until successors are elected and qualified under the applicable provisions in chapter 205A. The provisions of section 123A.48, subdivision 20, paragraphs (a) to (e), governing school board elections in consolidating districts shall apply to the newly constituted and newly reconstituted districts under this section.

(b) Notwithstanding any law to the contrary, the terms of the board members of the school district from which land is being detached continue until the first school board members are elected and qualified under this subdivision.

(c) Notwithstanding any law to the contrary, an individual may serve on the school board of the school district from which land is being detached and subsequently, if a resident of the district, on a school board elected and qualified under this subdivision.

Subd. 3. Direction to commissioner after voter approval. If the voters approve the ballot question, the education commissioner shall classify the detached area as a new independent school district and also classify the area that remains after the detachment as a new independent school district, assign identification numbers to both new districts, and modify the records and any plats, petitions, and proceedings involving the affected school districts to conform with the detachment under this section.

Subd. 4. Tax liability for existing bonded debt. All taxable property in the area detached under subdivision 1 remains obligated for any bonded debt of the school district from which the property was detached and to which that detached property was subject before the date of the detachment. In addition, all taxable property in a newly classified district is taxable for payment of school district obligations authorized on or after the date of the detachment by the school board or the voters of that school district.

Subd. 5. Current assets and liabilities; distribution of assets; real property. (a) If the voters approve detachment under subdivision 1, and upon issuance of the report of the school district canvassing board, the commissioner shall issue an order for dividing and distributing the current assets and liabilities, real and personal, and the legally valid and enforceable claims and contractual obligations of the school district from which the property was detached, so that the two newly classified districts can independently operate.

(b) The commissioner's order under paragraph (a) must transfer the real property interests from the school district subject to the detachment to the two newly classified districts. The commissioner must determine the distribution of and the amount, if any, paid for the real property. The commissioner's order may impose in favor of one of the two newly classified districts a specified dollar amount as a claim against the other newly classified district receiving real property interests under the order. The claim must be paid and enforced according to the law governing payment of judgments against a school district.

Subd. 6. **Licensed and nonlicensed employees.** (a) The obligations of both newly classified districts to licensed employees are governed by section 123A.75.

(b) The nonlicensed employees of the school district from which the property was detached under subdivision 1 may apply to remain in the newly reconstituted district or may apply to move to the newly constituted district. The commissioner shall assign the nonlicensed employees to unfilled positions in both districts in order of seniority. All rights of and obligations to nonlicensed employees continue in the same manner as before the effective date of the detachment under subdivision 1.

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

Sec. 14. **[123B.022] PROHIBITING SCHOOL EMPLOYEES FROM USING PUBLIC RESOURCES FOR ADVOCACY; ENDORSING TIMELY AND CURRENT FACTUAL INFORMATION.**

(a) A school board must adopt and implement a districtwide policy that prohibits district employees from using district funds or other publicly funded district resources, including time, materials, equipment, facilities, and communication technologies, among other resources, to advocate for electing or defeating a candidate, passing or defeating a ballot question, or passing or defeating pending legislation. The policy must apply when the employee performs the duties assigned to the employee under the employee's employment contract with the district. The policy must not apply when an employee disseminates factual information consistent with the employee's contractual duties or testifies at a public hearing. The policy also must not prohibit school administrators from communicating with elected officials.

(b) The school board must provide the district's electorate with timely factual information about a pending ballot question.

EFFECTIVE DATE. This section is effective January 1, 2006.

Sec. 15. Minnesota Statutes 2004, section 123B.749, is amended to read:

123B.749 STRUCTURALLY BALANCED SCHOOL DISTRICT BUDGETS.

Subdivision 1. **Board resolution.** (a) ~~Prior to~~ Before approving a collective bargaining agreement that does not result from an interest arbitration decision, a school board must determine by board resolution that the proposed agreement will not cause structural imbalance in the district's budget during the agreement period ~~of the agreement~~.

(b) A school board may ~~only~~ determine that an agreement will not cause structural imbalance only if expenditures will not exceed available funds, taking into account:

(1) current state aid formulas; and

(2) reasonable and comprehensive projections of ongoing revenues and expenditures for the period of the agreement. ~~It is expected that~~ The board must not use onetime revenue ~~may not be used~~ for ongoing expenditures. Any amount in excess of the board's resolution for the district's general fund balance is not onetime revenue under

this section. The school board must make available with the resolution a summary of the projections and calculations supporting the determination. The projections and calculations must include state aid formulas, pupil units, and employee costs, ~~including that reflect the terms of all applicable labor agreements, including the agreement under consideration, its fringe benefits, severance pay, and staff changes.~~

(c) In addition to the determination ~~required in under~~ paragraph (a), the school board must project revenues, expenditures, and fund balances for ~~one year~~ two years following the period of the agreement. The projections must include the information categories of information described in under paragraph (b), be reasonable and comprehensive, and reference current state aid formulas.

(d) The board must make available all projections and calculations required by this section ~~must be made available and estimated district employee terminations~~ to the public ~~prior to and before, at, and after~~ the meeting where the board adopts the resolution, is adopted in a manner consistent with state law on public notice and access to public data.

(e) In an interest arbitration, the district must submit, and the exclusive bargaining representative may submit, proposed determinations with supporting projections and calculations consistent with paragraph (b) of the effect of the potential decision on the structural balance of the district's budget. The arbitrator must consider the potential effect of a decision on the structural balance of the district's budget for the term of the agreement. The arbitrator's decision must describe the effect of the decision on the structural balance of the district's budget in a manner consistent with paragraph (b). The arbitrator's decision also must ~~also~~ show the effect of the decision on the school budget for one year following the term of the contract at issue. Within 30 days of ~~receipt of the decision or~~ when the board receives or acts on the decision, whichever is earlier, the ~~school~~ board must by resolution determine the effect of the decision on the structural balance of its budget for the term of the agreement, consistent with paragraph (b).

(f) The board must submit a copy of the resolution with the supporting projections and calculations ~~must be submitted~~ to the commissioner ~~of education~~ with the uniform collective bargaining agreement settlement document within 30 days of ~~adoption of~~ adopting the resolution. The commissioner must develop a model form for ~~use by~~ districts to use in reporting projections and calculations. The commissioner must not accept any reports that do not comply with this section. The commissioner must make all resolutions, projections, and calculations available to the public.

(g) Compliance with this section by itself is not an unfair labor practice under section 179A.13, subdivision 2.

Subd. 2. **Penalty payment.** Annually by August 15, the school board must submit a report to the commissioner summarizing the cumulative effect of all collective bargaining agreements in the previous fiscal year. A school board that fails to submit a timely year-end report to the commissioner must transmit to the department within 45 business days of when the report was due a penalty payment from its general fund equal to \$1 times the number of adjusted pupil units for the district during that fiscal year. The board, before transmitting payment, must formally approve the payment at a regularly scheduled board meeting and the board must include the matter of payment on its regular agenda and must not include the matter of payment on its consent agenda for that meeting.

EFFECTIVE DATE. This section is effective for the 2006-2007 school year.

Sec. 16. Minnesota Statutes 2005 Supplement, section 124D.095, subdivision 4, is amended to read:

Subd. 4. **Online learning parameters.** (a) An online learning student must receive academic credit for completing the requirements of an online learning course or program. Secondary credits granted to an online learning student must be counted toward the graduation and credit requirements of the enrolling district. The enrolling district must apply the same graduation requirements to all students, including online learning students, and must continue to provide nonacademic services to online learning students. If a student completes an online

learning course or program that meets or exceeds a graduation standard or grade progression requirement at the enrolling district, that standard or requirement is met. The enrolling district must use the same criteria for accepting online learning credits or courses as it does for accepting credits or courses for transfer students under section 124D.03, subdivision 9. The enrolling district may reduce the teacher contact time of an online learning student in proportion to the number of online learning courses the student takes from an online learning provider that is not the enrolling district.

(b) An online learning student may:

(1) enroll during a single school year in a maximum of 12 semester-long courses or their equivalent delivered by an online learning provider or the enrolling district;

(2) complete course work at a grade level that is different from the student's current grade level; and

(3) enroll in additional courses with the online learning provider under a separate agreement that includes terms for payment of any tuition or course fees.

~~(e) A student with a disability may enroll in an online learning course or program if the student's IEP team determines that online learning is appropriate education for the student.~~

~~(d)~~ (c) An online learning student has the same access to the computer hardware and education software available in a school as all other students in the enrolling district. An online learning provider must assist an online learning student whose family qualifies for the education tax credit under section 290.0674 to acquire computer hardware and educational software for online learning purposes.

~~(e)~~ (d) An enrolling district may offer online learning to its enrolled students. Such online learning does not generate online learning funds under this section. An enrolling district that offers online learning only to its enrolled students is not subject to the reporting requirements or review criteria under subdivision 7. A teacher with a Minnesota license must assemble and deliver instruction to enrolled students receiving online learning from an enrolling district. The delivery of instruction occurs when the student interacts with the computer or the teacher and receives ongoing assistance and assessment of learning. The instruction may include curriculum developed by persons other than a teacher with a Minnesota license.

~~(f)~~ (e) An online learning provider that is not the enrolling district is subject to the reporting requirements and review criteria under subdivision 7. A teacher with a Minnesota license must assemble and deliver instruction to online learning students. The delivery of instruction occurs when the student interacts with the computer or the teacher and receives ongoing assistance and assessment of learning. The instruction may include curriculum developed by persons other than a teacher with a Minnesota license. Unless the commissioner grants a waiver, a teacher providing online learning instruction must not instruct more than 40 students in any one online learning course or program.

Sec. 17. Minnesota Statutes 2004, section 124D.10, subdivision 3, is amended to read:

Subd. 3. **Sponsor.** (a) A school board; intermediate school district school board; education district organized under sections 123A.15 to 123A.19; charitable organization under section 501(c)(3) of the Internal Revenue Code of 1986 that is a member of the Minnesota Council of Nonprofits or the Minnesota Council on Foundations, registered with the attorney general's office, and reports an end-of-year fund balance of at least \$2,000,000; Minnesota private college that grants two- or four-year degrees and is registered with the Higher Education Services Office under chapter 136A; community college, state university, or technical college, governed by the Board of Trustees of the Minnesota State Colleges and Universities; or the University of Minnesota may sponsor one or more charter schools.

(b) A nonprofit corporation subject to chapter 317A, described in section 317A.905, and exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code of 1986, may sponsor one or more charter schools if the charter school has operated for at least three years under a different sponsor and if the nonprofit corporation has existed for at least 25 years.

(c) The commissioner of education may approve up to five charitable organizations under section 501(c)(3) of the Internal Revenue Code of 1986 that sponsor charter schools as their principle charitable purpose. Eligible charitable organizations interested in being approved as a sponsor under this paragraph must submit a proposal to the commissioner that includes:

- (1) the articles, bylaws, and initial membership of the charitable organization's board of directors;
- (2) financial information consistent with section 309.53, subdivision 3;
- (3) a description of how the charitable organization plans to realize its principle charitable purpose; and
- (4) other information requested by the commissioner.

A charitable organization that is approved as a sponsor under this paragraph annually must report to the commissioner in the form and manner the commissioner determines. The report must describe the charter schools authorized by the charitable organization, the effectiveness of those charter schools in promoting student achievement, and the governance structure of those charter schools, and also must include other information requested by the commissioner. An approved charitable organization may sponsor one or more charter schools. The commissioner may withdraw the approval of a charitable organization to sponsor a charter school under this paragraph if the commissioner determines that the charitable organization fails to meet generally accepted standards of fiscal management, violates the law, or shows other good cause. The commissioner's determination is final. When the commissioner withdraws the approval of a charitable organization to sponsor a charter school, the commissioner may approve the decision of a different eligible sponsor to authorize the charter school or may apply subdivision 24 governing student enrollment when a charter school contract is not renewed or terminated.

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

Sec. 18. Minnesota Statutes 2005 Supplement, section 124D.10, subdivision 6, is amended to read:

Subd. 6. **Contract.** The sponsor's authorization for a charter school must be in the form of a written contract signed by the sponsor and the board of directors of the charter school. The contract must be completed within 90 days of the commissioner's approval of the sponsor's proposed authorization. The contract for a charter school must be in writing and contain at least the following:

- (1) a description of a program that carries out one or more of the purposes in subdivision 1;
- (2) specific outcomes pupils are to achieve under subdivision 10;
- (3) admission policies and procedures;
- (4) management and administration of the school;
- (5) requirements and procedures for program and financial audits;
- (6) how the school will comply with subdivisions 8, 13, 16, and 23;

(7) assumption of liability by the charter school;

(8) types and amounts of insurance coverage to be obtained by the charter school;

(9) the term of the contract, which may be up to three years for initial contracts and up to five years for renewed contracts;

(10) if the board of directors or the operators of the charter school provide special instruction and services for children with a disability under sections 125A.03 to 125A.24, and 125A.65, a description of the financial parameters within which the charter school will operate to provide the special instruction and services to children with a disability; and

(11) the process and criteria the sponsor intends to use to monitor and evaluate the fiscal and student performance of the charter school, consistent with subdivision 15.

Sec. 19. Minnesota Statutes 2004, section 124D.10, subdivision 16, is amended to read:

Subd. 16. **Transportation.** (a) ~~By July 1 of each year, a charter school~~ A charter school by March 1 of each fiscal year after its first fiscal year of operation and a charter school by July 1 of its first fiscal year of operation must notify the district in which the school is located and the Department of Education if it will provide ~~transportation for pupils enrolled in the school~~ its own transportation or use the transportation services of the district in which it is located for the next fiscal year.

(b) If a charter school elects to provide transportation for pupils, the transportation must be provided by the charter school within the district in which the charter school is located. The state must pay transportation aid to the charter school according to section 124D.11, subdivision 2.

For pupils who reside outside the district in which the charter school is located, the charter school is not required to provide or pay for transportation between the pupil's residence and the border of the district in which the charter school is located. A parent may be reimbursed by the charter school for costs of transportation from the pupil's residence to the border of the district in which the charter school is located if the pupil is from a family whose income is at or below the poverty level, as determined by the federal government. The reimbursement may not exceed the pupil's actual cost of transportation or 15 cents per mile traveled, whichever is less. Reimbursement may not be paid for more than 250 miles per week.

At the time a pupil enrolls in a charter school, the charter school must provide the parent or guardian with information regarding the transportation.

(c) If a charter school does not elect to provide transportation, transportation for pupils enrolled at the school must be provided by the district in which the school is located, according to sections 123B.88, subdivision 6, and 124D.03, subdivision 8, for a pupil residing in the same district in which the charter school is located. Transportation may be provided by the district in which the school is located, according to sections 123B.88, subdivision 6, and 124D.03, subdivision 8, for a pupil residing in a different district. If the district provides the transportation, the scheduling of routes, manner and method of transportation, control and discipline of the pupils, and any other matter relating to the transportation of pupils under this paragraph shall be within the sole discretion, control, and management of the district.

Sec. 20. Minnesota Statutes 2004, section 124D.11, subdivision 9, is amended to read:

Subd. 9. **Payment of aids to charter schools.** (a) Notwithstanding section 127A.45, subdivision 3, aid payments for the current fiscal year to a charter school not in its first year of operation shall be of an equal amount on each of the 23 payment dates. A charter school in its first year of operation shall receive, on its first payment date, ten percent of its cumulative amount guaranteed for the year and 22 payments of an equal amount thereafter the sum of which shall be 90 percent of equal the current year aid payment percentage multiplied by the cumulative amount guaranteed.

(b) Notwithstanding paragraph (a), for a charter school ceasing operation prior to the end of a school year, 80 percent of the current year aid payment percentage multiplied by the amount due for the school year may be paid to the school after audit of prior fiscal year and current fiscal year pupil counts. For a charter school ceasing operations prior to, or at the end of a school year, notwithstanding section 127A.45, subdivision 3, preliminary final payments may be made after audit of pupil counts, monitoring of special education expenditures, and documentation of lease expenditures for the final year of operation. Final payment may be made upon receipt of audited financial statements under section 123B.77, subdivision 3.

(c) Notwithstanding section 127A.45, subdivision 3, and paragraph (a), 80 percent of the start-up cost aid under subdivision 8 shall be paid within 45 days after the first day of student attendance for that school year.

(d) In order to receive state aid payments under this subdivision, a charter school in its first three years of operation must submit a school calendar in the form and manner requested by the department and a quarterly report to the Department of Education. The report must list each student by grade, show the student's start and end dates, if any, with the charter school, and for any student participating in a learning year program, the report must list the hours and times of learning year activities. The report must be submitted not more than two weeks after the end of the calendar quarter to the department. The department must develop a Web-based reporting form for charter schools to use when submitting enrollment reports. A charter school in its fourth and subsequent year of operation must submit a school calendar and enrollment information to the department in the form and manner requested by the department.

(e) Notwithstanding sections 317A.701 to 317A.791, upon closure of a charter school and satisfaction of creditors, cash and investment balances remaining shall be returned to the state.

Sec. 21. Minnesota Statutes 2004, section 124D.61, is amended to read:

124D.61 GENERAL REQUIREMENTS FOR PROGRAMS.

A district ~~which receives aid pursuant to section 124D.65 must comply with~~ that enrolls one or more children of limited English proficiency must implement an educational program that includes at a minimum the following ~~program~~ requirements:

(1) identification and reclassification criteria for children of limited English proficiency and program entrance and exit criteria for children with limited English proficiency must be documented by the district, applied uniformly to children of limited English proficiency, and made available to parents and other stakeholders upon request;

(2) a written plan of services that describes programming by English proficiency level made available to parents upon request. The plan must articulate the amount and scope of service offered to children of limited English proficiency through an educational program for children of limited English proficiency;

(3) professional development opportunities for ESL, bilingual education, mainstream, and all staff working with children of limited English proficiency which are: (i) coordinated with the district's professional development activities; (ii) related to the needs of children of limited English proficiency; and (iii) ongoing;

(4) to the extent possible, ~~the district must~~ avoid isolating children of limited English proficiency for a substantial part of the school day; and

(2) (5) in predominantly nonverbal subjects, such as art, music, and physical education, ~~shall be permitted~~ permit pupils of limited English proficiency to participate fully and on an equal basis with their contemporaries in public school classes provided for these subjects. To the extent possible, the district must assure to pupils enrolled in a program for limited English proficient students an equal and meaningful opportunity to participate fully with other pupils in all extracurricular activities.

Sec. 22. Minnesota Statutes 2004, section 124D.86, subdivision 3, is amended to read:

Subd. 3. **Integration revenue.** Integration revenue equals the following amounts:

(1) for Independent School District No. 709, Duluth, \$206 times the adjusted pupil units for the school year;

(2) for Independent School District No. 625, St. Paul, \$445 times the adjusted pupil units for the school year;

(3) for Special School District No. 1, Minneapolis, the sum of \$445 times the adjusted pupil units for the school year and an additional \$35 times the adjusted pupil units for the school year that is provided entirely through a local levy;

(4) for a district not listed in clause (1), (2), or (3), that must implement a plan under Minnesota Rules, parts 3535.0100 to 3535.0180, where the district's enrollment of protected students, as defined under Minnesota Rules, part 3535.0110, exceeds 15 percent, the lesser of (i) the actual cost of implementing the plan during the fiscal year minus the aid received under subdivision 6, or (ii) \$129 times the adjusted pupil units for the school year;

(5) for a district not listed in clause (1), (2), (3), or (4), that is required to implement a plan according to the requirements of Minnesota Rules, parts 3535.0100 to 3535.0180, the lesser of

(i) the actual cost of implementing the plan during the fiscal year minus the aid received under subdivision 6, or

(ii) \$92 times the adjusted pupil units for the school year; or

(6) for a school district not eligible under clauses (1) to (5) that has a protected student enrollment of more than 13 percent that files a plan under Minnesota Rules, part 3535.0110, \$92 times the adjusted pupil units for the school year.

Any money received by districts in clauses (1) to (3) which exceeds the amount received in fiscal year 2000 shall be subject to the budget requirements in subdivision 1a; and

(6) (7) for a member district of a multidistrict integration collaborative that files a plan with the commissioner, but is not contiguous to a racially isolated district, integration revenue equals the amount defined in clause (5).

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2008.

Sec. 23. **[124D.935] HIGH SCHOOL REDESIGN GRANTS.**

Subdivision 1. Establishment; eligibility. A ten-year grant program is established to improve student achievement in, improve teaching and learning of, and provide expanded access to science, technology, engineering, and mathematics in a high school through innovative strategies that better prepare students to succeed at postsecondary education or complex work. School districts, charter schools, intermediate districts, groups of districts that cooperate for a particular purpose, and other public educational institutions interested in participating in this grant program must:

(1) design new or improve and adapt existing courses, programs, or a series of aligned learning opportunities in science, technology, engineering, and mathematics to incorporate algebra I in grade 8 and algebra II in high school and to integrate algebra II into career and technical education programs where appropriate;

(2) use applied learning strategies to improve the quality of and access to science, technology, engineering, and mathematics courses, curricula, and laboratories for all students, with strategies to aggressively increase the number of low-income and other educationally at-risk students enrolling in these courses;

(3) improve science, technology, engineering, and mathematics instruction for students in underserved rural or urban areas or economically disadvantaged areas and for other students who are educationally at risk;

(4) develop innovative ways to integrate technology into teaching and learning using modern computers, networking, high quality educational software, multimedia across curriculum, and affordable Internet connections;

(5) advance the use of new technology, assistive technology, and media and materials effective in educating youth with disabilities;

(6) improve the content, interdisciplinary, and pedagogical knowledge of teachers, administrators, and other educators who play a significant role in providing students with challenging science, technology, engineering, and mathematics education, and focus on teacher professional development;

(7) use the ACT explore and plan system in grades 8 and 10 or other appropriate education and career planning resources to identify the academic strengths and remedial needs of individual students and provide individual students with education and career planning information and counseling sufficient to select an appropriate planned high school course sequence and make a successful transition to postsecondary education or advanced work;

(8) enable teachers to individualize student instruction and allow students to experiment, acquire skills, and apply content knowledge in science, technology, engineering, and mathematics;

(9) sustain educational improvements in science, technology, engineering, and mathematics by providing expert and peer advice and identifying, documenting, and disseminating best practices and lessons to teachers and administrators statewide; and

(10) develop partnerships with postsecondary institutions, business organizations, professional organizations, and community-based organizations interested in science, technology, engineering, or mathematics.

Subd. 2. Application and review process; funding priority. (a) School districts, charter schools, intermediate districts, groups of districts that cooperate for a particular purpose, and other public educational institutions interested in participating in this grant program may apply to the commissioner, in the form and manner the commissioner determines, for competitive funding to improve student achievement in, improve teaching and learning of, and provide expanded access to science, technology, engineering, and mathematics in a high school, consistent with subdivision 1. The application must detail the specific efforts the applicant intends to undertake to

successfully implement innovative strategies that affect the learning environment, academic content, and educational practices in high school, and must include a proposed budget detailing the applicant's current and proposed expenditures for these purposes. The proposed budget must demonstrate that the applicant's efforts will supplement but not supplant expenditures the applicant currently makes for science, technology, engineering, and mathematics teaching and learning. Administrative expenditures must not exceed five percent of the proposed budget. The commissioner may require an applicant to provide additional information.

(b) When reviewing applications, the commissioner must determine whether the applicant satisfied all the requirements in this subdivision and subdivision 1. The commissioner may give funding priority to an otherwise qualified candidate that:

(1) combines day and evening programs;

(2) restructures grade 12 to allow students to complete out-of-school learning experiences aligned with their in-school program;

(3) uses online learning options;

(4) embeds higher level science, technology, engineering, and mathematics into redesigned career and technical programs;

(5) enables students to receive both high school and college credit for successfully completing science, technology, engineering, and mathematics programs and meeting postsecondary institution placement requirements;

(6) targets low-income and other educationally at-risk students to improve their participation and performance in science, technology, engineering, and mathematics courses and careers; or

(7) strongly supports all students in exploring and preparing for careers in science, technology, engineering, or mathematics.

The commissioner shall give funding priority to an otherwise qualified recipient that received a grant for the previous fiscal year if the annual reports the recipient submitted under subdivision 4 demonstrate that the recipient continues to improve student achievement in, improve teaching and learning of, and provide expanded access to science, technology, engineering, and mathematics in a high school.

Subd. 3. **Grants; permissible uses.** (a) The commissioner may award grants to applicants meeting the requirements of subdivisions 1 and 2. The commissioner must award grants on an equitable geographical basis to the extent feasible and consistent with this section.

(b) Each grant recipient must expend all grant funds it receives consistent with its approved application and budget and this section.

Subd. 4. **Annual reports.** (a) Each recipient of a grant under this section must annually collect student and teacher data to demonstrate and measure the extent to which the grant recipient improves student achievement in, improves teaching and learning of, and provides expanded access to science, technology, engineering, and mathematics in a high school, and must report the data to the commissioner in the form and manner the commissioner determines. The commissioner must annually, by February 15, make summary data about this program available to the committees with jurisdiction over education policy and finance in the house of representatives and senate.

(b) Each grant recipient under this section must annually report to the commissioner, consistent with the Uniform Financial Accounting and Reporting Systems, its actual expenditures for the efforts it undertakes under this section. The report must demonstrate that the grant recipient has maintained its effort from other sources for science, technology, engineering, and mathematics teaching and learning efforts compared with the previous fiscal year, and that the grant recipient has expended all grant funds it received under this section consistent with its approved application and budget. Any unexpended grant funds remaining at the end of a fiscal year must be reserved and expended consistent with the grant recipient's approved budget for the subsequent fiscal year.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to the 2006-2007 school year.

Sec. 24. Minnesota Statutes 2004, section 299F.30, is amended to read:

299F.30 FIRE DRILL IN SCHOOL; DOORS AND EXITS.

Subdivision 1. **Duties of fire marshal.** Consistent with sections 121A.035, 121A.037, and this section, it shall be the duty of the state fire marshal, deputies and assistants, to require public and private schools and educational institutions to have at least ~~nine~~ five fire drills each school year and to keep all doors and exits unlocked from the inside of the building during school hours.

Subd. 2. **Fire drill.** Each superintendent, principal or other person in charge of a public or private school, educational institution, children's home or orphanage housing 20 or more students or other persons, shall instruct and train such students or other persons to quickly and expeditiously quit the premises in case of fire or other emergency by means of drills or rapid dismissals ~~at least once each month~~ while such school, institution, home or orphanage is in operation. Records of such drills shall be posted so that such records are available for review by the state fire marshal at all times and shall include the drill date and the time required to evacuate the building.

Subd. 3. **School doors and exits.** Consistent with section 121A.035 and this section, each superintendent, principal or other person in charge of a public or private school, educational institution, children's home or orphanage shall keep all doors and exits of such school, institution, home or orphanage unlocked so that persons can leave by such doors or exits at any time during the hours of normal operation.

EFFECTIVE DATE. This section is effective for the 2006-2007 school year.

Sec. 25. Laws 2003, First Special Session chapter 9, article 2, section 51, is amended to read:

Sec. 51. **CHARTER SCHOOL START-UP AID.**

A charter school in its first year of operation during fiscal year 2004 or 2005 is not eligible for charter school start-up aid for fiscal years 2004 or 2005 under Minnesota Statutes, section 124D.11, subdivision 8. A charter school in its first year of operation during fiscal year 2005 is eligible for 65 percent of the charter school start-up aid the charter school would otherwise receive for fiscal year 2006.

EFFECTIVE DATE. This section is effective the day following final enactment for revenue for fiscal year 2006.

Sec. 26. Laws 2005, First Special Session chapter 5, article 1, section 47, is amended to read:

Sec. 47. ALTERNATIVE TEACHER COMPENSATION REVENUE GUARANTEE.

Notwithstanding Minnesota Statutes, sections 122A.415, subdivision 1, and 126C.10, subdivision 34, paragraphs (a) and (b), a school district that received alternative teacher compensation aid for fiscal year 2005, but does not qualify for alternative teacher compensation revenue for all sites in the district for fiscal year 2006 ~~or~~, 2007, 2008, or 2009, shall receive additional basic alternative teacher compensation aid for that fiscal year equal to the lesser of the amount of alternative teacher compensation aid it received for fiscal year 2005 or the amount it would have received for that fiscal year under Minnesota Statutes 2004, section 122A.415, subdivision 1, for teachers at sites not qualifying for alternative teacher compensation revenue for that fiscal year, if the district submits a timely application and the commissioner determines that the district continues to implement an alternative teacher compensation system, consistent with its application under Minnesota Statutes 2004, section 122A.415, for fiscal year 2005. The additional basic alternative teacher compensation aid under this section must not be used in calculating the alternative teacher compensation levy under Minnesota Statutes, section 126C.10, subdivision 35. This section applies only to fiscal years 2006 ~~and 2007~~ through 2009 and does not apply to later fiscal years.

Sec. 27. Laws 2005, First Special Session chapter 5, article 2, section 81, is amended to read:

Sec. 81. BOARD OF SCHOOL ADMINISTRATORS; RULEMAKING AUTHORITY.

On or before June 30, 2007, the Board of School Administrators may adopt ~~expedited rules under Minnesota Statutes, section 14.389,~~ to reflect the changes in duties, responsibilities, and roles of school administrators under sections 121A.035, 121A.037 and 299F.30, and to make technical revisions and clarifications to Minnesota Rules, chapter 3512.

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

Sec. 28. Laws 2005, First Special Session chapter 5, article 2, section 84, subdivision 3, is amended to read:

Subd. 3. **Charter school startup aid.** For charter school startup cost aid under Minnesota Statutes, section 124D.11:

\$1,393,000 <u>2,180,000</u>	.....	2006
\$3,185,000 <u>2,446,000</u>	.....	2007

The 2006 appropriation includes \$0 for 2005 and ~~\$1,393,000~~ \$2,180,000 for 2006.

The 2007 appropriation includes ~~\$259,000~~ \$242,000 for 2006 and ~~\$2,926,000~~ \$2,204,000 for 2007.

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

Sec. 29. Laws 2005, First Special Session chapter 5, article 2, section 84, subdivision 13, is amended to read:

Subd. 13. **Examination fees; teacher training and support programs.** (a) For students' advanced placement and international baccalaureate examination fees under Minnesota Statutes, section 120B.13, subdivision 3, ~~and~~ the training and related costs for teachers and other interested educators under Minnesota Statutes, section 120B.13, subdivision 1, and grants under Minnesota Statutes, section 120B.132:

\$4,500,000	.....	2006
\$4,500,000 <u>6,000,000</u>	.....	2007

(b) The advanced placement program shall receive 75 percent of the appropriation each year and the international baccalaureate program shall receive 25 percent of the appropriation each year. The department, in consultation with representatives of the advanced placement and international baccalaureate programs selected by the Advanced Placement Advisory Council and IBMN, respectively, shall determine the amounts of the expenditures each year for examination fees and training and support programs for each program.

~~(c) Notwithstanding Minnesota Statutes, section 120B.13, subdivision 1, at least \$500,000 each year is for teachers to attend subject matter summer training programs and follow up support workshops approved by the advanced placement or international baccalaureate programs. The amount of the subsidy for each teacher attending an advanced placement or international baccalaureate summer training program or workshop shall be the same. The commissioner shall determine the payment process and the amount of the subsidy. Teachers shall apply for teacher training scholarships to prepare for teaching in the advanced placement or international baccalaureate program. Any reserved funding not expended for teacher training may be used for exam fees and other support programs for each program.~~

(d) The commissioner shall pay all examination fees for all students of low-income families under Minnesota Statutes, section 120B.13, subdivision 3, and to the extent of available appropriations shall also pay examination fees for students sitting for an advanced placement examination, international baccalaureate examination, or both.

(e) \$1,500,000 of the fiscal year 2007 appropriation is for grants under Minnesota Statutes, section 120B.132.

Any balance in the first year does not cancel but is available in the second year.

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

Sec. 30. Laws 2005, First Special Session chapter 5, article 2, section 84, subdivision 16, is amended to read:

Subd. 16. **Youth works program.** For funding youth works programs under Minnesota Statutes, sections 124D.37 to 124D.45:

\$900,000	.....	2006
\$900,000 <u>1,150,000</u>	.....	2007

A grantee organization may provide health and child care coverage to the dependents of each participant enrolled in a full-time youth works program to the extent such coverage is not otherwise available.

\$200,000 of the 2007 appropriation is for training in early literacy skills and teaching reading to preschool children under Minnesota Statutes, section 124D.42, subdivision 6, clause (3). Funding recipients must report to the commissioner on the impact of the training on the early literacy and reading skills of the preschool children the recipients served. This portion of the appropriation is onetime.

\$50,000 of the 2007 appropriation is for the Admission Possible program. This portion of the appropriation is onetime.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2007.

Sec. 31. **CHINESE LANGUAGE PROGRAMS; CURRICULUM DEVELOPMENT PROJECT.**

Subdivision 1. Project parameters. (a) Notwithstanding other law to the contrary, the commissioner of education may contract with the Board of Regents of the University of Minnesota, the Center for Advanced Research on Language Acquisition (CARLA) or other entity the commissioner determines is qualified to undertake the development of an articulated kindergarten through grade 12 Chinese language curriculum for Minnesota schools that involves:

(1) creating a network of Chinese language teachers and educators able to develop new and modify or expand existing world languages K-12 curricula, materials, assessments, and best practices needed to provide Chinese language instruction to students; and

(2) coordinating statewide efforts to develop and expand Chinese language instruction so that it is uniformly available to students throughout the state, and making innovative use of media and technology, including television, distance learning, and online courses to broaden students' access to the instruction.

(b) The entity with which the commissioner contracts under paragraph (a) must have sufficient knowledge and expertise to ensure the professional development of appropriate, high quality curricula, supplementary materials, aligned assessments, and best practices that accommodate different levels of student ability and types of programs.

(c) Project participants must:

(1) work throughout the project to develop curriculum, supplementary materials, aligned assessments, and best practices; and

(2) make curriculum, supplementary materials, aligned assessments, and best practices equitably available to Minnesota schools and students.

Subd. 2. Project participants. The entity with which the commissioner contracts must work with the network of Chinese language teachers and educators to:

(1) conduct an inventory of Chinese language curricula, supplementary materials, and professional development initiatives currently used in Minnesota or other states;

(2) develop Chinese language curricula and benchmarks aligned to local world language standards and classroom-based assessments; and

(3) review and recommend to the commissioner how best to build an educational infrastructure to provide more students with Chinese language instruction, including how to develop and provide: an adequate supply of Chinese language teachers; an adequate number of high quality school programs; appropriate curriculum, instructional materials, and aligned assessments that include technology-based delivery systems; teacher preparation programs to train Chinese language teachers; expedited licensing of Chinese language teachers; best practices in existing educational programs that can be used to establish K-12 Chinese language programs; and technical assistance resources.

Subd. 3. Applicability of Chinese language curriculum development project work product to other world languages instruction. The commissioner must report to the house of representatives and senate committees having jurisdiction over kindergarten through grade 12 education policy and finance on the parameters of the Chinese language curriculum development project by June 30, 2007. The commissioner's report shall examine the

extent to which the project's work product can be applied to other world languages, and the commissioner must include in the report current information about the availability of world languages teachers, world languages curriculum, high-quality world languages programs in schools, aligned world languages assessments, and best practices applicable to world languages instruction.

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

Sec. 32. **ADVISORY TASK FORCE ON SCHOOL AND STAFF EMERGENCY/ALL HAZARD PREPAREDNESS.**

(a) An advisory task force on school and staff emergency/all hazard preparedness is established to consider and recommend to the legislature proposals for strengthening kindergarten through grade 12 crisis management and school safety efforts including, at least, whether or not to:

(1) develop specific K-12 teacher and school administrator competencies related to emergency/all hazard preparedness;

(2) provide emergency/all hazard preparedness training to currently licensed K-12 teachers and school administrators;

(3) incorporate emergency/all hazard preparedness competencies into existing teacher and school administrator preparation curriculum;

(4) identify key emergency/all hazard preparedness competencies appropriate to teacher and school administrator preparation curriculum and ongoing teacher and school administrator training; and

(5) expect federal funds to supplement state emergency/all hazard preparedness initiatives.

(b) The commissioner of education shall appoint an advisory task force on school and staff emergency/all hazard preparedness that is composed of a representative from each of the following entities: the state Board of Teaching; the state Board of School Administrators; the state fire marshal; law enforcement agencies; emergency responders; school principals; school counselors; nonlicensed school employees; the Minnesota School Boards Association; Education Minnesota; the Minnesota Department of Education; the Minnesota Department of Health; the Minnesota Department of Public Safety; Minnesota State Colleges and Universities; Minnesota Association of School Administrators; and others recommended by task force members. Task force members' terms and other task force matters are subject to Minnesota Statutes, section 15.059. The commissioner may reimburse task force members from the education department's current operating budget but may not compensate task force members for task force activities. The task force must submit by February 15, 2007, to the education policy and finance committees of the legislature a written report that includes recommendations on strengthening K-12 crisis management and school safety efforts.

(c) The task force expires February 16, 2007.

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

Sec. 33. **2006 SCHOOL ACCOUNTABILITY REPORT.**

Notwithstanding Minnesota Statutes, section 120B.36, for 2006 reporting only, the Department of Education may delay the release to the public and the posting of the 2006 school performance report cards and adequate yearly progress data on its public Web site to no later than November 30, 2006.

Sec. 34. ADVISORY TASK FORCE ON OPTIONS FOR ACCELERATED K-12 TECHNOLOGY, SCIENCE, AND MATHEMATICS PROGRAMS THROUGHOUT MINNESOTA.

(a) An advisory task force on options for accelerated kindergarten through grade 12 technology, science, and mathematics programs throughout Minnesota is established to consider and recommend to the legislature alternatives for delivering accelerated technology, science, and mathematics programs to eligible students throughout Minnesota that include creating an academic center. Recommended programs must provide accelerated technology, science, and mathematics instruction to eligible students in grades 6 through 12 and be cost effective and efficiently implemented and operated. Other recommended programs may offer accelerated technology, science, and mathematics instruction to other eligible elementary grade students, provide out-of-school and summer school K-12 technology, science, and mathematics instruction throughout the state, provide professional development for K-12 teachers in technology, science and mathematics curriculum and instruction, and develop technology, science and mathematics curriculum.

(b) The advisory task force at least must:

(1) evaluate and compare at least five alternatives for delivering accelerated technology, science, and mathematics programs to Minnesota students that include creating an academic center that may be patterned after the Perpich Center for Arts Education under Minnesota Statutes, chapter 129C, and may include online learning, satellite technology, science, and mathematics centers, and a consortium of available accelerated technology, science, and mathematics or accelerated education programs, among other alternatives, and evaluate how such programs may be integrated into the academic center;

(2) identify and evaluate possible members for a science, mathematics, engineering, and technology leadership consortium composed of representatives of corporations, organizations, educational institutions, and research facilities to help implement accelerated K-12 technology, science, and mathematics programs in Minnesota that include creating an academic center;

(3) evaluate and compare at least three alternatives for preparing and assisting educational leaders who are literate in technology, science, and mathematics to help implement accelerated K-12 technology, science, and mathematics programs in Minnesota that include creating an academic center and may include gifted education and accelerated technology, science, and mathematics teacher training programs, and evaluate how such programs may be integrated into the academic center; and

(4) identify and evaluate postsecondary career and technical education programs offering or requiring accelerated technology, science, and mathematics instruction.

(c) The commissioner of education shall appoint a 17-member advisory task force on options for accelerated K-12 technology, science, and mathematics programs throughout Minnesota that represents the following representatives: a gifted education coordinator, an educator holding a gifted education certificate or an instructor in a graduate level gifted education program; a currently licensed or retired high school physical science teacher; a currently licensed or retired high school mathematics teacher; a faculty member providing instruction under the Minnesota postsecondary enrollment options program or an educator providing instruction under the college in the schools program; a faculty member or educator providing instruction in the Minnesota talented youth mathematics program; a University of Minnesota mathematics or engineering professor; a University of Minnesota physical science professor; a manager or director in a high technology field, corporation, organization, or facility; a manager or director in a medical field or profession; a manager or director in a research-based field, corporation, organization, or facility; one or more parents of high school students gifted in technology, mathematics, or science; a physical science teacher and a biology teacher, one of whom is licensed to teach middle level students and one of whom is licensed to teach high school level students; a high school career and technical instructor; a faculty member in a postsecondary institution offering technical two-year degrees who provides career and technical instruction; a

manager or director in a technology, mathematics, or science industry who employs persons with associate degrees in a technical field; a manager or director in the biosciences industry; and two at-large members. In appointing members, the commissioner must attempt to ensure geographic balance. Task force members must actively seek the participation of gifted and talented students to advise the task force throughout its existence on any recommendations the task force proposes to submit to the legislature and on any other recommendations related to this section. Task force members may not receive compensation but may receive reimbursement for expenses related to serving on the task force. The task force may receive, for the benefit of the task force, bequests, donations, or gifts for any proper purpose and apply the bequests, donations, or gifts to the purpose designated. Notwithstanding any other law to the contrary, the task force may conduct meetings of its members by telephone or other electronic means where all members can hear one another and all the discussion, at least one member is physically present at the regular meeting location, and interested members of the public can hear all the discussion. Task force members' terms and other task force matters are subject to Minnesota Statutes, section 15.059. The task force must submit by January 30, 2007, a written report and presentation to the Education Policy and Finance committees of the legislature that include recommendations on alternatives for delivering accelerated technology, science, and mathematics programs to eligible students throughout Minnesota.

(d) Upon request, the commissioner of education must provide the task force with technical and other support services. The commissioner must use funds from the current operating budget of the Department of Education to cover any costs the commissioner incurs in providing services to the task force.

(e) The task force expires June 30, 2007.

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

Sec. 35. **INTEGRATION REVENUE REDUCTION.**

The commissioner of education must proportionately reduce all other school districts' integration revenue in order to keep the total amount of integration revenue unchanged.

Sec. 36. **APPROPRIATIONS; STUDENT ACHIEVEMENT STUDIES.**

Subdivision 1. **Department of Education.** The sums indicated in this section are appropriated from the general fund to the Department of Education for the fiscal years designated.

Subd. 2. **Student assessment benchmark study.** For a benchmark study of student assessments:

<u>\$75,000</u>	<u>.....</u>	<u>2007</u>
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This appropriation is for the department to contract with ACHIEVE for a benchmark study of Minnesota Comprehensive Assessments Second Edition (MCA-IIs) in 9th grade writing, 10th grade reading, and 11th grade mathematics. The provisions of Minnesota Statutes, chapter 16C, as they relate to competitive bidding do not apply to this contract. This is a onetime appropriation.

Subd. 3. **International comparative achievement study.** For an international comparative study of student achievement:

<u>\$600,000</u>	<u>.....</u>	<u>2007</u>
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This appropriation is for the department to contract with Boston College for Minnesota 4th and 8th grade students to participate in the TIMSS International assessment of student achievement in mathematics and science. School districts must apply to participate in the study on a form and in the manner prescribed by the commissioner.

The commissioner may select districts to participate if more districts than those applying are needed for the study. The provisions of Minnesota Statutes, chapter 16C, as they relate to competitive bidding do not apply to this contract. This is a onetime appropriation.

Subd. 4. **Schools mentoring schools.** For schools mentoring schools regional site grants under Minnesota Statutes, section 122A.628:

\$100,000 2007

Of this appropriation \$50,000 is for the Brainerd Teacher Support System-Brainerd Public Schools, Center for Mentoring. Grant recipients must report to the education commissioner on grant fund expenditures and the academic effects of the mentoring provided under the program. This is a onetime appropriation.

Subd. 5. **District and high school redesign pilot project.** For the district and high school redesign pilot project under section 23:

\$750,000 2007

Subd. 6. **Chinese language.** For the Chinese language curriculum project under section 31:

\$250,000 2007

This is a onetime appropriation.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 37. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall change the term "alternative teacher professional pay system," "alternative teacher compensation," "teacher professional pay system," "alternative compensation," or similar terms to "QCOMP" wherever they appear in Minnesota Statutes and Minnesota Rules.

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

ARTICLE 3

SPECIAL PROGRAMS

Section 1. Minnesota Statutes 2004, section 123B.10, subdivision 1, is amended to read:

Subdivision 1. **Budgets.** (a) For purposes of this subdivision, "direct classroom expenditures" are instructional expenditures under the uniform financial accounting and reporting standards (UFARS), excluding tuition payments to other Minnesota school districts, capital expenditures, and expenditures for athletics, other cocurricular activities, and extracurricular activities. "Total K-12 general operating expenditures" are the total general fund expenditures for kindergarten through grade 12 under UFARS, excluding tuition payments to other Minnesota school districts, pupil transportation expenditures, and capital expenditures.

(b) Every board must formally adopt, and may formally revise, a minimum percent of total K-12 general operating expenditures that the board annually will allocate to direct classroom expenditures. Every board must evaluate its allocation on an ongoing basis to determine whether district expenditures are aligned with the district's academic goals.

(c) By ~~October 1~~ November 30, every board must publish a report containing revenue and expenditure budgets for the current year and the actual revenues, expenditures, and fund balances for the prior year; and projected fund balances for the current year in a form prescribed by the commissioner. The report must clearly show the percent of a district's total K-12 operating expenditures that is allocated to direct classroom expenditures. The prescribed reporting forms prescribed must be designed so that enable a district to make year to year comparisons of revenue, expenditures and fund balances can be made. A district must publish these budgets, reports of revenue, expenditures and fund balances must be published in a qualified newspaper of general circulation in the district or on the district's official Web site. A district that electronically publishes the required information also must publish the Internet address where the information is electronically available in a qualified newspaper of general circulation in the district.

EFFECTIVE DATE. This section is effective for the 2006-2007 school year and later.

Sec. 2. Minnesota Statutes 2005 Supplement, section 123B.76, subdivision 3, is amended to read:

Subd. 3. **Expenditures by building.** (a) For the purposes of this section, "building" means education site as defined in section 123B.04, subdivision 1.

(b) Each district shall maintain separate accounts to identify general fund expenditures for each building. All expenditures for regular instruction, secondary vocational instruction, and school administration must be reported to the department separately for each building. All expenditures for special education instruction, instructional support services, and pupil support services provided within a specific building must be reported to the department separately for each building. Salary expenditures reported by building must reflect actual salaries for staff at the building and must not be based on districtwide averages. All other general fund expenditures may be reported by building or on a districtwide basis. All expenditures for special education instruction, services, and transportation for nonpublic school pupils must be reported separately.

(c) The department must annually report information showing school district general fund expenditures per pupil by program category for each building and estimated school district general fund revenue generated by pupils attending each building on its Web site. For purposes of this report:

- (1) expenditures not reported by building shall be allocated among buildings on a uniform per pupil basis;
- (2) basic skills revenue shall be allocated according to section 126C.10, subdivision 4;
- (3) secondary sparsity revenue and elementary sparsity revenue shall be allocated according to section 126C.10, subdivisions 7 and 8;
- (4) other general education revenue shall be allocated on a uniform per pupil unit basis;
- (5) first grade preparedness aid shall be allocated according to section 124D.081;
- (6) state and federal special education aid and Title I aid shall be allocated in proportion to district expenditures for these programs by building; and
- (7) other general fund revenues shall be allocated on a uniform per pupil basis, except that the department may allocate other revenues attributable to specific buildings directly to those buildings.

(d) The amount of state and federal special education aid for nonpublic school pupils receiving special education instruction, services, and transportation and the number of nonpublic school pupils with a disability assessed and receiving special education instruction, services, and transportation from school districts must be shown in a separate category.

EFFECTIVE DATE. This section is effective for fiscal year 2006 and later.

Sec. 3. Minnesota Statutes 2004, section 125A.02, subdivision 1, is amended to read:

Subdivision 1. **Child with a disability.** Every child who has a hearing impairment, blindness, visual disability, speech or language impairment, physical handicap, other health impairment, mental handicap, emotional/behavioral disorder, specific learning disability, autism, traumatic brain injury, multiple disabilities, or deaf/blind disability and needs special instruction and services, as determined by the standards of the commissioner, is a child with a disability. In addition, every child under age three, and at local district discretion from age three to age seven, who needs special instruction and services, as determined by the standards of the commissioner, because the child has a substantial delay or has an identifiable physical or mental condition known to hinder normal development is a child with a disability.

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

Sec. 4. Minnesota Statutes 2005 Supplement, section 125A.11, subdivision 1, is amended to read:

Subdivision 1. **Nonresident tuition rate; other costs.** (a) For fiscal year 2006, when a school district provides instruction and services outside the district of residence, board and lodging, and any tuition to be paid, shall be paid by the district of residence. The tuition rate to be charged for any child with a disability, excluding a pupil for whom tuition is calculated according to section 127A.47, subdivision 7, paragraph (d), must be the sum of (1) the actual cost of providing special instruction and services to the child including a proportionate amount for special transportation and unreimbursed building lease and debt service costs for facilities used primarily for special education, plus (2) the amount of general education revenue and referendum aid attributable to the pupil, minus (3) the amount of special education aid for children with a disability received on behalf of that child, minus (4) if the pupil receives special instruction and services outside the regular classroom for more than 60 percent of the school day, the amount of general education revenue and referendum aid, excluding portions attributable to district and school administration, district support services, operations and maintenance, capital expenditures, and pupil transportation, attributable to that pupil for the portion of time the pupil receives special instruction ~~in~~ and services outside of the regular classroom. If the boards involved do not agree upon the tuition rate, either board may apply to the commissioner to fix the rate. Notwithstanding chapter 14, the commissioner must then set a date for a hearing or request a written statement from each board, giving each board at least ten days' notice, and after the hearing or review of the written statements the commissioner must make an order fixing the tuition rate, which is binding on both school districts. General education revenue and referendum aid attributable to a pupil must be calculated using the resident district's average general education and referendum revenue per adjusted pupil unit.

(b) For fiscal year 2007 and later, when a school district provides special instruction and services for a pupil with a disability as defined in section 125A.02 outside the district of residence, excluding a pupil for whom an adjustment to special education aid is calculated according to section 127A.47, subdivision 7, paragraph (e), special education aid paid to the resident district must be reduced by an amount equal to (1) the actual cost of providing special instruction and services to the pupil, including a proportionate amount for special transportation and unreimbursed building lease and debt service costs for facilities used primarily for special education, plus (2) the amount of general education revenue and referendum aid attributable to that pupil, minus (3) the amount of special education aid for children with a disability received on behalf of that child, minus (4) if the pupil receives special instruction and services outside the regular classroom for more than 60 percent of the school day, the amount of general education revenue and referendum aid, excluding portions attributable to district and school administration, district

support services, operations and maintenance, capital expenditures, and pupil transportation, attributable to that pupil for the portion of time the pupil receives special instruction ~~in~~ and services outside of the regular classroom. General education revenue and referendum aid attributable to a pupil must be calculated using the resident district's average general education revenue and referendum aid per adjusted pupil unit. Special education aid paid to the district or cooperative providing special instruction and services for the pupil must be increased by the amount of the reduction in the aid paid to the resident district. Amounts paid to cooperatives under this subdivision and section 127A.47, subdivision 7, shall be recognized and reported as revenues and expenditures on the resident school district's books of account under sections 123B.75 and 123B.76. If the resident district's special education aid is insufficient to make the full adjustment, the remaining adjustment shall be made to other state aid due to the district.

(c) Notwithstanding paragraphs (a) and (b) and section 127A.47, subdivision 7, paragraphs (d) and (e), a charter school where more than 30 percent of enrolled students receive special education and related services, an intermediate district, ~~or a special education cooperative, or a school district that served as the applicant agency for a~~ group of school districts for federal special education aids for fiscal year 2006 may apply to the commissioner for authority to charge the resident district an additional amount to recover any remaining unreimbursed costs of serving pupils with a disability. The application must include a description of the costs and the calculations used to determine the unreimbursed portion to be charged to the resident district. Amounts approved by the commissioner under this paragraph must be included in the tuition billings or aid adjustments under paragraph (a) or (b), or section 127A.47, subdivision 7, paragraph (d) or (e), as applicable.

(d) For purposes of this subdivision and section 127A.47, subdivision 7, paragraphs (d) and (e), "general education revenue and referendum aid" means the sum of the general education revenue according to section 126C.10, subdivision 1, excluding alternative teacher compensation revenue, plus the referendum aid according to section 126C.17, subdivision 7, as adjusted according to section 127A.47, subdivision 7, paragraphs (a), (b), and (c).

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

Sec. 5. Minnesota Statutes 2004, section 125A.18, is amended to read:

125A.18 SPECIAL INSTRUCTION; NONPUBLIC SCHOOLS.

Subdivision 1. Special instruction and services. No resident of a district who is eligible for special instruction and services under this section may be denied instruction and service on a shared time basis consistent with section 126C.19, subdivision 4, because of attending a nonpublic school defined in section 123B.41, subdivision 9. If a resident pupil with a disability attends a nonpublic school located within the district of residence, the district must provide necessary transportation for that pupil within the district between the nonpublic school and the educational facility where special instruction and services are provided on a shared time basis. If a resident pupil with a disability attends a nonpublic school located in another district and if no agreement exists under section 126C.19, subdivision 1 or 2, for providing special instruction and services on a shared time basis to that pupil by the district of attendance and where the special instruction and services are provided within the district of residence, the district of residence must provide necessary transportation for that pupil between the boundary of the district of residence and the educational facility. The district of residence may provide necessary transportation for that pupil between its boundary and the nonpublic school attended, but the nonpublic school must pay the cost of transportation provided outside the district boundary.

Subd. 2. Due process. Parties serving students on a shared time basis have access to the due process hearing system described under United States Code, title 20, and the complaint system under Code of Federal Regulations, title 34, section 300.660-662. In the event it is determined under these systems that the nonpublic school or staff impeded the public school district's provision of a free appropriate education, the commissioner may withhold public funds available to the nonpublic school proportionally applicable to that student under section 123B.42.

Subd. 3. **IEP team.** (a) The individualized education program (IEP) team for a nonpublic school pupil with a disability receiving special instruction and services under this section must include at least one special education teacher from the pupil's nonpublic school, or where appropriate, at least one special education provider of the pupil from the pupil's nonpublic school or a representative from the pupil's nonpublic school. The nonpublic school special education teacher, provider, or representative shall be included in all phases of the IEP process including, but not limited to, evaluation, decision making, implementation, and reevaluation.

(b) As part of the evaluation process, the IEP team and other qualified professionals, as appropriate, must include the pupil's parent or parents and the individuals specified in paragraph (a).

(c) The district's obligation to notify the nonpublic school special education teacher, provider, or representative is the same obligation the district has under chapter 125A to notify the parent of a child with a disability enrolled in a public school.

EFFECTIVE DATE. This section is effective for the 2006-2007 school year and later.

Sec. 6. Minnesota Statutes 2004, section 125A.27, subdivision 11, is amended to read:

Subd. 11. **Interagency child find systems.** "Interagency child find systems" means activities developed on an interagency basis with the involvement of interagency early intervention committees and other relevant community groups using rigorous standards to actively seek out, identify, and refer infants and young children, with, or at risk of, disabilities, and their families, including a child under the age of three who: (1) is involved in a substantiated case of abuse or neglect, or (2) is identified as affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure, to reduce children's need for future services.

Sec. 7. Minnesota Statutes 2005 Supplement, section 125A.28, is amended to read:

125A.28 STATE INTERAGENCY COORDINATING COUNCIL.

An Interagency Coordinating Council of at least 17, but not more than 25 members is established, in compliance with Public Law ~~402-449~~ 108-446, section ~~682~~ 641. The members must be appointed by the governor. Council members must elect the council chair. The representative of the commissioner may not serve as the chair. The council must be composed of at least five parents, including persons of color, of children with disabilities under age 12, including at least three parents of a child with a disability under age seven, five representatives of public or private providers of services for children with disabilities under age five, including a special education director, county social service director, local Head Start director, and a community health services or public health nursing administrator, one member of the senate, one member of the house of representatives, one representative of teacher preparation programs in early childhood-special education or other preparation programs in early childhood intervention, at least one representative of advocacy organizations for children with disabilities under age five, one physician who cares for young children with special health care needs, one representative each from the commissioners of commerce, education, health, human services, a representative from the state agency responsible for child care, foster care, mental health, a coordinator of education of children and youth who are homeless, and a representative from Indian health services or a tribal council. Section 15.059, subdivisions 2 to 5, apply to the council. The council must meet at least quarterly.

The council must address methods of implementing the state policy of developing and implementing comprehensive, coordinated, multidisciplinary interagency programs of early intervention services for children with disabilities and their families.

The duties of the council include recommending policies to ensure a comprehensive and coordinated system of all state and local agency services for children under age five with disabilities and their families. The policies must address how to incorporate each agency's services into a unified state and local system of multidisciplinary assessment practices, individual intervention plans, comprehensive systems to find children in need of services, methods to improve public awareness, and assistance in determining the role of interagency early intervention committees.

On the date that Minnesota Part C Annual Performance Report is submitted to the federal Office of Special Education, the council must recommend to the governor and the commissioners of education, health, human services, commerce, and employment and economic development policies for a comprehensive and coordinated system.

Notwithstanding any other law to the contrary, the State Interagency Coordinating Council expires on June 30, 2009.

Sec. 8. Minnesota Statutes 2004, section 125A.29, is amended to read:

125A.29 RESPONSIBILITIES OF COUNTY BOARDS AND SCHOOL BOARDS.

(a) It is the joint responsibility of county boards and school boards to coordinate, provide, and pay for appropriate services, and to facilitate payment for services from public and private sources. Appropriate services for children eligible under section 125A.02 must be determined in consultation with parents, physicians, and other educational, medical, health, and human services providers. The services provided must be in conformity with:

(1) an IFSP for each eligible infant and toddler from birth through age two and ~~its~~ the infant's or toddler's family, including:

(i) American Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the state;

(ii) infants and toddlers with disabilities who are homeless and their families; and

(iii) infants and toddlers with disabilities who are wards of the state; or

(2) an individual education plan (IEP) or individual service plan (ISP) for each eligible child ages three through four.

(b) Appropriate services include family education and counseling, home visits, occupational and physical therapy, speech pathology, audiology, psychological services, special instruction, nursing, respite, nutrition, assistive technology, transportation and related costs, social work, vision services, case management including service coordination under section 125A.33, medical services for diagnostic and evaluation purposes, early identification, and screening, assessment, and health services necessary to enable children with disabilities to benefit from early intervention services.

(c) School and county boards shall coordinate early intervention services. In the absence of agreements established according to section 125A.39, service responsibilities for children birth through age two are as follows:

(1) school boards must provide, pay for, and facilitate payment for special education and related services required under sections 125A.05 and 125A.06;

(2) county boards must provide, pay for, and facilitate payment for noneducational services of social work, psychology, transportation and related costs, nursing, respite, and nutrition services not required under clause (1).

(d) School and county boards may develop an interagency agreement according to section 125A.39 to establish agency responsibility that assures early intervention services are coordinated, provided, paid for, and that payment is facilitated from public and private sources.

(e) County and school boards must jointly determine the primary agency in this cooperative effort and must notify the commissioner of the state lead agency of their decision.

Sec. 9. Minnesota Statutes 2004, section 125A.30, is amended to read:

125A.30 INTERAGENCY EARLY INTERVENTION COMMITTEES.

(a) A school district, group of districts, or special education cooperative, in cooperation with the health and human service agencies located in the county or counties in which the district or cooperative is located, must establish an Interagency Early Intervention Committee for children with disabilities under age five and their families under this section, and for children with disabilities ages three to 22 consistent with the requirements under sections 125A.023 and 125A.027. Committees must include representatives of local health, education, and county human service agencies, county boards, school boards, early childhood family education programs, Head Start, parents of young children with disabilities under age 12, child care resource and referral agencies, school readiness programs, current service providers, and may also include representatives from other private or public agencies and school nurses. The committee must elect a chair from among its members and must meet at least quarterly.

(b) The committee must develop and implement interagency policies and procedures concerning the following ongoing duties:

(1) develop public awareness systems designed to inform potential recipient families, especially parents with premature infants, or infants with other physical risk factors associated with learning or development complications, of available programs and services;

(2) to reduce families' need for future services, and especially parents with premature infants, or infants with other physical risk factors associated with learning or development complications, implement interagency child find systems designed to actively seek out, identify, and refer infants and young children with, or at risk of, disabilities and their families, including a child under the age of three who: (i) is involved in a substantiated case of abuse or (ii) is identified as affected by illegal substance abuse or with withdrawal symptoms resulting from prenatal drug exposure;

(3) establish and evaluate the identification, referral, child and family assessment systems, procedural safeguard process, and community learning systems to recommend, where necessary, alterations and improvements;

(4) assure the development of individualized family service plans for all eligible infants and toddlers with disabilities from birth through age two, and their families, and individual education plans and individual service plans when necessary to appropriately serve children with disabilities, age three and older, and their families and recommend assignment of financial responsibilities to the appropriate agencies;

(5) ~~encourage agencies to develop individual family service plans for children with disabilities, age three and older;~~

(6) ~~implement a process for assuring that services involve cooperating agencies at all steps leading to individualized programs;~~

~~(7)~~ (6) facilitate the development of a transitional plan if a service provider is not recommended to continue to provide services;

~~(8)~~ (7) identify the current services and funding being provided within the community for children with disabilities under age five and their families;

~~(9)~~ (8) develop a plan for the allocation and expenditure of additional state and federal early intervention funds under United States Code, title 20, section 1471 et seq. (Part C, Public Law ~~102-119~~ 108-446) and United States Code, title 20, section 631, et seq. (Chapter I, Public Law 89-313); and

~~(10)~~ (9) develop a policy that is consistent with section 13.05, subdivision 9, and federal law to enable a member of an interagency early intervention committee to allow another member access to data classified as not public.

(c) The local committee shall also:

(1) participate in needs assessments and program planning activities conducted by local social service, health and education agencies for young children with disabilities and their families; and

(2) review and comment on the early intervention section of the total special education system for the district, the county social service plan, the section or sections of the community health services plan that address needs of and service activities targeted to children with special health care needs, the section on children with special needs in the county child care fund plan, sections in Head Start plans on coordinated planning and services for children with special needs, any relevant portions of early childhood education plans, such as early childhood family education or school readiness, or other applicable coordinated school and community plans for early childhood programs and services, and the section of the maternal and child health special project grants that address needs of and service activities targeted to children with chronic illness and disabilities.

Sec. 10. Minnesota Statutes 2004, section 125A.32, is amended to read:

125A.32 INDIVIDUALIZED FAMILY SERVICE PLAN.

(a) A team must participate in IFSP meetings to develop the IFSP. The team shall include:

(1) a parent or parents of the child;

(2) other family members, as requested by the parent, if feasible to do so;

(3) an advocate or person outside of the family, if the parent requests that the person participate;

(4) the service coordinator who has been working with the family since the initial referral, or who has been designated by the public agency to be responsible for implementation of the IFSP and coordination with other agencies including transition services; and

(5) a person or persons involved in conducting evaluations and assessments.

(b) The IFSP must include:

(1) information about the child's developmental status;

(2) family information, with the consent of the family;

(3) measurable results or major outcomes expected to be achieved by the child and the family, with the family's assistance, that include the developmentally appropriate preliteracy and language skills, and criteria, procedures, and timelines related to the results or outcomes;

(4) specific early intervention services based on peer-reviewed research, to the extent practicable, necessary to meet the unique needs of the child and the family to achieve the outcomes;

(5) payment arrangements, if any;

(6) medical and other services that the child needs, but that are not required under the Individual with Disabilities Education Act, United States Code, title 20, section 1471 et seq. (Part C, Public Law ~~102-119~~ 108-446) including funding sources to be used in paying for those services and the steps that will be taken to secure those services through public or private sources;

(7) dates and duration of early intervention services;

(8) name of the service coordinator;

(9) steps to be taken to support a child's transition from early intervention services to other appropriate services, including convening a transition conference at least 90 days, or at the discretion of all parties, not more than nine months before the child is eligible for preschool services; and

(10) signature of the parent and authorized signatures of the agencies responsible for providing, paying for, or facilitating payment, or any combination of these, for early intervention services.

Sec. 11. Minnesota Statutes 2004, section 125A.33, is amended to read:

125A.33 SERVICE COORDINATION.

(a) The team developing the IFSP under section 125A.32 must select a service coordinator to carry out service coordination activities on an interagency basis. Service coordination must actively promote a family's capacity and competency to identify, obtain, coordinate, monitor, and evaluate resources and services to meet the family's needs. Service coordination activities include:

(1) coordinating the performance of evaluations and assessments;

(2) facilitating and participating in the development, review, and evaluation of individualized family service plans;

(3) assisting families in identifying available service providers;

(4) coordinating and monitoring the delivery of available services;

(5) informing families of the availability of advocacy services;

(6) coordinating with medical, health, and other service providers;

(7) facilitating the development of a transition plan at least 90 days before the time the child is no longer eligible for early intervention services, or at the discretion of all parties, not more than nine months before the child is eligible for preschool services, if appropriate;

(8) managing the early intervention record and submitting additional information to the local primary agency at the time of periodic review and annual evaluations; and

(9) notifying a local primary agency when disputes between agencies impact service delivery required by an IFSP.

(b) A service coordinator must be knowledgeable about children and families receiving services under this section, requirements of state and federal law, and services available in the interagency early childhood intervention system.

Sec. 12. Minnesota Statutes 2004, section 125A.48, is amended to read:

125A.48 STATE INTERAGENCY AGREEMENT.

(a) The commissioners of the Departments of Education, Health, and Human Services must enter into an agreement to implement this section and Part ~~H.C.~~, Public Law ~~402-449~~ 108-446, and as required by Code of Federal Regulations, title 34, section 303.523, to promote the development and implementation of interagency, coordinated, multidisciplinary state and local early childhood intervention service systems for serving eligible young children with disabilities, birth through age two, and their families and to ensure the meaningful involvement of underserved groups, including children with disabilities from minority, low-income, homeless, and rural families, and children with disabilities who are wards of the state. The agreement must be reviewed annually.

(b) The state interagency agreement must outline at a minimum the conditions, procedures, purposes, and responsibilities of the participating state and local agencies for the following:

(1) membership, roles, and responsibilities of a state interagency committee for the oversight of priorities and budget allocations under Part ~~H.C.~~, Public Law ~~402-449~~ 108-446, and other state allocations for this program;

(2) child find;

(3) establishment of local interagency agreements;

(4) review by a state interagency committee of the allocation of additional state and federal early intervention funds by local agencies;

(5) fiscal responsibilities of the state and local agencies;

(6) intraagency and interagency dispute resolution;

(7) payor of last resort;

(8) maintenance of effort;

(9) procedural safeguards, including mediation;

(10) complaint resolution;

(11) quality assurance;

(12) data collection;

(13) an annual summary to the state Interagency Coordinating Council regarding conflict resolution activities including disputes, due process hearings, and complaints; and

(14) other components of the state and local early intervention system consistent with Public Law ~~402-149~~ 108-446.

Written materials must be developed for parents, IEIC's, and local service providers that describe procedures developed under this section as required by Code of Federal Regulations, title 34, section 303.

Sec. 13. Minnesota Statutes 2004, section 125A.515, subdivision 1, is amended to read:

Subdivision 1. **Approval of education programs.** The commissioner shall approve education programs for placement of children and youth in ~~care and treatment~~ residential facilities including detention centers, before being licensed by the Department of Human Services ~~under Minnesota Rules, parts 9545.0905 to 9545.1125 and 9545.1400 to 9545.1480,~~ or the Department of Corrections ~~under Minnesota Rules, chapters 2925, 2930, 2935, and 2950.~~ Education programs in these facilities shall conform to state and federal education laws including the Individuals with Disabilities Education Act (IDEA). This section applies only to placements in residential facilities licensed by the Department of Human Services or the Department of Corrections.

Sec. 14. Minnesota Statutes 2004, section 125A.515, subdivision 3, is amended to read:

Subd. 3. **Responsibilities for providing education.** (a) The district in which the residential facility is located must provide education services, including special education if eligible, to all students placed in a facility ~~for care and treatment~~.

(b) For education programs operated by the Department of Corrections, the providing district shall be the Department of Corrections. For students remanded to the commissioner of corrections, the providing and resident district shall be the Department of Corrections.

~~(c) Placement for care and treatment does not automatically make a student eligible for special education. A student placed in a care and treatment facility is eligible for special education under state and federal law including the Individuals with Disabilities Education Act under United States Code, title 20, chapter 33.~~

Sec. 15. Minnesota Statutes 2004, section 125A.515, subdivision 5, is amended to read:

Subd. 5. **Education programs for students placed in residential facilities ~~for care and treatment~~.** (a) When a student is placed in a ~~care and treatment~~ facility approved under this section that has an on-site education program, the providing district, upon notice from the care and treatment facility, must contact the resident district within one business day to determine if a student has been identified as having a disability, and to request at least the student's transcript, and for students with disabilities, the most recent individualized education plan (IEP) and evaluation report, and to determine if the student has been identified as a student with a disability. The resident district must send a facsimile copy to the providing district within two business days of receiving the request.

(b) If a student placed ~~for care and treatment~~ under this section has been identified as having a disability and has an individual education plan in the resident district:

(1) the providing agency must conduct an individualized education plan meeting to reach an agreement about continuing or modifying special education services in accordance with the current individualized education plan goals and objectives and to determine if additional evaluations are necessary; and

(2) at least the following people shall receive written notice or documented phone call to be followed with written notice to attend the individualized education plan meeting:

- (i) the person or agency placing the student;
- (ii) the resident district;
- (iii) the appropriate teachers and related services staff from the providing district;
- (iv) appropriate staff from the ~~care and treatment~~ residential facility;
- (v) the parents or legal guardians of the student; and
- (vi) when appropriate, the student.

(c) For a student who has not been identified as a student with a disability, a screening must be conducted by the providing districts as soon as possible to determine the student's educational and behavioral needs and must include a review of the student's educational records.

Sec. 16. Minnesota Statutes 2004, section 125A.515, subdivision 6, is amended to read:

Subd. 6. **Exit report summarizing educational progress.** If a student has been placed in a ~~care and treatment~~ facility under this section for 15 or more business days, the providing district must prepare an exit report summarizing the regular education, special education, evaluation, educational progress, and service information and must send the report to the resident district and the next providing district if different, the parent or legal guardian, and any appropriate social service agency. For students with disabilities, this report must include the student's IEP.

Sec. 17. Minnesota Statutes 2004, section 125A.515, subdivision 7, is amended to read:

Subd. 7. **Minimum educational services required.** When a student is placed in a facility approved under this section, at a minimum, the providing district is responsible for:

- (1) the education necessary, including summer school services, for a student who is not performing at grade level as indicated in the education record or IEP; and
- (2) a school day, of the same length as the school day of the providing district, unless the unique needs of the student, as documented through the IEP or education record in consultation with treatment providers, requires an alteration in the length of the school day.

Sec. 18. Minnesota Statutes 2004, section 125A.515, subdivision 9, is amended to read:

Subd. 9. **Reimbursement for education services.** (a) Education services provided to students who have been placed ~~for care and treatment~~ under this section are reimbursable in accordance with special education and general education statutes.

(b) Indirect or consultative services provided in conjunction with regular education prereferral interventions and assessment provided to regular education students suspected of being disabled and who have demonstrated learning or behavioral problems in a screening are reimbursable with special education categorical aids.

(c) Regular education, including screening, provided to students with or without disabilities is not reimbursable with special education categorical aids.

Sec. 19. Minnesota Statutes 2004, section 125A.515, subdivision 10, is amended to read:

Subd. 10. **Students unable to attend school but not placed in care and treatment facilities covered under this section.** Students who are absent from, or predicted to be absent from, school for 15 consecutive or intermittent days, and placed at home or in facilities not licensed by the ~~Departments~~ Department of Corrections or Human Services are ~~not students placed for care and treatment entitled to regular and special education services, consistent with applicable law and rule.~~ These students include students with and without disabilities who are home due to accident or illness, in a hospital or other medical facility, or in a day treatment center. ~~These students are entitled to education services through their district of residence.~~

Sec. 20. Minnesota Statutes 2004, section 125A.63, subdivision 4, is amended to read:

Subd. 4. **Advisory committees.** The ~~Special Education Advisory Council~~ commissioner shall establish an advisory committee for each resource center. The advisory committees shall develop recommendations regarding the resource centers and submit an annual report to the commissioner on the form and in the manner prescribed by the commissioner.

Sec. 21. Minnesota Statutes 2004, section 125A.75, subdivision 1, is amended to read:

Subdivision 1. **Travel aid.** The state must pay each district one-half of the sum actually expended by a district, based on mileage, for necessary travel of essential personnel providing home-based services to children with a disability under age five and their families.

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

Sec. 22. Minnesota Statutes 2004, section 125A.76, is amended by adding a subdivision to read:

Subd. 4a. **Special education maintenance of effort.** If, on the basis of a forecast of general fund revenues and expenditures, expenditures for special education aid under section 125A.76; transition for disabled students under section 124D.454; travel for home-based services under section 124A.75, subdivision 1; aid for students with disabilities under section 125A.75, subdivision 3; court-placed special education under section 125A.79, subdivision 4; or out-of-state tuition under section 125A.79, subdivision 8; are projected to be less than the amount previously forecast, the excess from these programs, up to an amount sufficient to meet federal special education maintenance of effort, is added to the state total special education aid in section 125A.76, subdivision 4.

If, on the basis of a forecast of general fund revenues and expenditures, expenditures in the programs in this subdivision are projected to be greater than previously forecast, and an addition to state total special education aid has been made under this subdivision, the state total special education aid must be reduced by the lesser of the amount of the expenditure increase or the amount previously added to state total special education aid, and this amount must be allocated back to the programs which were forecast to have an excess.

For the purposes of this subdivision, "previously forecast" means the allocation of funding for these programs in either the most recent forecast of general fund revenues and expenditures or the act appropriating money for these programs, whichever occurred most recently.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2006.

Sec. 23. Minnesota Statutes 2005 Supplement, section 125A.79, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For the purposes of this section, the definitions in this subdivision apply.

(a) "Unreimbursed special education cost" means the sum of the following:

(1) expenditures for teachers' salaries, contracted services, supplies, equipment, and transportation services eligible for revenue under section 125A.76; plus

(2) expenditures for tuition bills received under sections 125A.03 to 125A.24 and 125A.65 for services eligible for revenue under section 125A.76, subdivision 2; minus

(3) revenue for teachers' salaries, contracted services, supplies, and equipment under section 125A.76; minus

(4) tuition receipts under sections 125A.03 to 125A.24 and 125A.65 for services eligible for revenue under section 125A.76, subdivision 2.

(b) "General revenue" means the sum of the general education revenue according to section 126C.10, subdivision 1, ~~as adjusted according to section 127A.47, subdivisions 7 and 8 excluding alternative teacher compensation revenue~~, plus the total qualifying referendum revenue specified in paragraph (e) minus transportation sparsity revenue minus total operating capital revenue.

(c) "Average daily membership" has the meaning given it in section 126C.05.

(d) "Program growth factor" means 1.02 for fiscal year 2003, and 1.0 for fiscal year 2004 and later.

(e) "Total qualifying referendum revenue" means two-thirds of the district's total referendum revenue as adjusted according to section 127A.47, subdivision 7, paragraphs (a), (b), and (c), for fiscal year 2006, one-third of the district's total referendum revenue for fiscal year 2007, and none of the district's total referendum revenue for fiscal year 2008 and later.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2006.

Sec. 24. Minnesota Statutes 2004, section 626.556, subdivision 3c, is amended to read:

Subd. 3c. **Agency Local welfare agency, Department of Human Services or Department of Health responsible for assessing or investigating reports of maltreatment.** ~~The following agencies are the administrative agencies responsible for assessing or investigating reports of alleged child maltreatment in facilities made under this section:~~

~~(1)~~ (a) The county local welfare agency is the agency responsible for assessing or investigating:

(1) allegations of maltreatment in child foster care, family child care, and legally unlicensed child care and in juvenile correctional facilities licensed under section 241.021 located in the local welfare agency's county; and

(2) until July 1, 2009, other allegations of maltreatment that are not the responsibility of another agency. The commissioners of human services, public safety, and education must jointly submit a written report by February 1, 2009, to the education policy and finance committees of the legislature recommending the most efficient and effective allocation of agency responsibility for assessing or investigating reports of maltreatment.

~~(2)~~ (b) The Department of Human Services is the agency responsible for assessing or investigating allegations of maltreatment in facilities licensed under chapters 245A and 245B, except for child foster care and family child care; ~~and.~~

~~(3)~~ (c) The Department of Health is the agency responsible for assessing or investigating allegations of child maltreatment in facilities licensed under sections 144.50 to 144.58, and in unlicensed home health care.

Sec. 25. **RULE ON VISUALLY IMPAIRED TO INCLUDE REFERENCES TO "BLIND" AND "BLINDNESS."**

The commissioner of education, where appropriate, must incorporate references to "blind" and "blindness" into the definition of visually impaired under Minnesota Rules, part 3525.1345, and amend the rule title to include the word "blind."

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

Sec. 26. **DEPARTMENT OF EDUCATION RULES.**

Before July 1, 2007, the Department of Education shall amend Minnesota Rules, part 3525.2325, to conform with Minnesota Statutes, section 125A.515.

Sec. 27. **SPECIAL EDUCATION TUITION BILLING FOR FISCAL YEARS 2006 AND 2007.**

(a) Notwithstanding Minnesota Statutes, section 125A.11, subdivision 1, paragraph (a), and Minnesota Statutes, section 127A.47, subdivision 7, paragraph (d), for fiscal year 2006 an intermediate district, special education cooperative, or a school district that served as an applicant agency for a group of school districts for federal special education aids for fiscal year 2006 is not subject to the uniform special education tuition billing calculations, but may instead continue to bill the resident school districts for the actual unreimbursed costs of serving pupils with a disability as determined by the intermediate district.

(b) Notwithstanding Minnesota Statutes, section 125A.11, subdivision 1, paragraph (c), for fiscal year 2007 only, an applicant district may apply to the commissioner for a waiver from the uniform special education tuition calculations and aid adjustments under Minnesota Statutes, section 125A.11, subdivision 1, paragraph (b), and Minnesota Statutes, section 127A.47, subdivision 7, paragraph (e). The commissioner must grant the waiver within 30 days of receiving the following information from the intermediate district:

(1) a detailed description of the applicant district's methodology for calculating special education tuition for fiscal years 2006 and 2007, as required by the applicant district to recover the full cost of serving pupils with a disability;

(2) sufficient data to determine the total amount of special education tuition actually charged for each student with a disability, as required by the applicant district to recover the full cost of serving pupils with a disability in fiscal year 2006; and

(3) sufficient data to determine the amount that would have been charged for each student for fiscal year 2006 using the uniform tuition billing methodology according to Minnesota Statutes, section 125A.11, subdivision 1, or Minnesota Statutes, section 127A.47, subdivision 7, as applicable.

EFFECTIVE DATE. This section is effective the day following final enactment for fiscal year 2006.

Sec. 28. **REPEALER.**

Minnesota Statutes 2004, sections 125A.10; and 125A.515, subdivision 2, are repealed.

ARTICLE 4

FACILITIES AND TECHNOLOGY

Section 1. Minnesota Statutes 2004, section 123A.44, is amended to read:

123A.44 CITATION.

Sections 123A.441 to 123A.446 may be cited as the "Cooperative ~~Secondary~~ Facilities Grant Act."

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

Sec. 2. Minnesota Statutes 2004, section 123A.441, is amended to read:

123A.441 POLICY AND PURPOSE.

Because of the rates of decline in school-aged population, population shifts and economic changes that the state has experienced in recent years and anticipates in future years, and because in some instances local districts have not, and will not be able to provide the required construction funds through local property taxes, the purpose of the cooperative ~~secondary~~ facilities grant program is to provide an incentive to encourage cooperation in making available to all ~~secondary~~ students those educational programs, services and facilities that are most efficiently and effectively provided by a cooperative effort of ~~several~~ school districts. The policy and purpose of sections 123A.442 to 123A.446 is to use the credit of the state, to a limited degree, to provide grants to cooperating groups of districts to improve and expand the educational opportunities and facilities available to their ~~secondary~~ students.

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

Sec. 3. Minnesota Statutes 2004, section 123A.442, is amended to read:

123A.442 APPROVAL AUTHORITY; APPLICATION FORMS.

Subdivision 1. **Approval by commissioner.** To the extent money is available, the commissioner may approve projects from applications submitted under section 123A.443. The grant money must be used only to acquire, construct, remodel or improve the building or site of a cooperative ~~secondary~~ facility under contracts to be entered into within 15 months after the date on which each grant is awarded.

Subd. 2. **Cooperation and combination.** Districts that have not already consolidated and receive a cooperative ~~secondary~~ facilities grant ~~after May 1, 1991~~, shall:

(1) submit a consolidation plan as set forth in under section ~~123A.36~~ 123A.48 for approval by the ~~State Board of Education before December 31, 1999~~, or Department of Education ~~after December 30, 1999~~; and

(2) hold a referendum on the question of ~~combination~~ consolidation no later than four years after a grant is awarded under subdivision 1.

The districts are eligible for ~~cooperation and combination~~ consolidation revenue under section ~~123A.39, subdivision 3~~ 123A.485.

Subd. 3. **Consolidated districts.** A school district that has consolidated with another school district since July 1, 1980, is eligible for a cooperative facilities grant.

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

Sec. 4. Minnesota Statutes 2004, section 123A.443, is amended to read:

123A.443 GRANT APPLICATION PROCESS.

Subdivision 1. **Qualification.** Any group of districts or a consolidated district that meets the criteria required under subdivision 2 may apply for an incentive grant for construction of a new ~~secondary~~ facility or for remodeling and improving an existing ~~secondary~~ facility. A grant for new construction must not exceed the lesser of \$5,000,000 or ~~75~~ 25 percent of the approved construction costs of a cooperative ~~secondary~~ education facility. A grant for remodeling and improving an existing facility must not exceed ~~\$200,000~~ \$1,000,000.

Subd. 2. **Review by commissioner.** (a) A group of districts or a consolidated district that submits an application for a grant must submit a proposal to the commissioner for review and comment under section 123B.71. The commissioner shall prepare a review and comment on the proposed facility by July 1 of an odd-numbered year, regardless of the amount of the capital expenditure required to acquire, construct, remodel, or improve the ~~secondary~~ facility. The commissioner shall not approve an application for an incentive grant for any ~~secondary~~ facility unless the facility receives a favorable review and comment under section 123B.71 and the following criteria are met:

(1) the applicant is a consolidated district or a minimum of two or more districts, with kindergarten to grade 12 enrollments in each district of no more than 1,200 pupils, enter that have entered into a joint powers agreement;

(2) for a group of districts, a joint powers board representing all participating districts is established under section 471.59 to govern the cooperative ~~secondary~~ facility;

~~(3) the planned secondary facility will result in the joint powers district meeting the requirements of Minnesota Rules, parts 3500.2010 and 3500.2110;~~

~~(4) (3) at least 198 300 pupils would be served in grades 10 to kindergarten through grade 12, 264 pupils would be served in grades 9 to 12, or 396 pupils would be served in grades 7 to 12;~~

~~(5) (4) for a group of districts,~~ no more than one superintendent is employed by the joint powers board as a result of the cooperative ~~secondary~~ facility agreement;

~~(6) (5) a statement of need is submitted, that may include reasons why the current secondary facilities are inadequate, unsafe or inaccessible to the handicapped disabled;~~

~~(7) (6) an educational plan is prepared, that includes input from both community and professional staff;~~

~~(8) (7) for a group of districts,~~ a combined seniority list for all participating districts is developed by the joint powers board;

~~(9) (8) for a group of districts,~~ an education program is developed that provides for more learning opportunities and course offerings, including the offering of advanced placement courses, for students than is currently available in any single member district;

~~(10) (9) a plan is developed for providing instruction of any resident students in other districts when distance to the secondary education facility makes attendance at the facility unreasonably difficult or impractical; and~~

~~(14)~~ (10) for a secondary facility, the joint powers board established under clause (2) discusses with technical colleges located in the area how vocational education space in the cooperative ~~secondary~~ facility could be jointly used for secondary and postsecondary purposes.

(b) To the extent possible, the joint powers board is encouraged to provide for severance pay or for early retirement incentives under section 122A.48, for any teacher or administrator, as defined under section 122A.40, subdivision 1, who is placed on unrequested leave as a result of the cooperative ~~secondary~~ facility agreement.

(c) For the purpose of paragraph (a), clause ~~(8)~~ (7), each district must be considered to have started school each year on the same date.

(d) The districts may develop a plan that provides for the location of social service, health, and other programs serving pupils and community residents within the cooperative ~~secondary~~ facility. The commissioner shall consider this plan when preparing a review and comment on the proposed facility.

(e) The districts must schedule and conduct a meeting on library services. The school districts, in cooperation with the regional public library system and its appropriate member libraries, must discuss the possibility of including jointly operated library services at the cooperative ~~secondary~~ facility.

(f) The board of a district that has reorganized under section 123A.37 or 123A.48 and that is applying for a grant for remodeling or improving an existing facility may act in the place of a joint powers board to meet the criteria of this subdivision.

Subd. 3. Reorganizing districts. A district that is a member of a joint powers board established under subdivision 2 and that is planning to reorganize under section 123A.45, 123A.46, or 123A.48 must notify the joint powers board one year in advance of the effective date of the reorganization. Notwithstanding section 471.59 or any other law to the contrary, the board of a district that reorganizes under section 123A.45, 123A.46, or 123A.48 may appoint representatives to the joint powers board who will serve on the joint powers board for two years after the effective date of the reorganization if authorized in the agreement establishing the joint powers board to govern the cooperative ~~secondary~~ facility. These representatives shall have the same powers as representatives of any other school district under the joint powers agreement.

Subd. 4. District procedures. A joint powers board of a ~~secondary~~ district established under subdivision 2 or a school board of a reorganized district that intends to apply for a grant must adopt a resolution stating the proposed costs of the project, the purpose for which the costs are to be incurred, and an estimate of the dates when the facilities for which the grant is requested will be contracted for and completed. Applications for the state grants must be accompanied by (a) a copy of the resolution, (b) a certificate by the clerk and treasurer of the joint powers board showing the current outstanding indebtedness of each member district, and (c) a certificate by the county auditor of each county in which a portion of the joint powers district lies showing the information in the auditor's official records that is required to be used in computing the debt limit of the district under section 475.53, subdivision 4. The clerk's and treasurer's certificate must show, as to each outstanding bond issue of each member district, the amount originally issued, the purpose for which issued, the date of issue, the amount remaining unpaid as of the date of the resolution, and the interest rates and due dates and amounts of principal thereon. Applications and necessary data must be in the form prescribed by the commissioner ~~and the rules of the State Board of Education before December 31, 1999, and after December 30, 1999, in the form prescribed by the commissioner.~~ Applications must be received by the commissioner by September 1 of an odd-numbered year. When an application is received, the commissioner shall obtain from the commissioner of revenue, and from the Public Utilities Commission when required, the information in their official records that is required to be used in computing the debt limit of the joint powers district under section 475.53, subdivision 4.

Subd. 5. **Award of grants.** By November 1 of the odd-numbered year, the commissioner shall examine and consider all applications for grants, and if any district is found not qualified, the commissioner shall promptly notify that board.

A grant award is subject to verification by the district as specified in subdivision 8. A grant award for a new facility must not be made until the site of the ~~secondary~~ facility has been determined. A grant award to remodel or improve an existing facility must not be made until the districts have reorganized. If the total amount of the approved applications exceeds the amount that is or can be made available, the commissioner shall allot the available amount equally between the approved applicant districts. The commissioner shall promptly certify to each qualified district the amount, if any, of the grant awarded to it.

Subd. 6. **Collocation grant.** A group of districts that receives a grant for a new facility under subdivision 4 is also eligible to receive an additional grant in the amount of \$1,000,000. To receive the additional grant, the group of districts must develop a plan under subdivision 2, paragraph (d), that provides for the location of a significant number of noneducational student and community service programs within the cooperative ~~secondary~~ facility.

Subd. 7. **Referendum; bond issue.** Within 180 days after being awarded a grant for a new facility under subdivision 5, the joint powers board must submit the question of authorizing the borrowing of funds for the ~~secondary~~ facility to the voters of the joint powers district at a special election, which may be held in conjunction with the annual election of the school board members of the member districts. The question submitted must state the total amount of funding needed from all sources. A majority of those voting in the affirmative on the question is sufficient to authorize the joint powers board to accept the grant and to issue the bonds on public sale ~~in accordance with~~ according to chapter 475. The clerk of the joint powers board must certify the vote of the bond election to the commissioner. If the question is approved by the voters, the commissioner shall notify the approved applicant districts that the grant amount certified under subdivision 5 is available and appropriated for payment under this subdivision. If a majority of those voting on the question do not vote in the affirmative, the grant must be canceled.

Subd. 8. **Contract.** Each grant must be evidenced by a contract between the board and the state acting through the commissioner. The contract obligates the state to pay to the board an amount computed according to subdivision 5, and according to a schedule, and terms and conditions acceptable to the commissioner of finance.

Subd. 9. **Consolidation.** A group of districts that operates a cooperative ~~secondary~~ facility that was acquired, constructed, remodeled, or improved under this section and implements consolidation proceedings according to section 123A.48, may propose a temporary school board structure in the petition or resolution required under section 123A.48, subdivision 2. The districts may propose the number of existing school board members of each district to become members of the board of the consolidated district and a method to gradually reduce the membership to six or seven. The proposal must be approved, disapproved, or modified by the ~~state board of education~~ commissioner. The election requirements of section 123A.48, subdivision 20, do not apply to a proposal approved by the state board. Elections conducted after the effective date of the consolidation are subject to the Minnesota Election Law.

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

Sec. 5. Minnesota Statutes 2005 Supplement, section 123B.53, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For purposes of this section, the eligible debt service revenue of a district is defined as follows:

(1) the amount needed to produce between five and six percent in excess of the amount needed to meet when due the principal and interest payments on the obligations of the district for eligible projects according to subdivision 2, including the amounts necessary for repayment of energy loans according to section 216C.37 or sections 298.292 to 298.298, debt service loans and capital loans, lease purchase payments under section 126C.40, subdivision 2, alternative facilities levies under section 123B.59, subdivision 5, minus

(2) the amount of debt service excess levy reduction for that school year calculated according to the procedure established by the commissioner.

(b) The obligations in this paragraph are excluded from eligible debt service revenue:

(1) obligations under section 123B.61;

(2) the part of debt service principal and interest paid from the taconite environmental protection fund or Douglas J. Johnson economic protection trust;

(3) obligations issued under Laws 1991, chapter 265, article 5, section 18, as amended by Laws 1992, chapter 499, article 5, section 24; and

(4) obligations under section 123B.62.

(c) For purposes of this section, if a preexisting school district reorganized under sections 123A.35 to 123A.43, 123A.46, and 123A.48 is solely responsible for retirement of the preexisting district's bonded indebtedness, capital loans or debt service loans, debt service equalization aid must be computed separately for each of the preexisting districts.

(d) For purposes of this section, the adjusted net tax capacity determined according to section 127A.48 shall be adjusted to include a portion of the tax capacity of property generally exempted from ad valorem taxes under section 272.02, subdivisions 64 and 65, equal to the product of that tax capacity times the ratio of the eligible debt service revenue attributed to general obligation bonds to the total eligible debt service revenue of the district.

(e) For fiscal year 2008, the debt service equalizing factor adjustment equals 1.0. For fiscal year 2009 and later, the debt service equalizing factor adjustment equals the greater of one or the ratio of the statewide adjusted net tax capacity for the year before the levy is certified divided by the statewide adjusted pupil units in the fiscal year ending in the year prior to the year the levy is certified to the 2004 statewide adjusted net tax capacity divided by the statewide adjusted pupil units for fiscal year 2004.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2008.

Sec. 6. Minnesota Statutes 2004, section 123B.53, subdivision 5, is amended to read:

Subd. 5. **Equalized debt service levy.** (a) The equalized debt service levy of a district equals the sum of the first tier equalized debt service levy and the second tier equalized debt service levy.

(b) A district's first tier equalized debt service levy equals the district's first tier debt service equalization revenue times the lesser of one or the ratio of:

(1) the quotient derived by dividing the adjusted net tax capacity of the district for the year before the year the levy is certified by the adjusted pupil units in the district for the school year ending in the year prior to the year the levy is certified; to

(2) ~~\$3,200~~ \$5,000 times the debt service equalizing factor adjustment under section 123B.53, subdivision 1.

(c) A district's second tier equalized debt service levy equals the district's second tier debt service equalization revenue times the lesser of one or the ratio of:

(1) the quotient derived by dividing the adjusted net tax capacity of the district for the year before the year the levy is certified by the adjusted pupil units in the district for the school year ending in the year prior to the year the levy is certified; to

(2) \$8,000 times the debt service equalizing factor adjustment under section 123B.53, subdivision 1.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2008.

Sec. 7. **TIMELINES WAIVED.**

Notwithstanding the timelines in Minnesota Statutes, section 123A.443, Independent School District No. 2134, United South Central, and the fiscal agent for Independent School Districts Nos. 403, Ivanhoe, and 404, Lake Benton, may submit an application for a cooperative facilities grant to the commissioner of education. The commissioner must either approve, modify, or reject the application within 60 days of its receipt.

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

Sec. 8. **WASECA LEVY.**

Independent School District No. 829, Waseca, may levy a total of up to \$344,000 for health and safety revenue lost due to miscalculation. This levy may be made over five or fewer years beginning with taxes payable in 2007. If the district does not levy the full amount authorized within the five-year period, other state aid due to the district shall be reduced proportionately.

Sec. 9. **HEALTH AND SAFETY REVENUE USES; BELLE PLAINE.**

Notwithstanding Minnesota Statutes, sections 123B.57 and 123B.59, upon approval of the commissioner of education, Independent School District No. 716, Belle Plaine, may use up to \$125,000 of its health and safety revenue raised through an alternative facilities bond for other qualifying health and safety projects.

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

Sec. 10. **LEASE LEVY; ADMINISTRATIVE SPACE, ROCORI AND FARIBAULT.**

Independent School Districts Nos. 656, Faribault, and 750, Rocori, may lease administrative space under Minnesota Statutes, section 126C.40, subdivision 1, if the district can demonstrate to the satisfaction of the commissioner of education that the administrative space is less expensive than instructional space that the district would otherwise lease. The commissioner must deny this levy authority unless the district passes a resolution stating its intent to lease instructional space under Minnesota Statutes, section 126C.40, subdivision 1, if the commissioner does not grant authority under this section. The resolution must also certify that a lease of administrative space under this section is less expensive than the district's proposed instructional lease. Levy authority under this section shall not exceed the total levy authority under Minnesota Statutes, section 126C.40, subdivision 1, paragraph (e).

EFFECTIVE DATE. This section is effective for revenue for taxes payable in 2007.

Sec. 11. **APPROPRIATIONS.**

Subdivision 1. **Department of Education.** The sums indicated in this section are appropriated from the general fund to the Department of Education for the fiscal years designated.

Subd. 2. **Waseca.** For payment of health and safety aid owed to Independent School District No. 829, Waseca:

\$316,000

.....

2007

ARTICLE 5

SCHOOL DISTRICT ACCOUNTING

Section 1. Minnesota Statutes 2004, section 123B.10, subdivision 1, is amended to read:

Subdivision 1. **Budgets.** By ~~October 1~~ November 30, every board must publish revenue and expenditure budgets for the current year and the actual revenues, expenditures, fund balances for the prior year and projected fund balances for the current year in a form prescribed by the commissioner. The forms prescribed must be designed so that year to year comparisons of revenue, expenditures and fund balances can be made. These budgets, reports of revenue, expenditures and fund balances must be published in a qualified newspaper of general circulation in the district or on the district's official Web site. If published on the district's official Web site, the district must also publish an announcement in a qualified newspaper of general circulation in the district that includes the Internet address where the information has been posted.

Sec. 2. Minnesota Statutes 2004, section 123B.143, subdivision 1, is amended to read:

Subdivision 1. **Contract; duties.** All districts maintaining a classified secondary school must employ a superintendent who shall be an ex officio nonvoting member of the school board. The authority for selection and employment of a superintendent must be vested in the board in all cases. An individual employed by a board as a superintendent shall have an initial employment contract for a period of time no longer than three years from the date of employment. Any subsequent employment contract must not exceed a period of three years. A board, at its discretion, may or may not renew an employment contract. A board must not, by action or inaction, extend the duration of an existing employment contract. Beginning 365 days prior to the expiration date of an existing employment contract, a board may negotiate and enter into a subsequent employment contract to take effect upon the expiration of the existing contract. A subsequent contract must be contingent upon the employee completing the terms of an existing contract. If a contract between a board and a superintendent is terminated prior to the date specified in the contract, the board may not enter into another superintendent contract with that same individual that has a term that extends beyond the date specified in the terminated contract. A board may terminate a superintendent during the term of an employment contract for any of the grounds specified in section 122A.40, subdivision 9 or 13. A superintendent shall not rely upon an employment contract with a board to assert any other continuing contract rights in the position of superintendent under section 122A.40. Notwithstanding the provisions of sections 122A.40, subdivision 10 or 11, 123A.32, 123A.75, or any other law to the contrary, no individual shall have a right to employment as a superintendent based on order of employment in any district. If two or more districts enter into an agreement for the purchase or sharing of the services of a superintendent, the contracting districts have the absolute right to select one of the individuals employed to serve as superintendent in one of the contracting districts and no individual has a right to employment as the superintendent to provide all or part of the services based on order of employment in a contracting district. The superintendent of a district shall perform the following:

(1) visit and supervise the schools in the district, report and make recommendations about their condition when advisable or on request by the board;

(2) recommend to the board employment and dismissal of teachers;

(3) superintend school grading practices and examinations for promotions;

(4) make reports required by the commissioner; and

~~(5) by January 10, submit an annual report to the commissioner in a manner prescribed by the commissioner, in consultation with school districts, identifying the expenditures that the district requires to ensure an 80 percent student passage rate on the basic standards test taken in the eighth grade, identifying the highest student passage rate the district expects it will be able to attain on the basic standards test by grade 12, the amount of expenditures that the district requires to attain the targeted student passage rate, and how much the district is cross subsidizing programs with special education, basic skills, and general education revenue; and~~

~~(6)~~ perform other duties prescribed by the board.

EFFECTIVE DATE. This section is effective for the 2006-2007 school year and later.

Sec. 3. Minnesota Statutes 2005 Supplement, section 123B.75, subdivision 5, is amended to read:

Subd. 5. **Levy recognition.** (a) "School district tax settlement revenue" means the current, delinquent, and manufactured home property tax receipts collected by the county and distributed to the school district.

(b) For fiscal year 2004 and later years, in June of each year, the school district must recognize as revenue, in the fund for which the levy was made, the lesser of:

(1) the sum of May, June, and July school district tax settlement revenue received in that calendar year, plus general education aid according to section 126C.13, subdivision 4, received in July and August of that calendar year; or

(2) the sum of:

(i) ~~the greater of 48.6 percent of the referendum levy certified according to section 126C.17, in the prior calendar year or 31 percent of the referendum levy certified according to section 126C.17, in calendar year 2000; plus and~~

(ii) the entire amount of the levy certified in the prior calendar year according to section 124D.86, subdivision 4, for school districts receiving revenue under sections 124D.86, subdivision 3, clauses (1), (2), and (3); 126C.41, subdivisions 1, 2, and 3, paragraphs (b), (c), and (d); 126C.43, subdivision 2; 126C.457; and 126C.48, subdivision 6; ~~plus.~~

~~(iii) 48.6 percent of the amount of the levy certified in the prior calendar year for the school district's general and community service funds, plus or minus auditor's adjustments, not including levy portions that are assumed by the state, that remains after subtracting the referendum levy certified according to section 126C.17 and the amount recognized according to clause (ii).~~

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2006.

Sec. 4. Minnesota Statutes 2004, section 123B.79, is amended by adding a subdivision to read:

Subd. 9. **Elimination of reserve accounts.** A school board shall eliminate all reserve accounts established in the school district's general fund under Minnesota Statutes before July 1, 2005, for which no specific authority remains in statute as of June 30, 2006. Any balance in the district's reserved for bus purchases account as of June 30, 2006, shall be transferred to the reserved account for operating capital in the school district's general fund. Any

balance in other reserved accounts established in the school district's general fund under Minnesota Statutes before July 1, 2005, for which no specific authority remains in statute as of June 30, 2006, shall be transferred to the school district's unreserved general fund balance. A school board may, upon adoption of a resolution by the school board, establish a designated account for any program for which a reserved account has been eliminated.

EFFECTIVE DATE. This section is effective June 30, 2006.

Sec. 5. Minnesota Statutes 2004, section 127A.41, subdivision 2, is amended to read:

Subd. 2. **Errors in distribution.** On determining that the amount of state aid distributed to a school district is in error, the commissioner is authorized to adjust the amount of aid consistent with this subdivision. On determining that the amount of aid is in excess of the school district's entitlement, the commissioner is authorized to recover the amount of the excess by any appropriate means. Notwithstanding the fiscal years designated by the appropriation, the excess may be recovered by reducing future aid payments to the district. Notwithstanding any law to the contrary, if the aid reduced is not of the same type as that overpaid, the district must adjust all necessary financial accounts to properly reflect all revenues earned in accordance with the uniform financial accounting and reporting standards pursuant to sections 123B.75 to 123B.83. Notwithstanding the fiscal years designated by the appropriation, on determining that the amount of an aid paid is less than the school district's entitlement, the commissioner is authorized to increase such aid from the current appropriation. If the aid program has been discontinued and has no appropriation, the appropriation for general education shall be used for recovery or payment of the aid decrease or increase. Any excess of aid recovery over aid payment shall be canceled to the state general fund.

Sec. 6. Minnesota Statutes 2005 Supplement, section 127A.45, subdivision 2, is amended to read:

Subd. 2. **Definitions.** (a) The term "other district receipts" means payments by county treasurers pursuant to section 276.10, apportionments from the school endowment fund pursuant to section 127A.33, apportionments by the county auditor pursuant to section 127A.34, subdivision 2, and payments to school districts by the commissioner of revenue pursuant to chapter 298.

(b) The term "cumulative amount guaranteed" means the product of

(1) the cumulative disbursement percentage shown in subdivision 3; times

(2) the sum of

(i) the current year aid payment percentage of the estimated aid and credit entitlements paid according to subdivision 13; plus

(ii) 100 percent of the entitlements paid according to subdivisions 11 and 12; plus

(iii) the other district receipts.

(c) The term "payment date" means the date on which state payments to districts are made by the electronic funds transfer method. If a payment date falls on a Saturday, a Sunday, or a weekday which is a legal holiday, the payment shall be made on the immediately preceding business day. The commissioner may make payments on dates other than those listed in subdivision 3, but only for portions of payments from any preceding payment dates which could not be processed by the electronic funds transfer method due to documented extenuating circumstances.

(d) The current year aid payment percentage equals 90.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2006.

Sec. 7. Minnesota Statutes 2005 Supplement, section 127A.45, subdivision 10, is amended to read:

Subd. 10. **Payments to school nonoperating funds.** Each fiscal year state general fund payments for a district nonoperating fund must be made at the current year aid payment percentage of the estimated entitlement during the fiscal year of the entitlement. This amount shall be paid in 12 equal monthly installments. The amount of the actual entitlement, after adjustment for actual data, minus the payments made during the fiscal year of the entitlement must be paid prior to October 31 of the following school year. The commissioner may make advance payments of debt service equalization aid and state-paid tax credits for a district's debt service fund earlier than would occur under the preceding schedule if the district submits evidence showing a serious cash flow problem in the fund. The commissioner may make earlier payments during the year and, if necessary, increase the percent of the entitlement paid to reduce the cash flow problem.

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

Sec. 8. **DEPARTMENT OF EDUCATION REPORT.**

The Department of Education must provide a report to the education committees of the legislature by January 15, 2007. The report must analyze the department's data collection procedures under each of the department's major data reporting systems and recommend a streamlined, Web-based, system of reporting school district data. The report must also analyze any stand-alone school district reporting requirements and recommend elimination of any district reports that are duplicative of other data already collected by the department.

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

Sec. 9. **PROPERTY TAX CERTIFICATION; ROCHESTER SCHOOL DISTRICT.**

Notwithstanding Minnesota Statutes, sections 126C.48 and 275.065, with the agreement of the school district's home county, Independent School District No. 535, Rochester, on or before October 8, shall certify to the county auditor the district's proposed property tax levy for taxes payable in the following year.

EFFECTIVE DATE. This section is effective for taxes payable in 2007 and later.

Sec. 10. **FUND TRANSFERS.**

Subdivision 1. **Alden-Conger.** Notwithstanding Minnesota Statutes, sections 123B.79 and 123B.80, as of June 30, 2006, Independent School District No. 242, Alden-Conger, may permanently transfer up to \$127,000 from its reserved for disabled accessibility account to its unrestricted general fund account without making a levy reduction for disability access projects which were paid for out of the district's unreserved general fund account without an accounting adjustment to make the payments from the correct account.

Subd. 2. **Hopkins.** Notwithstanding Minnesota Statutes, section 123B.79 or 123B.80, on June 30, 2006, Independent School District No. 270, Hopkins, may permanently transfer up to \$150,000 from its community education reserve fund to its undesignated general fund balance to assist the district in decreasing its statutory operating debt.

Subd. 3. **Lester Prairie.** Notwithstanding Minnesota Statutes, section 123B.79 or 123B.80, on June 30, 2006, Independent School District No. 424, Lester Prairie, may permanently transfer up to \$150,000 from its reserved for operating capital account and up to \$107,000 from its reserved for severance account to its undesignated balance in the general fund.

Subd. 4. **Milroy.** Notwithstanding Minnesota Statutes, section 123B.79 or 123B.80, on June 30, 2006, Independent School District No. 635, Milroy, may permanently transfer up to \$26,000 from its reserved for disability accessibility account to its undesignated general fund balance without making a levy reduction.

Subd. 5. **Tyler.** Notwithstanding Minnesota Statutes, section 123B.79 or 123B.80, Independent School District No. 409, Tyler, on June 30, 2006, may permanently transfer up to \$451,000 from its reserved for capital operating account to its debt redemption fund.

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

ARTICLE 6

PUPIL TRANSPORTATION

Section 1. Minnesota Statutes 2004, section 123B.90, subdivision 2, is amended to read:

Subd. 2. **Student training.** (a) Each district must provide public school pupils enrolled in kindergarten through grade 10 with age-appropriate school bus safety training, as described in this section, of the following concepts:

- (1) transportation by school bus is a privilege and not a right;
- (2) district policies for student conduct and school bus safety;
- (3) appropriate conduct while on the school bus;
- (4) the danger zones surrounding a school bus;
- (5) procedures for safely boarding and leaving a school bus;
- (6) procedures for safe street or road crossing; and
- (7) school bus evacuation.

(b) Each nonpublic school located within the district must provide all nonpublic school pupils enrolled in kindergarten through grade 10 who are transported by school bus at public expense and attend school within the district's boundaries with training as required in paragraph (a).

(c) Students enrolled in kindergarten through grade 6 who are transported by school bus and are enrolled during the first or second week of school must receive the school bus safety training competencies by the end of the third week of school. Students enrolled in grades 7 through 10 who are transported by school bus and are enrolled during the first or second week of school and have not previously received school bus safety training must receive the training or receive bus safety instructional materials by the end of the sixth week of school. ~~Students taking driver's training instructional classes and other students in grades 9 and grade 9 or 10 must receive training in the laws and proper procedures when operating a motor vehicle in the vicinity of a school bus. Students enrolled in kindergarten through grade 10 who enroll in a school after the second week of school and are transported by school bus and have not received training in their previous school district shall undergo school bus safety training or receive bus safety instructional materials within four weeks of the first day of attendance.~~ Upon request of the superintendent of schools, the school transportation safety director in each district must certify to the superintendent ~~of schools annually~~ that all students transported by school bus within the district have received the school bus safety training according to this section. Upon request of the superintendent of the school district where the nonpublic school is located, the principal or other chief administrator of each nonpublic school must certify ~~annually~~ to the school transportation safety director of the district in which the school is located that the school's students transported by school bus at public expense have received training according to this section.

(d) A district and a nonpublic school with students transported by school bus at public expense may provide kindergarten pupils with bus safety training before the first day of school.

(e) A district and a nonpublic school with students transported by school bus at public expense may also provide student safety education for bicycling and pedestrian safety, for students enrolled in kindergarten through grade 5.

(f) A district and a nonpublic school with students transported by school bus at public expense must make reasonable accommodations for the school bus safety training of pupils known to speak English as a second language and pupils with disabilities.

(g) The district and a nonpublic school with students transported by school bus at public expense must provide students enrolled in kindergarten through grade 3 school bus safety training twice during the school year.

(h) A district and a nonpublic school with students transported by school bus at public expense must conduct a school bus evacuation drill at least once during the school year.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 2. Minnesota Statutes 2004, section 123B.91, is amended by adding a subdivision to read:

Subd. 1a. **Compliance by nonpublic and charter school students.** A nonpublic or charter school student transported by a public school district shall comply with student bus conduct and student bus discipline policies of the transporting public school district.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 3. Minnesota Statutes 2005 Supplement, section 123B.92, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of this section and section 125A.76, the terms defined in this subdivision have the meanings given to them.

(a) "Actual expenditure per pupil transported in the regular and excess transportation categories" means the quotient obtained by dividing:

(1) the sum of:

(i) all expenditures for transportation in the regular category, as defined in paragraph (b), clause (1), and the excess category, as defined in paragraph (b), clause (2), plus

(ii) an amount equal to one year's depreciation on the district's school bus fleet and mobile units computed on a straight line basis at the rate of 15 percent per year for districts operating a program under section 124D.128 for grades 1 to 12 for all students in the district and 12-1/2 percent per year for other districts of the cost of the fleet, plus

(iii) an amount equal to one year's depreciation on the district's type three school buses, as defined in section 169.01, subdivision 6, clause (5), which must be used a majority of the time for pupil transportation purposes, computed on a straight line basis at the rate of 20 percent per year of the cost of the type three school buses by:

(2) the number of pupils eligible for transportation in the regular category, as defined in paragraph (b), clause (1), and the excess category, as defined in paragraph (b), clause (2).

(b) "Transportation category" means a category of transportation service provided to pupils as follows:

(1) Regular transportation is:

(i) transportation to and from school during the regular school year for resident elementary pupils residing one mile or more from the public or nonpublic school they attend, and resident secondary pupils residing two miles or more from the public or nonpublic school they attend, excluding desegregation transportation and noon kindergarten transportation; but with respect to transportation of pupils to and from nonpublic schools, only to the extent permitted by sections 123B.84 to 123B.87;

(ii) transportation of resident pupils to and from language immersion programs;

(iii) transportation of a pupil who is a custodial parent and that pupil's child between the pupil's home and the child care provider and between the provider and the school, if the home and provider are within the attendance area of the school;

(iv) transportation to and from or board and lodging in another district, of resident pupils of a district without a secondary school; and

(v) transportation to and from school during the regular school year required under subdivision 3 for nonresident elementary pupils when the distance from the attendance area border to the public school is one mile or more, and for nonresident secondary pupils when the distance from the attendance area border to the public school is two miles or more, excluding desegregation transportation and noon kindergarten transportation.

For the purposes of this paragraph, a district may designate a licensed day care facility, school day care facility, respite care facility, the residence of a relative, or the residence of a person chosen by the pupil's parent or guardian as the home of a pupil for part or all of the day, if requested by the pupil's parent or guardian, and if that facility or residence is within the attendance area of the school the pupil attends.

(2) Excess transportation is:

(i) transportation to and from school during the regular school year for resident secondary pupils residing at least one mile but less than two miles from the public or nonpublic school they attend, and transportation to and from school for resident pupils residing less than one mile from school who are transported because of extraordinary traffic, drug, or crime hazards; and

(ii) transportation to and from school during the regular school year required under subdivision 3 for nonresident secondary pupils when the distance from the attendance area border to the school is at least one mile but less than two miles from the public school they attend, and for nonresident pupils when the distance from the attendance area border to the school is less than one mile from the school and who are transported because of extraordinary traffic, drug, or crime hazards.

(3) Desegregation transportation is transportation within and outside of the district during the regular school year of pupils to and from schools located outside their normal attendance areas under a plan for desegregation mandated by the commissioner or under court order.

(4) "Transportation services for pupils with disabilities" is:

(i) transportation of pupils with disabilities who cannot be transported on a regular school bus between home or a respite care facility and school;

(ii) necessary transportation of pupils with disabilities from home or from school to other buildings, including centers such as developmental achievement centers, hospitals, and treatment centers where special instruction or services required by sections 125A.03 to 125A.24, 125A.26 to 125A.48, and 125A.65 are provided, within or outside the district where services are provided;

(iii) necessary transportation for resident pupils with disabilities required by sections 125A.12, and 125A.26 to 125A.48;

(iv) board and lodging for pupils with disabilities in a district maintaining special classes;

(v) transportation from one educational facility to another within the district for resident pupils enrolled on a shared-time basis in educational programs, and necessary transportation required by sections 125A.18, and 125A.26 to 125A.48, for resident pupils with disabilities who are provided special instruction and services on a shared-time basis or if resident pupils are not transported, the costs of necessary travel between public and private schools or neutral instructional sites by essential personnel employed by the district's program for children with a disability;

(vi) transportation for resident pupils with disabilities to and from board and lodging facilities when the pupil is boarded and lodged for educational purposes; and

(vii) services described in clauses (i) to (vi), when provided for pupils with disabilities in conjunction with a summer instructional program that relates to the pupil's individual education plan or in conjunction with a learning year program established under section 124D.128.

For purposes of computing special education base revenue under section 125A.76, subdivision 2, the cost of providing transportation for children with disabilities includes (A) the additional cost of transporting a homeless student from a temporary nonshelter home in another district to the school of origin, or a formerly homeless student from a permanent home in another district to the school of origin but only through the end of the academic year; and (B) depreciation on district-owned school buses purchased after July 1, 2005, and used primarily for transportation of pupils with disabilities, calculated according to paragraph (a), clauses (ii) and (iii). Depreciation costs included in the disabled transportation category must be excluded in calculating the actual expenditure per pupil transported in the regular and excess transportation categories according to paragraph (a).

(5) "Nonpublic nonregular transportation" is:

(i) transportation from one educational facility to another within the district for resident pupils enrolled on a shared-time basis in educational programs, excluding transportation for nonpublic pupils with disabilities under clause (4);

(ii) transportation within district boundaries between a nonpublic school and a public school or a neutral site for nonpublic school pupils who are provided pupil support services pursuant to section 123B.44; and

(iii) late transportation home from school or between schools within a district for nonpublic school pupils involved in after-school activities.

(c) "Mobile unit" means a vehicle or trailer designed to provide facilities for educational programs and services, including diagnostic testing, guidance and counseling services, and health services. A mobile unit located off nonpublic school premises is a neutral site as defined in section 123B.41, subdivision 13.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 4. Minnesota Statutes 2004, section 169.01, subdivision 6, is amended to read:

Subd. 6. **School bus.** "School bus" means a motor vehicle used to transport pupils to or from a school defined in section 120A.22, or to or from school-related activities, by the school or a school district, or by someone under an agreement with the school or a school district. A school bus does not include a motor vehicle transporting children to or from school for which parents or guardians receive direct compensation from a school district, a motor coach operating under charter carrier authority, a transit bus providing services as defined in section 174.22, subdivision 7, a multifunction school activity bus as defined by federal motor vehicle safety standards, or a vehicle otherwise qualifying as a type III vehicle under paragraph (5), when the vehicle is properly registered and insured and being driven by an employee or agent of a school district for nonscheduled or nonregular transportation. A school bus may be type A, type B, type C, or type D, or type III as follows:

(1) A "type A school bus" is a ~~van conversion or~~ bus constructed utilizing a cutaway front section vehicle with a left-side driver's door. ~~The entrance door is behind the front wheels.~~ This definition includes two classifications: type A-I, with a gross vehicle weight rating (GVWR) ~~less than or equal to 10,000~~ 14,500 pounds or less; and type A-II, with a GVWR greater than ~~10,000~~ 14,500 pounds and less than or equal to 21,500 pounds.

(2) A "type B school bus" is constructed utilizing a stripped chassis. The entrance door is behind the front wheels. This definition includes two classifications: type B-I, with a GVWR less than or equal to 10,000 pounds; and type B-II, with a GVWR greater than 10,000 pounds.

(3) A "type C school bus" is constructed utilizing a chassis with a hood and front fender assembly. The entrance door is behind the front wheels. A "type C school bus" also includes a cutaway truck chassis or truck chassis with cab with or without a left side door and with a GVWR greater than 21,500 pounds.

(4) A "type D school bus" is constructed utilizing a stripped chassis. The entrance door is ahead of the front wheels.

(5) Type III school buses and type III Head Start buses are restricted to passenger cars, station wagons, vans, and buses having a maximum manufacturer's rated seating capacity of ten or fewer people, including the driver, and a gross vehicle weight rating of 10,000 pounds or less. In this subdivision, "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle. A "type III school bus" and "type III Head Start bus" must not be outwardly equipped and identified as a type A, B, C, or D school bus or type A, B, C, or D Head Start bus. A van or bus converted to a seating capacity of ten or fewer and placed in service on or after August 1, 1999, must have been originally manufactured to comply with the passenger safety standards.

EFFECTIVE DATE. This section is effective January 1, 2007.

Sec. 5. Minnesota Statutes 2004, section 169.447, subdivision 2, is amended to read:

Subd. 2. **Driver seat belt.** ~~New~~ School buses and Head Start buses manufactured after December 31, 1994, must be equipped with driver seat belts and seat belt assemblies of the type described in section 169.685, subdivision 3. School bus drivers and Head Start bus drivers must use these seat belts.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 6. Minnesota Statutes 2004, section 169.4501, subdivision 1, is amended to read:

Subdivision 1. **National standards adopted.** Except as provided in sections 169.4502 and 169.4503, the construction, design, equipment, and color of types A, B, C, and D school buses used for the transportation of school children shall meet the requirements of the "bus chassis standards" and "bus body standards" in the ~~2000~~ 2005

edition of the "National School Transportation Specifications and Procedures" adopted by the National ~~Conference~~ Congress on School Transportation. Except as provided in section 169.4504, the construction, design, and equipment of types A, B, C, and D school buses used for the transportation of students with disabilities also shall meet the requirements of the "specially equipped school bus standards" in the ~~2000~~ 2005 National School Transportation Specifications and Procedures. The "bus chassis standards," "bus body standards," and "specially equipped school bus standards" sections of the ~~2000~~ 2005 edition of the "National School Transportation Specifications and Procedures" are incorporated by reference in this chapter.

EFFECTIVE DATE. This section is effective January 1, 2007.

Sec. 7. Minnesota Statutes 2004, section 169.4501, subdivision 2, is amended to read:

Subd. 2. **Applicability.** (a) The standards adopted in this section and sections 169.4502 and 169.4503, govern the construction, design, equipment, and color of school buses used for the transportation of school children, when owned or leased and operated by a school or privately owned or leased and operated under a contract with a school. Each school, its officers and employees, and each person employed under the contract is subject to these standards.

(b) The standards apply to school buses manufactured after ~~October 31, 2004~~ December 31, 2006. Buses complying with the standards when manufactured need not comply with standards established later except as specifically provided for by law.

(c) A school bus manufactured on or before ~~October 31, 2004~~ December 31, 2006, must conform to the Minnesota standards in effect on the date the vehicle was manufactured except as specifically provided for in law.

(d) A new bus body may be remounted on a used chassis provided that the remounted vehicle meets state and federal standards for new buses which are current at the time of the remounting. Permission must be obtained from the commissioner of public safety before the remounting is done. A used bus body may not be remounted on a new or used chassis.

EFFECTIVE DATE. This section is effective January 1, 2007.

Sec. 8. Minnesota Statutes 2004, section 169.4502, subdivision 5, is amended to read:

Subd. 5. **Electrical system; battery.** (a) The storage battery, as established by the manufacturer's rating, must be of sufficient capacity to care for starting, lighting, signal devices, heating, and other electrical equipment. In a bus with a gas-powered chassis, the battery or batteries must provide a minimum of 800 cold cranking amperes. In a bus with a diesel-powered chassis, the battery or batteries must provide a minimum of 1050 cold cranking amperes.

(b) In a type B bus with a gross vehicle weight rating of 15,000 pounds or more, and type C and D buses, the battery shall be temporarily mounted on the chassis frame. The final location of the battery and the appropriate cable lengths in these buses must comply with the SBMI design objectives booklet.

(c) All batteries shall be mounted according to chassis manufacturers' recommendations.

(d) In a type C bus, other than are powered by diesel fuel, a battery providing at least 550 cold cranking amperes may be installed in the engine compartment only if used in combination with a generator or alternator of at least ~~120~~ 130 amperes.

(e) A bus with a gross vehicle weight rating of 15,000 pounds or less may be equipped with a battery to provide a minimum of 550 cold cranking amperes only if used in combination with an alternator of at least ~~80~~ 130 amperes. This paragraph does not apply to those buses with wheelchair lifts or diesel engines.

EFFECTIVE DATE. This section is effective January 1, 2007.

Sec. 9. Minnesota Statutes 2004, section 169.4503, subdivision 20, is amended to read:

Subd. 20. **Seat and crash barriers.** (a) All restraining barriers and passenger seats shall be covered with a material that has fire retardant or fire block characteristics.

(b) All seats must have a minimum cushion depth of 15 inches and a seat back height of at least 20 inches above the seating reference point.

EFFECTIVE DATE. This section is effective January 1, 2007.

Sec. 10. Minnesota Statutes 2004, section 171.321, subdivision 4, is amended to read:

Subd. 4. **Training.** (a) No person shall drive a class A, B, C, or D school bus when transporting school children to or from school or upon a school-related trip or activity without having demonstrated sufficient skills and knowledge to transport students in a safe and legal manner.

(b) A bus driver must have training or experience that allows the driver to meet at least the following competencies:

- (1) safely operate the type of school bus the driver will be driving;
- (2) understand student behavior, including issues relating to students with disabilities;
- (3) encourage orderly conduct of students on the bus and handle incidents of misconduct appropriately;
- (4) know and understand relevant laws, rules of the road, and local school bus safety policies;
- (5) handle emergency situations; and
- (6) safely load and unload students.

(c) The commissioner of public safety shall develop a comprehensive model school bus driver training program and model assessments for school bus driver training competencies, which are not subject to chapter 14. A school district, nonpublic school, or private contractor may use alternative assessments for bus driver training competencies with the approval of the commissioner of public safety. After completion of bus driver training competencies, a driver may receive at least eight hours of school bus in-service training any year, as an alternative to being assessed for bus driver competencies. The employer shall keep the assessment or a record of the in-service training for the current period available for inspection by representatives of the commissioner.

EFFECTIVE DATE. This section is effective July 1, 2006.

Sec. 11. **REPEALER.**

Minnesota Statutes 2004, sections 169.4502, subdivision 15; and 169.4503, subdivisions 17, 18, and 26, are repealed.

EFFECTIVE DATE. This section is effective January 1, 2007.

ARTICLE 7

EARLY CHILDHOOD EDUCATION

Section 1. Laws 2005, First Special Session chapter 5, article 7, section 20, subdivision 5, is amended to read:

Subd. 5. **Head Start program.** For Head Start programs under Minnesota Statutes, section 119A.52:

\$19,100,000	.....	2006
\$19,100,000	.....	2007

Any balance in the first year does not cancel but is available in the second year.

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

ARTICLE 8

PREVENTION AND COMMUNITY EDUCATION PROGRAMS

Section 1. **APPROPRIATIONS.**

Subdivision 1. **Department of Education.** The sums indicated in this section are appropriated from the general fund to the Department of Education for the fiscal years designated.

Subd. 2. **Quantum opportunities.** For a grant to Summit Academy OIC for the quantum opportunities program:

\$150,000	2007
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By December 15, 2007, the department must report to the education committees of the legislature on how the quantum opportunities program bridges the achievement gap. The report must include disaggregated data test scores, dropout rates, graduation rates, and postsecondary enrollment rates. This is a onetime appropriation.

Subd. 3. **Hard hats program.** For a grant to the Summit Academy OIC for the 100 hard hats program:

\$200,000	2007
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This is a onetime appropriation.

ARTICLE 9

SELF-SUFFICIENCY AND LIFELONG LEARNING

Section 1. Minnesota Statutes 2004, section 124D.518, subdivision 4, is amended to read:

Subd. 4. **First prior program year.** "First prior program year" means the ~~period from May 1 of the second prior fiscal year through April 30 of the first prior fiscal year~~ specific time period defined by the commissioner that aligns to a program academic year.

Sec. 2. Minnesota Statutes 2004, section 124D.52, subdivision 1, is amended to read:

Subdivision 1. **Program requirements.** (a) An adult basic education program is a day or evening program offered by a district that is for people over 16 years of age who do not attend an elementary or secondary school. The program offers academic instruction necessary to earn a high school diploma or equivalency certificate.

(b) Notwithstanding any law to the contrary, a school board or the governing body of a consortium offering an adult basic education program may adopt a sliding fee schedule based on a family's income, but must waive the fee for participants who are under the age of 21 or unable to pay. The fees charged must be designed to enable individuals of all socioeconomic levels to participate in the program. A program may charge a security deposit to assure return of materials, supplies, and equipment.

(c) Each approved adult basic education program must develop a memorandum of understanding with the local workforce development centers located in the approved program's service delivery area. The memorandum of understanding must describe how the adult basic education program and the workforce development centers will cooperate and coordinate services to provide unduplicated, efficient, and effective services to clients.

(d) Adult basic education aid must be spent for adult basic education purposes as specified in sections 124D.518 to 124D.531.

(e) A state-approved adult basic education program must count and submit student contact hours for a program that offers high school credit toward an adult high school diploma according to student eligibility requirements and competency demonstration requirements established by the commissioner.

Sec. 3. **GRANTS FOR INTENSIVE ENGLISH INSTRUCTION FOR ADULT REFUGEES.**

The commissioner of education shall establish a reimbursement grant program to fund intensive English as a Second Language (ESL) programs for adult refugees. Intensive ESL programming must provide intensive instruction for adult refugees who are making inadequate literacy progress as measured by a standard assessment test. The intensive instruction must be focused on participants gaining sufficient literacy to achieve self-sufficiency through employment. Organizations eligible for grants under this section include adult basic education programs, school districts, postsecondary institutions, and nonprofit or community-based organizations or other private organizations with experience in providing English language instruction to non-English speaking immigrants and refugees. Grant applications must be in the form and manner determined by the commissioner. At a minimum, the application must document experience in literacy programs serving immigrants and refugees, describe fiscal accounting systems and reporting capacity, ensure that administrative expenses are limited to five percent of grant funds, and provide a description of the proposed instructional services and training plans. Funds must be paid to programs on a reimbursement basis after grant recipients demonstrate to the commissioner's satisfaction that program participants have gained sufficient literacy to achieve self sufficiency through employment.

Sec. 4. **APPROPRIATIONS.**

Subdivision 1. **Department of Education.** The sums indicated in this section are appropriated from the general fund to the Department of Education for the fiscal years designated.

Subd. 2. **Intensive English instruction for refugees.** For a grant program for intensive English instruction for adult refugees under section 3:

\$750,000	2007
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The base for this program in fiscal year 2008 is \$750,000 and in fiscal year 2009 and later is \$0.

ARTICLE 10
STATE AGENCIES

Section 1. Minnesota Statutes 2004, section 122A.09, subdivision 4, is amended to read:

Subd. 4. **License and rules.** (a) The board must adopt rules to license public school teachers and interns subject to chapter 14.

(b) The board must adopt rules requiring a person to successfully complete a skills examination in reading, writing, and mathematics as a requirement for initial teacher licensure. Such rules must require college and universities offering a board-approved teacher preparation program to provide remedial assistance to persons who did not achieve a qualifying score on the skills examination, including those for whom English is a second language.

(c) The board must adopt rules to approve teacher preparation programs. The board, upon the request of a postsecondary student preparing for teacher licensure or a licensed graduate of a teacher preparation program, shall assist in resolving a dispute between the person and a postsecondary institution providing a teacher preparation program when the dispute involves an institution's recommendation for licensure affecting the person or the person's credentials. At the board's discretion, assistance may include the application of chapter 14.

(d) The board must provide the leadership and shall adopt rules for the redesign of teacher education programs to implement a research based, results-oriented curriculum that focuses on the skills teachers need in order to be effective. The board shall implement new systems of teacher preparation program evaluation to assure program effectiveness based on proficiency of graduates in demonstrating attainment of program outcomes.

(e) The board must adopt rules requiring successful completion of an examination of general pedagogical knowledge and examinations of licensure-specific teaching skills. The rules shall be effective on the dates determined by the board but not later than September 1, 2001.

(f) The board must adopt rules requiring teacher educators to work directly with elementary or secondary school teachers in elementary or secondary schools to obtain periodic exposure to the elementary or secondary teaching environment.

(g) The board must grant licenses to interns and to candidates for initial licenses.

(h) The board must design and implement an assessment system which requires a candidate for an initial license and first continuing license to demonstrate the abilities necessary to perform selected, representative teaching tasks at appropriate levels.

(i) The board must receive recommendations from local committees as established by the board for the renewal of teaching licenses.

(j) The board must grant life licenses to those who qualify according to requirements established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and 214.10. The board must not establish any expiration date for application for life licenses.

(k) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further preparation in the areas of using positive behavior interventions and in accommodating, modifying, and adapting curricula, materials, and strategies to appropriately meet the needs of individual students and ensure adequate progress toward the state's graduation rule.

(l) In adopting rules to license public school teachers who provide health-related services for disabled children, the board shall adopt rules consistent with license or registration requirements of the commissioner of health and the health-related boards who license personnel who perform similar services outside of the school.

(m) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further reading preparation, consistent with section 122A.06, subdivision 4. The rules do not take effect until they are approved by law. Teachers who do not provide direct instruction including, at least, counselors, school psychologists, school nurses, school social workers, audiovisual directors and coordinators, and recreation personnel are exempt from this section.

(n) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further preparation in understanding the key warning signs of early-onset mental illness in children and adolescents.

(o) An otherwise qualified teacher (1) who holds a Minnesota professional classroom teaching license, including a secondary career and technical teaching license, (2) is recommended by the superintendent of the district in which the teacher is employed to pursue licensure in an additional subject area, and (3) receives a qualifying score on the appropriate Praxis II subject area exam must be licensed by the board to teach in that additional subject area. A license to teach in an additional subject area is valid only for the grade levels for which the teacher was licensed to teach before taking a Praxis II exam under this paragraph unless the superintendent recommends to the board that the additional subject area license allows the teacher to teach other grade levels. A professional classroom teaching license is a nonvocational license to teach elementary or secondary school subjects or kindergarten through grade 12 subjects, or a secondary vocational license based on degree requirements in home economics education, industrial education, agriculture education, business education, or marketing education and excludes special education, English language learning, and any other license not specifically listed in this paragraph. The teacher who seeks to be licensed in an additional subject area under this paragraph must pay the actual costs of taking the Praxis II exam.

(p) The board must: (1) adopt rules to license qualified candidates to teach chemistry, physics, biology, and earth and space science; and (2) license a science teacher to teach in a new science content area or level if the teacher holds a continuing license to teach science and receives a qualifying score on an appropriate Praxis II test in a science subject other than the teacher's currently licensed science field or level. A qualifying score is the same test score used for initial licenses to teach science. A science teacher who seeks licensure in a different science content area or level under this paragraph is responsible for the actual costs of the required testing.

EFFECTIVE DATE. This section is effective for the 2006-2007 school year and later.

Sec. 2. Minnesota Statutes 2004, section 122A.18, is amended by adding a subdivision to read:

Subd. 2c. **Teacher preparation program data; report.** The Board of Teaching and the Department of Education, in cooperation with colleges and universities that offer board-approved undergraduate teacher preparation programs and the Office of Higher Education under section 136A.01, annually must collect valid, reliable, and timely data about the state's teacher preparation programs. Each year, by June 1, the Board of Teaching, the Department of Education, and the Office of Higher Education must publish summary data in an understandable, useful, and readily accessible electronic format that is available on a Web site jointly hosted by the department and the board. The summary report at least must include:

(1) the admissions requirements for each board-approved program;

(2) a list of performance-based assessments for students enrolled in the program;

(3) a list of faculty qualifications contained in program approval documents;

(4) the number of graduates by program who were hired to teach in Minnesota the year after completing licensure requirements;

(5) the number of required content area and other credits by licensing area needed to graduate; and

(6) the pass rates on skills and subject matter exams of program graduates who receive an initial license.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to reports published beginning June 1, 2007.

Sec. 3. [122A.245] INTERDISCIPLINARY TEACHING AND LEARNING PROGRAM MODEL; TEACHER LICENSURE.

Subdivision 1. Interdisciplinary teaching and learning program model. A board of a school district or charter school may use an interdisciplinary teaching and learning program model at a middle or secondary school to provide students the opportunity to meet the rigorous academic standards under section 120B.02. An interdisciplinary program is a school or program within a school which is designed to meet rigorous academic standards in a non-course-based environment or with content taught with a multidisciplinary approach. An interdisciplinary program provides:

(1) students the opportunity to design multidisciplinary projects around personal interests or persistent societal issues, or both, and gain real world knowledge and skills through individualized demonstrated performance; and

(2) teachers as guides and facilitators of learning to create a learning environment that promotes the world as the classroom rather than teachers as purveyors of knowledge.

Subd. 2. Teacher licensure. (a) A person holding a position as an interdisciplinary teacher in a middle or secondary school must be licensed under this section. An applicant for an interdisciplinary license must:

(1) have at least two years of successful classroom teaching experience at a middle or secondary grade level while holding a current teaching license for the position or positions in which the experience was gained; or

(2) have at least two years of successful classroom teaching experience in a middle or secondary level approved interdisciplinary program as an intern supervised by one or more teachers teaching in that interdisciplinary program while holding a current license to teach one or more content areas.

(b) An applicant for licensure as an interdisciplinary teacher must complete a postsecondary teacher preparation program approved by the Board of Teaching. Through the approved teacher preparation program, an applicant must acquire the knowledge and skills provided for in Minnesota Rules, part 8710.2000, and demonstrate successful application of the knowledge and skills in simulated interdisciplinary settings or in current district or charter school interdisciplinary programs.

(c) For purposes of this subdivision, "classroom teaching license" means a license to teach middle or secondary school content areas. It does not include limited licenses, provisional licenses, intern licenses, or other temporary licenses.

Subd. 3. Institutional requirement. (a) An institution applying to the Board of Teaching for approval of a postsecondary teacher preparation program leading to licensure as an interdisciplinary teacher must comply with Minnesota Rules, part 8700.7600. An institution applying for program approval must include a description of how an applicant for licensure as an interdisciplinary teacher may have experience and preparation in the content areas included in the license evaluated by the institution. The evaluation team must include representation from the

teacher preparation program and practicing interdisciplinary program directors, teachers, or both. The evaluation must result in a plan for the applicant to complete the knowledge, skills, and abilities listed in Minnesota Rules, part 8710.2000. The evaluation may include a reduction of the required teacher preparation program credits necessary for an applicant to be recommended for licensure.

(b) An approved postsecondary teacher preparation program must include an exit evaluation that requires an applicant for licensure to demonstrate aptitude with the knowledge, understanding, and abilities described under this section. The exit evaluation must focus on skill components not previously demonstrated during completion of the field-based experience. The exit evaluation must allow the applicant to demonstrate aptitude with the knowledge areas within a reasonable period of time.

Subd. 4. **Rulemaking authority.** The Board of Teaching must adopt rules providing for licensure as an interdisciplinary teacher.

Sec. 4. [122A.246] TEACHER TRAINING PROGRAM FOR QUALIFIED PROFESSIONALS.

Subdivision 1. **Scope and requirements.** (a) As an alternative to postsecondary teacher preparation programs, a teacher training program is established for qualified professionals to acquire an entrance license. Program providers, approved by the Board of Teaching under subdivision 3, may offer the program in the instructional fields of science, mathematics, world languages, English as a second language, and special education.

(b) To participate in the teacher training program, the teacher applicant must:

- (1) have, at a minimum, a bachelor's degree from an accredited four-year postsecondary institution;
- (2) have an undergraduate major or postbaccalaureate degree in the subject to be taught or in an equivalent or related subject area in which the applicant is seeking licensure;
- (3) pass a skills examination in reading, writing, and mathematics required under section 122A.18;
- (4) pass the Praxis II subject assessment for each subject area to be taught;
- (5) have a cumulative grade point average of 2.75 or higher on a 4.0 scale for a bachelor's degree;
- (6) show employment related to the subject to be taught; and
- (7) show a district offer for employment as a teacher contingent on participating in an approved program described in subdivision 2.

Subd. 2. **Program.** A teacher training program under this section is one year in duration and must include:

- (1) a nine-credit summer or preinduction preparation program that includes classroom management techniques and on-site classroom observation that are completed before the candidate is employed in the classroom;
- (2) 200 clock hours of instruction in standards of effective practice and essential skills that include curriculum, instructional strategies, and classroom management presented after school or on Saturdays throughout the year leading to a teaching license and up to 15 graduate credits toward a master's degree in education;
- (3) on-the-job mentoring, supervision, and evaluation arranged by the employing district that includes mentoring provided by both an experienced teacher licensed in the subject taught by the applicant and a supervisor affiliated with the postsecondary institution that provides training to the teacher applicant, and three evaluations by an

evaluation team composed of the mentor, the supervisor, the principal, and a training program member that include at least three classroom observations where the third evaluation contains the team's recommendation for licensure and where a written report of each evaluation is prepared; and

(4) a one-week intensive workshop that includes analysis and reflection of the first year of teaching after completing the school year, which may be counted as part of the 200 clock hours required in clause (2).

Subd. 3. **Program approval.** An interested Minnesota public or private postsecondary institution must submit program proposals to the Board of Teaching for approval.

Notwithstanding any law to the contrary, the Board of Teaching must develop criteria for approving teacher training programs under this section after considering the recommendations of an advisory group appointed by the Board of Teaching composed of, at a minimum, the commissioner of education or designee, and representatives of school superintendents, principals, teachers, and postsecondary institutions, including those offering degrees in teaching preparation.

Subd. 4. **Eligibility license.** Notwithstanding any law to the contrary, the Board of Teaching must issue to an applicant who successfully meets the criteria under subdivision 1, paragraph (b), a one-year eligibility license to teach at the employing district under subdivision 1, paragraph (b), clause (7). During the one-year eligibility period, the employing district must assign a mentor under subdivision 2, clause (3). The applicant teacher and teacher mentor must meet at least weekly throughout the school year on classroom and instructional issues.

The hiring district may deduct from the participant's salary the cost of providing the mentor for the participant during the training year.

Subd. 5. **Standard entrance license.** Notwithstanding any law to the contrary, the Board of Teaching must issue a standard entrance license to a training program licensee who successfully completes the program under subdivision 2, successfully teaches in a classroom for one complete school year, successfully passes the Praxis II principles of learning and teaching, and receives a positive recommendation from the applicant's evaluation team.

Subd. 6. **Qualified teacher.** A person with a valid eligibility license under subdivision 5 is a qualified teacher under section 122A.16.

Sec. 5. [122A.416] ALTERNATIVE TEACHER COMPENSATION REVENUE FOR PERPICH CENTER FOR ARTS EDUCATION AND MULTIDISTRICT INTEGRATION COLLABORATIVES.

Notwithstanding sections 122A.413, 122A.414, 122A.415, and 126C.10, multidistrict integration collaboratives and the Perpich Center for Arts Education are eligible to receive alternative teacher compensation revenue as if they were intermediate school districts. To qualify for alternative teacher compensation revenue, a multidistrict integration collaborative or the Perpich Center for Arts Education must meet all of the requirements of sections 122A.413, 122A.414, and 122A.415 that apply to intermediate school districts, must report its enrollment as of October 1 of each year to the department, and must annually report its expenditures for the alternative teacher professional pay system consistent with the uniform financial accounting and reporting standards to the department by November 30 of each year.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2007.

Sec. 6. Minnesota Statutes 2004, section 123B.77, is amended by adding a subdivision to read:

Subd. 1a. School district consolidated financial statement. The commissioner shall develop, implement, and maintain a school district consolidated financial statement format that converts uniform financial accounting and reporting standards data under subdivision 1 into a more understandable format.

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

Sec. 7. Minnesota Statutes 2004, section 123B.77, subdivision 3, is amended to read:

Subd. 3. Statement for comparison and correction. (a) By November 30 of the calendar year of the submission of the unaudited financial data, the district must provide to the commissioner audited financial data for the preceding fiscal year. The audit must be conducted in compliance with generally accepted governmental auditing standards, the federal Single Audit Act, and the Minnesota legal compliance guide issued by the Office of the State Auditor. An audited financial statement prepared in a form which will allow comparison with and correction of material differences in the unaudited financial data shall be submitted to the commissioner and the state auditor by December 31. The audited financial statement must also provide a statement of assurance pertaining to uniform financial accounting and reporting standards compliance and a copy of the management letter submitted to the district by the school district's auditor.

(b) By December 15 of the calendar year of the submission of the unaudited financial data, the commissioner shall convert the audited financial data required by this subdivision into the consolidated financial statement format required under subdivision 1a and publish the information on the department's Web site.

EFFECTIVE DATE. This section is effective for financial statements prepared in 2006.

Sec. 8. Laws 2005, First Special Session chapter 5, article 10, section 5, subdivision 2, is amended to read:

Subd. 2. DEPARTMENT. (a) For the Department of Education:

\$ 21,997,000 <u>22,744,000</u>	.....	2006
\$ 22,847,000 <u>23,451,000</u>	.....	2007

Any balance in the first year does not cancel but is available in the second year.

(b) \$260,000 each year is for the Minnesota Children's Museum.

(c) \$41,000 each year is for the Minnesota Academy of Science.

(d) \$605,000 each year is for the Board of Teaching.

(e) \$160,000 each year is for the Board of School Administrators.

(f) \$300,000 in fiscal year 2006 and \$1,150,000 in fiscal year 2007 are for the value-added index assessment model.

(g) The expenditures of federal grants and aids as shown in the biennial budget document and its supplements are approved and appropriated and shall be spent as indicated.

(h) \$14,000 in fiscal year 2007 is for expenses of the Advisory Task Force on Options for Accelerated K-12 Technology, Science, and Mathematics Programs throughout Minnesota under article 2, section 34.

(i) \$25,000 in fiscal year 2007 is for the computer programming cost of the consolidated financial statement in section 6.

(j) \$50,000 in fiscal year 2007 is for the study of the geographic labor cost differences among school districts in section 9.

(k) \$205,000 in fiscal year 2007 is for the Board of Teaching to adopt rules providing for an interdisciplinary teaching license under Minnesota Statutes, section 122A.245.

(l) \$300,000 in fiscal year 2007 is for the alternative teacher training program for qualified professionals under Minnesota Statutes, section 122A.246.

(m) \$10,000 in fiscal year 2007 is for administration of single purpose charter school sponsors.

(n) The base budget for the Department of Education for fiscal year 2008 and later is \$23,162,000 per year.

(o) \$25,000 in fiscal year 2007 is for the study of the uniformity of Minnesota's system of public schools under section 10.

Sec. 9. GEOGRAPHIC LABOR COST DIFFERENCES AMONG SCHOOL DISTRICTS.

Subdivision 1. **Study.** The Department of Education must examine the impact of labor cost differentials that exist in different regions of the state and develop recommendations for adjusting the general education program to account for the differences. The department analysis must include an examination of how other states address labor cost differentials and recommend methods for grouping school districts in regions for purposes of recognizing labor cost adjustments.

Subd. 2. **Report required.** The Department of Education must report its findings to the legislative committees having jurisdiction over kindergarten through grade 12 education by January 15, 2007.

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

Sec. 10. UNIFORM SYSTEM OF PUBLIC SCHOOLS.

Subdivision 1. **Study.** The stability of a republican form of government depending mainly upon the intelligence of the people, the Department of Education must examine the educational programs provided to students to determine if a uniform system of public schools exists and make recommendations that would secure a thorough and efficient system of public schools throughout the state. The department analysis must include an examination of the opportunities for classes provided as well as the opportunity to be taught by well prepared and qualified instructors throughout the state.

Subd. 2. **Report required.** The Department of Education must report its findings to the legislative committees having jurisdiction over birth through grade 12 education by January 15, 2007.

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

Sec. 11. **REPEALER.**

Minnesota Statutes 2004, section 122A.24, is repealed.

EFFECTIVE DATE. This section is effective for the 2006-2007 school year and later.

ARTICLE 11

FORECAST ADJUSTMENTS

Section 1. Laws 2005, First Special Session chapter 5, article 1, section 54, subdivision 3, is amended to read:

Subd. 3. **Referendum tax base replacement aid.** For referendum tax base replacement aid under Minnesota Statutes, section 126C.17, subdivision 7a:

\$8,704,000 <u>9,200,000</u>	.....	2006
\$8,704,000	.....	2007

The 2006 appropriation includes \$1,366,000 for 2005 and ~~\$7,338,000~~ \$7,834,000 for 2006.

The 2007 appropriation includes ~~\$1,366,000~~ \$870,000 for 2006 and ~~\$7,338,000~~ \$7,834,000 for 2007.

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

Sec. 2. Laws 2005, First Special Session chapter 5, article 1, section 54, subdivision 5, is amended to read:

Subd. 5. **Abatement revenue.** For abatement aid under Minnesota Statutes, section 127A.49:

\$903,000 <u>909,000</u>	.....	2006
\$955,000 <u>1,026,000</u>	.....	2007

The 2006 appropriation includes \$187,000 for 2005 and ~~\$716,000~~ \$722,000 for 2006.

The 2007 appropriation includes ~~\$133,000~~ \$80,000 for 2006 and ~~\$822,000~~ \$946,000 for 2007.

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

Sec. 3. Laws 2005, First Special Session chapter 5, article 1, section 54, subdivision 6, is amended to read:

Subd. 6. **Consolidation transition.** For districts consolidating under Minnesota Statutes, section 123A.485:

\$253,000 <u>527,000</u>	2007
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The 2007 appropriation includes \$0 for 2006 and ~~\$253,000~~ \$527,000 for 2007.

Sec. 4. Laws 2005, First Special Session chapter 5, article 1, section 54, subdivision 7, is amended to read:

Subd. 7. **Nonpublic pupil education aid.** For nonpublic pupil education aid under Minnesota Statutes, sections 123B.87 and 123B.40 to 123B.43:

\$15,370,000 <u>15,458,000</u>	2006
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\$16,434,000 <u>15,991,000</u>	2007
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The 2006 appropriation includes ~~\$2,305,000~~ \$1,864,000 for 2005 and ~~\$13,065,000~~ \$13,594,000 for 2006.

The 2007 appropriation includes ~~\$2,433,000~~ \$1,510,000 for 2006 and ~~\$14,001,000~~ \$14,481,000 for 2007.

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

Sec. 5. Laws 2005, First Special Session chapter 5, article 1, section 54, subdivision 8, is amended to read:

Subd. 8. **Nonpublic pupil transportation.** For nonpublic pupil transportation aid under Minnesota Statutes, section 123B.92, subdivision 9:

\$21,451,000 <u>21,371,000</u>	2006
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\$23,043,000 <u>20,843,000</u>	2007
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The 2006 appropriation includes \$3,274,000 for 2005 and ~~\$18,177,000~~ \$18,097,000 for 2006.

The 2007 appropriation includes ~~\$3,385,000~~ \$2,010,000 for 2006 and ~~\$19,658,000~~ \$18,833,000 for 2007.

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

Sec. 6. Laws 2005, First Special Session chapter 5, article 2, section 84, subdivision 2, is amended to read:

Subd. 2. **Charter school building lease aid.** For building lease aid under Minnesota Statutes, section 124D.11, subdivision 4:

\$25,465,000 <u>25,331,000</u>	2006
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\$30,929,000 <u>27,806,000</u>	2007
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The 2006 appropriation includes ~~\$3,324,000~~ \$3,173,000 for 2005 and ~~\$22,141,000~~ \$22,158,000 for 2006.

The 2007 appropriation includes ~~\$4,123,000~~ \$2,462,000 for 2006 and ~~\$26,806,000~~ \$25,344,000 for 2007.

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

Sec. 7. Laws 2005, First Special Session chapter 5, article 2, section 84, subdivision 4, is amended to read:

Subd. 4. **Integration aid.** For integration aid under Minnesota Statutes, section 124D.86, subdivision 5:

\$57,801,000 <u>59,404,000</u>	2006
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\$57,536,000 <u>58,405,000</u>	2007
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The 2006 appropriation includes \$8,545,000 for 2005 and ~~\$49,256,000~~ \$50,859,000 for 2006.

The 2007 appropriation includes ~~\$9,173,000~~ \$5,650,000 for 2006 and ~~\$48,363,000~~ \$52,755,000 for 2007.

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

Sec. 8. Laws 2005, First Special Session chapter 5, article 2, section 84, subdivision 6, is amended to read:

Subd. 6. **Interdistrict desegregation or integration transportation grants.** For interdistrict desegregation or integration transportation grants under Minnesota Statutes, section 124D.87:

\$7,768,000	<u>6,032,000</u>	2006
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\$9,908,000	<u>10,134,000</u>	2007
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EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 9. Laws 2005, First Special Session chapter 5, article 2, section 84, subdivision 7, is amended to read:

Subd. 7. **Success for the future.** For American Indian success for the future grants under Minnesota Statutes, section 124D.81:

\$2,137,000	<u>2,240,000</u>	2006
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\$2,137,000		2007
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The 2006 appropriation includes ~~\$335,000~~ \$316,000 for 2005 and ~~\$1,802,000~~ \$1,924,000 for 2006.

The 2007 appropriation includes ~~\$335,000~~ \$213,000 for 2006 and ~~\$1,802,000~~ \$1,924,000 for 2007.

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

Sec. 10. Laws 2005, First Special Session chapter 5, article 2, section 84, subdivision 10, is amended to read:

Subd. 10. **Tribal contract schools.** For tribal contract school aid under Minnesota Statutes, section 124D.83:

\$2,389,000	<u>2,338,000</u>	2006
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\$2,603,000	<u>2,357,000</u>	2007
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The 2006 appropriation includes \$348,000 for 2005 and ~~\$2,041,000~~ \$1,990,000 for 2006.

The 2007 appropriation includes ~~\$380,000~~ \$221,000 for 2006 and ~~\$2,223,000~~ \$2,136,000 for 2007.

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

Sec. 11. Laws 2005, First Special Session chapter 5, article 3, section 18, subdivision 2, is amended to read:

Subd. 2. **Special education; regular.** For special education aid under Minnesota Statutes, section 125A.75:

\$528,846,000	<u>559,485,000</u>	2006
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\$527,446,000	<u>528,106,000</u>	2007
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The 2006 appropriation includes \$83,078,000 for 2005 and ~~\$445,768,000~~ \$476,407,000 for 2006.

The 2007 appropriation includes ~~\$83,019,000~~ \$52,934,000 for 2006 and ~~\$444,427,000~~ \$475,172,000 for 2007.

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

Sec. 12. Laws 2005, First Special Session chapter 5, article 3, section 18, subdivision 3, is amended to read:

Subd. 3. **Aid for children with disabilities.** For aid under Minnesota Statutes, section 125A.75, subdivision 3, for children with disabilities placed in residential facilities within the district boundaries for whom no district of residence can be determined:

\$2,212,000	<u>1,527,000</u>	2006
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\$2,615,000	<u>1,624,000</u>	2007
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If the appropriation for either year is insufficient, the appropriation for the other year is available.

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

Sec. 13. Laws 2005, First Special Session chapter 5, article 3, section 18, subdivision 4, is amended to read:

Subd. 4. **Travel for home-based services.** For aid for teacher travel for home-based services under Minnesota Statutes, section 125A.75, subdivision 1:

\$187,000	<u>198,000</u>	2006
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\$195,000		2007
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The 2006 appropriation includes \$28,000 for 2005 and ~~\$159,000~~ \$170,000 for 2006.

The 2007 appropriation includes ~~\$29,000~~ \$18,000 for 2006 and ~~\$166,000~~ \$177,000 for 2007.

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

Sec. 14. Laws 2005, First Special Session chapter 5, article 3, section 18, subdivision 5, is amended to read:

Subd. 5. **Special education; excess costs.** For excess cost aid under Minnesota Statutes, section 125A.79, subdivision 7:

\$102,083,000	<u>106,453,000</u>	2006
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\$104,286,000	<u>104,333,000</u>	2007
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The 2006 appropriation includes \$37,455,000 for 2005 and ~~\$64,628,000~~ \$68,998,000 for 2006.

The 2007 appropriation includes ~~\$38,972,000~~ \$34,602,000 for 2006 and ~~\$65,314,000~~ \$69,731,000 for 2007.

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

Sec. 15. Laws 2005, First Special Session chapter 5, article 3, section 18, subdivision 6, is amended to read:

Subd. 6. **Transition for disabled students.** For aid for transition programs for children with disabilities under Minnesota Statutes, section 124D.454:

\$8,788,000	<u>9,300,000</u>	2006
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\$8,765,000	<u>8,781,000</u>	2007
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The 2006 appropriation includes \$1,380,000 for 2005 and ~~\$7,408,000~~ \$7,920,000 for 2006.

The 2007 appropriation includes ~~\$1,379,000~~ \$880,000 for 2006 and ~~\$7,386,000~~ \$7,901,000 for 2007.

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

Sec. 16. Laws 2005, First Special Session chapter 5, article 3, section 18, subdivision 7, is amended to read:

Subd. 7. **Court-placed special education revenue.** For reimbursing serving school districts for unreimbursed eligible expenditures attributable to children placed in the serving school district by court action under Minnesota Statutes, section 125A.79, subdivision 4:

\$65,000	<u>46,000</u>	2006
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\$70,000		2007
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EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 17. Laws 2005, First Special Session chapter 5, article 4, section 25, subdivision 2, is amended to read:

Subd. 2. **Health and safety revenue.** For health and safety aid according to Minnesota Statutes, section 123B.57, subdivision 5:

\$802,000	<u>823,000</u>	2006
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\$578,000	<u>352,000</u>	2007
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The 2006 appropriation includes \$211,000 for 2005 and ~~\$591,000~~ \$612,000 for 2006.

The 2007 appropriation includes ~~\$109,000~~ \$68,000 for 2006 and ~~\$469,000~~ \$284,000 for 2007.

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

Sec. 18. Laws 2005, First Special Session chapter 5, article 4, section 25, subdivision 3, is amended to read:

Subd. 3. **Debt service equalization.** For debt service aid according to Minnesota Statutes, section 123B.53, subdivision 6:

\$25,654,000 <u>27,205,000</u>	.....	2006
\$24,134,000 <u>18,411,000</u>	.....	2007

The 2006 appropriation includes \$4,654,000 for 2005 and ~~\$21,000,000~~ \$22,551,000 for 2006.

The 2007 appropriation includes ~~\$3,911,000~~ \$2,505,000 for 2006 and ~~\$20,223,000~~ \$15,906,000 for 2007.

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

Sec. 19. Laws 2005, First Special Session chapter 5, article 4, section 25, subdivision 4, is amended to read:

Subd. 4. **Alternative facilities bonding aid.** For alternative facilities bonding aid, according to Minnesota Statutes, section 123B.59, subdivision 1:

\$19,287,000 <u>20,387,000</u>	.....	2006
\$19,287,000	.....	2007

The 2006 appropriation includes \$3,028,000 for 2005 and ~~\$16,259,000~~ \$17,359,000 for 2006.

The 2007 appropriation includes ~~\$3,028,000~~ \$1,928,000 for 2006 and ~~\$16,259,000~~ \$17,359,000 for 2007.

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

Sec. 20. Laws 2005, First Special Session chapter 5, article 5, section 17, subdivision 2, is amended to read:

Subd. 2. **School lunch.** For school lunch aid according to Minnesota Statutes, section 124D.111, and Code of Federal Regulations, title 7, section 210.17:

\$8,998,000 <u>9,760,000</u>	.....	2006
\$9,076,000 <u>9,896,000</u>	.....	2007

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

Sec. 21. Laws 2005, First Special Session chapter 5, article 5, section 17, subdivision 3, is amended to read:

Subd. 3. **Traditional school breakfast; kindergarten milk.** For traditional school breakfast aid and kindergarten milk under Minnesota Statutes, sections 124D.1158 and 124D.118:

\$4,878,000 <u>4,856,000</u>	.....	2006
\$4,968,000 <u>5,044,000</u>	.....	2007

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

Sec. 22. Laws 2005, First Special Session chapter 5, article 6, section 1, subdivision 2, is amended to read:

Subd. 2. **Basic system support.** For basic system support grants under Minnesota Statutes, section 134.355:

\$8,570,000 <u>9,058,000</u>	.....	2006
\$8,570,000	.....	2007

The 2006 appropriation includes \$1,345,000 for 2005 and ~~\$7,225,000~~ \$7,713,000 for 2006.

The 2007 appropriation includes ~~\$1,345,000~~ \$857,000 for 2006 and ~~\$7,225,000~~ \$7,713,000 for 2007.

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

Sec. 23. Laws 2005, First Special Session chapter 5, article 6, section 1, subdivision 3, is amended to read:

Subd. 3. **Multicounty, multitype library systems.** For grants under Minnesota Statutes, sections 134.353 and 134.354, to multicounty, multitype library systems:

\$903,000 <u>954,000</u>	.....	2006
\$903,000	.....	2007

The 2006 appropriation includes \$141,000 for 2005 and ~~\$762,000~~ \$813,000 for 2006.

The 2007 appropriation includes ~~\$141,000~~ \$90,000 for 2006 and ~~\$762,000~~ \$813,000 for 2007.

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

Sec. 24. Laws 2005, First Special Session chapter 5, article 6, section 1, subdivision 5, is amended to read:

Subd. 5. **Regional library telecommunications aid.** For regional library telecommunications aid under Minnesota Statutes, section 134.355:

\$1,200,000 <u>1,268,000</u>	.....	2006
\$1,200,000	.....	2007

The 2006 appropriation includes \$188,000 for 2005 and ~~\$1,012,000~~ \$1,080,000 for 2006.

The 2007 appropriation includes ~~\$188,000~~ \$120,000 for 2006 and ~~\$1,012,000~~ \$1,080,000 for 2007.

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

Sec. 25. Laws 2005, First Special Session chapter 5, article 7, section 20, subdivision 2, is amended to read:

Subd. 2. **School readiness.** For revenue for school readiness programs under Minnesota Statutes, sections 124D.15 and 124D.16:

\$9,020,000 <u>9,528,000</u>	.....	2006
\$9,042,000 <u>9,020,000</u>	.....	2007

The 2006 appropriation includes ~~\$1,417,000~~ \$1,415,000 for 2005 and ~~\$7,603,000~~ \$8,113,000 for 2006.

The 2007 appropriation includes ~~\$1,415,000~~ \$901,000 for 2006 and ~~\$7,627,000~~ \$8,119,000 for 2007.

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

Sec. 26. Laws 2005, First Special Session chapter 5, article 7, section 20, subdivision 3, is amended to read:

Subd. 3. **Early childhood family education aid.** For early childhood family education aid under Minnesota Statutes, section 124D.135:

\$14,356,000 <u>15,105,000</u>	2006
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\$15,137,000 <u>15,112,000</u>	2007
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The 2006 appropriation includes ~~\$1,861,000~~ \$1,859,000 for 2005 and ~~\$12,495,000~~ \$13,246,000 for 2006.

The 2007 appropriation includes ~~\$2,327,000~~ \$1,471,000 for 2006 and ~~\$12,810,000~~ \$13,641,000 for 2007.

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

Sec. 27. Laws 2005, First Special Session chapter 5, article 7, section 20, subdivision 4, is amended to read:

Subd. 4. **Health and developmental screening aid.** For health and developmental screening aid under Minnesota Statutes, sections 121A.17 and 121A.19:

\$3,076,000 <u>2,911,000</u>	2006
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\$3,511,000 <u>2,943,000</u>	2007
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The 2006 appropriation includes \$417,000 for 2005 and ~~\$2,659,000~~ \$2,494,000 for 2006.

The 2007 appropriation includes ~~\$494,000~~ \$277,000 for 2006 and ~~\$3,017,000~~ \$2,666,000 for 2007.

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

Sec. 28. Laws 2005, First Special Session chapter 5, article 8, section 8, subdivision 2, is amended to read:

Subd. 2. **Community education aid.** For community education aid under Minnesota Statutes, section 124D.20:

\$1,918,000 <u>2,043,000</u>	2006
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\$1,837,000 <u>1,949,000</u>	2007
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The 2006 appropriation includes ~~\$390,000~~ \$385,000 for 2005 and ~~\$1,528,000~~ \$1,658,000 for 2006.

The 2007 appropriation includes ~~\$284,000~~ \$184,000 for 2006 and ~~\$1,553,000~~ \$1,765,000 for 2007.

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

Sec. 29. Laws 2005, First Special Session chapter 5, article 8, section 8, subdivision 3, is amended to read:

Subd. 3. **Adults with disabilities program aid.** For adults with disabilities programs under Minnesota Statutes, section 124D.56:

\$710,000 <u>750,000</u>	.....	2006
\$710,000	.....	2007

The 2006 appropriation includes \$111,000 for 2005 and ~~\$599,000~~ \$639,000 for 2006.

The 2007 appropriation includes ~~\$111,000~~ \$71,000 for 2006 and ~~\$599,000~~ \$639,000 for 2007.

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

Sec. 30. Laws 2005, First Special Session chapter 5, article 8, section 8, subdivision 5, is amended to read:

Subd. 5. **School-age care revenue.** For extended day aid under Minnesota Statutes, section 124D.22:

\$17,000	.....	2006
\$7,000 <u>4,000</u>	.....	2007

The 2006 appropriation includes \$4,000 for 2005 and \$13,000 for 2006.

The 2007 appropriation includes ~~\$2,000~~ \$1,000 for 2006 and ~~\$5,000~~ \$3,000 for 2007.

Sec. 31. Laws 2005, First Special Session chapter 5, article 9, section 4, subdivision 2, is amended to read:

Subd. 2. **Adult basic education aid.** For adult basic education aid under Minnesota Statutes, section 124D.531:

\$36,518,000 <u>38,601,000</u>	.....	2006
\$36,540,000 <u>36,539,000</u>	.....	2007

The 2006 appropriation includes \$5,707,000 for 2005 and ~~\$30,811,000~~ \$32,894,000 for 2006.

The 2007 appropriation includes ~~\$5,737,000~~ \$3,654,000 for 2006 and ~~\$30,803,000~~ \$32,885,000 for 2007.

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

ARTICLE 12

TECHNICAL AND CONFORMING AMENDMENTS

Section 1. Minnesota Statutes 2005 Supplement, section 120B.11, subdivision 2, is amended to read:

Subd. 2. **Adopting policies.** ~~(a)~~ A school board shall have in place an adopted written policy that includes the following:

(1) district goals for instruction including the use of best practices, district and school curriculum, and achievement for all student subgroups;

(2) a process for evaluating each student's progress toward meeting academic standards and identifying the strengths and weaknesses of instruction and curriculum affecting students' progress;

(3) a system for periodically reviewing and evaluating all instruction and curriculum;

(4) a plan for improving instruction, curriculum, and student achievement; and

(5) an education effectiveness plan aligned with section 122A.625 that integrates instruction, curriculum, and technology.

Sec. 2. Minnesota Statutes 2004, section 121A.15, subdivision 10, is amended to read:

Subd. 10. **Requirements for immunization statements.** (a) A statement required to be submitted under subdivisions 1, 2, and 4 to document evidence of immunization shall include month, day, and year for immunizations administered after January 1, 1990.

~~(a) For persons enrolled in grades 7 and 12 during the 1996-1997 school term, the statement must indicate that the person has received a dose of tetanus and diphtheria toxoid no earlier than 11 years of age.~~

~~(b) Except as specified in paragraph (e), for persons enrolled in grades 7, 8, and 12 during the 1997-1998 school term, the statement must indicate that the person has received a dose of tetanus and diphtheria toxoid no earlier than 11 years of age.~~

~~(c) Except as specified in paragraph (e), for persons enrolled in grades 7 through 12 during the 1998-1999 school term and for each year thereafter, the statement must indicate that the person has received a dose of tetanus and diphtheria toxoid no earlier than 11 years of age.~~

~~(d) For persons enrolled in grades 7 through 12 during the 1996-1997 school year and for each year thereafter, the statement must indicate that the person has received at least two doses of vaccine against measles, mumps, and rubella, given alone or separately and given not less than one month apart.~~

~~(e)~~ (b) A person who has received at least three doses of tetanus and diphtheria toxoids, with the most recent dose given after age six and before age 11, is not required to have additional immunization against diphtheria and tetanus until ten years have elapsed from the person's most recent dose of tetanus and diphtheria toxoid.

~~(f)~~ (c) The requirement for hepatitis B vaccination shall apply to persons enrolling in kindergarten beginning with the 2000-2001 school term.

~~(g)~~ (d) The requirement for hepatitis B vaccination shall apply to persons enrolling in grade 7 beginning with the 2001-2002 school term.

Sec. 3. Minnesota Statutes 2005 Supplement, section 123B.04, subdivision 2, is amended to read:

Subd. 2. **Agreement.** (a) Upon the request of 60 percent of the licensed employees of a site or a school site decision-making team, the school board shall enter into discussions to reach an agreement concerning the governance, management, or control of the school. A school site decision-making team may include the school principal, teachers in the school or their designee, other employees in the school, representatives of pupils in the school, or other members in the community. A school site decision-making team must include at least one parent of

a pupil in the school. For purposes of formation of a new site, a school site decision-making team may be a team of teachers that is recognized by the board as a site. The school site decision-making team shall include the school principal or other person having general control and supervision of the school. The site decision-making team must reflect the diversity of the education site. At least one-half of the members shall be employees of the district, unless an employee is the parent of a student enrolled in the school site, in which case the employee may elect to serve as a parent member of the site team.

(b) School site decision-making agreements must delegate powers, duties, and broad management responsibilities to site teams and involve staff members, students as appropriate, and parents in decision making.

(c) An agreement shall include a statement of powers, duties, responsibilities, and authority to be delegated to and within the site.

(d) An agreement may include:

(1) an achievement contract according to subdivision 4;

(2) a mechanism to allow principals, a site leadership team, or other persons having general control and supervision of the school, to make decisions regarding how financial and personnel resources are best allocated at the site and from whom goods or services are purchased;

(3) a mechanism to implement parental involvement programs under section 124D.895 and to provide for effective parental communication and feedback on this involvement at the site level;

(4) a provision that would allow the team to determine who is hired into licensed and nonlicensed positions;

(5) a provision that would allow teachers to choose the principal or other person having general control;

(6) an amount of revenue allocated to the site under subdivision 3; and

(7) any other powers and duties determined appropriate by the board.

The school board of the district remains the legal employer under clauses (4) and (5).

(e) Any powers or duties not delegated to the school site management team in the school site management agreement shall remain with the school board.

(f) Approved agreements shall be filed with the commissioner. If a school board denies a request or the school site and school board fail to reach an agreement to enter into a school site management agreement, the school board shall provide a copy of the request and the reasons for its denial to the commissioner.

(g) A site decision-making grant program is established, consistent with this subdivision, to allow sites to implement an agreement that at least:

(1) notwithstanding subdivision 3, allocates to the site all revenue that is attributable to the students at that site;

(2) includes a provision, consistent with current law and the collective bargaining agreement in effect, that allows the site team to decide who is selected from within the district for licensed and nonlicensed positions at the site and to make staff assignments in the site; and

(3) includes a completed performance agreement under subdivision 4.

The commissioner shall establish the form and manner of the application for a grant and annually, at the end of each fiscal year, report to the house of representatives and senate committees having jurisdiction over education on the progress of the program.

Sec. 4. Minnesota Statutes 2004, section 125A.62, subdivision 1, is amended to read:

Subdivision 1. **Governance.** The board of the Minnesota State Academies shall govern the State ~~Academies~~ Academy for the Deaf and the State Academy for the Blind. The board must promote academic standards based on high expectation and an assessment system to measure academic performance toward the achievement of those standards. The board must focus on the academies' needs as a whole and not prefer one school over the other. The board of the Minnesota State Academies shall consist of nine persons. The members of the board shall be appointed by the governor with the advice and consent of the senate. One member must be from the seven-county metropolitan area, one member must be from greater Minnesota, and one member may be appointed at-large. The board must be composed of:

- (1) one present or former superintendent of an independent school district;
- (2) one present or former special education director;
- (3) the commissioner of education or the commissioner's designee;
- (4) one member of the blind community;
- (5) one member of the deaf community;
- (6) two members of the general public with business, administrative, or financial expertise;
- (7) one nonvoting, unpaid ex officio member appointed by the site council for the State Academy for the Deaf; and
- (8) one nonvoting, unpaid ex officio member appointed by the site council for the State Academy for the Blind.

Sec. 5. Minnesota Statutes 2005 Supplement, section 126C.10, subdivision 24, is amended to read:

Subd. 24. **Equity revenue.** (a) A school district qualifies for equity revenue if:

(1) the school district's adjusted marginal cost pupil unit amount of basic revenue, supplemental revenue, transition revenue, and referendum revenue is less than the value of the school district at or immediately above the 95th percentile of school districts in its equity region for those revenue categories; and

(2) the school district's administrative offices are not located in a city of the first class on July 1, 1999.

(b) Equity revenue for a qualifying district that receives referendum revenue under section 126C.17, subdivision 4, equals the product of (1) the district's adjusted marginal cost pupil units for that year; times (2) the sum of (i) \$13, plus (ii) \$75, times the school district's equity index computed under subdivision 27.

(c) Equity revenue for a qualifying district that does not receive referendum revenue under section 126C.17, subdivision 4, equals the product of the district's adjusted marginal cost pupil units for that year times \$13.

(d) A school district's equity revenue is increased by the greater of zero or an amount equal to the district's resident marginal cost pupil units times the difference between ten percent of the statewide average amount of referendum revenue per resident marginal cost pupil unit for that year and the district's referendum revenue per resident marginal cost pupil unit. A school district's revenue under this paragraph must not exceed \$100,000 for that year.

(e) A school district's equity revenue for a school district located in the metro equity region equals the amount computed in paragraphs (b), (c), and (d) multiplied by 1.25.

(f) For fiscal year 2007 and later, notwithstanding paragraph (a), clause (2), a school district that has per pupil referendum revenue below the 95th percentile qualifies for additional equity revenue equal to \$46 times its adjusted marginal cost pupil unit.

(g) A district that does not qualify for revenue under paragraph (f) qualifies for equity revenue equal to one-half of the per pupil allowance in paragraph (f) times its adjusted marginal cost pupil units.

Sec. 6. Minnesota Statutes 2005 Supplement, section 626.556, subdivision 2, is amended to read:

Subd. 2. **Definitions.** As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs that is applied to a child maltreatment report that does not allege substantial child endangerment. Family assessment does not include a determination as to whether child maltreatment occurred but does determine the need for services to address the safety of family members and the risk of subsequent maltreatment.

(b) "Investigation" means fact gathering related to the current safety of a child and the risk of subsequent maltreatment that determines whether child maltreatment occurred and whether child protective services are needed. An investigation must be used when reports involve substantial child endangerment, and for reports of maltreatment in facilities required to be licensed under chapter 245A or 245B; under sections 144.50 to 144.58 and 241.021; in a school as defined in sections 120A.05, subdivisions 9, 11, and 13, and 124D.10; or in a nonlicensed personal care provider association as defined in sections 256B.04, subdivision 16, and 256B.0625, subdivision 19a.

(c) "Substantial child endangerment" means a person responsible for a child's care, a person who has a significant relationship to the child as defined in section 609.341, or a person in a position of authority as defined in section 609.341, who by act or omission commits or attempts to commit an act against a child under their care that constitutes any of the following:

(1) egregious harm as defined in section 260C.007, subdivision 14;

(2) sexual abuse as defined in paragraph (d);

(3) abandonment under section 260C.301, subdivision 2;

(4) neglect as defined in paragraph (f), clause (2), that substantially endangers the child's physical or mental health, including a growth delay, which may be referred to as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

(5) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

- (6) manslaughter in the first or second degree under section 609.20 or 609.205;
- (7) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;
- (8) solicitation, inducement, and promotion of prostitution under section 609.322;
- (9) criminal sexual conduct under sections 609.342 to 609.3451;
- (10) solicitation of children to engage in sexual conduct under section 609.352;
- (11) malicious punishment or neglect or endangerment of a child under section 609.377 or 609.378;
- (12) use of a minor in sexual performance under section 617.246; or
- (13) parental behavior, status, or condition which mandates that the county attorney file a termination of parental rights petition under section 260C.301, subdivision 3, paragraph (a).

(d) "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, as defined in section 609.341, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes threatened sexual abuse.

(e) "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

(f) "Neglect" means:

- (1) failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so;
- (2) failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
- (3) failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs or safety of another child in their care;
- (4) failure to ensure that the child is educated as defined in sections 120A.22 and 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

(5) nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of medical care may cause serious danger to the child's health. This section does not impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter, education, or medical care, a duty to provide that care;

(6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance;

(7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

(8) chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or

(9) emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

(g) "Physical abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized under section 121A.67 or 245.825. Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by section 121A.582. Actions which are not reasonable and moderate include, but are not limited to, any of the following that are done in anger or without regard to the safety of the child:

(1) throwing, kicking, burning, biting, or cutting a child;

(2) striking a child with a closed fist;

(3) shaking a child under age three;

(4) striking or other actions which result in any nonaccidental injury to a child under 18 months of age;

(5) unreasonable interference with a child's breathing;

(6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

(7) striking a child under age one on the face or head;

(8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child; or other substances that substantially affect the child's behavior, motor coordination, or judgment or that results in sickness or internal injury, or subjects the child to medical procedures that would be unnecessary if the child were not exposed to the substances;

(9) unreasonable physical confinement or restraint not permitted under section 609.379, including but not limited to tying, caging, or chaining; or

(10) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under section 121A.58.

(h) "Report" means any report received by the local welfare agency, police department, county sheriff, or agency responsible for assessing or investigating maltreatment pursuant to this section.

(i) "Facility" means:

(1) a licensed or unlicensed day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245B; ~~or~~

(2) a school as defined in sections 120A.05, subdivisions 9, 11, and 13; and 124D.10; or

(3) a nonlicensed personal care provider organization as defined in sections 256B.04, subdivision 16, and 256B.0625, subdivision 19a.

(j) "Operator" means an operator or agency as defined in section 245A.02.

(k) "Commissioner" means the commissioner of human services.

(l) "Practice of social services," for the purposes of subdivision 3, includes but is not limited to employee assistance counseling and the provision of guardian ad litem and parenting time expeditor services.

(m) "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

(n) "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care, as defined in paragraph (e), clause (1), who has:

(1) subjected a child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law of another jurisdiction;

(2) been found to be palpably unfit under section 260C.301, paragraph (b), clause (4), or a similar law of another jurisdiction;

(3) committed an act that has resulted in an involuntary termination of parental rights under section 260C.301, or a similar law of another jurisdiction; or

(4) committed an act that has resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative under section 260C.201, subdivision 11, paragraph (d), clause (1), or a similar law of another jurisdiction.

(o) Persons who conduct assessments or investigations under this section shall take into account accepted child-rearing practices of the culture in which a child participates and accepted teacher discipline practices, which are not injurious to the child's health, welfare, and safety."

Amend the title as follows:

Page 1, delete lines 2 to 4 and insert:

"relating to education; providing for early childhood, family, and kindergarten through grade 12 education including general education, education excellence, special programs, facilities and technology, school district accounting, pupil transportation, early childhood education, prevention and community education programs, self-sufficiency and lifelong learning, state agencies, forecast adjustments, and technical and conforming amendments; establishing task forces; authorizing rulemaking; appropriating money;"

Correct the title numbers accordingly

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2564, 3093, 3380, 3390, 3805 and 3995 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Sviggum introduced:

H. F. No. 4144, A bill for an act relating to a uniform system of public schools; requiring the Department of Education to examine educational programs throughout Minnesota to determine if a general and uniform system of public schools exists; requiring a report; appropriating money.

The bill was read for the first time and referred to the Committee on Education Policy and Reform.

Simpson introduced:

H. F. No. 4145, A bill for an act relating to taxation; extending the duration of certain job opportunity building zones; amending Minnesota Statutes 2004, section 469.312, subdivision 5.

The bill was read for the first time and referred to the Committee on Taxes.

Paulsen, Seifert and Pelowski introduced:

H. F. No. 4146, A bill for an act relating to elections; presidential electors; providing for designation of certain presidential electors and specifying the duties of presidential electors; amending Minnesota Statutes 2005 Supplement, sections 208.03; 208.08.

The bill was read for the first time and referred to the Committee on Civil Law and Elections.

Peterson, N.; Lenczewski; Meslow; Hortman; Lanning; Kahn; Cox; Johnson, S.; Erhardt; Hornstein; Beard; Ruud; Hausman; Huntley; Tingelstad; Dorman and Latz introduced:

H. F. No. 4147, A bill for an act relating to taxation; increasing the cigarette and tobacco products taxes; repealing the health impact fund and fee; transferring money; amending Minnesota Statutes 2004, section 297F.05, subdivisions 1, 3; Minnesota Statutes 2005 Supplement, section 325D.32, subdivision 9; Laws 2005, First Special Session chapter 4, article 4, section 5; repealing Minnesota Statutes 2005 Supplement, sections 16A.725; 256.9658.

The bill was read for the first time and referred to the Committee on Taxes.

Abrams, Lieder and Erhardt introduced:

H. F. No. 4148, A bill for an act relating to transportation; creating a transit fund; amending the allocation of revenues from the tax on the sale of motor vehicles; amending the language of the proposed constitutional amendment dedicating all revenues from the tax on the sale of motor vehicles to transportation; amending Minnesota Statutes 2004, sections 16A.88; 297B.09, subdivision 1; Laws 2005, chapter 88, article 3, section 10.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2750, A bill for an act relating to eminent domain; defining public use or purpose; prohibiting the use of eminent domain for economic development; requiring clear and convincing evidence for certain takings; providing for attorney fees and other additional elements of compensation; making other changes in the exercise of eminent domain; amending Minnesota Statutes 2004, sections 117.025; 117.036; 117.055; 117.075, subdivision 1, by adding a subdivision; 117.085; 117.51; 117.52, subdivision 1, by adding a subdivision; 163.12, subdivisions 1a, 1b; proposing coding for new law in Minnesota Statutes, chapter 117.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Bakk, Murphy, Betzold, Higgins and Ortman.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Johnson, J., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2750. The motion prevailed.

Paulsen moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Paulsen from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Supplemental Calendar for the Day for Wednesday, April 12, 2006:

H. F. Nos. 3925, 3111, 3378 and 2722.

CALENDAR FOR THE DAY

H. F. No. 3925 was reported to the House.

Olson moved that H. F. No. 3925 be continued on the Calendar for the Day. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2750:

Johnson, J.; Abrams; Davids; Anderson, B., and Thissen.

Walker was excused between the hours of 10:45 a.m. and 2:40 p.m.

FISCAL CALENDAR

Pursuant to rule 1.22, Knoblach requested immediate consideration of H. F. No. 2959.

H. F. No. 2959 was reported to the House.

Peterson, A., moved to amend H. F. No. 2959, the second engrossment, as follows:

Page 65, lines 12 to 14, reinstate the stricken language

Page 65, lines 14 to 17, delete the new language

A roll call was requested and properly seconded.

The question was taken on the Peterson, A., amendment and the roll was called. There were 71 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Fritz	Huntley	Lesch	Newman	Sertich
Atkins	Greiling	Jaros	Liebling	Otremba	Sieben
Bernardy	Hamilton	Johnson, J.	Lieder	Paymar	Simon
Carlson	Hansen	Johnson, R.	Lillie	Pelowski	Slawik
Clark	Hausman	Johnson, S.	Loeffler	Peterson, A.	Solberg
Davnie	Haws	Juhnke	Magnus	Peterson, S.	Sykora
Dill	Heidgerken	Kahn	Mahoney	Poppe	Thao
Dittrich	Hilstrom	Kelliher	Mariani	Rukavina	Thissen
Dorn	Hilty	Koenen	Marquart	Ruud	Urdahl
Eken	Hornstein	Larson	Moe	Sailer	Wagenius
Ellison	Hortman	Latz	Mullery	Scalze	Welti
Entenza	Hosch	Lenczewski	Nelson, M.	Seifert	

Those who voted in the negative were:

Abeler	Cox	Erhardt	Howes	Olson	Simpson
Abrams	Cybart	Erickson	Klinzing	Ozment	Smith
Anderson, B.	Davids	Finstad	Knoblach	Paulsen	Soderstrom
Beard	Dean	Garofalo	Kohls	Penas	Tingelstad
Blaine	DeLaForest	Gazelka	Krinkie	Peppin	Vandever
Bradley	Demmer	Goodwin	Lanning	Peterson, N.	Wardlow
Brod	Dempsey	Gunther	McNamara	Powell	Westerberg
Buesgens	Dorman	Hackbarth	Meslow	Ruth	Wilkin
Charron	Eastlund	Holberg	Nelson, P.	Samuelson	Zellers
Cornish	Emmer	Hoppe	Nornes	Severson	Spk. Sviggum

The motion prevailed and the amendment was adopted.

Olson moved to amend H. F. No. 2959, the second engrossment, as amended, as follows:

Page 29, line 31, before "To" insert "(a)"

Page 30, after line 19, insert:

"(b) The commissioner of transportation and any political subdivision may not enter into a contract or agreement with Burlington Northern Santa Fe railroad that increases the Northstar commuter rail project costs from its projected cost as of April 1, 2006, by an amount sufficient to cause the Federal Transit Administration to lower its cost-effectiveness rating for the project from its current rating of medium-low."

A roll call was requested and properly seconded.

The question was taken on the Olson amendment and the roll was called. There were 34 yeas and 98 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eastlund	Heidgerken	Krinkie	Paulsen	Wardlow
Brod	Emmer	Holberg	Magnus	Peppin	Westrom
Buesgens	Erickson	Hoppe	Marquart	Seifert	Wilkin
Charron	Finstad	Johnson, J.	Nelson, P.	Smith	Zellers
Dean	Gazelka	Klinzing	Newman	Soderstrom	
DeLaForest	Hamilton	Kohls	Olson	Vandever	

Those who voted in the negative were:

Abeler	Dittrich	Hilty	Lenczewski	Paymar	Simon
Abrams	Dorman	Hornstein	Lesch	Pelowski	Simpson
Anderson, I.	Dorn	Hortman	Liebling	Penas	Slawik
Atkins	Eken	Hosch	Lieder	Peterson, A.	Solberg
Beard	Ellison	Howes	Lillie	Peterson, N.	Sykora
Bernardy	Entenza	Huntley	Loeffler	Peterson, S.	Thao
Bradley	Erhardt	Jaros	Mahoney	Poppe	Thissen
Carlson	Fritz	Johnson, R.	Mariani	Powell	Tingelstad
Clark	Garofalo	Johnson, S.	McNamara	Rukavina	Urdahl
Cornish	Goodwin	Juhnke	Meslow	Ruth	Wagenius
Cox	Greiling	Kahn	Moe	Ruud	Walti
Cybart	Gunther	Kelliher	Mullery	Sailer	Westerberg
Davids	Hackbarth	Knobloch	Murphy	Samuelson	Spk. Sviggum
Davnie	Hansen	Koenen	Nelson, M.	Scalze	
Demmer	Hausman	Lanning	Nornes	Sertich	
Dempsey	Haws	Larson	Otremba	Severson	
Dill	Hilstrom	Latz	Ozment	Sieben	

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

Olson moved to amend H. F. No. 2959, the second engrossment, as amended, as follows:

Page 81, after line 25, insert:

"Sec. 56. NORTHSTAR COMMUTER RAIL ACTIVITY.

(a) The commissioner of transportation and any political subdivision may not undertake any activity for or related to the Northstar commuter rail line project, including but not limited to advertising, project promotion, design, environmental studies, preliminary engineering, or acquisition of rights-of-way, except for such activity that is directly necessary to gain and execute a full-funding grant agreement, or to fulfill the following requirements:

(1) to demonstrate compliance with the requirements of the Americans with Disabilities Act;

(2) to fully execute an agreement with Burlington Northern Santa Fe railroad to allow commuter line access on the Burlington Northern Santa Fe railroad right-of-way, or to demonstrate the ability to make capacity improvements on the rail line; and

(3) to continue demonstrating an adequate project rating by the federal transit administration, meet the federal transit administration cost-effectiveness requirements, and ensure that scope changes during final design do not result in a reduction in benefits of the project.

(b) The provisions of paragraph (a) are effective until a full-funding grant agreement has been executed with the federal transit administration."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Olson amendment and the roll was called. There were 35 yeas and 97 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Hamilton	Kohls	Olson	Vandever
Brod	Eastlund	Heidgerken	Krinkie	Paulsen	Wardlow
Buesgens	Emmer	Holberg	Magnus	Peppin	Westrom
Charron	Erickson	Hoppe	Marquart	Seifert	Wilkin
Cybart	Finstad	Johnson, J.	Nelson, P.	Smith	Zellers
Dean	Gazelka	Klinzing	Newman	Soderstrom	

Those who voted in the negative were:

Abeler	Davnie	Goodwin	Huntley	Liebling	Otremba
Abrams	Demmer	Greiling	Jaros	Lieder	Ozment
Anderson, I.	Dempsey	Gunther	Johnson, R.	Lillie	Paymar
Atkins	Dill	Hackbarth	Johnson, S.	Loeffler	Pelowski
Beard	Dittrich	Hansen	Juhnke	Mahoney	Penas
Bernardy	Dorman	Hausman	Kahn	Mariani	Peterson, A.
Blaine	Dorn	Haws	Kelliher	McNamara	Peterson, N.
Bradley	Eken	Hilstrom	Koenen	Meslow	Peterson, S.
Carlson	Ellison	Hilty	Lanning	Moe	Poppe
Clark	Entenza	Hornstein	Larson	Mullery	Powell
Cornish	Erhardt	Hortman	Latz	Murphy	Rukavina
Cox	Fritz	Hosch	Lenczewski	Nelson, M.	Ruth
Davids	Garofalo	Howes	Lesch	Nornes	Ruud

Sailer	Severson	Slawik	Thissen	Walti
Samuelson	Sieben	Solberg	Tingelstad	Westerberg
Scalze	Simon	Sykora	Urdahl	Spk. Sviggum
Sertich	Simpson	Thao	Wagenius	

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

Juhnke; Sailer; Hosch; Haws; Koenen; Fritz; Hamilton; Magnus; Davids; Penas; Urdahl; Blaine; Dorman; Peterson, A.; Severson; Marquart; Hansen; Otremba and Heidgerken moved to amend H. F. No. 2959, the second engrossment, as amended, as follows:

Page 4, after line 25, insert:

"Subd. 6. **Willmar, Minnesota Poultry Testing Laboratory**

\$300,000

For a grant to the Minnesota Poultry Testing Laboratory in Willmar to design, construct, furnish, and equip the renovation of the laboratory to substantially improve the laboratory's efficiency and ability to meeting testing requirements and effectively serve its expanding client base."

Page 41, line 13, delete "\$5,000,000" and insert "\$4,700,000"

Renumber the sections and subdivisions in sequence and correct the internal references

Adjust totals accordingly

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Holberg; Hamilton; Erickson; Anderson, B.; Klinzing; Ruth; Olson; Cybart; Howes; Magnus; Juhnke; Dean; Buesgens; Zellers and Seifert moved to amend H. F. No. 2959, the second engrossment, as amended, as follows:

Page 29, line 31, before "To" insert "(a)"

Page 30, line 6, delete everything after the period

Page 30, delete lines 7 to 19 and insert:

"(b) This appropriation is only available if the commissioner of transportation finalizes the scope, schedule, and right-of-way costs and the Northstar commuter rail project advances into final design by September 30, 2006. This appropriation is not available until a full-funding grant agreement has been executed with the Federal Transit Administration.

(c) If the requirements of paragraph (b) are not met, the unobligated balances of this appropriation and the appropriation in Laws 2005, chapter 20, article 1, section 18, subdivision 5, are appropriated as follows:

(1) \$7,000,000 to the Metropolitan Council for the Central Corridor Transitway under section 16, subdivision 3;

(2) \$50,000,000 to the commissioner of transportation for the local road improvement program, for construction and reconstruction of local roads with statewide or regional significance under Minnesota Statutes 2004, section 174.52, subdivision 4; and

(3) the remainder to the commissioner of transportation for local bridge replacement and rehabilitation under section 15, subdivision 2.

If the sum of unobligated balances is less than \$57,000,000, then the appropriations are reduced proportional to the amounts specified in this paragraph.

(d) If the Northstar commuter rail line is extended from Big Lake to the St. Cloud area, regional rail authority members of the Northstar Corridor Development Authority who did not fund a portion of the share of capital costs from Minneapolis to Big Lake shall contribute an amount for the extension equal to the amount they would have contributed for their proportional share of the entire line from Minneapolis to the St. Cloud area."

A roll call was requested and properly seconded.

The question was taken on the Holberg et al amendment and the roll was called. There were 106 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Fritz	Johnson, R.	Mariani	Peppin
Anderson, I.	Demmer	Garofalo	Juhnke	Marquart	Peterson, A.
Atkins	Dempsey	Gazelka	Klinzing	McNamara	Peterson, N.
Beard	Dill	Gunther	Knoblach	Meslow	Peterson, S.
Blaine	Dittrich	Hackbarth	Koenen	Moe	Poppe
Bradley	Dorman	Hamilton	Kohls	Murphy	Powell
Brod	Dorn	Hansen	Krinkie	Nelson, P.	Rukavina
Buesgens	Eastlund	Haws	Lanning	Newman	Ruth
Charron	Eken	Heidgerken	Latz	Nornes	Ruud
Clark	Ellison	Hilty	Lenczewski	Olson	Sailer
Cornish	Emmer	Holberg	Lesch	Otremba	Samuelson
Cox	Entenza	Hoppe	Liebling	Ozment	Scalze
Cybart	Erhardt	Hosch	Lieder	Paulsen	Seifert
Davids	Erickson	Howes	Lillie	Pelowski	Sertich
Dean	Finstad	Johnson, J.	Magnus	Penas	Sieben

Simon	Smith	Tingelstad	Wardlow	Westrom	Spk. Sviggum
Simpson	Soderstrom	Urdahl	Welti	Wilkin	
Slawik	Sykora	Vandever	Westerberg	Zellers	

Those who voted in the negative were:

Abeler	Greiling	Huntley	Larson	Paymar	Wagenius
Abrams	Hausman	Jaros	Loeffler	Severson	
Bernardy	Hilstrom	Johnson, S.	Mahoney	Solberg	
Carlson	Hornstein	Kahn	Mullery	Thao	
Davnie	Hortman	Kelliher	Nelson, M.	Thissen	

The motion prevailed and the amendment was adopted.

Olson moved to amend H. F. No. 2959, the second engrossment, as amended, as follows:

Page 30, line 7, after "until" insert "(1)"

Page 30, line 9, before the period, insert ", and (2) the Northstar Corridor Development Authority submits an operational expenses plan to the commissioner of transportation, which must (i) be approved by the commissioner of transportation, and (ii) includes a substantive market analysis of commuter support and estimated ridership to confirm that payment of all operational expenditures for the Northstar commuter rail line will be provided solely through farebox revenue. The commissioner of transportation shall ensure that the operational expenses plan is faithfully executed once the rail line begins operations"

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

Olson moved to amend H. F. No. 2959, the second engrossment, as amended, as follows:

Page 29, line 31, before "To" insert "(a)"

Page 30, line 9, after "the" insert "Northstar commuter rail project is removed from federal final design status and a full-funding grant agreement is not executed with the Federal Transit Administration, the commissioner of transportation shall submit to the Federal Transit Administration a new request for a full-funding grant, which must include an operational expenses plan and a substantive market analysis of commuter support and estimated ridership to confirm that payment of all operational expenditures for the Northstar commuter rail line will be provided solely through farebox revenue. Contingent on approval by the Federal Transit Administration, the commissioner of transportation shall ensure that the operational expenses plan is faithfully executed once the rail line begins operations."

Page 30, delete lines 10 to 19 and insert:

"(b) If the Northstar commuter rail line is extended from Big Lake to the St. Cloud area, regional rail authority members of the Northstar Corridor Development Authority who did not fund a

portion of the share of capital costs from Minneapolis to Big Lake shall contribute an amount for the extension equal to the amount they would have contributed for their proportional share of the entire line from Minneapolis to the St. Cloud area."

A roll call was requested and properly seconded.

The question was taken on the Olson amendment and the roll was called. There were 32 yeas and 101 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eastlund	Heidgerken	Krinkie	Peppin	Wilkin
Brod	Emmer	Holberg	Magnus	Seifert	Zellers
Buesgens	Erickson	Jaros	Marquart	Soderstrom	
Charron	Finstad	Johnson, J.	Newman	Vandever	
Dean	Gazelka	Klinzing	Olson	Wardlow	
DeLaForest	Hamilton	Kohls	Paulsen	Westrom	

Those who voted in the negative were:

Abeler	Dill	Hilstrom	Latz	Otremba	Severson
Abrams	Dittrich	Hilty	Lenczewski	Ozment	Sieben
Anderson, I.	Dorman	Hoppe	Lesch	Paymar	Simon
Atkins	Dorn	Hornstein	Liebling	Pelowski	Simpson
Beard	Eken	Hortman	Lieder	Penas	Slawik
Bernardy	Ellison	Hosch	Lillie	Peterson, A.	Smith
Blaine	Entenza	Howes	Loeffler	Peterson, N.	Solberg
Bradley	Erhardt	Huntley	Mahoney	Peterson, S.	Sykora
Carlson	Fritz	Johnson, R.	Mariani	Poppe	Thao
Clark	Garofalo	Johnson, S.	McNamara	Powell	Thissen
Cornish	Goodwin	Juhnke	Meslow	Rukavina	Tingelstad
Cox	Greiling	Kahn	Moe	Ruth	Urdahl
Cybart	Gunther	Kelliher	Mullery	Ruud	Wagenius
Davids	Hackbarth	Knoblach	Murphy	Sailer	Walti
Davnie	Hansen	Koenen	Nelson, M.	Samuelson	Westerberg
Demmer	Hausman	Lanning	Nelson, P.	Scalze	Spk. Sviggum
Dempsey	Haws	Larson	Nornes	Sertich	

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

Olson moved to amend H. F. No. 2959, the second engrossment, as amended, as follows:

Page 32, delete lines 15 to 17 and insert:

"(a) For design, environmental studies, and preliminary engineering in the Central Corridor Transitway, if the study and analysis requirements of paragraphs (b) and (c) are met.

(b) The Metropolitan Council must approve a study and analysis of transit options, including personal rapid transit (PRT), express bus transit, and light rail transit. A published report of a recent study done of any Central Corridor Transitway transit mode may satisfy this study and analysis requirement for the listed transit option. The study and analysis must:

(1) determine the effectiveness and viability of each transit option;

(2) specifically address whether the Central Corridor Transitway would be a cost-effective and viable site for the PRT option; and

(3) contain an unbiased analysis that is not performed by any party or organization that has a conflict of interest.

(c) The Metropolitan Council must give serious unbiased and objective consideration to implementing PRT, and must ensure that consultants or other persons with expertise in PRT systems, and associated national or international organizations such as the Advanced Transit Association, are consulted and utilized at each phase of the study and analysis."

Page 32, line 18, before "This" insert "(d)"

A roll call was requested and properly seconded.

The question was taken on the Olson amendment and the roll was called. There were 26 yeas and 107 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Emmer	Hosch	Nornes	Sykora	Wilkin
Bradley	Erickson	Knoblach	Olson	Urdahl	
Buesgens	Hackbarth	Krinkie	Ozment	Vandever	
Demmer	Heidgerken	Marquart	Smith	Wardlow	
Eastlund	Holberg	Nelson, P.	Soderstrom	Westrom	

Those who voted in the negative were:

Abeler	Cybart	Erhardt	Hilty	Klinzing	Mahoney
Abrams	Davids	Finstad	Hoppe	Koenen	Mariani
Anderson, I.	Davnie	Fritz	Hornstein	Kohls	McNamara
Atkins	Dean	Garofalo	Hortman	Lanning	Meslow
Beard	DeLaForest	Gazelka	Howes	Larson	Moe
Bernardy	Dempsey	Goodwin	Huntley	Latz	Mullery
Blaine	Dill	Greiling	Jaros	Lenczewski	Murphy
Brod	Dittrich	Gunther	Johnson, J.	Lesch	Nelson, M.
Carlson	Dorman	Hamilton	Johnson, R.	Liebling	Newman
Charron	Dorn	Hansen	Johnson, S.	Lieder	Otremba
Clark	Eken	Hausman	Juhnke	Lillie	Paulsen
Cornish	Ellison	Haws	Kahn	Loeffler	Paymar
Cox	Entenza	Hilstrom	Kelliher	Magnus	Pelowski

Penas	Poppe	Sailer	Severson	Solberg	Welti
Peppin	Powell	Samuelson	Sieben	Thao	Westerberg
Peterson, A.	Rukavina	Scalze	Simon	Thissen	Zellers
Peterson, N.	Ruth	Seifert	Simpson	Tingelstad	Spk. Sviggum
Peterson, S.	Ruud	Sertich	Slawik	Wagenius	

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

Latz was excused for the remainder of today's session.

Howes, Moe and Simpson moved to amend H. F. No. 2959, the second engrossment, as amended, as follows:

Page 22, delete lines 16 to 25

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

Wagenius was excused for the remainder of today's session.

H. F. No. 2959, 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; establishing new programs and modifying existing programs; authorizing sale of state bonds; appropriating money; amending Minnesota Statutes 2004, sections 16A.11, subdivision 1; 16A.86, subdivisions 2, 4; 85.013, by adding a subdivision; 123A.44; 123A.441; 123A.442; 123A.443; 136F.98, subdivision 1; 446A.12, subdivision 1; Minnesota Statutes 2005 Supplement, sections 116.182, subdivision 2; 116J.575, subdivision 1; Laws 2000, chapter 492, article 1, section 7, subdivision 21, as amended; Laws 2002, chapter 393, section 19, subdivision 2; Laws 2005, chapter 20, article 1, sections 7, subdivisions 14, 21; 19, subdivision 6; 20, subdivisions 2, 3; 23, subdivisions 3, 12; 27; proposing coding for new law in Minnesota Statutes, chapters 16B; 85; 116J; 446A.

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.

Pursuant to rule 2.05, the Speaker excused Holberg from voting on the final passage of H. F. No. 2959, as amended.

There were 114 yeas and 16 nays as follows:

Abeler	Bernardy	Charron	Davnie	Dittrich	Ellison
Abrams	Blaine	Cornish	Dean	Dorman	Entenza
Anderson, I.	Bradley	Cox	Demmer	Dorn	Erhardt
Atkins	Brod	Cybart	Dempsey	Eastlund	Erickson
Beard	Carlson	Davids	Dill	Eken	Finstad

Fritz	Hornstein	Lenczewski	Murphy	Powell	Soderstrom
Garofalo	Hortman	Lesch	Nelson, M.	Rukavina	Solberg
Gazelka	Hosch	Liebling	Nelson, P.	Ruth	Sykora
Goodwin	Howes	Lieder	Nornes	Ruud	Thao
Greiling	Huntley	Lillie	Otremba	Samuelson	Thissen
Gunther	Jaros	Loeffler	Ozment	Scalze	Tingelstad
Hackbarth	Johnson, R.	Magnus	Paulsen	Seifert	Urdahl
Hamilton	Johnson, S.	Mahoney	Paymar	Sertich	Wardlow
Hansen	Juhnke	Mariani	Pelowski	Severson	Welti
Hausman	Kahn	Marquart	Penas	Sieben	Westerberg
Haws	Kelliher	McNamara	Peterson, A.	Simon	Westrom
Heidgerken	Koenen	Meslow	Peterson, N.	Simpson	Wilkin
Hilstrom	Lanning	Moe	Peterson, S.	Slawik	Zellers
Hilty	Larson	Mullery	Poppe	Smith	Spk. Sviggum

Those who voted in the negative were:

Anderson, B.	DeLaForest	Johnson, J.	Kohls	Olson	Vandev eer
Buesgens	Emmer	Klinzing	Krinkie	Peppin	
Clark	Hoppe	Knoblach	Newman	Sailer	

The bill was passed, as amended, and its title agreed to.

There being no objection, the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Knoblach from the Committee on Ways and Means to which was referred:

S. F. No. 2734, A bill for an act relating to natural and cultural resources; proposing an amendment to the Minnesota Constitution, article XI; increasing the sales tax rate by three-eighths of one percent and dedicating the receipts for natural and cultural resource purposes; creating an arts, humanities, museum, and public broadcasting fund; creating a heritage enhancement fund; creating a parks and trails fund; creating a clean water fund; establishing a Heritage Enhancement Council; establishing a Clean Water Council; amending Minnesota Statutes 2004, sections 297A.62, subdivision 1; 297A.94; 297B.02, subdivision 1; Minnesota Statutes 2005 Supplement, section 10A.01, subdivision 35; proposing coding for new law in Minnesota Statutes, chapters 85; 97A; 103F; 129D.

Reported the same back with the following amendments to the unofficial engrossment:

Page 1, delete article 1 and insert:

"Section 1. **CONSTITUTIONAL AMENDMENT.**

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, a section will be added to article XI, to read:

Sec. 15. Beginning July 1, 2009, until June 30, 2032, the sales and use tax receipts equal to three-eighths of one percent on sales and uses taxable under the general state sales and use tax law, plus penalties and interest and reduced by any refunds, are dedicated as follows: 34 percent of the receipts shall be deposited in the heritage

enhancement fund and may be spent only to improve, enhance, or protect the state's fish, wildlife, habitat, and fish and wildlife tourism; 22 percent of the receipts shall be deposited in the parks and trails fund and may be spent only on parks, trails, and zoos in the state; 29 percent of the receipts shall be deposited in the clean water fund and may be spent only on protection and restoration of the state's lakes, rivers, streams, wetlands, and groundwater; and 15 percent of the receipts shall be deposited in the arts, science, humanities, museum, and public broadcasting fund and may be spent only on arts, humanities, history, museums, and public broadcasting. An arts, science, humanities, museum, and public broadcasting fund; a heritage enhancement fund; a parks and trails fund; and a clean water fund are created in the state treasury. The money dedicated under this section shall be appropriated by law. The money dedicated under this section for fish, wildlife, habitat, fish and wildlife tourism, parks, trails, zoos, protection and restoration of waters, and history shall not be used as a substitute for traditional funding sources for the purposes specified, but the dedicated money shall supplement traditional sources of funding for those purposes. Land acquired by fee with money deposited in the heritage enhancement fund under this section must be open to public taking of fish and game during the open season unless otherwise provided by law.

Sec. 2. **SUBMISSION TO VOTERS.**

The proposed amendment shall be submitted to the people at the 2006 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to provide funding beginning July 1, 2009, to improve, enhance, or protect the state's fish, wildlife, habitat, and fish and wildlife tourism; its parks, trails, and zoos; its lakes, rivers, streams, wetlands, and groundwater; and its arts, science, humanities, history, museums, and public broadcasting by dedicating the sales and use tax receipts equal to the state sales and use tax of three-eighths of one percent on taxable sales until the year 2032?"

Yes
No"

Sec. 3. Minnesota Statutes 2005 Supplement, section 10A.01, subdivision 35, is amended to read:

Subd. 35. **Public official.** "Public official" means any:

- (1) member of the legislature;
- (2) individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher, legislative analyst, or attorney in the Office of Senate Counsel and Research or House Research;
- (3) constitutional officer in the executive branch and the officer's chief administrative deputy;
- (4) solicitor general or deputy, assistant, or special assistant attorney general;
- (5) commissioner, deputy commissioner, or assistant commissioner of any state department or agency as listed in section 15.01 or 15.06, or the state chief information officer;
- (6) member, chief administrative officer, or deputy chief administrative officer of a state board or commission that has either the power to adopt, amend, or repeal rules under chapter 14, or the power to adjudicate contested cases or appeals under chapter 14;
- (7) individual employed in the executive branch who is authorized to adopt, amend, or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;

- (8) executive director of the State Board of Investment;
- (9) deputy of any official listed in clauses (7) and (8);
- (10) judge of the Workers' Compensation Court of Appeals;
- (11) administrative law judge or compensation judge in the State Office of Administrative Hearings or referee in the Department of Employment and Economic Development;
- (12) member, regional administrator, division director, general counsel, or operations manager of the Metropolitan Council;
- (13) member or chief administrator of a metropolitan agency;
- (14) director of the Division of Alcohol and Gambling Enforcement in the Department of Public Safety;
- (15) member or executive director of the Higher Education Facilities Authority;
- (16) member of the board of directors or president of Minnesota Technology, Inc.; ~~or~~
- (17) member of the board of directors or executive director of the Minnesota State High School League; or
- (18) member of the Heritage Enhancement Council.

EFFECTIVE DATE. This section is effective November 15, 2008, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 4. **[85.0195] PARKS AND TRAILS FUND; EXPENDITURES.**

Subdivision 1. **Fund.** The parks and trails fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the parks and trails fund must be credited to the fund.

Subd. 2. **Expenditures.** Money in the parks and trails fund may be spent only on state and regional parks, trails, and zoos. Subject to the appropriation by law, receipts to the fund must be allocated in separate accounts as follows:

- (1) 38 percent of the receipts may be spent only for state park and recreation area purposes;
- (2) 11 percent of the receipts may be spent only for state trail purposes;
- (3) 36 percent of the receipts may be spent only for metropolitan area, as defined in section 473.121, regional park and trail grants;
- (4) 12 percent of the receipts may be spent only for nonmetropolitan regional parks and trails, outdoor recreation grants, natural and scenic area grants, trail connection grants, regional trail grants, and grant-in-aid trails; and
- (5) three percent of the receipts may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

EFFECTIVE DATE. This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 5. **[97A.056] HERITAGE ENHANCEMENT FUND; HERITAGE ENHANCEMENT COUNCIL.**

Subdivision 1. **Heritage enhancement fund.** The heritage enhancement fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the heritage enhancement fund must be credited to the fund. At least 97 percent of the money appropriated from the fund must be spent on specific fish, wildlife, habitat, and fish and wildlife tourism projects.

Subd. 2. **Heritage Enhancement Council.** (a) A Heritage Enhancement Council of 11 members is created, on November 15, 2008, consisting of:

(1) two members of the senate appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration;

(2) two members of the house of representatives appointed by the speaker of the house;

(3) two public members representing hunting, fishing, and wildlife interests appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration;

(4) two public members representing hunting, fishing, and wildlife interests appointed by the speaker of the house; and

(5) three public members representing hunting, fishing, and wildlife interests appointed by the governor.

(b) Legislative members appointed under paragraph (a), clauses (1) and (2), serve as nonvoting members. One member from the senate and one member from the house of representatives must be from the minority caucus. Legislative members are entitled to reimbursement for per diem expenses plus travel expenses incurred in the services of the council. The removal and, beginning July 1, 2009, the compensation of public members are as provided in section 15.0575.

(c) Members shall elect a chair, vice-chair, secretary, and other officers as determined by the council. The chair may convene meetings as necessary to conduct the duties prescribed by this section.

(d) Membership terms are two years, except that members shall serve on the council until their successors are appointed.

(e) Vacancies occurring on the council do not affect the authority of the remaining members of the council to carry out their duties. Vacancies shall be filled in the same manner as under paragraph (a).

Subd. 3. **Duties of council.** (a) The council, in consultation with statewide and local fishing, forestry, hunting, and wildlife groups, shall develop a biennial budget plan for expenditures from the heritage enhancement fund. The biennial budget plan may include grants to statewide and local fishing, forestry, hunting, and wildlife groups to improve, enhance, or protect fish and wildlife resources.

(b) In the biennial budget submitted to the legislature, the governor shall submit separate budget detail for planned expenditures from the heritage enhancement fund as recommended by the council.

(c) As a condition of acceptance of an appropriation from the heritage enhancement fund, an agency or entity receiving an appropriation shall submit a work program and quarterly progress reports for appropriations from the heritage enhancement fund to the members of the Heritage Enhancement Council in the form determined by the council.

Subd. 4. **Council administration.** (a) The council may employ personnel and contract with consultants as necessary to carry out functions and duties of the council. Permanent employees shall be in the unclassified service. The council may request staff assistance, legal opinion, and data from agencies of state government as needed for the execution of the responsibilities of the council.

(b) Beginning July 1, 2009, the administrative expenses of the council shall be paid from the heritage enhancement fund.

(c) A council member or an employee of the council may not participate in or vote on a decision of the council relating to an organization in which the member or employee has either a direct or indirect personal financial interest. While serving on or employed by the council, a person shall avoid any potential conflict of interest.

Subd. 5. **Council meetings.** Meetings of the council and other groups the council may establish must be conducted in accordance with chapter 13D. Except where prohibited by law, the council shall establish additional processes to broaden public involvement in all aspects of its deliberations.

EFFECTIVE DATE. This section is effective November 15, 2008, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 6. [103F.765] CLEAN WATER FUND; CLEAN WATER COUNCIL; EXPENDITURES.

Subdivision 1. **Fund.** The clean water fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the clean water fund must be credited to the fund.

Subd. 2. **Expenditures.** Subject to appropriation, money in the clean water fund may be spent only on:

- (1) monitoring, investigations, and analysis of the quality of Minnesota's water resources;
- (2) state and local activities to protect, preserve, and improve the quality of Minnesota's water resources; and
- (3) assistance to individuals and organizations for water quality improvement projects.

Subd. 3. **Clean Water Council; membership; appointment.** A Clean Water Council of 21 members is created. The members of the council shall elect a chair from the nonagency members of the council. The commissioners of natural resources, agriculture, and the Pollution Control Agency, and the executive director of the Board of Water and Soil Resources, shall appoint one person from their respective agency to serve as a member of the council. Seventeen additional nonagency members of the council shall be appointed as follows:

- (1) two members representing statewide farm organizations, appointed by the governor;
- (2) one member representing business organizations, appointed by the governor;
- (3) one member representing environmental organizations, appointed by the governor;
- (4) one member representing soil and water conservation districts, appointed by the governor;
- (5) one member representing watershed districts, appointed by the governor;
- (6) one member representing organizations focused on improvement of Minnesota lakes or streams, appointed by the governor;

(7) two members representing an organization of county governments, one member representing the interests of rural counties, and one member representing the interests of counties in the seven-county metropolitan area, appointed by the governor;

(8) two members representing organizations of city governments, appointed by the governor;

(9) one member representing the Metropolitan Council established under section 473.123, appointed by the governor;

(10) one township officer, appointed by the governor;

(11) one member of the house of representatives, appointed by the speaker;

(12) one member of the senate, appointed by the majority leader;

(13) one member representing the University of Minnesota or a Minnesota state university, appointed by the governor; and

(14) one member representing the interests of tribal governments, appointed by the governor.

The members of the council appointed by the governor are subject to the advice and consent of the senate. At least six of the members appointed by the governor must reside in the seven-county metropolitan area. In making appointments, the governor must attempt to provide for geographic balance.

Subd. 4. **Terms; compensation; removal.** The terms of members representing the state agencies and the Metropolitan Council are four years and are coterminous with the governor. The terms of other members of the council shall be as provided in section 15.059, subdivision 2. Members may serve until their successors are appointed and qualify. Compensation and removal of council members is as provided in section 15.059, subdivisions 3 and 4. A vacancy on the council may be filled by the appointing authorities, as provided in subdivision 3, for the remainder of the unexpired term.

Subd. 5. **Recommendations on appropriation of funds.** The Clean Water Council shall recommend to the governor the manner in which money from the clean water fund should be appropriated for the purposes identified in subdivision 2.

Subd. 6. **Biennial report to legislature.** By December 1 of each even-numbered year, the council shall submit a report to the legislature on the activities for which money from the clean water fund has been or will be spent for the current biennium, and the activities for which money from the account is recommended to be spent in the next biennium.

Subd. 7. **Council meetings.** Meetings of the council and other groups the council may establish must be conducted in accordance with chapter 13D. Except where prohibited by law, the council shall establish additional processes to broaden public involvement in all aspects of its deliberations.

EFFECTIVE DATE. This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 7. **[129D.17] ARTS, SCIENCE, HUMANITIES, MUSEUM, AND PUBLIC BROADCASTING FUND; EXPENDITURES.**

Subdivision 1. **Fund.** The arts, science, humanities, museum, and public broadcasting fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the fund must be credited to the fund.

Subd. 2. **Expenditures.** Subject to appropriation, receipts in the fund must be allocated by the commissioner of finance as follows:

(1) 43 percent to the Minnesota State Arts Board;

(2) 23 percent to the Minnesota Historical Society;

(3) 23 percent to public broadcasting except a public radio station that holds more than five licenses from the Federal Communications Commission;

(4) four percent to the Science Museum of Minnesota;

(5) 3.5 percent to the Humanities Commission;

(6) 2.5 percent to the Minnesota Film Board; and

(7) one percent to the Minnesota Children's Museum and the Duluth Children's Museum.

Money allocated to the Minnesota State Arts Board, the Minnesota Historical Society, public broadcasting, the Science Museum of Minnesota, the Humanities Commission, the Minnesota Film Board, the Minnesota Children's Museum, and the Duluth Children's Museum may not be used for administrative purposes. If one of the above entities ceases to exist, then the appropriated money must be allocated proportionally among the remaining entities.

EFFECTIVE DATE. This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 8. Minnesota Statutes 2004, section 297A.94, is amended to read:

297A.94 DEPOSIT OF REVENUES.

(a) Except as provided in this section and the Minnesota Constitution, article XI, section 15, the commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed by this chapter in the state treasury and credit them to the general fund.

(b) The commissioner shall deposit taxes in the Minnesota agricultural and economic account in the special revenue fund if:

(1) the taxes are derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project; and

(2) the purchase was made on or after the date on which a conditional commitment was made for a loan guaranty for the project under section 41A.04, subdivision 3.

The commissioner of finance shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account must be reduced by any refunds and by the costs incurred by the Department of Revenue to administer and enforce the assessment and collection of the taxes.

(c) The commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

(1) first to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and

(2) after the requirements of clause (1) have been met, the balance to the general fund.

(d) The commissioner shall deposit the revenues, including interest and penalties, collected under section 297A.64, subdivision 5, in the state treasury and credit them to the general fund. By July 15 of each year the commissioner shall transfer to the highway user tax distribution fund an amount equal to the excess fees collected under section 297A.64, subdivision 5, for the previous calendar year.

(e) For fiscal year 2001, 97 percent; for fiscal years 2002 and 2003, 87 percent; and for fiscal year 2004 and thereafter, 72.43 percent of the revenues, including interest and penalties, transmitted to the commissioner under section 297A.65, must be deposited by the commissioner in the state treasury as follows:

(1) 50 percent of the receipts must be deposited in the heritage enhancement account in the game and fish fund, and may be spent only on activities that improve, enhance, or protect fish and wildlife resources, including conservation, restoration, and enhancement of land, water, and other natural resources of the state;

(2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only for state parks and trails;

(3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only on metropolitan park and trail grants;

(4) three percent of the receipts must be deposited in the natural resources fund, and may be spent only on local trail grants; and

(5) two percent of the receipts must be deposited in the natural resources fund, and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

(f) The revenue dedicated under paragraph (e) may not be used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes. Land acquired with money deposited in the game and fish fund under paragraph (e) must be open to public hunting and fishing during the open season, except that in aquatic management areas or on lands where angling easements have been acquired, fishing may be prohibited during certain times of the year and hunting may be prohibited. At least 87 percent of the money deposited in the game and fish fund for improvement, enhancement, or protection of fish and wildlife resources under paragraph (e) must be allocated for field operations.

EFFECTIVE DATE. This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 9. Minnesota Statutes 2004, section 297B.02, subdivision 1, is amended to read:

Subdivision 1. **Rate.** There is imposed an excise tax at the rate provided in ~~chapter 297A, section 297A.62,~~ subdivision 1, paragraph (a), on the purchase price of any motor vehicle purchased or acquired, either in or outside of the state of Minnesota, which is required to be registered under the laws of this state.

The excise tax is also imposed on the purchase price of motor vehicles purchased or acquired on Indian reservations when the tribal council has entered into a sales tax on motor vehicles refund agreement with the state of Minnesota.

EFFECTIVE DATE. This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the voters."

Pages 2 to 7, delete articles 2 to 4

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "one-eighth" and insert "three-eighths"

Page 1, line 5, delete everything after "uses"

Page 1, delete lines 6 to 12 and insert "for natural and cultural resource purposes; creating an arts, science, humanities, museum, and public broadcasting fund; creating a heritage enhancement fund; creating a parks and trails fund; creating a clean water fund; establishing a Heritage Enhancement Council; establishing a Clean Water Council;"

Correct the title numbers accordingly

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.

The Speaker called Abrams to the Chair.

FISCAL CALENDAR

Pursuant to rule 1.22, Knoblach requested immediate consideration of H. F. No. 2833.

H. F. No. 2833 was reported to the House.

Heidgerken and Juhnke moved to amend H. F. No. 2833, the second engrossment, as follows:

Page 9, after line 9, insert:

"Sec. 6. **[3.1942] NEW LEGISLATORS ORIENTATION TOUR.**

During the period between the state general election at which individuals are first elected to the legislature and the day their term of office begins, new senators-elect and representatives-elect are encouraged to participate in a tour of the various regions of the state to become familiar with the industries, geographic areas, and communities that make up the state.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to legislators first elected to office on or after that date. In addition legislators initially elected prior to that date may join the orientation tour to be conducted in 2006."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Dempsey, Seifert and Solberg moved to amend H. F. No. 2833, the second engrossment, as amended, as follows:

Page 56, after line 6, insert:

"Sec. 110. Minnesota Statutes 2005 Supplement, section 161.1419, subdivision 8, is amended to read:

Subd. 8. **Expiration.** The commission expires on June 30, ~~2007~~ 2012."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Brod, Hilty and Seifert moved to amend H. F. No. 2833, the second engrossment, as amended, as follows:

Page 100, line 12, strike "or public meeting" and insert ", private fundraising event, or a constituent service event held by an elected official and open to the general public"

The motion prevailed and the amendment was adopted.

Simon and Emmer moved to amend H. F. No. 2833, the second engrossment, as amended, as follows:

Page 74, after line 10, insert:

"Sec. 6. Minnesota Statutes 2005 Supplement, 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;

(6) to a candidate for district court judicial office, \$500 in an election year for the office sought and \$100 in other years; and

(7) to a candidate for supreme court justice or court of appeals judge, \$1,000 in an election year for the office sought and \$200 in other years.

(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.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Pursuant to rule 2.05, Abrams was excused from voting on the Simon and Emmer amendment to H. F. No. 2833, the second engrossment, as amended.

The motion prevailed and the amendment was adopted.

Pelowski and Abrams moved to amend H. F. No. 2833, the second engrossment, as amended, as follows:

Page 67, after line 24, insert:

"Sec. 133. **LIMIT ON GROWTH IN CHANCELLOR'S STAFF.**

Notwithstanding Minnesota Statutes, section 136F.40, or any other law to the contrary, the number of persons employed on the staff of the Office of the Chancellor of the Minnesota State Colleges and Universities must not exceed the number of persons on the central office staff as of the effective date of this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Olson; Hosch; Anderson, B.; Emmer; Lillie and Marquart moved to amend H. F. No. 2833, the second engrossment, as amended, as follows:

Page 30, after line 26, insert:

"Subd. 4. **Exemption from forfeiture.** The salary and other forfeiture provisions of this section do not apply to members of the legislature who are not a part of a legislative committee, conference committee, or other subgroup whenever the committee, conference committee, or other subgroup prevents a majority of the full house of representatives or senate from taking legislative action to move towards adoption of budget bills specified in subdivisions 2 and 3.

Subd. 5. **Forfeiture of salary for governor.** If the governor vetoes one or more budget bills specified in subdivisions 2 and 3 and the veto necessitates a special session to establish or balance the state budget and complete the state's work, the governor forfeits salary until all of the applicable budget bills specified in subdivisions 2 and 3 are enacted. If the governor forfeits salary under this subdivision, the forfeiture of the governor's salary begins with the pay period next beginning after the first occurrence of the conditions requiring forfeiture."

A roll call was requested and properly seconded.

The question was taken on the Olson et al amendment and the roll was called. There were 33 yeas and 97 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Fritz	Juhnke	Loeffler	Olson	Sailer
Beard	Goodwin	Kahn	Mahoney	Otremba	Thao
Dempsey	Hansen	Koenen	Mariani	Paymar	Welti
Dorman	Heidgerken	Krinkie	Marquart	Penas	
Emmer	Howes	Liebling	Moe	Peterson, A.	
Erhardt	Jaros	Lillie	Nelson, P.	Rukavina	

Those who voted in the negative were:

Abeler	Dean	Hamilton	Kohls	Peterson, N.	Solberg
Abrams	DeLaForest	Hausman	Lanning	Peterson, S.	Sykora
Anderson, I.	Demmer	Haws	Larson	Poppe	Thissen
Atkins	Dill	Hilstrom	Lenczewski	Powell	Tingelstad
Bernardy	Dittrich	Hilty	Lesch	Ruth	Urdahl
Blaine	Dorn	Holberg	Lieder	Ruud	Vandever
Bradley	Eastlund	Hoppe	Magnus	Samuelson	Wardlow
Brod	Eken	Hornstein	McNamara	Scalze	Westerberg
Buesgens	Ellison	Hortman	Meslow	Seifert	Westrom
Carlson	Entenza	Hosch	Murphy	Sertich	Wilkin
Charron	Erickson	Huntley	Nelson, M.	Severson	Zellers
Clark	Finstad	Johnson, J.	Newman	Sieben	Spk. Sviggum
Cornish	Garofalo	Johnson, R.	Nornes	Simon	
Cox	Gazelka	Johnson, S.	Ozment	Simpson	
Cybart	Greiling	Kelliher	Paulsen	Slawik	
Davids	Gunther	Klinzing	Pelowski	Smith	
Davnie	Hackbarth	Knoblach	Peppin	Soderstrom	

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

Thao and Seifert moved to amend H. F. No. 2833, the second engrossment, as amended, as follows:

Page 70, after line 9, insert:

"Sec. 139. **ADVISORY TASK FORCE TO STUDY UNDERAGE MARRIAGE.**

Subdivision 1. **Advisory task force.** An advisory task force is established to study underage marriage and its impact on the Hmong community, including child abuse and other legal, social, and educational impacts. The council on Asian-Pacific Minnesotans shall provide coordination and support services to the task force, including staff support as required by the task force.

Subd. 2. **Members.** (a) The task force consists of 13 members as follows:

(1) two members from the 18th Clan Council, who shall choose the members;

(2) two members from the Hmong Cultural Center, who shall choose the members;

(3) one Hmong legislator appointed by the speaker of the house;

(4) the five members under clauses (1) to (3) shall appoint the following additional members: one teacher, one law enforcement officer, one attorney, one social worker, and four members from the Hmong community.

(b) The members of the task force shall select a chair, who shall preside and convene meetings of the task force.

Subd. 3. **Community meetings.** As part of its study, the task force shall hold four public meetings to receive information and input. Two meetings must be held in the metropolitan area and two must be held in outstate Minnesota in areas with Hmong population.

Subd. 4. **Report.** On or before February 15, 2007, the task force shall report its findings to the legislature, including recommendations for legislation or other action to ameliorate the negative impacts of underage marriage in the Hmong community.

Subd. 5. **Compensation; expiration.** Members of the advisory task force must be compensated by the Council on Asian-Pacific Minnesotans as provided under Minnesota Statutes, section 15.059. The task force expires May 30, 2007.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Kahn, Thao and Seifert moved to amend the Thao and Seifert amendment to H. F. No. 2833, the second engrossment, as amended, as follows:

Page 1, after line 17, insert:

"(c) The task force shall include a number of women and men to achieve gender balance."

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

The question recurred on the Thao and Seifert amendment, as amended, to H. F. No. 2833, the second engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Thissen, Seifert, Hornstein, Wilkin, Krinkie, Hansen, Wardlow, Lenczewski, Wagenius and Larson moved to amend H. F. No. 2833, the second engrossment, as amended, as follows:

Page 9, after line 23, insert:

"Sec. 9. Minnesota Statutes 2004, section 3.971, subdivision 6, is amended to read:

Subd. 6. **Financial audits.** The legislative auditor shall audit the financial statements of the state of Minnesota required by section 16A.50, shall audit the financial statements of the Metropolitan Airports Commission at least every other year, and, as resources permit, shall audit Minnesota State Colleges and Universities, the University of Minnesota, state agencies, departments, boards, commissions, courts, and other state organizations subject to audit by the legislative auditor, including the State Agricultural Society, Agricultural Utilization Research Institute, Minnesota Technology, Inc., Minnesota Historical Society, Labor Interpretive Center, Minnesota Partnership for Action Against Tobacco, Metropolitan Sports Facilities Commission, ~~Metropolitan Airports Commission,~~ and Metropolitan Mosquito Control District. Financial audits must be conducted according to generally accepted government auditing standards. The legislative auditor shall see that all provisions of law respecting the appropriate and economic use of public funds are complied with and may, as part of a financial audit or separately, investigate allegations of noncompliance by employees of departments and agencies of the state government and the other organizations listed in this subdivision."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Buesgens, Beard, Garofalo, Demmer, Erickson, Sykora, Zellers, Westerberg, Dean and Brod offered an amendment to H. F. No. 2833, the second engrossment, as amended.

The Speaker resumed the Chair.

POINT OF ORDER

Kahn raised a point of order pursuant to rule 3.21 that the Buesgens et al amendment was not in order. The Speaker ruled the point of order well taken and the Buesgens et al amendment out of order.

Rukavina, Hilty, Mahoney, Solberg, Entenza, Kelliher, Smith, Howes and Dorman moved to amend H. F. No. 2833, the second engrossment, as amended, as follows:

Page 28, line 22, before the period, insert "if the use of volunteers does not result in layoffs of public employees"

Page 45, delete section 87

Page 46, delete line 25

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Hansen, Hilty, Murphy, Seifert and Tingelstad moved to amend H. F. No. 2833, the second engrossment, as amended, as follows:

Page 56, after line 6, insert:

"Section 110. **[181.9456] LEAVE FOR ORGAN DONATION.**

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

(b) "Employee" means a person who performs services for hire for a public employer, for an average of 20 or more hours per week, and includes all individuals employed at any site owned or operated by a public employer. Employee does not include an independent contractor.

(c) "Employer" means a state, county, city, town, school district, or other governmental subdivision that employs 20 or more employees.

Subd. 2. Leave. An employer must grant paid leaves of absence to an employee who seeks to undergo a medical procedure to donate an organ or partial organ to another person. The combined length of the leaves shall be determined by the employee, but may not exceed 40 work hours for each donation, unless agreed to by the employer. The employer may require verification by a physician of the purpose and length of each leave requested by the employee for organ donation. If there is a medical determination that the employee does not qualify as an organ donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited.

Subd. 3. **No employer sanctions.** An employer shall not retaliate against an employee for requesting or obtaining a leave of absence as provided by this section.

Subd. 4. **Relationship to other leave.** This section does not prevent an employer from providing leave for organ donations in addition to leave allowed under this section. This section does not affect an employee's rights with respect to any other employment benefit."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Tingelstad and Loeffler moved to amend H. F. No. 2833, the second engrossment, as amended, as follows:

Page 7, after line 23, insert:

"Sec. 3. **[3.052] SCHEDULE FOR CONSIDERATION OF LEGISLATION.**

Subdivision 1. **Agency bills.** An executive department or agency intending to urge the legislature to adopt a bill shall deliver the bill to the revisor of statutes by November 1 before the regular session at which adoption will be urged. This deadline does not apply: (1) to bills necessary to implement the governor's budget proposals; (2) to other bills that are initiatives of the governor, as opposed to administrative initiatives of a department or agency; or (3) as otherwise provided in section 3C.035.

Subd. 2. **Resolution for structure of budget bills.** By January 15 of each odd-numbered year, the legislature must adopt a concurrent resolution designating the major budget bills to be considered that legislative session, and allocating all state programs and budget accounts for consideration in one of the major budget bills.

Subd. 3. **Deadline resolution.** By January 31 of each odd-numbered year, the legislature must adopt a concurrent resolution establishing deadlines for committee consideration of policy and budget bills.

Subd. 4. **State of the State.** The governor is encouraged to submit a State of the State address in January of each odd-numbered year and within the first ten days after the start of the legislative session in an even-numbered year. Before or during this address, the governor is encouraged to announce major legislative policy initiatives that the governor intends to promote that year.

Subd. 5. **Executive submission of budget bills.** The governor must submit bills necessary to implement the governor's operating budget to the legislature within ten days after the date specified in section 16A.11 for the governor to submit the detailed operating budget to the legislature. The bills must be provided to the speaker of the house of representatives and the majority leader of the senate in a manner ready for formal introduction and final consideration.

Subd. 6. **Price of government resolution.** By March 15 of each odd-numbered year, the legislature must adopt the price of government resolution required by section 16A.102, subdivision 2.

Subd. 7. **Individual budget resolutions.** By April 1 of each odd-numbered year, the house of representatives and the senate must each adopt a budget resolution that applies to that house. Each house's resolution must establish overall expenditure targets for the upcoming biennium, and separate expenditure targets for each major budget bill designated in the concurrent resolution adopted under subdivision 2."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Emmer; Bradley; Garofalo; Vandever; Holberg; Olson; Anderson, B.; Severson; Erickson; Krinkie; Buesgens; Blaine; Gazelka; Wilkin; Zellers and Dean moved to amend H. F. No. 2833, the second engrossment, as amended, as follows:

Page 69, after line 33, insert:

"Sec. 137. **PROHIBITION OF GAMBLING IN MINNESOTA.**

Notwithstanding any current law to the contrary, all forms of gambling are prohibited under Minnesota law. For the purposes of this section, "gambling" includes any game involving chance, consideration, and prize and includes, but is not limited to, pari-mutuel betting under Minnesota Statutes, chapter 240, lawful gambling under Minnesota Statutes, chapter 349, gambling authorized through any state-tribal compact, and the State Lottery under Minnesota Statutes, chapter 349A.

Sec. 138. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall prepare a bill for introduction in the 2009 legislative session that makes the changes necessary to conform to the prohibition of gambling set forth in section 137."

Page 70, after line 15, insert:

"Sec. 143. **EFFECTIVE DATE.**

Sections 137 and 138 are effective July 1, 2008."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Entenza raised a point of order pursuant to rule 3.21 that the Emmer et al amendment was not in order. The Speaker ruled the point of order not well taken and the Emmer et al amendment in order.

Emmer withdrew the Emmer et al amendment to H. F. No. 2833, the second engrossment, as amended.

Pursuant to rule 1.22, Knoblach withdrew his request for immediate consideration of H. F. No. 2833, the second engrossment, as amended.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Knoblach announced his intention to place H. F. No. 2833, the second engrossment, as amended, on the Fiscal Calendar for Tuesday, April 18, 2006.

CALENDAR FOR THE DAY

Paulsen moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Atkins moved that the name of Lenczewski be added as an author on H. F. No. 1318. The motion prevailed.

Davnie moved that the name of Lenczewski be added as an author on H. F. No. 1943. The motion prevailed.

Dorman moved that the name of Lenczewski be added as an author on H. F. No. 2883. The motion prevailed.

Johnson, R., moved that the name of Lenczewski be added as an author on H. F. No. 2924. The motion prevailed.

Sertich moved that the name of Sieben be added as an author on H. F. No. 3476. The motion prevailed.

Paulsen moved that the name of Brod be added as an author on H. F. No. 3910. The motion prevailed.

Lenczewski moved that the name of Dorman be added as an author on H. F. No. 4012. The motion prevailed.

Koenen moved that the name of Larson be added as an author on H. F. No. 4082. The motion prevailed.

Peterson, S., moved that the name of Lenczewski be added as an author on H. F. No. 4085. The motion prevailed.

Eastlund moved that the name of Clark be added as an author on H. F. No. 4112. The motion prevailed.

Hortman moved that the name of Tingelstad be added as an author on H. F. No. 4126. The motion prevailed.

Greiling moved that the name of Kahn be added as an author on H. F. No. 4139. The motion prevailed.

Greiling moved that the name of Kahn be added as an author on H. F. No. 4140. The motion prevailed.

Brod moved that H. F. No. 2862 be recalled from the Committee on State Government Finance and be re-referred to the Committee on Civil Law and Elections. The motion prevailed.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 12:00 noon, Tuesday, April 18, 2006. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Tuesday, April 18, 2006.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives